

Parliamentary Inquiry into Youth Justice Centres in Victoria

Opening statement by Jodi Henderson

19 April 2017

Introduction

Good morning and thank you for inviting me to speak at the Inquiry today.

I would like to recognise the traditional owners of the land on which we are meeting and pay my respects to elders past and present.

I am the Executive Director, Youth Justice Operations at the Department of Justice and Regulation. I am accountable for the management and oversight of both “Custodial Services” and “Community Services” within the department.

In Custodial Services I am responsible for the management of secure and safe youth justice facilities with a focus on rehabilitation to reduce the risk of re-offending behaviour. In accordance with the *Children, Youth and Families Act 2005* (the **Act**) this involves the supervision of young people aged 10 to 17 years who are on remand or sentenced by the Children’s Court; and young people aged 18 to 20 years who are sentenced to serve their custodial term in a youth justice facility via the “dual track” system available to the adult courts.

Within Community Services I am responsible, in collaboration with my regional colleagues, for the management of teams that supervise young people on court orders and assist them to comply with the requirements of those orders. The department also delivers and oversees supports and services designed to divert young people from the custodial environment, reduce the risk of reoffending, and support reintegration into the community when young people leave custody. We also provide advice to the courts to assist them in making decisions about young people based on the best information available.

All work undertaken in both youth justice custodial and community environments has a strong policy basis to protect the safety and wellbeing of young people. The Youth Justice Division has dedicated Policy, Strategy and Business Services branches that lead this work.

Knowledge limits

On 18 January 2017, I commenced as the Acting Director, Secure Services branch at the Department of Health and Human Services. On 3 April 2017, I commenced in my current role. Given my relatively brief recent tenure in youth justice, those dates provide chronological points of reference for the evidence that I can give to the Committee today.

I understand that you have been briefed previously by the Department of Health and Human Services and have visited Parkville and Malmsbury Youth Justice Precincts.

The youth justice system in Victoria

Legislation and Best Interests

The fundamental objective of my role in youth justice is to act in the best interests of the child. This is a statutory obligation under the Act.

The Act requires that any decision or action taken regarding care, custody or treatment must involve a consideration of the best interests of the child or young person. The Act also requires that the developmental needs of children and young people be catered for. I take my obligations under the Act very seriously. In every decision I make, I consider the best interests of the children under our care.

Our purpose and policy approach

The Victorian system treats children and young people who are involved in youth justice differently from adults. These are two distinct and separate policy frameworks.

The youth justice system is guided by legislation and policy to divert young people from entering or progressing further into the criminal justice system, to provide better rehabilitation of young offenders, and to deliver support programs to reduce the risk of re-offending.

Many young people experience challenges during adolescence. However, only a very small number of children come into contact with the youth justice system. There are around 550,000 young people in Victoria (10-17 years), and less than two per cent are involved in the youth justice system. The majority of these children and young people are supervised on court orders by our community based teams. Only a fraction of a percentage go into custodial services.

The department manages a range of services that respond to the different needs, complexity and seriousness of the young people that enter youth justice, extending from pre-charge and pre-sentencing supports to transitional services for young people exiting custody.

This can include intensive case management, advocacy, statutory supervision support and referral to health, welfare, education, employment and accommodation services.

What is called the “dual track” approach is a key element of youth justice in this State and has operated since 1965. The dual track system allows the adult courts discretion to sentence an 18 to 20 year old to detention in a youth justice centre instead of an adult prison, if the court believes the young person has reasonable prospects for rehabilitation. This approach is intended to prevent vulnerable young people from entering the adult prison system at an early age.

Detention is used as a last resort.

Facilities

The department is responsible for three youth justice custodial facilities – Parkville Youth Justice Precinct, Malmsbury Youth Justice Precinct and Grevillea Unit Youth Justice Precinct.

The Parkville Youth Justice Precinct accommodates females from 10 to 21 years of age and males 10 to 18 years of age.

Parkville Youth Justice Precinct comprised 123 beds across discrete accommodation units housing both remandees and sentenced young people.

Following the incident in November last year, four residential facilities with 60 beds and one program facility were damaged and rendered unusable. These facilities are currently being repaired and strengthened.

The Malmsbury Youth Justice Precinct accommodates young males and comprises the Malmsbury Senior Youth Justice Centre and the Malmsbury Secure Youth Justice Centre and the Intensive Supervision Annex.

The Malmsbury Senior Youth Justice Centre accommodates up to 90 young men aged 18 to 21 years of age. These young men are on dual track orders, as I have described above.

The Malmsbury Secure Youth Justice Centre has been designed to be used flexibly and accommodate up to 45 young males aged 16 to 18 years on remand or sentence who require more secure accommodation.

The Intensive Supervision Annex at Malmsbury Youth Justice Centre is a four bedroom unit that is fully enclosed and secure. Boys are placed in this unit for short periods of time when they pose safety and security issues.

The Grevillea Unit Youth Justice Precinct was gazetted to provide temporary accommodation for young people in youth justice custody. The unit comprises 36 beds across two wings. We have

operated this unit with up to approximately 20 young remandees, which we consider a safe number given the complexity and needs of the client group and the infrastructure.

Young people at the Grevillea Unit are supported by youth justice staff and have access to education, health and recreational facilities. The unit has a 40 metre by 60 metre external yard which includes a basketball court, grassed area, exercise equipment and visitors area.

Across custodial services, we have been faced with extraordinary circumstances as a result of a loss of bed capacity and demand for beds in secure facilities. Setting up the Grevillea Unit is a temporary measure to address those urgent capacity issues. Even with the Grevillea unit in operation, the youth justice custodial system will remain up to 40 beds short of its optimal capacity until the damaged units are back on line and other strengthening work has been undertaken at Parkville and Malmsbury Youth Justice Precincts.

Opportunities – what we’re doing and where this should take us

The department is faced with a number of challenges within the youth justice system. These include our infrastructure; staffing issues; the changing cohort of young people in our care; and the complex histories and challenging behaviours of the young people.

None of these issues occur in isolation and are often interrelated. The department is focused on delivering outcomes that address each of these factors and improves the ability of the youth justice system to provide safe custody and rehabilitation.

Stronger infrastructure, more capacity

Over recent years, with the increased number of children and young people on remand, there is increasing pressure on our custodial services to accommodate both the number and the different cohorts of clients according to the separation requirements of the Act.

This is further complicated by the need to separate co-offenders, and children and young people from various community affiliations.

There are issues with the design and configuration of existing infrastructure and strengthening is required to ensure our facilities are fit for purpose to deal with the changing behaviours of some of the children under our care.

The Parkville precinct was constructed in the 1990s to residential accommodation standards and has proved to be inadequate to accommodate the cohort of young offenders presenting today.

These issues are being addressed in the short term through refurbishment works to strengthen walls, ceilings and windows; install custodial grade doors; and extend “anti-climb” material on roofs. We are also installing additional fencing to separate individual unit buildings within the Melbourne Youth Justice Centre area of the Parkville precinct.

In the longer term, the new Cherry Creek facility has been announced and my department colleagues are overseeing the development of that facility.

Increasing our capacity means greater flexibility to manage cohorts of young people in custody and improved safety and program opportunities, providing a more stable system for young people and staff.

Staffing

Well trained, stable staffing is crucial to achieve improved safety and rehabilitation outcomes in youth justice.

There has been a strong reliance on agency staffing in the custodial facilities and this needs to be addressed. The department is establishing a more permanent, engaged staff group through a number of important changes, including through minimising the use of agency staff, which is consistent with Neil Comrie’s recommendation as part of his Review of the Parkville Youth Justice Precinct.

To address staff shortages in custodial facilities, the department has introduced changes to recruitment and retention practices, and increased staff training sessions.

Our recruitment process is now open ended to provide a continual flow of recruits into our workforce.

The department has also increased advertising campaigns throughout regional Victoria, in particular within a 100 km radius of Youth Justice Precincts, and we are attending work expos and fairs to recruit the right staff for our facilities.

We have also expanded our induction and training sessions. This training includes a focus on adolescent development and trauma informed care, preventing violence, and appropriate use of restraint where required. Shadow shifts and mentoring on the job are a crucial part of induction for new staff. Additionally, Security and Emergency Services Group (SESG) staff provide support and training to youth justice workers.

It is vital that we continue to improve our recruitment and retention processes to increase our permanent staff, as this allows for a more settled and respectful environment and reduces the number of lockdowns associated with staff shortages.

Behaviour management

In Custodial Services we have worked with staff and commenced a new Rewards and Consequences Behaviour Management Model as part of a consistent behaviour management approach across all three youth justice precincts.

The children in our care often have complex histories of abuse, neglect and trauma that can lead to behavioural issues and violence.

The increased number of young people on remand has presented additional challenges in managing behaviour. Remandees tend to be more volatile, reactive and unsettled. Because they often enter custody soon after alleged offending, they can also present as substance affected or withdrawing.

The changing population associated with remand can also be unsettling to the young people in custody. The personality hierarchy is challenged on a daily basis as young people struggle to find their place within the group dynamic.

Increased anxiety levels of children and young people can be played out in behaviours such as aggression, harm to themselves and others, and property damage.

At times, separation and isolation is needed when managing behavioural issues. This is not a punishment, but is used where a child must be separated from others in response to their behaviour, for the safety of themselves and others.

The department is implementing a new approach to managing separations, which will also empower young people to take greater responsibility for their actions. Under the new model, our Secure Care Plans look at the holistic needs of the child, including developmental and cultural needs. These plans focus on young people taking individual responsibility for their behaviour, with staff providing feedback on that behaviour.

Our practice leaders develop individual plans, based on expert advice on behaviour management. A child subject to a Secure Care Plan is given a copy of the plan together with a clear explanation of the plan so they know what is expected of them.

Where separation has been used, the plans are an important part of children understanding why they have been separated and what they need to do to reintegrate safely with the other young people and return to a normal routine.

This is an important part of the rehabilitation model and draws on national and international evidence.

This new model has been developed in consultation with staff and the CPSU.

Bringing together the custodial and community service

Since moving to the Department of Justice and Regulation, the custodial and community service functions of youth justice have been brought together under the management and oversight of my role. These were previously managed as separate streams. Integrated oversight of these two streams will enable the department to rebuild strong links across the continuum of youth justice services. This is important because children and young people often move between a custodial and community based service environment.

Better integrating these two areas also provides us with the opportunity to improve the support, programs and services that children and young people need in their rehabilitation.

Closing remarks

There is a lot of work ahead of us to rebuild both the youth justice system itself and community confidence in the work we do in youth justice. This work has started. We are improving our infrastructure, our training and recruitment of staff, and our management approaches within the custodial facilities. These changes will deliver a system that is both fit for purpose, and makes young people feel safe. A safe and settled environment is an essential precondition to the delivery of interventions that address offending behaviours.

As the Act makes clear, this has to be a system that responds to the needs of children. No one will deny that many of them have committed serious crimes, but our approach to improving this system must always remember that they are children. They are children and young people, with complex needs often based on traumatic histories of abuse and neglect. They require support, care and rehabilitation.

With the right type of interventions, and the right rehabilitation model in the right environment, these children can develop to lead fulfilling and productive lives in our communities. This, of course, also increases community safety.

Thank you once again for the opportunity to speak with you today.