

Report on youth justice facilities at the Grevillea unit
of Barwon Prison, Malmsbury and Parkville

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Letter to the Legislative Council and the Legislative Assembly

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973*, I present to Parliament my *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville*.



Deborah Glass OBE
Ombudsman

6 February 2017

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Foreword

The riots at the Parkville Youth Justice Centre in November 2016 and the Government's subsequent establishment of a youth justice centre within Barwon Prison have prompted reviews, inquiries, and legal proceedings, by numerous agencies. These include the responsible department, the Commission for Children and Young People, the Victorian Equal Opportunity and Human Rights Commission and Parliament. It is not the purpose of this report to add to those inquiries; rather, it is intended to inform Parliament – and through them the public – of the response to recent events by oversight agencies, and to put facts into the public domain to help inform the debate.

The public debate that has accompanied these events is predictably polarised, from one perspective that youth crime is out of control and a strong response is needed, to the claim that the Government's response is an overreaction that arbitrarily infringed the human rights of the young people concerned.

The facts that emerge from independent sources provide succour to both sides of the debate: while youth crime is decreasing overall, more is being committed, more violently, by a small cohort of repeat offenders, who the system is plainly failing to deal with. This was presciently noted by the previous Ombudsman, George Brouwer, in 2013, when he said:

It is evident that the youth justice system is limited in its capacity to deal with a small, but increasing, cohort of young people exhibiting violent behaviours. It is important that the youth justice system respond appropriately to these children rather than abrogate its responsibility by transferring them to the adult system¹.

This is illustrated by the startling statistic that some 25 per cent of offences are committed by less than two per cent of offenders – 182 young people – so we should not tar all young offenders with the same brush.

It is not the purpose of this report to examine the causes of the recent Parkville riots, but the Ombudsman's concerns about the suitability of Parkville are a matter of public record, including the view expressed by my predecessor in 2010 that:

the design and location of the Precinct is inappropriate for a custodial facility which houses vulnerable children.

... the only practical way to address the conditions at the Precinct in the long term is to develop a new facility at another site².

Among other things, the report noted design features such as a low roof-line allowing detainees to climb onto the roof and ill-placed staircases creating blind spots and posing a safety risk to detainees and staff. It is a matter of record that while the government's response to that report was in many respects substantial – for example, the establishment of Parkville College that transformed the educational services available to young people – the precinct itself still exists and young people are still able to climb onto the roof.

The record so far is patchy – while improvements have undoubtedly been made, successive governments have failed to make the significant investment needed to address the long-term issues that are increasingly apparent. There is no short-term quick fix to the serious problems affecting youth justice, which have their origins not only in ageing infrastructure but in the complex interplay of health and human services, education and the justice system. Increasing numbers of detainees are also on remand – making for an increasingly volatile and unsettled cohort.

¹ Victorian Ombudsman, *Investigation into children transferred from the youth justice system to the adult prison system*, December 2013.

² Victorian Ombudsman, *Investigation into conditions at the Melbourne Youth Justice Precinct*, October 2010.

I welcome the government's review of youth justice – commissioned last year before the recent troubles and led by an eminent behavioural scientist – with its focus on long-term and joined-up solutions. The chorus of blame will not make us safer as we worry about youth crime. Nor will it make either the staff or the young people safer – an essential prerequisite if youth justice facilities are to provide an environment that promotes rehabilitation. Safety will lie in a system that makes it less likely these young people will be repeat offenders. It is neither in the interests of public safety nor the public purse for young people to become entrenched in a life of crime, cycling through youth justice centres into adult prisons to which all too often they return.

Reform must also recognise not only the alarming trend to more 'calculated and callous offending' by young offenders, but also the systemic changes needed to address this deeply disturbing behaviour. My 2015 report into rehabilitation in prisons illustrated how ill-equipped the correctional system is to deal with young adult prisoners; Victoria's dual track system must go on recognising that children – even dangerous children – are different from adults.

This report is of a different nature to most reports I present to Parliament. It is the product of enquiries and information shared by other oversight bodies rather than a formal investigation. I hope it will also assist the Parliamentary Inquiry in their work.

It is also intended to give Parliament and the public a window into the actual state of affairs within Victoria's youth justice facilities and how oversight agencies hold government to account. The report evidences the close scrutiny of the Grevillea unit in Barwon Prison by the Commission for Children and Young People since the unit was hastily set up last November.

It also evidences the pressures on the Parkville and Malmsbury facilities: while staff shortages have long been a problem there, this has plainly been exacerbated by the creation of Grevillea, with the predictable effect that young people are kept in lockdown for longer periods, creating further unrest.

This report covers the period to 20 January 2017, and was being finalised when the serious disturbances at Malmsbury occurred on 25 January. While it is sadly inevitable that short-term solutions will continue to be sought to deal with urgent situations that arise, it is vital that the government keep its sights set on long-term reform that addresses the causes of young offender behaviour. Reform should not be derailed by knee-jerk responses to events, which will not make us safer in the long run.

The situation continues to evolve, and will no doubt have evolved further by the time this report is tabled. I anticipate that this will not be the last report I provide on this troubled issue.

Deborah Glass
Ombudsman

Background

Youth crime and reoffending in Victoria

1. Victorian law – which defines a child as a person under 18 years of age – recognises that children and young offenders have particular needs different from those of adult offenders. As the Ombudsman pointed out in a previous report³:

It has been recognised that the behavioural and emotional characteristics of children require different approaches from custodial services to those applied to adults.
2. In Victoria, the law distinguishes between a ‘child’ and a ‘young offender’:
 - the *Children, Youth and Families Act 2005* defines a ‘child’ as someone aged 10 to 17 at the time of the alleged offence and aged under 19 when Children’s Court proceedings begin
 - the *Sentencing Act 1991* defines a ‘young offender’ as someone aged under 21 at the time of sentencing⁴.
3. The Sentencing Act allows for some young offenders convicted of serious offences to be detained in a youth justice centre instead of an adult prison if the court believes there are reasonable prospects for rehabilitation, or if they are particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison⁵.
4. Children and young offenders are collectively referred to as ‘young people’. This is reflected in this report.
5. Of those in the youth justice system in Victoria, many have complex needs and/or come from backgrounds of significant disadvantage. The latest annual report of the Youth Parole Board included a survey of 176 young people on sentence or remand in October 2015 that showed:
 - 63 per cent were victims of abuse, trauma or neglect
 - 62 per cent had previously been suspended or expelled from school
 - 30 per cent presented with mental health issues
 - 18 per cent had a history of self-harm or suicidal ideation
 - 24 per cent presented with issues concerning their intellectual functioning
 - 66 per cent had a history of both alcohol and drug misuse
 - 45 per cent had been previously involved with child protection
 - 12 per cent were parents
 - 38 per cent had a family history of parental or sibling imprisonment
 - 10 per cent were homeless with no fixed address or residing in insecure housing prior to custody⁶.

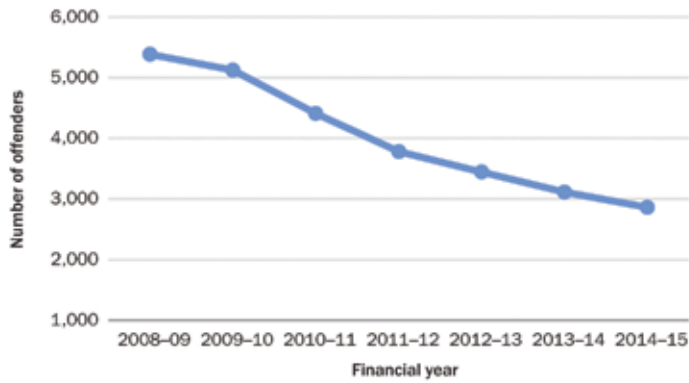
³ Victorian Ombudsman, *Investigation into children transferred from the youth justice system to the adult prison system*, December 2013.

⁴ Sentencing Advisory Council, *About Sentencing, Sentencing Young People* <<https://www.sentencingcouncil.vic.gov.au/about-sentencing/sentencing-young-people>>.

⁵ Department of Health and Human Services, *Youth Justice in Victoria fact sheet* <http://www.dhs.vic.gov.au/__data/assets/pdf_file/0020/660413/Youth-Justice-in-Victoria-fact-sheet-2013.pdf>.

⁶ *Youth Parole Board Annual Report 2015-16*, page 30.

Figure 1: Number of children and young people sentenced between 2008-09 and 2014-15

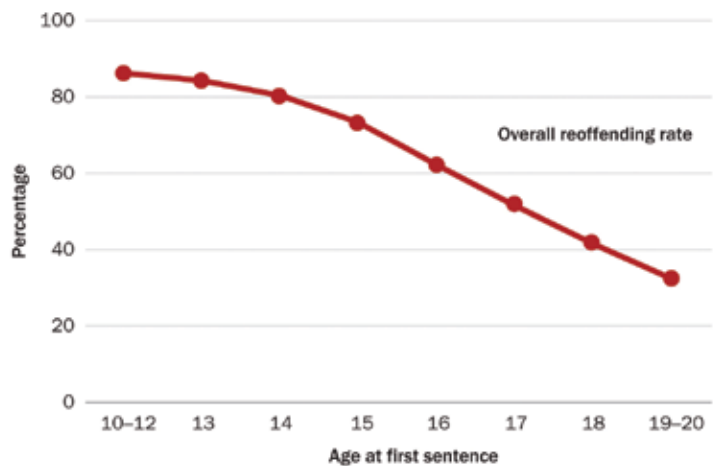
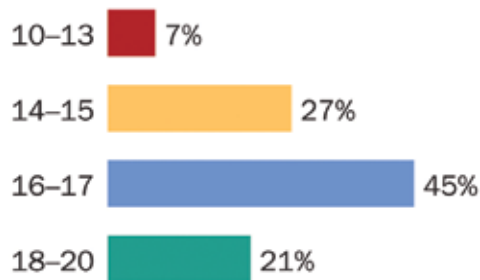


...the number of children and young people sentenced has declined each year

Source: Sentencing Advisory Council factsheet on Reoffending by Children and Young People in Victoria, December 2016.

Figure 2: Age most offenders were sentenced the first time and overall reoffending rate

Most offenders were sentenced for the first time in their late teens



Source: Sentencing Advisory Council factsheet on Reoffending by Children and Young People in Victoria, December 2016.

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6. Since 2010, there has been a steady decline in the number of young offenders. Reports by the Sentencing Advisory Council⁷ show:
- There has been a 43 per cent reduction over five years to 2015 in the number of young people and children sentenced.
 - This smaller number of offenders are being sentenced for more offences per case.
 - Once children are in the youth justice system, 40 per cent reoffend within two years and 61 per cent reoffend within six years.
7. The Sentencing Advisory Council also reports that the earlier children start offending, the more likely they are to reoffend. Of young offenders with prior convictions, 79 per cent reoffended. Sentencing data shows that:
- Children who enter the criminal justice system early:
- commit a wider range of offences
 - are more likely to reoffend violently
 - are more likely to continue reoffending into adulthood
 - are more likely to end up in an adult prison before their 22nd birthday⁸.
8. Research by the Crime Statistics Agency⁹ into patterns of offending by young Victorians categorises young offenders into four groups:
- Low – those with a very low level of offending across all ages, with an average of 2.2 offences.
 - Adolescent limited – those who offend early and whose offending declines after fifteen.
 - Late developing – who start offending after fifteen and whose offending then rapidly increases.
 - High – whose offending increases rapidly from 12 years of age with an average of 76.5 offences.
9. It is the ‘High’ group of 182 young people – less than two percent of young offenders – that is responsible for one in four offences, or some 14,000 offences, as illustrated below.
10. The Crime Statistics Agency reports that young people who fell into all but the ‘Low’ group were statistically more likely to be male, to identify as Aboriginal or Torres Strait Islander and to live in the most socio-economically disadvantaged areas when they started offending¹⁰.

⁷ *Reoffending by Children and Young People in Victoria, December 2016 and Sentencing Children in Victoria: Data Update Report*, July 2016.

⁸ *Sentencing Advisory Council factsheet on Reoffending by Children and Young People in Victoria*, December 2016.

⁹ Crime Statistics Agency, *In brief: Patterns of recorded offending behaviour amongst young Victorians*, September 2016.

¹⁰ Crime Statistics Agency, *In brief: Patterns of recorded offending behaviour amongst young Victorians*, September 2016, page 11.

Table 1: Number and proportion of offenders, incidents and offences by group

	Number of offenders		Number of incidents		Number of offences		Average number of offences
	n	%	n	%	n	%	
Low	10,240	88.7	16,636	41.9	22,113	37.5	2.2
Adolescent limited	737	6.4	8,671	21.9	13,688	23.2	18.6
Late developing	388	3.4	5,666	14.3	9,203	15.6	23.7
High	182	1.6	8,707	21.9	13,914	23.6	76.5

Source: Crime Statistics Agency, *In brief: Patterns of recorded offending behaviour amongst young Victorians*, September 2016.

Figure 3: Number of offences and offenders by group

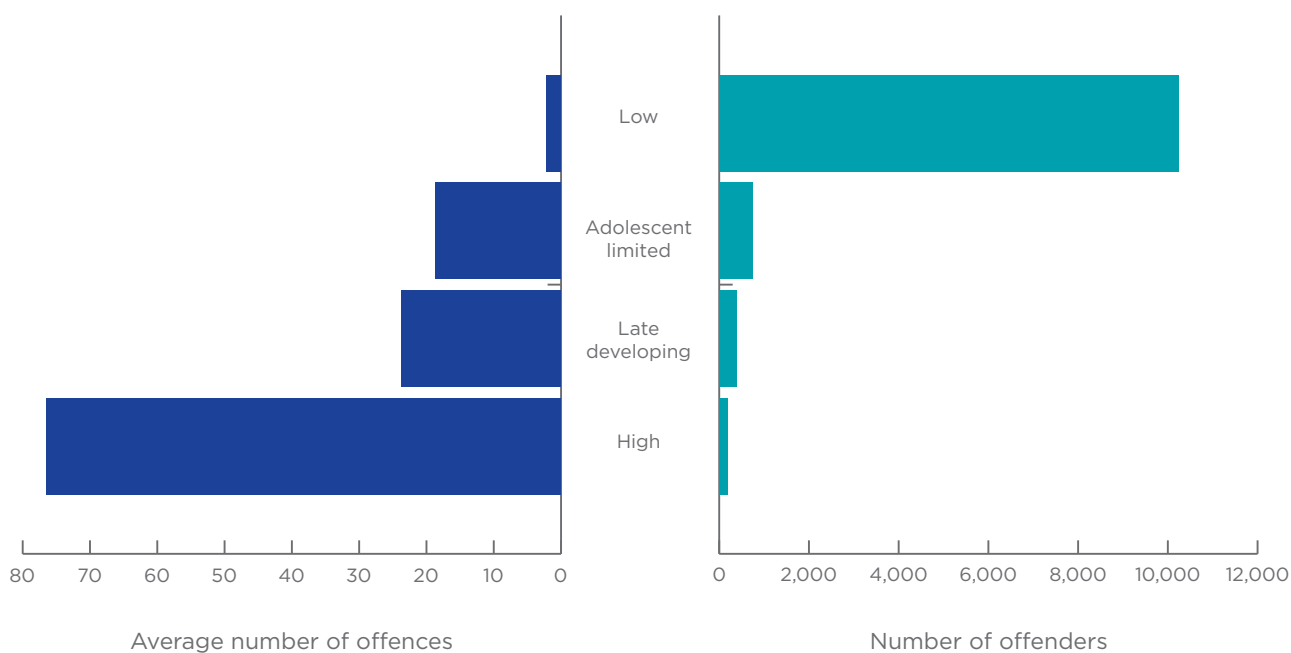
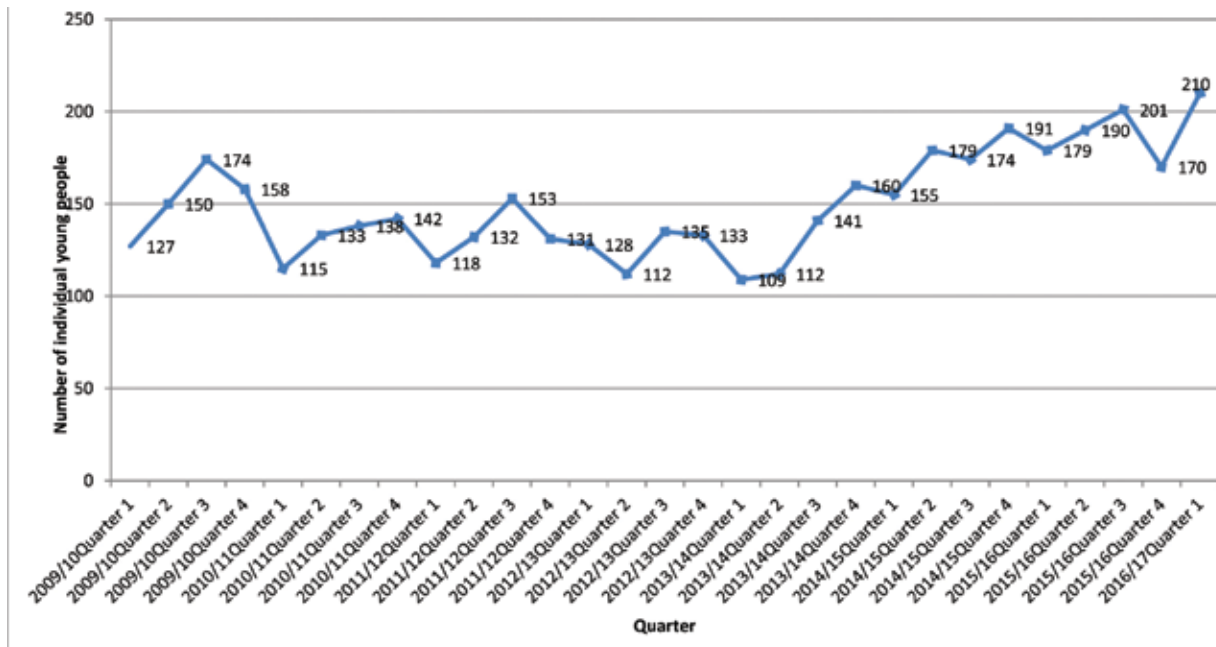


Figure 4: Number of individual young people admitted to remand



Source: Email from Oversight and Governance, Department of Health and Human Services, 18 January 2017.

11. There has also been a significant increase in children and young people held on remand. In 10 years, the number of remand orders made has increased by almost two thirds, from 381 in 2006-07 to 979 in 2015-16.¹¹ The Department of Health and Human Services (the Department) reports that the number of individual young people remanded has almost doubled in five years, from 115 in the first quarter of 2010 (July to September) to 210 in the first quarter of 2016, the highest it has been in five years¹². It also reports that on average, since 2012-13, only about 20 per cent of those remanded are sentenced to custody¹³.
12. Further trends in youth crime are coming to light as a result of current work within the Department, described in paragraphs 18 to 22 below. In response to the draft report the Department advised:
 - ... In many instances, stakeholder consultations have revealed a move away from opportunistic (typical adolescent) offending and towards more sophisticated, socially networked, calculated and callous offending, characterised by rapidly escalating levels of violence and disregard for authority and consequence.
 - Departmental data also show that in 2015-16, over 71 per cent of youth justice clients have been charged with crimes against the person. Of this cohort, 73 per cent committed acts intended to cause injury as their most serious offence.
 - As at 20 January 2017, 39 per cent of young people detained in youth justice facilities were aged over 18 years.

11 Youth Parole Board, *Annual Report 2015-16*, page 42.
 12 Department of Health and Human Services, *Review of un-sentenced detention in the youth justice system – quarterly remand data 2009-2016*.
 13 Department of Health and Human Services Client Relationship Information System data provided to the Victorian Ombudsman on 18 January 2017.

Youth justice facilities in Victoria

13. The Children, Youth and Families Act gives the Department the statutory responsibility for the care, custody and supervision of children who have been sentenced or remanded to a youth justice centre for a criminal offence.
14. Prior to November 2016, the Department operated custodial facilities for young offenders in Parkville and Malmsbury. The Parkville Youth Justice Precinct houses 10 to 18 year old males and 10 to 20 year old females. About 80 per cent are on remand¹⁴. At the Malmsbury site, the Department operates a Senior Youth Justice Centre for 18 to 20 year old males and a Secure Youth Justice Centre for 15 to 20 year old males. Most of the young people at Malmsbury are serving sentences.
15. According to the *Report on Government Services 2016*, Victoria spends about \$75 million per annum on youth justice detention services. This included bed capacity for 257 young people across both facilities; 123 at Parkville and 134 at Malmsbury. The capacity at Malmsbury consists of 89 low security/open beds and 45 beds at the secure centre.
16. On 10 January 2017 there were 190 young people detained in youth justice facilities, 91 on remand and 99 sentenced.
17. The Department advised that as at 17 January 2017, the current bed capacity at Parkville is 63, with 134 beds at Malmsbury and 36 at Greenvale.
18. The Department began a review of youth support, youth diversion and youth justice services in October 2016. According to the Department, this was in recognition of the shifts in youth crime and the profile of young offenders, and the lack of a current youth justice framework (the most recent framework, *A Balanced Approach to Youth Justice*, was created in 2000).
19. According to the Department:

The primary objective for the review will be to create an overarching policy framework for the development of a contemporary youth justice program and accompanying service delivery model. The framework will need to be responsive to current cohorts of young people and their families, consider the current systems challenges and also position the Victorian system on a path towards longer-term reform.

The review will aim to understand the needs of cohorts of young people, and segments of young offenders, that are particularly vulnerable to exploitation and are at heightened risk of involvement with the criminal justice system. The review will assess whether the current model is best positioned to respond to the needs of children, young people and their families to address and reduce risk of offending into the future.

The review will deliver a strategy to enhance and position the department's youth support, youth diversion and youth justice services to respond to the needs of vulnerable cohorts into the future, drawing on opportunities across portfolios such as mental health, child protection and housing. The strategy will also consider opportunities to strengthen the department's interface and coordination of response across other agencies¹⁵.

¹⁴ The Department states that traditionally, about 80 percent of young people at Parkville are sentenced and 20 per cent are on remand. Following changes to the *Bail Act 1977* in December 2013, this balance shifted.

¹⁵ Department of Health and Human Services, Review of youth support, youth diversion and youth justice services, terms of reference, October 2016.

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20. According to its terms of reference, the review will:
- examine the needs of the varying cohorts of young people involved with crime
 - consider the capabilities, priorities and resources needed to deliver contemporary youth justice services
 - compare Victoria's approach to global best practice, and
 - assess programs and services delivered or funded by the Department at the pre-charge, pre-court, pre-sentence and post-sentence stages.
21. The review is being led by Professor James Ogloff, Director of the Centre for Forensic Behavioural Science, who has expertise in forensic psychology, forensic mental health and the assessment and management of offenders, and Penny Armytage, former senior executive within the Victorian Government.
22. The review is expected to be completed in the first half of 2017.¹⁶

Oversight of youth justice

23. Oversight of the youth justice system is provided by a number of agencies with different, although sometimes overlapping, roles: principally, the Commission for Children and Young People, the Victorian Equal Opportunity and Human Rights Commission and the Victorian Ombudsman.
24. The Victorian Auditor-General has also reported publicly on services in youth justice. Its 2008 report, *Services to Young Offenders*, examined the effectiveness of diversion and rehabilitative services provided by the Department to young offenders.

Commission for Children and Young People

25. The Commission for Children and Young People (CCYP) was established in 2013 to promote improvement and innovation in policies and practices relating to the safety and wellbeing of Victorian children and young people. It is the principal frontline overseer of youth justice facilities and the CCYP strategic priorities for 2016-17 include a commitment to increase oversight of youth justice¹⁷. Its oversight activities in relation to children in youth justice detention include:
- undertaking inquiries which examine services provided to children in youth justice detention
 - visiting youth justice facilities to observe conditions and hear from children and young people
 - coordinating an Independent Visitor Program
 - reviewing all serious incidents for children in youth justice detention
 - monitoring the transfer of children to adult prisons and the management of any children transferred into the adult prison system
 - providing advice to government and promoting children's rights, safety and wellbeing, including by advocating for reform to laws, policies and practices which impact on children in youth justice detention.
26. CCYP does not have a formal complaint handling role.

¹⁶ Department of Health and Human Services, Youth Justice Review announcement <<http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/youth-justice-review>>.

¹⁷ Commission for Children and Young People, *Our Approach and Priorities 2016-17* <<http://www.ccyp.vic.gov.au/downloads/ccyp-strategic-plan-2016-17.pdf>>.

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27. The Independent Visitor Program has operated at Parkville since 2012 and Malmsbury since 2013. The volunteer independent visitors, including Aboriginal independent visitors, visit the centres monthly. They talk to young people about their experiences in custody, support them to have issues addressed and report on issues and conditions to CCYP. The visitors also undertake fortnightly exit interviews with young people prior to their release, giving young people the opportunity to provide anonymous feedback about their experiences in custody.
 28. CCYP is currently completing an inquiry into the use of isolation, separation and lockdowns in youth justice centres, with a report due in the next few months.
 29. The Principal Commissioner and the Commissioner for Aboriginal Children and Young People also sit on the advisory group for the Department's review of youth support, youth diversion and youth justice services.

Victorian Equal Opportunity and Human Rights Commission

30. The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) educates people about the Victorian *Charter of Human Rights and Responsibilities Act 2006* (the Charter), intervenes in court cases where the Charter is considered and reports annually to the government about the operation of the Charter.

31. VEOHRC has a continuing focus on human rights in closed environments including youth justice. Its reports to the government over the last few years have included issues relating to an increase in young people on remand, isolation and separation practices in youth justice¹⁸, access to education in youth justice¹⁹, and its review in 2013 of practices within youth justice and their compatibility with human rights²⁰.

Victorian Ombudsman's role in youth justice

32. The Ombudsman has jurisdiction over youth justice facilities operated by the Department, as well as statutory agencies such as CCYP and VEOHRC.
33. Section 482(2) of the Children Youth and Families Act sets out entitlements due to young people who are detained in facilities operated under that Act. Alongside the right to have their development needs met and to receive visits from legal representatives and family, is the right to complain to the Ombudsman about '... the standard of care, accommodation or treatment which they are receiving in the centre'. Their complaints frequently engage the Charter and therefore require the Ombudsman to determine whether an action is incompatible with rights protected by the Charter.
34. The Ombudsman's direct role in youth justice matters is somewhat circumscribed by an amendment to the Ombudsman Act in 2012 that prohibits this office from interviewing witnesses who are younger than sixteen years of age.

18 Victorian Equal Opportunity and Human Rights Commission, *2015 report on the operation of the Charter of Human Rights and Responsibilities*, pages 81-83, 131.

19 Victorian Equal Opportunity and Human Rights Commission, *2014 report on the operation of the Charter of Human Rights and Responsibilities*, page 19.

20 Victorian Equal Opportunity and Human Rights Commission, *2013 report on the operation of the Charter of Human Rights and Responsibilities*, pages 15-16.

Previous Ombudsman work involving youth justice

35. The Ombudsman's office has had a longstanding interest in, and presence within, youth justice custodial services. Over the years, this office has responded to all manner of complaints ranging from the mundane to the extremely concerning.
36. For example, the third Ombudsman, Dr Barry Perry, commented extensively in his 2002 annual report on how he had acted to ensure proper action in response to allegations of staff trafficking drugs and mistreating young people. It was Dr Perry who instituted the practice of regular visits by the office to these facilities.
37. In 2004, the fourth Ombudsman, Mr George Brouwer, continued the office's close interest in the youth justice system, reporting on cases where young people were injured by staff during incidents at a youth justice centre. The issues identified included that staff concerned had not received adequate training in the use of restraint techniques. Subsequently, a project to improve skills in this area was funded, with Mr Brouwer reporting a reduction in complaints in his 2005 report.
38. Despite the reported improvement in this aspect of youth justice operations, the high risk nature of this population was highlighted in his 2005 report about a young person who had sexually assaulted a fellow Malmsbury detainee. Staff from the office visited Malmsbury on several occasions to monitor improvements implemented as a result of the incident.
39. Mr Brouwer tabled two reports regarding youth justice issues. His 2010 *Investigation into conditions at the Melbourne youth justice precinct* identified a wide variety of serious deficiencies including health and safety concerns, improper conduct and availability of contraband, many of which also amounted to human rights breaches.
40. In 2013, Mr Brouwer tabled an *Investigation into children transferred from the youth justice system to the adult prison system*. His conclusions included:

It is evident that the youth justice system is limited in its capacity to deal with a small, but increasing, cohort of young people exhibiting violent behaviours. It is important that the youth justice system respond appropriately to these children rather than abrogate its responsibility by transferring them to the adult system.

I am of the view that there are no circumstances that justify the placement of a child in the adult prison system.
41. The Ombudsman's office has continued to visit the youth justice centres while young people have access to the office via telephone. In 2015-16 we received 62 complaints about youth justice centres. Consistent with previous years, many of the issues raised were about food, clothing, conditions, health services and alleged assault or abuse.

Human rights perspective

42. In the international context, children's rights are set out in the *United Nations Convention on the Rights of the Child*, which sets out a number of rights relating to people under 18 years of age, a number of which are relevant to young offenders. These include where appropriate, diversion from judicial proceedings, an emphasis on rehabilitation, and the use of detention as a last resort and for minimal time. Although not directly incorporated into Australian law, many of the principles are reflected in Victoria's Children, Youth and Families Act.
43. Children's rights are also reflected in the Victorian Charter. The Charter provisions were tested in the recent Supreme Court proceedings (see paragraph 52), when the Court concluded that the Minister's recommendation to make the Orders in Council failed to give proper consideration to the human rights of the young people to be detained at Greenvale specifically²¹:

10 Protection from torture and cruel, inhuman or degrading treatment

A person must not be –

- (b) treated or punished in a cruel, inhuman or degrading way

17 Protection of families and children

- (2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

22 Humane treatment when deprived of liberty

- (1) All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

44. In response to the draft report the Department said:

The Supreme Court determined that the Minister's recommendation failed to give proper consideration to the human rights of young people, however in fact within the department and behind the recommendation significant work was done in respect of the application of the [Charter] ... The department is keenly aware of its obligation to consider the impact of relevant decisions on the rights of children (as set out in the Charter) in its care and custody.

45. The Court of Appeal adjourned its hearing on this issue to after February 2017 but in January 2017 the application to appeal was discontinued.
46. In addition to the above rights, the Charter confers special rights on children in the context of youth justice. As well as the right to protection (section 17(2)), this includes:

23 Children in the criminal process

- (3) A child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

25 Rights in criminal proceedings

- (3) A child charged with a criminal offence has the right to a procedure that takes account of his or her age and the desirability of promoting the child's rehabilitation.

47. In practice, giving effect to these rights includes ensuring children and young people in youth justice centres have access to treatment, health services, education, vocational training and leisure activities and can receive visits from their family.
48. The Ombudsman also has an important express role in respect to the Charter as, unlike in other states, the office provides a human rights focused remedy for complaints that people in custody may wish to raise. Examples of complaints to the office that engage the Charter are included in this report.

²¹ *Certain Children by their Litigation Guardian Sister Marie Brigid Arthur v Minister for Families and Children* [2016] VSC 796 (21 December 2016), paragraph 321.

Recent events

Incidents at Parkville and relocation of young people

49. In 2016 at least 13 incidents at youth justice centres were reported in the media, many of which were described as 'riots'. One of the most widely reported occurred in mid November at Parkville where detainees caused an estimated \$2 million worth of damage to the facility in a series of incidents over three days. As a result, nearly one half of the accommodation at Parkville was lost.
50. On 17 November 2016, the Minister for Corrections announced that about 40 young offenders would be sent to a newly gazetted youth justice unit located at Barwon Prison named the Grevillea Youth Justice Centre. The Minister stated that this would be a temporary measure to allow fortification works to be undertaken in the Parkville precinct following recent riots. Young people began to be transferred to the newly gazetted facility on 21 November 2016²².

Legal proceedings

51. The Secretary of the Department subsequently settled an action brought by the Victorian Aboriginal Legal Service by giving an undertaking to the Court not to authorise or cause the removal of any Aboriginal or Torres Strait Islander children to any facility at Barwon Prison²³ unless the Aboriginal Commissioner for Children and Young People provided advice that the transfer was in the child's best interests.

52. A further application, this time by the Human Rights Law Centre and Fitzroy Legal Service, was heard by the Supreme Court in December 2016 with the Victorian Equal Opportunity and Human Rights Commission intervening in proceedings. Among other things, the Court found that Orders in Council establishing Grevillea were invalid and of no effect, and that the Minister's recommendation to make the Orders in Council failed to give proper consideration to the human rights of the young people to be detained at Grevillea.
53. On 29 December 2016, the Court of Appeal dismissed the Minister's appeal against this decision, and adjourned its hearing on the human rights issue to after February 2017.
54. The Court gave the government until 30 December 2016 to re-house those young people placed at Grevillea, however the government obtained further Orders in Council that it states rectified the issues that led to the Court's declaration of invalidity.

Other reviews and inquiries

55. Just prior to the mid-November 2016 incidents at Parkville, the Victorian Parliament announced that its Legal and Social Issues Committee would inquire into issues at Parkville and Malmsbury youth justice centres, with the Committee to report by August 2017. The Committee is to look at incidents and incident reporting, security and safety, reasons for and effects of the increase in the numbers of young people on remand, implications of incarcerating young people with mental health, trauma, and drug-related issues, or involvement with child protection, additional options for keeping young people out of youth justice centres, culture, policies, practices and reporting of management at the centres and the Department's oversight role²⁴.

²² *ibid*, paragraph 44.

²³ *ibid*, paragraph 53.

²⁴ The terms of reference can be found at <<http://www.parliament.vic.gov.au/lisic/article/3194>>.

56. The incidents also prompted a two-stage review by the Department of Health and Human Services. The first stage is expected to be completed by the end of January and is to report on the facility's security, current design and whether it is fit for purpose. The second stage will report by early March on the circumstances leading up to the incidents and compliance with procedures and guidelines leading up to, during and after the incidents.

Responding to the establishment of Grevillea Youth Justice Centre

57. The Ombudsman's office has long experience overseeing custodial environments. It was therefore anticipated that implementing the arrangements announced by the Minister would be complex: the impact of the establishment of Grevillea would be felt across the youth justice system and not just within the new facility. Some of the foreseeable challenges included:

- getting the right mix of experienced staff at Grevillea while retaining an adequate profile at the existing facilities
- creating and resourcing an appropriate regime in the new facility including establishing the basic facilities necessary to provide custodial care
- providing continuity of services for relocated young people as accommodation resources were juggled
- difficulties that some young people may have adapting to change especially where minimal time was available for planning
- disruptions to family and community support networks who may find established visiting arrangements altered at little notice

- disruption to the provision of programs and support services
- dealing with all of these issues in circumstances that left many of the affected young people and staff unsettled and anxious about their safety.

58. The Principal Commissioner for Children and Young People and staff from CCYP and our office completed a comprehensive inspection of Grevillea on 23 November – two days after the first young person was transferred to Grevillea – and met with nine of the boys. The next day, Ombudsman staff and Commission staff also inspected Malmsbury and met with the young people there, given a number of them had been transferred to Malmsbury following the Parkville riot.

59. Since 29 November 2016, the Principal Commissioner receives and reviews daily updates on Grevillea's operation, including a list of young people at Grevillea, time out of cell, education, recreational activities, food, health services and infrastructure works. CCYP staff inspected Grevillea twice a week during November and December, and will continue to do so weekly in the coming months, raising concerns with the Minister for Families and Children and the Department. CCYP also receives daily updates on occupancy across the youth justice system. Ombudsman staff have also visited all three centres to ensure young people can access our office, and provide an opportunity for them to make a complaint should they wish to do so.

60. The VEOHRC Commissioner and some of her staff also visited Grevillea and Parkville on 29 November 2016, and she wrote to the Minister on 5 December 2016 expressing her concerns.

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61. Mindful of the intersection of the Ombudsman's jurisdiction and the work of other bodies, we have been liaising with both CCYP and VEOHRC to ensure there are neither gaps in oversight nor duplication. We agreed with the Principal Commissioner that it should be CCYP, with its express role to examine services provided to children in youth justice detention, that should take the lead operational role in relation to the issues that arise from the government's response to the riots at Parkville.
 62. On a practical level, this office has liaised with CCYP to ensure our visits to the Centres have been coordinated to limit the degree of overlap. We also used our new ability to share information with bodies as specified in the Ombudsman Act, so both organisations could target their visits and enquiries to best effect. CCYP staff have been very cooperative with Ombudsman officers, with the Chief Executive Officer meeting with one of the Deputy Ombudsmen weekly.
 63. The Ombudsman has also liaised with the Victorian Equal Opportunity and Human Rights Commissioner about her office's interest in the human rights issues arising from the establishment of Grevillea. We are focusing on individual complaints including Charter-related matters while the Commission has concentrated on its decision to intervene in the legal challenge to Grevillea's establishment.

Conditions at Grevillea Youth Justice Centre

64. The evolving situation at the Grevillea facility within Barwon Prison can best be described by the exchanges of letters between the Principal Commissioner and the Minister from 25 November 2016 to 20 January 2017, which are reproduced below.
65. The letters illustrate a number of issues related to the establishment and management of the centre in that period including: appropriate staffing; the amount of time young people were spending in lockdown; the provision of food; information given to the young people about why they had been transferred; access to bedding, clothing and education services; and Separation and Safety Management Plans.
66. An example of a Separation Safety Management Plan is attached at Appendix 1.
67. Between its letters of 1 and 9 December 2016, in an email exchange with the Department, CCYP also ensured that Corrections Victoria's Security and Emergency Services Group (SESG) - referred to in CCYP's letter of 1 December 2016 - would not have any role in direct care of the young people at Grevillea and specifically excluded the use of unclothed searches and the use of dogs, bean bags and gas²⁵.
68. Ombudsman officers visited Grevillea on 23 November and 15 December 2016. They examined the local telephone systems and ensured that young people were able to contact this office as they wish. They also received five complaints; four in November and one in December.

²⁵ Email exchange between CCYP and the Department on 1, 2, 4 and 5 December 2016.

-
69. Each of the young people who complained mentioned an excessive amount of time spent locked down while other complaints included the cold temperature in cells, lost or inaccessible property, lack of visitors and lack of access to items required for religious practices.

A young person complained to Victorian Ombudsman officers that he had been locked down for 23 hours a day at the time of their visit on 23 November 2016. His further complaints included the cessation of his VCE studies with his transfer to Grevillea and the apparent loss of his text books.

The officers made enquiries prior to departing the facility and received commitments regarding staff communicating with young people about time in lock down and to follow up the whereabouts of the young person's text books. The Department also advised that vocational courses and physical education are available on weekends.

A young person complained during our 23 November visit that he only had the clothes he came to Barwon in, which was his school uniform. He said that he did not know where his shoes were, his school jacket had been confiscated and he had not been provided with his medication.

Ombudsman officers made enquiries during their visit and following this, established that the young man's father had collected his clothing from Parkville. Department staff also made commitments to ensure the young man had adequate bedding and clothing and would be provided with his medication if needed.



COMMISSION FOR CHILDREN AND YOUNG PEOPLE

25 November 2016
CCYPD/16/908

The Hon. Jenny Mikakos MLC
Minister for Families and Children
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

Dear Minister

We write to you regarding the treatment of children and young people currently detained in the Grevillea Unit of Barwon Prison. We appreciate that the use of the Grevillea Unit as a temporary measure has been prompted by significant damage and loss of beds at Parkville Youth Justice Centre and we understand that aspects of the children and young people's treatment are still being finalised. However, we consider it important that we raise our immediate concerns and seek formal assurance that these concerns will be addressed without delay.

The Principal Commissioner and staff from the Commission for Children and Young People (the Commission) completed a comprehensive inspection of the unit on Wednesday 23 November 2016 and met with nine of the boys. Three of the boys in the Grevillea Unit are Aboriginal boys. The Commissioner for Aboriginal Children and Young People is visiting the unit today.

The inspection identified significant concerns with the conditions under which the children and young people are held.

We understand the boys are spending 23 or 22 hours per day in their cells with no reading material, pens or paper. When they are permitted to leave the cells, they are only permitted in the unit's common area. The boys have no access to fresh air and are not permitted to enter the unit's exercise yard. The Commission was advised that access to open air will not be made available until 1 December 2016. Some of the boys advise they have had no access to fresh air and have been locked down for 23 hours per day for the week prior to arriving at the Grevillea Unit. The current management of these boys represents a harsher regime than the most restrictive regime of the adult correctional system and presents a clear risk to their mental health.

Despite assurances that the children in Grevillea Unit will be managed by Youth Justice staff, the Commission observed several Corrections Victoria staff interacting with the children. Corrections Victoria custodial staff are not required to hold 'Working With Children Checks' (WWCC) and the Corrections Victoria staff member in the unit on the day of our visit confirmed that she did not have a 'WWCC'.

Other concerns include:

- The boys did not have sufficient bedding or clothing to keep warm.
- Clean clothing is not provided on a daily basis.
- There is no immediate capacity for Secure Services to facilitate visits between the boys and their families.
- The children and young people have not been provided any educational activities since 14 November 2016, despite two of them being of mandatory school age (16 years).
- Videolink facilities to attend court had not yet been established as at the time of the inspection.



The Commission discussed each of these concerns with the management team of Grevillea Unit at the conclusion of the visit. The Commission will undertake a follow up inspection today to assess responses to the issues raised and would appreciate written advice as to the proposed management of these issues in coming weeks.

In addition to the above immediate concerns, the Commission seeks written advice about:

- the basis on which decisions are being made and will be made as to which children and young people are moved to the Grevillea Unit
- the circumstances in which Corrections Victoria officers rostered on duty in the Grevillea Unit can engage with the children and young people; the Commission was advised by Department of Justice and Regulation representatives that Corrections Victoria staff will always be on duty on the unit and will be able to engage with children in the event of a serious incident or to defend themselves
- the circumstances in which Corrections Victoria Security and Emergency Services Group (SESG) can enter the unit, noting that the SESG use a range of weapons not ordinarily employed in Victorian youth justice facilities including CS gas, batons and canines.

We acknowledge the challenges faced by the Department of Health and Human Services (the department) to provide secure accommodation and skilled staff to supervise children and young people following the events at Parkville Youth Justice Centre on 12-14 November 2016. Notwithstanding the unprecedented circumstances, the department remains obliged to comply with the Victorian Charter of Human Rights and Responsibilities Act 2006 and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('the Beijing Rules').

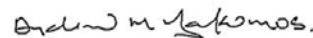
As well as immediate attention to these issues, we seek regular reporting of actions taken. At this time, weekly updates would seem an appropriate minimum.

We look forward to a formal response and would be happy to discuss these matters with you or representatives of your department in the interim.

Yours sincerely



Liana Buchanan
Principal Commissioner



Andrew Jackomos PSM
Commissioner for Aboriginal Children
and Young People



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Ms Liana Buchanan
Principal Commissioner
Commission for Children and Young People
Level 20
570 Bourke Street
MELBOURNE VIC 3000

Dear Principal Commissioner *Liana*

Thank you for your letter dated 25 November 2016 to the Minister for Families and Children regarding the treatment of young people at the Grevillea Youth Justice Centre at Barwon Prison. The Minister has asked that I reply to you on her behalf.

As you are aware, the Grevillea Youth Justice Centre was established as a temporary measure in response to an urgent need for additional secure beds for young people following the damage sustained at the Parkville Youth Justice Precinct. I am committed to ensuring that our treatment of young people complies with the department's obligations under the *Children, Youth and Families Act 2005* and the Victorian Charter of Human Rights and Responsibilities.

The following information responds to the specific issues you have raised.

Daily regime and access to fresh air

Health services are being provided to young people, however during the Centre's establishment phase, there has been limited access to recreation facilities. Due to the safety and security infrastructure works necessary, young people were required to spend more time locked in their bedroom.

The routine for clients through the establishment phase at the Grevillea Centre has been rotations out of their room in two separate groups during the hours of 9.30am and 7.30pm. This has enabled young people to spend four and a half hours outside their rooms.

There has been limited access to the exercise yard due to it not being secure. Security works are being completed this week, which will enable improved access for all young people to the outdoor area.

Bedding

Bedding currently in use has been provided by Corrections Victoria (CV). Doonas and other bedding have been ordered and will replace the CV bedding. Additional bedding was offered to all clients on Wednesday 23 November 2016, with six clients taking up this offer. Spare bedding is now available upon request.



Clothing

Clients who were transferred to the Grevillea Centre by G4S transport may have experienced a delay in access to a spare set of clothing due to G4S not transporting clients' belongings. On the evening of Wednesday 23 November 2016 all clients were provided with an additional set of clothing. Client clothing supplies are now stored in the unit store room and items are being provided to all new clients admitted without adequate clothing.

The Grevillea Centre has a washing machine and dryer in the common areas for use by clients. This is consistent with the approach at Parkville and Malmsbury Youth Justice Centres. If young people are locked down prior to the completion of a wash cycle, staff will complete the cycle and deliver clean laundry to the young person's room.

Education

There has been some delay in the accreditation of the site by the Victorian Registration and Qualifications Authority. However interim arrangements have been established through a Secretarial agreement to allow the commencement of classes from 30 November 2016. Classes will initially be held three to four hours per day increasing to six hours per day by the beginning of the week commencing 5 December 2016.

Visits

Approved personal visits will commence this week utilising the separate visitor's centre that has now been made fire safety compliant. Families are being contacted to facilitate approvals through CV for entry to Barwon prison and offered financial supports to enable the visits to occur.

Videolink

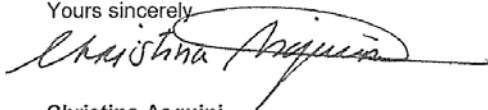
Videolink facilities are not currently available at the Grevillea Centre and in the immediate term young people will be required to attend Court in person or by videolink from the Parkville Youth Justice Precinct. The department is exploring options to address this issue.

All decisions regarding the placement of young people at the Grevillea Centre will be made via the Client Movement Panel chaired by the Director, Secure Services, and including the Chief Practitioner, Human Services Office of Professional Practice. A decision framework for a holistic assessment of the young person's risks and needs, overlaid by human rights considerations, has been developed.

While staffing at the Grevillea Centre comprises predominantly of departmental staff, some agency staff and a small number of CV staff have supplemented the roster. These CV staff work under the direction of the departmental staff, and must engage with young people under the provisions of the *Children Youth and Families Act 2005*. The role of CV Security and Emergency Services Group (SESG) in responding to incidents at the Grevillea Centre is unresolved, and is the subject of ongoing discussions.

Daily updates providing the names of young people, improvements made at Grevillea, and occupancy across the system will be provided to your office from 29 November 2016.

Yours sincerely



Christina Asquini
Deputy Secretary, Operations
29/11/2016



COMMISSION FOR CHILDREN AND YOUNG PEOPLE

1 December 2016
CCYPD/16/939

The Hon Jenny Mikakos MLC
Minister for Families and Children
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

Email: [REDACTED]

Dear Minister

We refer to our correspondence of 25 November 2016 and the response received from Ms Chris Asquini, Deputy Secretary, Operations, Department of Health and Human Services (the department) on 30 November 2016.

The Commission for Children and Young People (the Commission) appreciates the additional information provided regarding the conditions at Grevillea Unit of Barwon Prison. Ms Asquini's provision of daily updates outlining the names of young people, improvements made to Grevillea Unit, and occupancy across the system will be essential for the Commission's ongoing monitoring of the impact of, and response to, the incidents at Parkville Youth Justice Centre on 12-14 November 2016.

Since our letter of 25 November 2016, the Commission has attended Grevillea Unit on three further occasions. Commission staff have identified that a number of improvements have been made or are in progress. We acknowledge the work in progress relating to, inter alia, personal visits, increased access to the exercise yard, access to video-conferences and warmer bedding for the boys. There are, however, a number of serious shortcomings in the current management of the children and young people in Grevillea Unit that require urgent consideration.

Role of Corrections Victoria staff

Ms Asquini's letter indicates that Corrections Victoria staff continue to work with the department's staff in Grevillea Unit, but that they will not have 'direct contact' with the children and young people housed there. To reflect good practice in meeting child safe standards, the department should immediately amend arrangements to ensure that only Corrections Victoria staff who have current Working with Children Checks are permitted in Grevillea Unit.

Role of the Security and Emergency Services Group

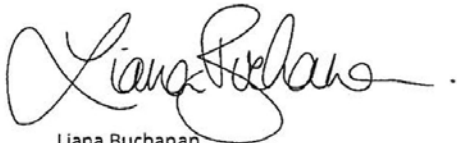
We have been advised that the protocol for the department's engagement with Corrections Victoria's Security and Emergency Services Group (SESG) is 'unresolved'. The Commission considers this lack of clarity to pose a serious risk to the children and young people in Grevillea Unit, considering the items of restraint available to the SESG such as 'OC spray', 'CS gas', batons and dogs. In the best interests of the children and young people in the unit, we request that you direct that the SESG do not enter Grevillea Unit with any of these items of restraint, until the terms of their engagement have been finalised and documented. We request a copy of any document reflecting the final arrangements.

We are concerned to hear reports that the SESG, and specifically their dogs, are being used to threaten children to remain compliant.

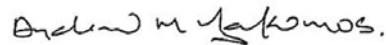


We support the recent removal of all Aboriginal children from the Grevillea Unit. We urge the Victorian Government to ensure all children and young people in youth justice custody are detained in humane conditions and to establish suitable accommodation within youth justice as soon as possible, so that all children can be removed from Barwon Prison.

Yours sincerely



Liana Buchanan
Principal Commissioner and Young People



Andrew Jackomos PSM
Commissioner for Aboriginal Children

cc: Ms Kym Peake, Secretary, Department of Health and Human Services
Ms Chris Asquini, Deputy Secretary, Operations, Department of Health and Human Services



Jenny Mikakos MP

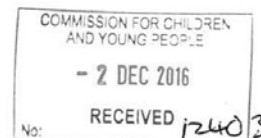
Minister for Families and Children
Minister for Youth Affairs

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e4383233

Ms Liana Buchanan
Principal Commissioner

Mr Andrew Jackomos PSM
Commissioner for Aboriginal Children and Young People
Commission for Children and Young People
Level 20
570 Bourke Street
MELBOURNE VIC 3000



Dear Commissioners *Liana & Andrew*

Thank you for your letter dated 1 December 2016 raising some additional matters for consideration as a result of Commission' staff visits to the Grevillea Youth Justice Centre (YJC) at Barwon Prison. I understand that the Deputy Secretary Operations, Chris Asquini has written to you in regards to the concerns you outlined in your email of 25 November.

I am committed to ensuring that our treatment of young people complies with the department's obligations under the *Children, Youth and Families Act 2005* and the Victorian Charter of Human Rights and Responsibilities and I appreciate the role of the Commission in monitoring the department's actions in this regard.

You have specifically raised the issue of Corrections Victoria (CV) staff and Working With Children Checks (WWC) and the role of Security and Emergency Services Group (SESG) particularly in relation to use of equipment including canines.

I am able to confirm that CV staff do not perform any direct care roles within the Grevillea Youth Justice Centre. A small number of CV staff are rostered on by Corrections Victoria to provide safety and security support along with fire response and some maintenance within the unit. While they are predominantly accommodated within the control room area there may be occasions where they will have incidental contact with young people while assisting DHHS staff with security and maintenance issues. Whilst it is not a legal requirement, the Department of Justice and Regulations have confirmed that all CV staff that work within youth justice centres and Melbourne Remand Centre will have working with children checks (WWCC). To date 50 WWCC applications have been lodged and others will be progressed pending any roster changes.

An Operation Order for Emergency Response to Grevillea Unit Youth Justice outlines the terms and conditions for the Department of Health and Human Services to request the involvement of CV's Security and Emergency Services Group (SESG) to assist in the management and resolution of an incident. The Operation Order will provide similar response



arrangements that are currently in use in Malmsbury and Parkville youth justice centres where Police assistance is available to respond to an event that is outside the capabilities of the centre to respond to. My department would be pleased to provide you with a briefing on the specifics of the Operation Order.

The temporary establishment of the Grevillea Youth Justice Centre is to provide essential operational capacity to allow for the completion of extensive repair and fortification works as a result of the damage to the Parkville Youth Justice Precinct. The department is committed to completing these works in a timely manner, and will keep you updated on progress.

Yours sincerely



Jenny Mikakos MP
Minister for Families and Children
Minister for Youth Affairs

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COMMISSION FOR CHILDREN AND YOUNG PEOPLE

9 December 2016
CCYPD/16/1045

E-MAILED
9/12/16

The Hon Jenny Mikakos MLC
Minister for Families and Children
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

Sent via email: [REDACTED]

Dear Minister

I refer to my correspondence to you dated 25 November and 1 December 2016, and thank you for your response received on 2 December 2016.

The Commission for Children and Young People (**the Commission**) acknowledges the additional information your Department has provided regarding operational issues at the Grevillea Unit, Barwon Prison and in particular the role of security and emergency services group and Corrections Victoria staff.

Since the Commission's correspondence of 1 December 2016, Commission staff have attended Grevillea Unit on three further occasions. We recognise that improvements have been made and that additional important improvements are being progressed.

Time out of cell

The Commission has previously raised concerns about children and young people's access to time out of cell. As at 30 November, children in the Grevillea Unit were still spending 20 hours per day in their cells. By Monday 5 December, ordinary hours out of cell had improved considerably but eight children and young people were on separation management plans and experiencing 23 hours locked down. By 8 December, only two clients were on plans.

I am pleased to note the reduction in the number of young people in Grevillea Unit who have been in lockdown for extended periods of time. I am also pleased that ordinary time out of cell is proposed to increase to 11 hours per day. However, I remain concerned that the limited infrastructure in the unit, particularly the inability to separate clients from one another, may result in excessive restrictions to time out of cell for children and young people on Safety Separation Management Plans.

Information requested

To enable the Commission to fulfil its monitoring function, I ask that the following information be provided in relation to children and young people being held in the Grevillea Unit:

- copies of each young person's Safety Separation Management Plans
- in addition to Category 1 incident reports, any client incidents that involve young people receiving medical attention as a result of an incident
- copies of each young person's incident of isolation



copies of all records relating to decisions made for children and young people using the 'decision framework developed for a holistic assessment of the young person's risks and needs, overlaid by human rights considerations' resulting in a transfer to Barwon Prison.

During our visits to Grevillea Unit, children and young people continue to tell Commission staff and Independent Visitors they are unsure why they have been placed in the Grevillea Unit and do not want to remain there. The information requested will assist us to fulfil our monitoring role and advocate for these vulnerable children and young people, particularly those who experience extensive periods of lockdown.

Mental health and wellbeing

Despite improvements to the conditions in the Grevillea Unit, I remain concerned that the infrastructure of the unit provides limited capacity to separate young people when necessary and represents a very contained environment with little opportunity for movement for the children and young people. Further I am concerned that the physical structure of the unit, designed for maximum security adult prisoners, may negatively impact on the psychological wellbeing of the children and young people over time.

These factors may pose a risk to the mental health of the children and young people, many of whom are already vulnerable to additional trauma.

I seek assurance that the children and young people currently in the Grevillea Unit receive an appropriate clinical assessment taking into account a range of factors, including but not limited to, the impact on their psychological health, wellbeing and rehabilitation prospects, as a result of being placed in the Grevillea Unit. I request that these assessments be conducted in relation to any children being considered for transfer. I also request these assessments for children and young people who have been in the Grevillea Unit for some weeks to determine whether it is safe for them to remain there.

Yours sincerely



Liana Buchanan
Principal Commissioner

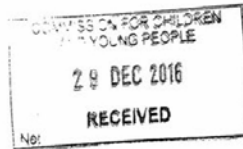
cc:





Department of Health and Human Services

CCYpd116/1207



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Ms Liana Buchanan
Principal Commissioner
Commission for Children and Young People
Level 20
570 Bourke Street
MELBOURNE VIC 3000

Dear Principal Commissioner *Liana*

Thank you for your letter dated 9 December 2016 to the Minister for Families and Children regarding operational issues at the Grevillea Youth Justice Centre at Barwon Prison. The Minister has asked that I reply to you on her behalf.

I appreciate the Commission's input during the establishment of the Grevillea Centre. The department is committed to providing young people at the Grevillea Centre with a safe, secure environment.

The following information responds to the specific issues you have raised.

Time out of cell

I note your concern regarding limited infrastructure at the Grevillea Centre to support separation of clients. Construction works on B wing were completed on 16 December 2016, which now makes available more space to allow for the separation of young people into smaller groups for education and recreation programs. The opening of B wing also extends the availability of dedicated rooms, including a dedicated health suite with lockable storage, a separate room for counselling consultations and a professionals' meeting room with video facilities that can be used for court conferences. I can confirm that the average daily period of unlocked time is now at 11 hours per day during which a structured day program is run in line with what is available at the other two youth justice precincts. The exercise yard is now available for six hours per day and no escorts are required to and from the yard.

Information requested

Enclosed as requested is the following information in relation to young people being held at the Grevillea Centre:

- Copies of each young person's Safety Separation Management Plans
- Copies of Category 2 incident reports involving young people who have received medical attention as a result of an incident
- Copies of each young person's incident of isolation
- Copies of the proposed client transfer reports for young people who have been transferred to the Grevillea Centre.

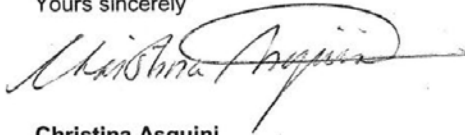


Mental health and wellbeing

Young people at the Grevillea Centre have access to health services, including mental health services, and ongoing assessment of their mental health, appropriate to their needs. A Youth Justice Client Movement Panel has been established to consider proposed transfers between youth justice centres, including the Grevillea Centre. The Panel considers a range of factors in relation to any proposed transfer, including the mental health and wellbeing of young people. The Youth Health and Rehabilitation Service is represented on the panel and considers the clinical assessments completed as well as the young person's medical history when informing the panel of their views to support or not support each transfer request. The Youth Health and Rehabilitation Service can also raise any concerns they have for a young person's accommodation and request that a transfer request be initiated. Enclosed for your reference are the terms of reference and guidance documentation for the Panel.

Should you require any further information regarding the clinical assessments Youth Health and Rehabilitation Service undertake for all new admissions to youth justice and their ongoing medical review and management of the health needs of young people, please contact [REDACTED] Chief Practitioner, Human Services, on [REDACTED]

Yours sincerely



Christina Asquini
Deputy Secretary, Operations

23/12/2016





COMMISSION FOR CHILDREN AND YOUNG PEOPLE

9 January 2017
CCYPD/17/121

The Hon Jenny Mikakos MLC
Minister for Families and Children
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

Sent via email: [REDACTED]

Dear Minister

I refer to my correspondence dated 9 December 2016 and acknowledge receipt of a response prepared on your behalf by Ms Christina Asquini, Deputy Secretary, Operations, Department of Health and Human Services (your department) and received on 29 December 2016.

I note the additional information your department has provided in relation to children and young people being held in the Grevillea Unit, including copies of Separation and Safety Management Plans, client transfer reports and Category 2 incident reports involving children and young people who have received medical attention as a result of an incident. I also note your department has provided me with daily updates on: improvements made to the conditions in the Grevillea Unit; details of clients placed in the unit; and detailed information about capacity across the youth justice custodial system. I am grateful for these updates; they assist the Commission for Children and Young People (the Commission) to acquit its monitoring functions.

While I am conscious that events over the weekend of 6 and 7 January will place additional pressure on the youth justice system, I consider it important that I continue to provide you with advice regarding conditions at the Grevillea Unit about which I remain concerned or that I believe warrant improvement. The Commission has continued to visit the Grevillea Unit regularly and has reviewed all documentation provided. I am therefore writing to raise a number of outstanding or new concerns.

Time out of cell

I have been pleased to see that ordinary time out of cell for children and young people on most days has increased to 11 hours, unless a young person is subject to a Separation and Safety Management Plan (SSMP) or an Individual Behaviour Management Plan.

I remain concerned, however, that the limited infrastructure of the Grevillea Unit will increase the requirement to impose extended periods of separation and seclusion on young people, particularly in light of my observations regarding SSMPs as detailed below.

Separation and Safety Management Plans

The Commission received copies of SSMPs applied to children and young people in the Grevillea Unit prior to 20 December 2016 and an (incomplete) isolation register for the period 5-20 December 2016.



It appears from these documents that:

- Some children and young people in the Grevillea Unit have continued to spend extensive time in effective seclusion (locked in their cell for 23 hours/day) during December, with some being held on 23 hours/day lockdown for as many as ten or 11 days during that 16 day period.
- It is a standard element of every SSMP that the child or young person in question is locked in his cell for 23 hours/day. This could be interpreted as constituting isolation as punishment which is, of course, proscribed by the *Children, Youth and Families Act 2005*.
- The SSMPs contain no evidence of a tailored approach to managing individuals' behavioral, therapeutic or health needs.
- The SSMPs do not feature appropriate authorisations, although I acknowledge evidence of appropriate authorisation may be found elsewhere.

A number of young people have spoken to Commission staff and independent visitors or to me personally about the negative impact that extended time locked in their cell has on their mental health. We relayed particular concerns to the department last week about one young man who indicated that time in cell is contributing to suicide ideation and propensity to self-harm.

To enable my continued monitoring of the extent to which children and young people at Grevillea are subject to separation, I ask that the Commission receive copies of the isolation register and all SSMPs for children and young people in the Grevillea Unit on a weekly basis.

Seclusion as a component of the behaviour management regime

Given my concern about the detrimental impact on children and young people of extended time locked in their cells, I note the new incentive based regime for the Grevillea Unit imposes early lock down for "bronze" level behaviour; young people on "bronze" will be locked in cell for the night at 4pm instead of the usual 8pm.

I support an effective, transparent incentive-based regime to support behaviour management in youth justice custody. However, it is my strong view that using seclusion as a punitive element in such a regime is neither appropriate nor consistent with the *Children, Youth and Families Act*.

Mental health and wellbeing

I seek further assurance that children and young people in the Grevillea Unit will receive an appropriate level of service to address their mental health, psychological and therapeutic needs and, further, that clients at Grevillea will be regularly assessed to ensure the environment is not detrimental to their mental health.

In December 2016 a young person spoke to Commission staff about seeing his psychologist only once in the five weeks he had been in the Grevillea Unit, and stated he saw the psychologist once a week when in Parkville and Malmsbury. While this information has not been verified, I reiterate the importance of a strong mental health service response when housing children and young people in a unit designed for maximum security adult prisoners.

Client Profiles for transfer and Youth Justice Client Movement Panel

I note that the client profiles provide limited information about the children and young people proposed for transfer. I remain interested in receiving a copy of the terms of reference for the Youth Justice Client Movement Panel and guidance documentation for the Panel. These documents were referred to in the response prepared by the Deputy Secretary, Operations, but were not received.

Information provided to young people about transfer

During our visits to the Grevillea Unit, young people continue to tell our staff and independent visitors they are unsure or confused about why they have been placed there. As recently as 4 January 2017,

one young person relayed to Commission staff that he was tricked into coming to Barwon Prison and that he did not want this to happen to others. The young person said he was in lock down at Malmsbury Youth Justice Centre, was told to come out of his cell because he had a call from his lawyer, and was instead told he was going to Barwon and had to comply. If accurate, this practice is unacceptable.


In relation to the larger group of young people who express confusion as to why they have been transferred, I seek assurance the young people transferred to the Grevillea Unit will, going forward, be provided with clear information about the reasons for their move.

Food

Young people have continued to raise issues regarding food since the independent visitors and Commission staff commenced visiting Barwon Prison in November 2016. Concerns have primarily focused on the quantity of the food, the lack of nutritious options available on the canteen order form, dinner being served early in the afternoon, and poor storage and reheating practices. Young people raised these issues again on 4 January 2017. I seek confirmation that action to address these issues is in train.

As indicated previously, I have been mindful of the challenges your department faces in safely accommodating children and young people after the events of 12-14 November 2016 and I acknowledge these challenges have been compounded by the events of 7 January 2017. However, I reiterate the Commission's previous position that the wellbeing and humane treatment of children and young people should not be compromised in the design of alternate accommodation options and I look forward to receiving advice as to how these various concerns will be addressed.

Yours sincerely



Liana Buchanan
Principal Commissioner

cc:





COMMISSION FOR CHILDREN AND YOUNG PEOPLE

20 January 2017
CCYPD/17/332

The Hon Jenny Mikakos MLC
Minister for Families and Children
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

Sent via email: [REDACTED]

Dear Minister

As you are aware, the Commission for Children and Young People (the Commission) has been conducting regular monitoring visits at the Grevillea Unit at Barwon Prison and I have been advising you of issues as they relate to the safety and wellbeing of children and young people held there. I do so as part of my role in monitoring services for vulnerable children, including those in youth justice custody.

This week, staff at the Commission undertook two further visits, on 17 and 19 January 2017. I wish to update you on aspects of the conditions at Grevillea that have changed since I last wrote to you on 9 January. On that date, I advised I was reassured that ordinary time out of cell for children and young people at Grevillea had increased to 11 hours, unless the child or young person was subject to a Separation and Safety Management Plan (SSMP) or an Individual Behaviour Management Plan (IBMP). At that time the use of SSMPs, which at Grevillea involve a standard regime of 23 hours in cell, had reduced.

Unfortunately this week, over three successive days, staff shortages have resulted in children and young people being only permitted out of their cells on 'rotations', resulting in them being confined in their cells for up to 21 hours per day. Those on SSMPs and IBMPs had less time out of cell, and on one day 12 children and young people were on SSMPs.

In addition, on 17 January, Commission staff noted that Grevillea's common areas and units were extremely hot. Unit managers and senior officers in the Department of Health and Human Services (the department) have advised that they did not have any mechanisms to mitigate excessive heat.

During this visit, Commission staff heard from children and young people about their significant level of distress and frustration as a result of the extended time locked in their cells and the heat. I remain deeply concerned about the impact of these conditions on the mental health and wellbeing of the children and young people, some of whom are as young as 15 years. I also believe the use of lockdowns is likely to exacerbate tensions in the unit and make the unit harder for staff to safely manage.

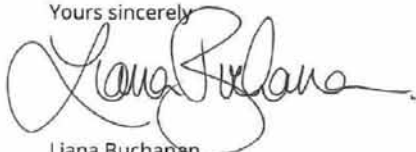
After the Commission's follow up visit yesterday, I was pleased to receive advice that children and young people not on SSMPs or IBMPs were back on an ordinary regime. The temperature was cooler and the unit more settled.



However, I have been briefed on current staffing and infrastructure challenges at Grevillea and across the youth justice custodial system, and on departmental efforts to address these challenges. It seems likely the circumstances of this week will recur and that children and young people will again be held in unacceptable conditions.

I raise these matters in the hope that every effort can be made to prevent that from occurring.

Yours sincerely



Liana Buchanan
Principal Commissioner

cc:





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Ms Liana Buchanan
Principal Commissioner
Commission for Children and Young People
Level 20
570 Bourke Street
MELBOURNE VIC 3000

Dear Principal Commissioner *Liana*

Thank you for your letters dated 9 January 2017 and 20 January 2017 regarding the Grevillea Unit at Barwon Prison. I am responding to you on behalf of the Minister as your concerns relate to operational matters.

As you are aware, there are significant unprecedented pressures on the youth justice custodial system that have necessitated the temporary establishment of the Grevillea Unit. The department's focus is on making sure our youth justice facilities are secure and the young people detained within them are appropriately accommodated.

Staff shortages in the week of 16 January 2017 were due to unplanned leave. Efforts were made to address staff absences through the deployment of youth justice staff from other facilities. Rotations of young people out of their rooms were also used to ensure the overall safety and security of the Unit. This is a standard measure taken in custodial settings where such circumstances exist to ensure clients and staff are safe.

The department is committed to maximising the time out of locked rooms for young people at the Grevillea Unit. However, where there are circumstances beyond the department's control, attempts are made to appropriately address them in the interests of maintaining a secure environment for young people and staff. The department is taking steps to maximise staffing arrangements in light of possible staff absences. In addition, it has engaged in a program of rolling recruitment to strengthen the youth justice workforce.

As requested, the department confirms that it will provide the Commission with copies of the isolation register and all Separation and Safety Management Plans (SSMPs) for young people at the Grevillea Unit on a weekly basis. Practice leaders are now involved in the development of any SSMPs to ensure they are appropriately tailored to the individual needs of the young person. Separation is a component of these plans to ensure the safety of clients and staff and requires senior endorsement. The process of authorisation includes review by the department's Chief Practitioner, Human Services.

The department is working towards revising the approach to documenting management plans and phasing out SSMPs. The department is making use of practice leaders in support of the development of individual client plans relating to behaviour support strategies.

In addition to this, a new incentive-based model is being trialled at the Grevillea Unit. The model does not include early lockdown at the 'bronze' level.

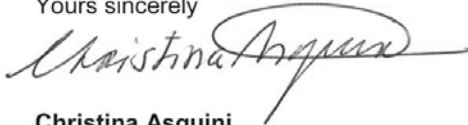
You were advised in my letter dated 23 December 2016 that young people at the Grevillea Unit have access to health services, including mental health services. The department is committed to ensuring young people are provided with appropriate mental health supports and care across all youth justice centres.

Young people are informed of any proposed transfers between youth justice centres. I note that you were provided with a copy of the Client Movement Panel terms of reference and guidance material on 10 January 2017.

I note your concern regarding excessive heat in the Grevillea Unit and can advise that my department ensures young people are hydrated and have access to a small standalone fans in their rooms.

I appreciate your continued advice on issues relating to the safety and wellbeing of young people held at the Grevillea Unit.

Yours sincerely



Christina Asquini
Deputy Secretary, Operations

20 / 1 / 2017

Conditions at Malmsbury Youth Justice Centre

70. The activities of CCYP staff in relation to Malmsbury included two visits by its staff, two days of visits by independent visitors, and several direct contacts from parents or young people. From these contacts CCYP reports:

A number of issues were identified in the weeks after the Parkville incident in mid-November 2016. The issues were most acute in the fortnight immediately after the riot, but some continue to be of concern in January 2017 when staffing issues continued to cause unit lockdowns. In the initial fortnight, most young people on the secure site were allowed only 1-2 hours per day out of their room. Young people told the Commission that in some instances, they had no time out of their rooms for three days consecutively. Staff also raised concern about shortages.

In late November 2016, Commission staff were advised that lockdown regimes had reduced to between three to five hours depending on individual behaviour assessments. The Commission is currently awaiting Secure Services records relating to lockdowns, isolations and separation plans for the period 1-14 December 2016, to ascertain the full extent of the time young people were contained in their rooms. By 12 January, Commission staff and the Principal Commissioner were advised that the use of lockdown regimes in separation plans had significantly reduced.

Young people at Malmsbury advised that, immediately after the mid November incident, they were required to sleep in rooms other than bedrooms, without toilets and in some circumstances without mattresses or bedding. Young people also raised concerns about not receiving toilet paper and clean clothing. The Commission raised these issues with Secure Services, who confirmed they had been addressed within four days.

There was limited access to education at Malmsbury for at least one month after the riot, due to unrelated repairs to the Programs area in the Secure Site and reported behaviour issues of young people. Parkville College staff attempted to address these issues by attending units to deliver classes and provided educational material to young people during this time.

Immediately after the mid-November incident, parents of children and young people were not all advised of the whereabouts or welfare of their children, creating significant anxiety. The Commission was also advised that young people at Malmsbury were not permitted visits with family, or access to phone calls, for at least a week following the incident.

The above issues have been raised with the General Managers, Malmsbury on the day of a visit and/or by email with the department following visits or contacts²⁶.

71. CCYP's observations were consistent with those of Ombudsman officers who attended Malmsbury on 24 November and 12 December 2016. It was apparent on those visits that young people and staff at Malmsbury were dealing with a significant range of pressures in the aftermath of the events at Parkville in November.
72. Ombudsman officers were advised that young people had been locked down and permitted as little as one hour a day out of cell hours since. This was increased to three hours with a plan to return to normal operating arrangements in the following days.

²⁶ Letter from Principal Commissioner Liana Buchanan to Victorian Ombudsman, 17 January 2017.

73. The pressures on the centre were evidenced by:

- inappropriate sleeping arrangements – one young person was housed in an isolation cell
- the temporary closure of the centre’s visitor centre
- the ‘education hub’ was damaged and unusable
- confusion among young people about their placement arrangements
- delay in the administration of medication
- graffiti.

74. Fifteen complaints were made across the visits with four resolved on the day. We have made enquiries in the others. Similar to Parkville, complaints ranged from concerns about safety and lockdowns, to access to programs and services. In some cases, Ombudsman officers can simply facilitate a practical resolution by bringing the young person’s concerns to the attention of an appropriate person.

A young person complained that his shoulder had been injured during the Parkville riots and he had asked for it to be examined. At the time of our officers’ visit this had not occurred. The matter was raised with a senior manager at the centre who made a commitment to arrange for the young person to be medically examined.

75. The following is one of the more serious matters raised with Ombudsman staff.

‘D’ complained that another young person (K) had repeatedly touched him inappropriately. D stated he had raised the assaults with staff who had organised a mediation between him and K. However, it was not successful.

D stated that he does not feel safe raising the issue with staff again because he believed he ran the risk of becoming known as a ‘snitch’. However, D agreed to our staff making enquiries regarding the matter that are now underway.

The Department advised that the young person raised the complaint with staff, that his safety is being managed and that he has moved from the initial accommodation unit to a supervised but unlocked unit where he participates in activities.

76. Since Ombudsman officers visited Malmsbury, a number of young people have contacted our office to express further concerns about the amount of time they are spending in lock down.

Conditions at Parkville Youth Justice Centre

77. CCYP reports the following in relation to Parkville:

Activities in relation to Parkville included the Principal Commissioner and Commissioner for Aboriginal Children and Young People's visit to observe damage to units at Parkville the day after the incident and one day of visits by independent visitors.

Issues observed at Parkville Youth Justice Centre were similar to those at Malmsbury.

Only five of the usual nine units are in operation, each with very high occupancy rates. Like Malmsbury, young people at Parkville have been required to sleep in isolation and holding cells, and continue to do so in January 2017.

Young people at Parkville have also reported high rates of lockdowns due to staff shortages²⁷.

The above issues have been raised with the General Manager, Parkville on the day of each visit and/or by email with the department following visits or contacts.

78. Again, this is consistent with the observations of Ombudsman officers, who attended Parkville on 8 and 22 December 2016, and received 17 complaints during these visits.
79. The officers observed an evident degree of tension between young people and staff. Many young people either complained about, or simply mentioned, that they had experienced extensive lock downs either due to staff shortages or as a consequence of repair works being undertaken.
80. Parkville's Acting General Manager informed the officers that extended lock downs had been an issue following the riots as 37 Parkville staff had been re-assigned to Greenvale. New staff were undertaking training which was expected to relieve these pressures.

81. Also of concern on the first visit was finding that two of the nine telephones young people use to contact my office were defective. This was rectified prior to the officers' second visit and an agreement has been reached regarding periodic testing of these lines in the future. In response to the draft report the Department advised:

Commencing 16 January 2017, the department has established a practice instruction that requires the phone number for the office of the Victorian Ombudsman to be tested each Friday on each Arunta phone in the unit. The unit manager has responsibility for ensuring this instruction is carried out on a weekly basis.

82. The formal complaints received ranged from concerns about lockdowns, safety and staff conduct, to facilities, food and cultural practices.
83. Nine of the above matters were readily resolved through discussion with Department staff on site and the remainder have been subject to follow up enquiries. The following is an example of a matter simply resolved:

A young person approached Ombudsman officers and complained that a program that is supposed to operate every Tuesday had not run for the past fortnight. However, when my officers spoke to the Acting General Manager he advised that the program did not run during school holidays. The complaint was resolved with an agreement that staff would explain to the young person that the program was only available during school term.

²⁷ Letter from Principal Commissioner Liana Buchanan to Victorian Ombudsman, 17 January 2017.

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84. The following is an example of a serious complaint where we are undertaking further enquiries.

A young person on remand - 'Q' - told investigators that he had not participated in the riots and had been held hostage for 19 hours. Q said he now spends most of his time in his room because he does not feel safe among other young people in the Centre describing himself as 'having a target on his back'.

Q raised several complaints about a range of matters, including lost property and cultural needs not being adequately catered for. Of considerable concern were allegations by Q that a staff member released other young people from their rooms and allowed them access to him despite his being at risk from these young people. Q said this incident occurred in the days leading up to the events in November.

Q also complained that the Department had refused to fund a laptop that he said was necessary for his return to school in 2017.

Our enquiries into Q's complaints continue.

The Department advised that Q is being supported by staff and has been placed with a select group of young people, that items have now been replaced, cultural and safety issues have been discussed with Q and appropriate arrangements have been put in place.

Further action

85. This report sets out oversight activities in youth justice centres in Victoria since the November disturbances at Parkville to 20 January 2017. As at 20 January the Victorian Ombudsman's office has resolved 38 complaints and is carrying out enquiries into another 29 complaints received from young people during visits to the centres or by telephone in this period. Most of the enquiries are particular to the circumstances of individual young people, however some complaints raise systemic issues including the amount of time young people were in lockdown during November and December 2016. While some individual issues will have been resolved by the time this report is tabled, the level of complaints, made formally to Ombudsman staff or informally to independent visitors and others, is illustrative of a system under serious strain.
86. Complaints about lockdowns are a prime example of this: it is evident that this is affected by a toxic combination of staff shortages and increasing overcrowding. It is predictable that a regime of lockdowns for young people will create unrest, and equally predictable that more lockdowns will follow any unrest. The consequence of that, as the complaints tell us, is that young people not involved in rioting or unrest are punished along with their peers, to the obvious detriment of their rehabilitation.
87. While it is sadly inevitable that short-term solutions will continue to be sought to deal with urgent situations that arise, it is vital that the Government keep its sights set on long-term reform involving joined-up solutions²⁸. The ongoing review of youth justice services led by an eminent behavioural scientist aims to deliver a much-needed long-term strategy; I will be keeping the progress of that under review.
88. In the near term, CCYP advises:
- The CCYP will continue to monitor conditions in Victoria's youth justice facilities. In coming months this will include weekly visits to Grevillea by CCYP staff and monthly visits by the independent visitors. Concerns will be communicated to the Minister for Families and Children, to ensure she is aware of any ongoing need for improvements in the treatment of children in the Grevillea Unit. The CCYP will continue to receive and review daily updates from the department detailing improvements to conditions at Grevillea, the children and young people being detained at Grevillea, and capacity across the system. The CCYP will also request samples of separation plans or other documents to monitor the extent to which children in the unit are subject to isolation and seclusion.
- In relation to the Parkville and Malmsbury Youth Justice Centres, the CCYP will continue to coordinate independent visitors' monthly visits and regular visits by CCYP staff, and will raise issues of concern with government. Specific issues of concern may become the subject of formal inquiries.
- Other monitoring and oversight activities will continue, including scrutiny of all serious incidents in youth justice detention and the ongoing inquiry into the use of isolation, separation and lockdowns in youth justice. The scope of this inquiry has been expanded to examine the use of these practices across Parkville Youth Justice Centre, Malmsbury Youth Justice Centre and the Grevillea Unit in December 2016, in the period shortly after the mid November Parkville incidents²⁹.
89. The Ombudsman will continue to be regularly briefed on these activities. Ombudsman officers will also continue to be available in person or on the telephone to provide young people in custody with opportunities to make complaints.
90. As these matters progress, I will consider whether a further report to Parliament is required.

²⁸ See for example, "Is our youth justice system really broken?" paper by Helen Fatouros, Executive Director, Criminal Law Services, Victoria Legal Aid, 22 July 2016.

²⁹ Letter from Principal Commissioner Liana Buchanan to Victorian Ombudsman, 17 January 2017.

Appendix 1

An example of a Separation Safety Management Plan – continued

Separation Safety Management Plan

Secure Services

NOTE:

- Separation is not a punishment and must not be used as such.
- It is a coordinated and planned approach to address identified risks to self, others or the safe operation of the precinct. It is used when all other behavioural strategies have been tried without success.
- Use of Separation Safety Management Plans does not replace isolation reporting.
- The Director Secure Service approves Separation Safety Management Plans. Retrospective approval will not be provided.
- A Separation Safety Management Plan must be reviewed every 72 hours at a minimum.

Legislative requirements

Section 488 of the *Children's Youth and Families Act 2005* – defines isolation as: "the placing of a person in a locked room separate from others and from normal routine of the centre". Where all 3 of these conditions apply - you are isolating a client and must ensure the isolation procedure is followed.

Overview

Name:	
Unit	Grevillia Unit Barwon Prison
Commencement date	07.12.2016
Review dates	10.12.2016

Rationale for separation

Include reason/s separation is required and an overview of any incidents leading up to separation.

Authorisation for the use of a separation safety management plan is being sort for client [REDACTED] as a means of support in relation to [REDACTED] managing himself without excessive stimuli and as a strategy for keeping peers and staff safe at this present time.

Include reason/s separation is required and an overview of any incidents leading up to separation.

Authorisation of this Separation Safety Management Plan is being sort for client [REDACTED] as a means of maintaining the safety of the Grevillea Unit.

[REDACTED] approached Unit Manager [REDACTED] and requested if he could have a leave [REDACTED]. His request was declined, as he was on remand and he has been displaying negative behaviour in the Unit.

[REDACTED] became aggressive towards the Unit Manger and verbally abused him and then spat on the Unit Manager.

[REDACTED] was restrained and placed into his room and placed on checks.

Staff signature

Staff must sign to indicate that you have provided the client with information on the reason for separation, the supports outlined in this plan, the rules and expectations while they are separated and their right to make a complaint.

Staff name: [REDACTED]

Date: 07.12.2016

Sign: [REDACTED]

Anticipated outcome/s

What is to be achieved by separation? What criteria will be used to decide when/how to return the young person to the unit?

The separation safety management plan will also allow unit staff and management, Parkville College, Practice Leaders, Cultural Support Workers and YHaRS clinicians an unimpeded opportunity in a low stimulus and controlled environment, to address and challenge [REDACTED] and his negative behaviours.

The plan will allow time and space for a more comprehensive strategy to be developed to assist [REDACTED] in addressing his own underlying issues.

Plan and supports

Care Team consultation

Document the care team membership and their role during separation.

Youth Justice staff will remain in contact with [REDACTED] whilst he is on this plan. Parkville College, when appropriate to provide [REDACTED] with educational activities. YHaRS will be accessible for [REDACTED] when needed.

Environmental supports

Document the engagement with staff, location of separation and other areas client may use including outdoor access.

[REDACTED] housed [REDACTED] at the Grevillia Unit at Barwon Prison. In addition when safe to do so, he will be permitted access unit area for 1 hour. [REDACTED] will be able to access 1 phone call supervised whilst on the Arunta.

Please note: client's bedroom is to be searched daily.

List the 4 personal items authorised in client's bedroom

*Shampoo in sachets only no bottles

*2 Thermal Blankets

*2 Sheets

*1 Pillowcase

*3 towels per week

*2 Jumpers

*2 Pants

*Including material and other educational material required as part of his school curriculum.

An example of a Separation Safety Management Plan – continued

- *3 Shorts
- *3 T-shirts
- *5 Underwear
- *5 Socks
- *1 Portable TV

Health supports

What access to primary and other health services does the client require?

██████████ will be permitted access to both primary and mental health services as required.

Educational / program supports

Document the educational and programmatic support to be provided.

Parkville College will provide ██████████ with school activities

Recreational supports

Document the recreational activities to be provided.

██████████ will be provided with 1 hour recreation time, to be supported by 1 SERT and 1 Youth Justice staff member.

Peer contact

Detail of contact with peers, if any, during the separation period. If no contact at this time, document the process in place to introduce this.

██████████ will be permitted peer contact during his rotations; a decision pertaining to peer contact will be made by senior management and the care team at the review of the existing plan. If ██████████ displays negative behaviours peer contact will be ceased and he will be placed on single rotations.

Cultural and spiritual supports

Document the Aboriginal/TSI, CALD or spiritual/religious support to be provided, if required.

██████████ can access people to ██████████

Family and community supports

Document arrangements in place to enable contact with family members and the community supports required, including visits from lawyers and other professionals if relevant.

██████████ is to be permitted to have phone contact with family and community supports via the arunta phone system.

██████████ is permitted contact visits with his divisional youth justice worker and other professional stakeholders; these visits are to be booked and managed by the UNIT Manager and Unit Coordinator.

Strategies for staff

Detail management, behavioural and communication strategies for staff to use with client.

Select youth justice staff will continue to work with ██████████ to maintain contact with those responsible for his primary care and support.

Staff with whom he has a healthy, respectful rapport and whom can enforce clear and concise boundaries are to maintain contact.

Communication with ██████████ is to be clear and concise and in low tone.

Daily activity schedule

Due to operational procedures [REDACTED] will be permitted 1 hour per day to have access to the ARUNTA to contact family.

Time	Activity
8:30 AM – 8.00 PM	[REDACTED] is to be provided with a breakfast meal of toast, cereal and milk, coffee or tea; all food is to be plated on melamine plates / bowls / cups and is to be consumed in bedroom [REDACTED]
	[REDACTED] will be permitted a One Hour period of time out of his bedroom and is able to access the following: [REDACTED] is to be provided access to the unit or provided the opportunity to access the ARUNTA if safe to do so, if the group is not in the unit area. [REDACTED] is to participate in Parkville College classes or complete given to him during the time in his room.
	Prior to One Hour out of bedroom and after his One Hour out [REDACTED] is to be secured in Bedroom [REDACTED] [REDACTED] is to be provided with a lunch meal as provided by Cater Care; all food is to be plated on melamine plates / bowls / cups The melamine plates / bowls / cups are to be removed at the completion of the meal. [REDACTED] is permitted to watch TV in his bedroom, if behaviour is negative, he may lose TV for the evening. [REDACTED] to complete any school work supplied by Parkville College.
Failure to comply	If [REDACTED] fails to comply he may have his periods of time reduced out of his bedroom [REDACTED] loss of TV for a period of time, Loss of privilege to access Grevillea Yard and GYM area.

Authorisations

Plan developed by: _____

Name: [REDACTED]

Date: 07.12.2016

Sign: [REDACTED] _____

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