

Review  
for the Secretary DHHS  
of  
Resident Safety  
Ashley Youth Detention Centre



### **Acknowledgements**

The Review Team wishes to acknowledge the support and assistance provided by the staff of the Ashley Youth Detention Centre (AYDC) and the AYDC Learning Centre during the Review period.

Special acknowledgement must also be given to the residents, staff and service providers who provided input and comment to contribute to the Review process.

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# Executive Summary

At the request of the Secretary of the Department of Health and Human Services, a Review Team was established to examine the systems and protocols currently in place at Ashley Youth Detention Centre. In particular, the Review Team was asked to assess the ability of these systems and protocols to ensure the ongoing safety and well being of the residents. The specific brief included a review of:

- The current systems, including Standard Operating Procedures and practices, to minimise the potential for abuse towards residents, by other residents or staff;
- The current systems and environment for encouraging the reporting of allegations of abuse; and
- The adequacy and timeliness of the response systems when an allegation of abuse is received and the environment in which these responses are undertaken.

The Review Team agreed to accept input and information from a range of self-nominated stakeholders. Both verbal and written participation was invited from residents, former residents, staff and service providers. The Review Team met with staff and residents at the AYDC site on Tuesday 30 August 2005 and Thursday 1 September 2005 respectively. They further met with a number of AYDC staff in Hobart on Wednesday 7 September 2005. Written submissions were accepted up until Tuesday 20 September 2005.

A broad range of comments were received from a selection of self-nominated staff, residents and service providers. All stakeholders involved in the Review process contributed in a positive manner. In considering the input from all sources, the Review Team drew the conclusion that there were 5 fundamental themes to the information that was provided.

These themes were:

- There was information that a varying level of intimidation and violence between residents has occurred at AYDC. The extent to which this can be minimised is reliant on having appropriate structures and processes in place at the site.
- Originally AYDC was a boys home for youth 16 years and younger, and operated under a specific staff regime relevant to that cohort. Following significant legislative, structural and practice changes, AYDC now functions as a Juvenile Detention Centre for both males and females between the ages of 10 and 18 years, with day to day operational staff being primarily Youth Workers. The staffing model and operating practices at the site have altered to respond to the current needs and requirements of the client group. The structure must also assure an appropriate level of support for both staff and residents.
- With the gender mix and a diverse range of age groups, backgrounds and personalities in residence at AYDC, it is important to assure equity and to provide a consistent and supportive level of treatment and opportunity for the residents.
- The nature of the AYDC facility and its use have evolved, resulting in some unintended consequences.
- It is important that AYDC has well documented and effective procedures to deal with incidents and complaints and that residents and staff have confidence in the system.

For the purpose of this report, comments received from participants in the Review, findings made by the Review Team, and Recommendations have all been grouped under these broad headings.

This report details a series of findings made by the Review Team, and a list of recommendations ranging from structural, procedural, practice, statutory, staffing and programs.

## Forward

Following reports to the Department and in the media of alleged assaults on two Ashley Youth Detention Centre (AYDC) residents by other AYDC residents, the Secretary DHHS requested a review be undertaken to determine the robustness of relevant systems and protocols at the Centre, and the ability of these systems and protocols to ensure the ongoing safety and wellbeing of residents.

The Minister also wrote to the Secretary of the Department, seeking an internal report that detailed:

- a) Investigations into the staff actions relating to the alleged assaults, the findings of these investigations, and any recommendations arising;
- b) A summary of the police actions, including charges and outcomes of these actions;
- c) Details of the support provided to the alleged victims;
- d) Details of provisions made to ensure the ongoing safety of the victims and of future residents of Ashley; and
- e) Any other issues relevant to these incidents.

In addition to the matters requested to be reviewed by the Secretary, it was agreed that the Review would address items 'c', 'd', and 'e' of the Minister's request as referred to above. Items 'a' and 'b' were to be dealt with under a separate process.

The purpose of the Review was to look at:

- The current systems, including Standard Operating Procedures and practices, to minimise the potential for abuse towards residents, by other residents or staff;

- The current systems and environment for encouraging the reporting of allegations of abuse; and
- The adequacy and timeliness of the response systems when an allegation of abuse is received and the environment in which those responses are undertaken.

It was agreed that a report providing the findings of the Review and any other issues and recommendations considered appropriate by the Review Team, would be provided to the Secretary, DHHS, and that the timeframe for the presentation of this report would be by the end of September 2005, contingent on the availability of relevant information from external parties.

The Review Team consisted of the Commissioner for Children (Mr David Fanning), who holds an independent statutory office, together with two senior Departmental officers (Ms Vicki Rundle, Executive Director Children and Families and Mr Paul Targett, Executive Director Corporate Services).

It was agreed that secretariat support and other resources would be made available to the Review Team, and additional members could be co-opted as required to fulfil the terms of reference.

It was further decided that, in the event that the Review Team could not reach agreement on some aspects contained in the report to the Secretary, any member of the Review Team could have included in the report details of their differing views. Unless otherwise specified, this report represents the views and recommendations of all members of the Review Team.



# Background

## AYDC Profile:

Ashley Youth Detention Centre (AYDC) is the only youth detention centre in Tasmania providing a secure facility for males and females between the ages of 10 and 18 years, who offend, or are alleged to have offended, and are remanded or sentenced by the Courts. For the purposes of this report the term “resident” is used to describe both remandees and detainees, who are confined for a period of time to the AYDC facility.

AYDC is a 51 bed facility, consisting of five accommodation units – Bronte North, Bronte West, Liffey, Huon and Franklin. Bronte North is a 9 bed unit and is generally utilised to accommodate lower security male residents, often closer to the end of their period of confinement. Bronte West is a 6 bed unit used exclusively for female residents. Liffey is also a 6 bed unit and is used for male residents, generally those of a younger age and/or who might be vulnerable if accommodated in one of the other units. Huon is a 15 bed unit utilised for males in the early to middle period of their confinement, and for new admissions. Franklin, which has a separate secure yard attached to it, is also a 15 bed unit and is used for male residents, generally those of a higher security rating. No separation is made between residents on remand and those on detention.

The role of AYDC is governed by the *Youth Justice Act 1997*, which was proclaimed in February 2000. Consistent with the *Youth Justice Act*, AYDC has 3 broad objectives:

- To provide a safe and secure environment for young people on detention;
- To contribute to community safety and confidence; and
- To provide opportunities for the rehabilitation and reintegration of young offenders.

Central to meeting these objectives is AYDC's physical environment, its organisational structure and staffing levels, its systems and procedures, together with the programs and services that are offered on site that seek to address the causes of residents' offending behaviour. These programs and services are also offered to residents on remand.

The AYDC environment is also influenced by the Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities (AJJA Standards), which incorporates relevant United Nations standards and provides a benchmark for service provision and the treatment of young offenders. Tasmania is a signatory to these Australasian standards.

The profile of the AYDC client group changed significantly with the proclamation of the *Youth Justice Act 1997*. The Act raised the age for youth who can be held at AYDC from 16 years to 17 years of age. Governing legislation requires that it is only in exceptional circumstances that offenders under the age of 18 years can be accommodated in the adult prison system administered by the Department of Justice.

Residents at AYDC are involuntary clients who are either on remand pending determination of their charges, or who have been sentenced to a period of detention. The diversionary nature of the *Youth Justice Act 1997* means detention is intended to be used only as a last resort. For the most part, residents of AYDC are the more serious offenders who commonly have exhausted alternative sentencing options. There are, however, some residents on remand at AYDC, who are there as much for reasons such as a lack of accommodation than for their offences. In many cases, residents of AYDC also present with significant co-morbidities. Some have illicit drug addictions, challenging behaviours or mental health issues, which require specialist and generic interventions on site, within a secure environment.

Both the number of admissions and the daily average number of residents at AYDC have been increasing in recent times. There were several months in 2004/05 where the number of residents on site was in excess of 40. Figures from the past 3 years are shown in the table below:

<b>Residents</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
Average per day	29.3	28.3	33.5
Admissions	152	167	200

AYDC functions 24 hours a day, 365 days a year. Its operational staffing structure is a rotational one and consists of one night shift (during which there is 1 Team Leader and 5 Youth Workers on duty) and 3 day time shifts. Reflecting a staffing ratio of 1 staff member to every 3 residents (3:1), each of the 3 day shifts normally comprise 3 Team Leaders and 9 Youth Workers (12 operational staff in total to supervise the residents). In addition to these staff, each of the 3 day shifts has 1 Operations Worker, who is in charge of the shift, and 1 Admissions Officer. Team Leaders and Youth Workers are allocated to the various units in a manner consistent with the 3:1 ratio, dependent upon the number of residents in each unit at the time. Franklin and Liffey share 1 of the 3 Team Leaders per shift. Where the number of residents on site exceeds 36, the number of operational staff is increased to maintain the 3:1 ratio.

#### **AYDC Systems and Procedures:**

Day to day operational decision making and practice at AYDC is governed by a series of *Standard Operating Procedures* (SOPs) developed for that purpose. There are SOPs in place that cover topics as diverse as kitchen utensils and cutlery, and admissions processes. Many of the SOPs are constructed specifically to minimise the potential for abuse towards residents. Included amongst these are the SOPs relating to Critical Incident Reporting, Response and Duress, Searches, Supervision and Movement of Detainees, Use of Force, and Observation.

A *Behaviour Development Program* (BDP) is in place at AYDC. The BDP is constructed in a way that encourages appropriate behaviour and holds the residents responsible for inappropriate behaviour, including assaultive behaviour. Residents learn that they can make choices about their behaviour, and that those choices may lead to consequences for them that are either rewarding or produce sanctions.

The BDP comprises two schemes designed to support positive behaviour and manage negative behaviour – the *Incentive Scheme* and the *Incident Management Scheme* (detailed in SOPs 15 and 16 respectively). The Incident Management Scheme includes Minor Incidents (MIs) and Detention Centre Offences (DOs). Behaviour relating to DOs is described in Division 5 of Part 6 of *the Youth Justice Act 1997*. There are 14 provisions in the Act detailing what constitutes a DO. These range from acting in a threatening manner, to assault, damaging property, contravening leave conditions, refusing to obey staff directions, escape or attempted escape. The Act also sets out how a DO should be dealt with. S140(3) of the Act requires that, if admitted, a DO can be dealt with on site by means of a conference. A Conference Convenor is employed by AYDC for this purpose. The majority of DOs at AYDC are dealt with in this manner. More serious incidents are referred to Tasmania Police.

Importantly, MIs and DOs are also used to inform decisions about the status (represented by an allocated colour) of a resident under the *Behaviour Development Program* (BDP) and the movement of a resident through the BDP. Colour subsequently determines the privileges a resident has access to on a day to day basis. A resident's colour is determined weekly at a meeting of the Centre Support Team (CST). All incidents relevant to the BDP are recorded on an Incident Advice Form for consideration at CST. An appeal process is in place for residents to appeal decisions made at CST. Complaints and requests from residents are also considered at the weekly CST meeting.

On admission to AYDC, residents are provided with a simple information booklet – *What Goes On at Ashley*. This booklet provides information to the resident about a range of topics, including who can visit them and when, making phone calls, the incentive scheme, access to a lawyer, how to make a complaint, and the Centre Support Team.

Where an incident is reported which may indicate a staff performance issue, inappropriate behaviour or a potential breach of the State Service Code of Conduct, that incident is addressed and resolved within the context of the relevant legislation, industrial agreements and the principles of procedural fairness. If, during the course of an investigation into an incident, it appears that an offence may have been committed by a staff member, the matter is reported to Tasmania Police.

### **AYDC Systems and Procedures Referenced as Part of the Review Process**

To meet the Terms of Reference, whilst undertaking the Review, the Review Team identified and considered the following legislation, systems, procedures, and documentation:

1. *The current systems, including Standard Operating Procedures and practices, to minimise the potential for abuse towards residents, by other residents or staff.*

- *Youth Justice Act 1997*
- Standard Operating Procedures
  - SOP 1 – Critical Incident Reporting
  - SOP 7 – Searches
  - SOP 8 – Supervision and Movement of Detainees
  - SOP 9 – Visitor and Telephone Calls
  - SOP 10 – Use of Force
  - SOP 11 – Self Harm
  - SOP 12 – Centre Support Team
  - SOPs 15 & 16 – Behavioural Development Program

- SOP 18 – Use of Handcuffs
- SOP 21 – Infection Control
- SOP 29 – Observation Procedures
- SOP 31 – Communications Book

- Staff training programs and materials
- Incident monitoring and management system
- Behavioural management system
- Complaints mechanism

2. *The current systems and environment for encouraging the reporting of allegations of abuse.*

- Standard Operating Procedures
- Information book provided to residents when they enter AYDC (“*What Goes on at Ashley*”)
- *State Service Act 2000*
- Commissioner’s Direction No. 5

3. *The adequacy and timeliness of the response systems when an allegation of abuse is received and the environment in which those responses are undertaken.*

- Complaints mechanism
- Standard Operating Procedures

## Review Methodology

The Review Team agreed to obtain information through a variety of mediums and from a range of stakeholders in order to undertake the Review. It was determined that information would be received in written and verbal form from self-nominated residents, former residents, staff and service providers.

Letters were provided to the following parties, notifying them of the Review and inviting their participation (refer Appendix 'A' for sample copies):

- Current residents of AYDC;
- Complainants of the alleged recent assaults;
- Parents of complainants of the alleged recent assaults;
- Former clients of AYDC who were in residence at the time of the alleged recent assaults;
- AYDC Staff and the Principal of the AYDC Learning Centre;
- Unions

All parties invited to participate in the Review were assured of the confidentiality of their responses and were offered the opportunity to provide input either by meeting directly with the Review Team or by submitting written comments.

Letters to current residents were distributed by staff at the AYDC Learning Centre, who facilitated and encouraged participation in the Review. The Learning Centre also provided facilities conducive to a relaxed discussion, for those residents who wished to speak personally with the Review Team.

As part of the process, in conjunction with the distribution of letters to residents of AYDC, a written survey form was provided (Appendix 'B'). The AYDC Learning Centre agreed to assist residents with the completion of these surveys (if required) and also offered a venue for collecting completed surveys and forwarding them, in confidence, to the Review Team.

A similar survey form (Appendix 'C') was sent to former residents of AYDC, together with a self-addressed envelope for return to the Review Team.

At their request, 11 residents (including 1 ex-resident) and 11 AYDC staff were interviewed by the Review Team. AYDC staff interviewed represented a broad range of employment groups. A total of 4 written submissions and 17 completed surveys (5 from anonymous sources) were also provided to the Review Team. It must be noted, that, of those that were identifiable, 8 of the written documents were provided by residents and staff who also personally met with the Review Team.

Overall, comments made in the written submissions and surveys were consistent with those made through the interview process.



## Input from residents and staff

As described in the section titled “Review Methodology”, during the course of the Review period interviews were conducted with a number of self-nominated staff and residents of AYDC, and a selection of written comments were also received. In considering the input from all sources, it became clear to the Review Team that, whilst described in many different ways, there were 5 fundamental themes to the information that was provided. As a result of this, commentary on the information received by the Review Team has been collated below under 5 headings which reflect these themes.

1. *There was information that a varying level of intimidation and violence between residents has occurred at AYDC. The extent to which this can be minimised is reliant on having appropriate structures and processes in place at the site.*

All of those people interviewed subscribed to the view that intimidation does occur at AYDC, however descriptions on the extent to which this happens, and to which it is condoned by staff, differed.

From the comments received, it would appear that the main reasons behind intimidation are: to enhance a resident’s position in the pecking order; to assert dominance; to gain acceptance from other residents; to give weaker residents a difficult time (for example, those who may be mentally or physically disabled); or to obtain goods (for example, standover for canteen).

Both staff and residents held the belief that the diverse backgrounds and characteristics of residents across the AYDC site contribute to the intimidation that occurs. Staff in particular stated that victims sometimes become perpetrators when moved from one unit to another.

It was the view of those interviewed that resident to resident attacks range from minor intimidation to incidents of physical violence and, on occasion, serious assault. Despite this, the majority of the interviewees questioned on the matter felt that AYDC does not have a culture of violence.

The degree to which Youth Workers intervene in disputation between residents was raised. This matter was discussed in the context of whether it may be appropriate to allow a certain level of disputation to be settled between the residents without Youth Worker interference, or whether such activity should be stopped immediately.

A divergence of views was put to the Review Team on dealing with the more difficult or behaviourally challenging residents, and a series of suggestions were offered. Options ranged from transferring these individuals who were older to Risdon Prison through a challenging behaviours unit, to integration with the broader population of AYDC. Strong support and justification was made in favour of each of the options suggested. The current behaviour management model at AYDC was implemented as a method of dealing with challenging behaviours and, whilst generally accepted as being very successful, it was stated that there is a small element of the AYDC population for whom such a model does not fit. Some staff interviewed suggested that this may only be 3 or 4 residents at any one time. This topic received considerable attention from both staff and residents alike. The residents tended to support the establishment of a separate unit for those residents who display challenging behaviours. They considered that this approach would assist in ensuring the protection of the other residents. Whilst the majority of staff interviewed agreed that this would be an outcome, an alternative view was also expressed. A selection of staff believed that the establishment of such a unit could create inter-resident competition, promoting violence for status purposes. In the course of the discussions, a number of other benefits and disadvantages were offered to the Review Team in respect to separating residents on the basis of behaviour. Broadly speaking the benefits were seen to include: the provision of 3 'safe' units for those residents

displaying appropriate behaviour; and, the ability to more intensely manage more challenging residents. The disadvantages cited included: the concentration of difficult behaviour into one unit; the subsequent additional requirements and demands that this would place on staff to manage the unit; and the challenges associated with catering for a female resident behaving inappropriately. The establishment of a separate unit was suggested to be a very expensive option to cater for a small number of residents. The Review Team were also advised that this option would present a range of practical and logistical problems for the AYDC site.

On a similar note, some staff and residents interviewed expressed the view that, given the age span at AYDC, a safer environment would exist if the older residents (ie. 17 and 18 year olds) were segregated into one unit.

A number of staff members referred the Review Team to the existing arrangements for transfers between AYDC and Risdon Prison, particularly as they relate to 17 and 18 year olds. The transfer process is currently based on a Memorandum of Understanding (MOU) between the DHHS and the Department of Justice. It was suggested by a few interviewees that the MOU could be improved or alternatively could be replaced by a statutory mechanism for transfers. Both the South Australian and NSW judicial models were put forward as potential examples for transferring serious detention centre offenders into the prison system. The comments reflected a view that the current transfer processes may place resident safety at AYDC at risk. It was the belief of those staff who raised the issue that, by using an alternative approach (eg. the South Australian or NSW models), perceptions of difficulties or intransigence would be removed and would be replaced by an unbiased assessment process, that is by a court.

2. *Originally AYDC was a boys home for youth 16 years and younger, and operated under a specific staff regime relevant to the cohort. Following significant legislative, structural and practice changes, AYDC now functions as a Juvenile Detention Centre for both males and females between the ages of 10 and 18 years, with day to day operational staff being primarily Youth Workers. The staffing model and operating practices at the site have altered to respond to the current needs and requirements of the client group. The structure must also assure an appropriate level of support for both staff and residents.*

The existing staffing levels and staffing methodology was implemented within AYDC from July 2003, as a result of consultations and negotiations with staff and unions. The general rule is a ratio of 1 staff member to every 3 residents (3:1). The interviews undertaken with AYDC staff indicated a general consensus that the current staffing arrangements are either inadequate or inappropriate. A common concern was the number of Team Leaders on shift and the staffing ratio, which includes the Team Leader position. A specific suggestion put to the Review Team was that each unit should have a Team Leader allocated to it, in order to avoid circumstances where a Team Leader has to manage across 2 or more units and, as a consequence, staff numbers are reduced whilst the Team Leader moves from one unit to another (for example, when fulfilling medication dispensing responsibilities). Interviewees suggested that the 3:1 staffing ratio should be applied, exclusive of the Team Leader position, and commented that this would better enable the Team Leader to take overall responsibility for coordination of the unit, and would ensure sufficient staff were on hand to appropriately monitor and assist the residents. In offering these suggestions, whilst general comments were made about other jurisdictions, only one person interviewed used examples of staffing levels and ratios in an interstate facility similar to AYDC.

Interviews with residents, in general terms, brought a very positive view of staff. To varying degrees, most residents expressed satisfaction in the treatment they receive from staff, and their trust in staff, with the qualification that some examples of a breach of that trust were raised and will be addressed elsewhere in this report.

A number of different interviewees (both residents and staff) commented on the excessive use of inappropriate language by some staff in addition to residents. In view of the role that unit staff can play in modelling good behaviour, it was suggested that the use of this language is not appropriate.

Staff interviewed by the Review Team strongly endorsed the utilisation of Standard Operating Procedures (SOP's) and expressed the view that these documents provide a secure basis for the staff's practice within the Centre, consistency of management of the residents, as well as uniform and effective responses to incidents that may occur. It was the view of some staff that there should be more opportunity for them to provide a greater level of input into SOP reviews.

Concern was expressed over a perceived inconsistency in the treatment of certain employees when they have been subject to an allegation involving a resident and a subsequent investigation into the matter. Mention was made of the deployment options for staff members during the investigation process, specifically in relation to whether staff are given the option of working off-site or remaining on-site, and what alternative work might be made available. From comments made, it would appear that there is a clear understanding of the need for such actions to occur, and that support exists for the processes, provided all staff receive the same options or redeployment for similar circumstances. In referring to the inconsistency between staff members and residents remaining on-site following an alleged incident, it was acknowledged that there are statutory obligations to be met by the Department in relation to the location of residents.

It was suggested by some residents that there can be differing staff practices between particular shifts, and that this is often noticeable with the change over of staff at the conclusion of one shift and the commencement of another. This observation appeared to be supported, in that one of the staff members interviewed commented on the difficulty in commencing duties when the previous shift had been applying the rules either more or less rigorously. This interviewee stated that a possible consequence of this inconsistency could be resident dissatisfaction, which may manifest itself in inappropriate behaviour.

The general view of those interviewed was that the use of security staff from outside of AYDC is significantly less effective than having AYDC employed Youth Workers working on all shifts. These comments were made during discussions on the need for all staff working at the site to have undertaken the same level of training; the requirement for consistent application of Standard Operating Procedures; and the inappropriate use of language by some workers at AYDC.

It was commonly considered desirable that, wherever possible, female residents should have female workers assigned to their care. Some of the female residents expressed a preference for this, and some staff indicated that the general AYDC approach is to try to manage/ roster staff to meet this need.

One staff member raised concerns that Youth Workers are provided very limited support following assaults or incidents, except in circumstances of a very serious nature. It was cited that Youth Workers are expected to report to their next shift, even when they have been involved in an incident of consequence. It was acknowledged that, if a staff member is seriously assaulted, they are provided with necessary assistance and time off. However, it was put to the Review Team that, even when a Youth Worker is involved in an incident that doesn't constitute a serious assault on them, they may still need some form of assistance or relief as a result. Whilst this topic does not fit within the Terms of Reference for this Review, the Review Team strongly suggest that this matter be further investigated and considered by AYDC management.

Currently, provision is made for AYDC (and all DHHS) staff to access Employee Assistance Program (EAP) services. The availability of the EAP is considered to be beneficial in enhancing the well-being of employees. It was suggested to the Review Team that some Youth Workers feel uncomfortable about accessing EAP, believing that they may appear to be weak or unable to cope if their peers become aware of their use of the service.

3. *With the gender mix and a diverse range of age groups, backgrounds and personalities in residence at AYDC, it is important to assure equity and to provide a consistent and supportive level of treatment and opportunity for the residents.*

It was the view of some of those interviewed that strong relationships develop between some staff and some residents at the AYDC site. Whilst this was generally viewed positively, there was a perception that some residents appear to receive more favourable treatment from staff. Whilst this observation was made by a number of residents, no further clarification on the matter was sought by the Review Team as it did not directly relate to the Terms of Reference for the Review. Of relevance, however, was the fact that a number of interviewees (both residents and staff) stated that some staff appear to be scared of residents and will not enforce certain rules in order to 'keep the peace'.

The broader suggestion of inequity of treatment took a different focus during the interviews with female residents. They advised that, in their opinion, there is differential treatment given to male and female residents. Examples cited by the residents included: males eating their meals in the dining room, whilst females are required to take their meals in their unit; males having their ablution requirements attended to more speedily than their female counterparts; and males being provided a broader range of access to gymnasium and out of unit activities than females. There also appeared to be the view that in the Bronte Unit (which houses both male and female residents in separate wings) the

workers spend more time in the male quarters than in the female section of the unit. One of the residents put forward the view that one of the reasons for this may be that the workers consider the females to be 'too bitchy'. The issue of privacy for female residents was also referred to, with one interviewee commenting on the difficulty for female residents in having to ask male workers for sanitary items. It was suggested that, on occasion, there have been delays with workers responding to such requests, and that some workers have also told others including male residents.

The AYDC Learning Centre received extremely positive comment from residents and staff alike, both during the interviews and in written submissions received. From the residents' perspective, it is evident that the teachers, because of the different role that they have with the residents, are seen in a very different light to Youth Workers. A number of residents indicated a desire for increased school hours to be made available. Those residents who made the most strong representation for more school time were those who are not in the mandatory school age brackets and, consequently, only receive approximately 3 lessons per week. The Review Team were advised of the recent availability of some Vocational Education and Training (VET) programs for the residents. Comments were made that this is a very positive opportunity for the residents to undertake learnings to assist them in gaining broader life skills or skills to improve job opportunities. It was suggested that, if AYDC was able to offer a wider range of VET programs (especially to the older residents), this would not only enhance the case management of the residents whilst at AYDC, but would create a greater range of opportunities for the re-integration of the residents into community life.

The importance of restorative justice programs was a consistent theme from all interviewees, but there were differing views about the range of programs already in place and the potential for additional programs to be included for the benefit of residents both whilst they are at AYDC and in relation to their behaviour after release. It was pointed out to the Review Team that the capacity of AYDC to



expand such programs is a budget and resource issue. One resident interviewed also commented on the difficulty in securing off-property opportunities.

A number of residents raised their concerns that they have limited opportunity to undertake activities outside of the units on weekends. In one example, it was suggested that residents are only given 1 ½ hours opportunity on each of Saturday and Sunday, to leave the unit and undertake outdoor activities. Enquiries made by the Review Team have confirmed that, during the winter months, residents are only permitted outside for two ¾ hour sessions (1 each in the morning and in the afternoon) on weekend days. In the summer, with daylight saving, there is an additional ¾ hour period spent outside during the evening. The Review Team were advised that residents spend more time in their units of a weekend, as there are no program or Learning Centre staff on site, and formal programs are not normally provided. The time that residents are required to spend as quiet time in their rooms at the weekend is the same as it is during the week. The remaining time on weekends is spent with other residents and staff in the unit, with the exception of Sunday lunch, which is taken in the central dining room.

4. *The nature of the AYDC facility and its use have evolved, resulting in some unintended consequences.*

Both residents and staff referred to blind spots within the units, primarily a result of structural deficiencies with the buildings themselves. Whilst a number of potential blind spots were identified by the interviewees, the Review Team did not personally view the facilities during the course of the site visit. From the comments made, it would appear that, in some of the units, there are blind spots caused by solid walls between open areas and staff offices. The laundry and kitchen areas in the units were also identified as being possible areas where resident activity could go unobserved. Some staff indicated that there are varying practices amongst staff in relation to unsupervised access to laundry and kitchen facilities.

Whilst every person the Review Team spoke with advised that it is part of the Ashley culture and understanding that a resident is not allowed into another resident's room (except in shared facilities), it was clear from the interviewees that there have, in the past, been situations where residents have been in other residents' rooms without an AYDC worker being present. Comments from residents suggested that the incidence of this has reduced over recent months. From input received, what remained unclear to the Review Team was if the practice of residents being in other resident's rooms was restricted to certain units, or if it occurred across the entire Centre. Despite questioning of both staff and residents alike, the Review Team was also unable to determine if the activity occurred through residents being opportunistic or tricking staff; through staff condoning the practice; through failure of procedure; or through a combination of these things. However, on the basis of the information provided, the Review Team formed the opinion that all of the above factors have, at some stage, contributed to the practice occurring.

During the course of the interviews, reference was made to the security of residents' belongings. Whilst it was not the responsibility of the Review Team to investigate these claims, it would appear that, if substantiated, the practice of residents entering other residents' rooms could contribute to property loss.

The majority of staff and residents that the Review Team spoke with felt that closed circuit television (CCTV) being installed in public areas on the site would assist with improving both the perception and the reality of the residents' level of safety and protection. Some staff also considered that CCTV would be beneficial to staff for a number of reasons, including training and development and incident review.

The Review Team were advised by staff and residents that there is contraband being brought onto the AYDC site to varying degrees and, as a consequence, there is a trade in contraband amongst the residents. It would seem from the residents' comments that the majority of contraband is cigarettes and cigarette

lighters, although it was also suggested that there has been the occasional marijuana or ecstasy contraband enter the site. The method of residents obtaining the contraband would appear to be varied, however the residents interviewed did not provide the Review Team with specifics on the methods used. It is evident that the staff do undertake searches for contraband when they have suspicions or some evidence that it exists, however, the degree to which staff are prepared to enforce the Centre's policy relating to no smoking, in particular, appears to be variable. A number of suggestions were offered to the Review Team as possible options for reducing the introduction of contraband into the AYDC facility. These included residents wearing overalls during on-site visits with family members, and the installation of glass wall partitions for non-contact visits.

A resident becoming institutionalised was explained to the Review Team as meaning a young person who has become so dependent on the structured environment within AYDC (including the level of protection and living that it offers) that they take actions, either whilst at AYDC or upon release, to ensure that they are returned to the Centre either on remand or on sentence. The Review Team were also informed that a further example of institutionalism is that, for some residents, the AYDC environment and structure does not act as a deterrent against re-offending and being returned to the site. It was the opinion of some staff and residents that there are occasions where a resident does become institutionalised, and, in some circumstances, there are special program needs required to provide the resident with better longer term outcomes.

5. *It is important that AYDC has well documented and effective procedures to deal with incidents and complaints and that residents and staff have confidence in the system.*

It is important to note that comments received from interviewees indicated that a significant number of incidents are reported by residents in the normal course of events. For this reason, the focus needs to be on incidents that probably do

occur that residents are hesitant to report. Input from residents and staff alike suggested that some of the reasons why incidents may not be reported include fear of retaliation or ridicule, fear of information becoming widely known, and lack of confidence in the system to deal effectively with the complaint.

One aspect of safety that was raised by a number of residents was confidentiality. Whilst this aspect doesn't relate to physical safety, it was evident that a resident's sense of feeling safe can be damaged or destroyed through a lack of confidentiality or a lack of trust in a confidence being kept. The Review Team were offered a number of examples of what residents perceived to have been a breach of confidentiality or a breach of trust by Youth Workers. These included: information from personal correspondence being passed on to other residents by Youth Workers; health status or personal information being disclosed to residents; and incident information being passed between Youth Workers. Some residents expressed their concerns in relation to this matter, describing a fear of retribution or humiliation by other residents or Youth Workers.

A number of the interviewees (both staff and residents) talked about the processes currently in place for residents making complaints and the treatment of those complaints by the staff at AYDC. Whilst all of the matters raised have been considered by the Review Team, a summary of the various points is provided below.

- i. Conferencing – Strong representation was made in relation to the benefits of conferencing following resident initiated incidents at AYDC. A concern was raised in relation to the level of support given to the conferencing process, and particular reference was made to a change in AYDC conference representation. It was suggested that this may be a potential indicator that AYDC, including senior management, does not recognise the importance of the conferencing process.

- ii. CST process – The Review Team were advised that, although the Standard Operating Procedure envisages that residents be able to attend and participate in the Centre Support Team (CST) process (either directly or through an advocate), the reality is that this opportunity is rarely afforded. It was pointed out, however, that each resident does receive feedback on the outcomes of CST following each weekly meeting.
- iii. Response to complaints – Both residents and staff commented on the fact that there are incidents where residents receive either no, or very delayed, feedback on the outcomes of complaints that have been made.

It is clear that circumstances arise within AYDC where a resident(s) may behave inappropriately and, as a consequence, Youth Workers are required to take action to de-escalate the situation. A couple of residents interviewed, suggested that some Youth Workers may move too quickly to physical restraint instead of spending time talking the resident down. In general, residents indicated that they would prefer more time to be spent in non-physical de-escalation, with Youth Workers trying to control the situation at the lowest level of conflict.

One resident raised concerns about the use of handcuffs in circumstances where a staff member is de-escalating a situation. It was expressed that handcuffs may provide a staff member with an opportunity or method of inflicting pain, through twisting the handcuffs in a certain way or in certain directions. It was acknowledged by this resident that, in some cases, restraint may be necessary, but, instead of handcuffs, this resident advocated the use of cable ties.

One interviewee advised the Review Team that, when a serious complaint was previously made by a resident, they were lead to believe that the complaint would only be pursued by AYDC if the resident was prepared to lodge a formal complaint with the Police. (It must be noted that the Review Team's subsequent investigation into this matter suggests that this comment may be a misunderstanding on the resident's part, rather than a systemic issue.)

The Review Team were advised of circumstances where a deficiency in the transfer of critical information from one section of AYDC to another has occurred. Situations such as these could have a limiting impact on the capacity of a professional group to provide residents with an appropriate level of support.

Whilst the response was not overwhelming, a number of residents were of the view that an opportunity to meet with an independent person (or people) to enable them to discuss issues, make sensitive complaints and the like, may be of some advantage.

A number of staff interviewed suggested that they would welcome external involvement or scrutiny of complaints processes. Whilst some models were suggested during the interviews and in writing, the only consensus of opinion was the need for a formally established process with external involvement.

## Findings

As previously acknowledged, the Review Team received a good level of support and participation from a range of stakeholders throughout the Review process. The Review Team was particularly pleased to speak with nearly one-third of the residents in person and receive at least 3 written submissions from other residents. Some of the anonymous submissions are likely to have been from residents. A further 3 written submissions were received from former residents of AYDC. The combined input from residents, staff and service providers assisted the team to assess the ability of existing systems and protocols to ensure the ongoing safety and well-being of residents of the Ashley Youth Detention Centre (AYDC).

On the basis of all information received, the Review Team were able to draw a range of conclusions within the Terms of Reference of the Review. For consistency, the findings of the Review Team are presented below under the 5 fundamental themes previously identified and referred to in the section entitled “Input from residents and staff”. Recommendations relevant to each of these themes are also listed under the appropriate heading.

- 1. There was information that a varying level of intimidation and violence between residents has occurred at AYDC. The extent to which this can be minimised is reliant on having appropriate structures and processes in place at the site.*

Whilst there have been public utterances of AYDC having a culture of violence, all of the input received by the Review Team suggests that this is not the case. There is, however, a culture of resident to resident bullying and intimidation in existence at the AYDC site, and this principally manifests itself in incidents of minor intimidation. There are also occasional incidents of physical violence and, sometimes, occurrences of serious assault.

The diverse range of ages, backgrounds and personalities of residents at AYDC contributes to the bullying and intimidation that occurs. Additionally, the mix of older residents with younger residents can result in the older residents corrupting and adversely influencing the behaviour and actions of their younger counterparts. Adolescents, by virtue of their immaturity, are highly susceptible to influence from their peers and especially older adolescents. Consequently in the contained environment of a youth detention facility, residents in the younger age group are inclined to adopt the anti-social values and mores of the older residents and can come to view criminal activity as an acceptable, if not a desirable, lifestyle. In some cases, 18 year old residents compound the problems on site, particularly in terms of providing negative role modelling for 16 and 17 year olds.

There are a range of views from both staff and residents about how the centre should be organised to deal with the mix of residents. There are also a number of differing opinions from staff on the merits associated with establishing a separate unit for those residents who display more challenging behaviour.

There is a current Memorandum of Understanding (MOU) in operation between AYDC and Risdon Prison, however this MOU is perceived to lack sufficient rigour to successfully transfer serious detention centre offenders from the youth detention environment into the prison system.

**Recommendations:**

- (i) AYDC conduct a review of unit allocation, based on the mix of residents across the AYDC site.
- (ii) As part of the review recommended in (i), further explore and consider the practicalities of segregating more difficult or behaviourally challenging residents into a separate unit at AYDC.



- (iii) Pursue the introduction of a statutory mechanism for the transfer of serious offenders from the detention centre environment into the prison system, taking into consideration models used in other jurisdictions.

Explore the option of establishing a Youth Parole Board.

**(Note: The option relating to the Youth Parole Board is only the recommendation of 2 of the 3 Review Team Members – Mr David Fanning and Ms Vicki Rundle.)**

- (iv) As part of the redevelopment of Risdon Prison, consider establishing a separate facility for those 17 – 21 year olds who require separation from the general AYDC population, yet do not match the prison system profile.

2. *Originally AYDC was a boys home for youth 16 years and younger, and operated under a specific staff regime relevant to that cohort. Following significant legislative, structural and practice changes, AYDC now functions as a Juvenile Detention Centre for both males and females between the ages of 10 and 18 years, with day to day operational staff being primarily Youth Workers. The staffing model and operating practices at the site have altered to respond to the current needs and requirements of the client group. The structure must also assure an appropriate level of support for both staff and residents.*

Overall, residents appear to have quite positive views towards staff.

Youth Workers, in particular, have a key role to play in modeling acceptable behaviour, social skills and language for residents. Subsequently, the skill levels, competencies and training of Youth Workers are critical to success. A review of the current AQF level is warranted.

The existing staffing model has been in place since July 2003 and warrants a review, particularly in respect to Team Leader allocations.

AYDC's Standard Operating Procedures (SOPs) and Behavioural Management Program provide effective guidelines and tools for assisting Youth Workers to care for residents. Some SOPs, however, are out of date and require review. AYDC has prioritised SOP numbers 1, 8, 10, 15 and 18 for review.

**Recommendations:**

- (v) Review Youth Worker skills and competency requirements and training, including the relevancy of the current AQF level.
- (vi) Investigate strategies (for example, an award or incentive scheme) that would be effective in encouraging positive role modelling by Youth Workers to residents, particularly in relation to language and behaviour .
- (vii) Encourage AYDC to continue the approach of employing and using appropriately trained AYDC workers, in preference to external security staff.
- (viii) Through a wider consultation process, further investigate and assess the benefits of allocating one Team Leader to each AYDC unit on each of the 3 day shifts.
- (ix) Conduct a review of the Standard Operating Procedures relating to the safety of residents, in particular the following SOPs, which have been identified either by the Review Team or AYDC as requiring update:
  - SOP 1 - Critical Incident Reporting
  - SOP 8 - Supervision and Movement of Detainees
  - SOP 10 - Use of Force
  - SOP 12 - Centre Support Team
  - SOP 15 - Behavioural Development Program
  - SOP 18 - Use of Handcuffs
  - SOP 29 - Observation Procedures

3. *With the gender mix and a diverse range of age groups, backgrounds and personalities in residence at AYDC, it is important to assure equity and to provide a consistent and supportive level of treatment and opportunity for the residents.*

There is a genuine desire, from a large number of residents, for the AYDC facility to offer more educational and vocational opportunities or programs. The provision of a broader range of formal programs and more school hours, would not only provide residents with a greater range of skills and opportunities for their re-integration into community life, but would also serve to de-escalate tension on the site and, subsequently, would reduce the potential for intimidation.

The 1 ½ hours spent outside on Saturdays and Sundays is insufficient, and should be reviewed. Whilst formal programs are not normally provided, and Learning Centre staff are not on site, on weekends, the amount of time spent within the units, without structured activities, can contribute to frustration and discontent amongst the residents.

**Recommendations:**

- (x) AYDC and the Department of Education discuss increasing the provision of educational opportunities and VET programs for AYDC residents.
- (xi) AYDC management, in consultation with the Senior Practice Consultants and the Psychologist for AYDC, review the timeframes given to outdoor activities on weekend days.

4. *The nature of the AYDC facility and its use have evolved, resulting in some unintended consequences.*

There are blind spots within the units, which impede effective monitoring of residents and impact on the provision of a safe environment. The blinds spots are caused by structural deficiencies with the buildings themselves, and are exacerbated by varying practices amongst the staff.

There are a range of views about the benefits, or otherwise, of installing CCTV at the AYDC site. There is a strong belief by some residents and staff that CCTV, installed in public areas, would assist to improve the perception and the reality of residents' safety and protection, and would enhance staff practice. Conversely, there is a belief by others that the introduction of CCTV would result in staff complacency, which may place resident's safety at risk.

**Recommendations:**

- (xii) Blind spots in the units to be examined from a structural and practice perspective and solutions implemented.
- (xiii) AYDC consider introducing the practice of residents wearing overalls during visiting times, to assist with the reduction of contraband entering the site.
- (xiv) AYDC investigate introducing more stringent non-contact visit arrangements (e.g. the use of glass partitions), for residents previously found to have gained access to contraband during visiting times.
- (xv) AYDC re-introduce the practice of conducting random staff searches, to assist with dealing with contraband.

(xvi) Trial CCTV in the Franklin unit for a 12 month period. At the conclusion of the trial, evaluate the effectiveness, benefits and disadvantages of the system.

**(Note: Recommendation of 2 of the 3 Review Team Members only - Mr David Fanning and Ms Vicki Rundle)**

5. *It is important that AYDC has well documented and effective procedures to deal with incidents and complaints and that residents and staff have confidence in the system.*

Generally residents are willing to raise issues and complaints. The complaints process for residents does, however, need to be better articulated. Although there are systems in place for complaints to be raised and managed, and complaints procedures are mentioned in documentation provided to residents upon their admission to AYDC (*“What Goes on at Ashley”*), the processes do not appear to be fully transparent to residents. In addition, the notification to residents does not appear to meet the legislative requirements of Sections 127, 128 and 138 of the *Youth Justice Act 1997* concerning the explanation of residents rights and complaint procedures.

Feedback to residents on complaint outcomes and queries needs to be more timely and well documented.

Defence/ advocacy systems for residents could be reviewed and strengthened.

Residents do not have sufficient access to independent people from outside of the AYDC environment, to discuss issues and concerns with.

Although Standard Operating Procedure No. 12 envisages that residents be able to attend and participate in the Centre Support Team (CST) process, the reality is that this opportunity is rarely afforded. This impacts on the provision of natural justice. There would be instances where it is appropriate for the resident to attend CST, or, at the very least, be represented by an advocate.

**Recommendations:**

- (xvii) The Manager of the DHHS Investigation Unit to conduct a review of the AYDC complaints/ investigation process and documentation, in consultation with AYDC, the Commissioner for Children and the Ombudsman. The revised procedures are to incorporate requirements as detailed under sections 127, 128 and 138 of the *Youth Justice Act 1997*.
  
- (xviii) In conjunction with recommendation (xvii), revise information contained in the booklet entitled “*What Goes On at Ashley*” in respect to the complaints procedures, to meet the notification requirements of sections 127, 128 and 138 of the *Youth Justice Act 1997*.
  
- (xix) Create an AYDC Residents’ Advocate position within the Commissioner for Children’s Office, to meet with residents on a regular basis, discuss issues and concerns with them, and represent their interests at a range of forums, including weekly CST meetings. Additional funding would be required to enable this to occur.
  
- (xx) Establish an AYDC Advisory Group to provide advice and external scrutiny to AYDC processes and practices. The composition of the group to be determined by the Executive Director, Children and Families Division, in consultation with AYDC external stakeholders. The group should consist of no more than 5 members.
  
- (xxi) The AYDC Advisory Group to conduct a review of the Centre Support Team (CST) process, particularly in respect to resident (or their advocate) attendance and participation.

## Summary of Recommendations

- (i) AYDC conduct a review of unit allocation, based on the mix of residents across the AYDC site.
- (ii) As part of the review recommended in (i), further explore and consider the practicalities of segregating more difficult or behaviourally challenging residents into a separate unit at AYDC.
- (iii) Pursue the introduction of a statutory mechanism for the transfer of serious offenders from the detention centre environment into the prison system, taking into consideration models used in other jurisdictions.

Explore the option of establishing a Youth Parole Board.

**(Note: The option relating to the Youth Parole Board is only the recommendation of 2 of the 3 Review Team Members – Mr David Fanning and Ms Vicki Rundle.)**

- (iv) As part of the redevelopment of Risdon Prison, consider establishing a separate facility for those 17 – 21 year olds who require separation from the general AYDC population, yet do not match the prison system profile.
- (v) Review Youth Worker skills and competency requirements and training, including the relevancy of the current AQF level.
- (vi) Investigate strategies (for example, an award or incentive scheme) that would be effective in encouraging positive role modelling by Youth Workers to residents, particularly in relation to language and behaviour .
- (vii) Encourage AYDC to continue the approach of employing and using appropriately trained AYDC workers, in preference to external security staff.

- (viii) Through a wider consultation process, further investigate and assess the benefits of allocating one Team Leader to each AYDC unit on each of the 3 day shifts.
- (ix) Conduct a review of the Standard Operating Procedures relating to the safety of residents, in particular the following SOPs, which have either been identified by the Review Team or AYDC as requiring update:
- SOP 1 - Critical Incident Reporting
  - SOP 8 - Supervision and Movement of Detainees
  - SOP 10 - Use of Force
  - SOP 12 - Centre Support Team
  - SOP 15 - Behavioural Development Program
  - SOP 18 - Use of Handcuffs
  - SOP 29 - Observation ProceduresSOP 8
- (x) AYDC and the Department of Education discuss increasing the provision of educational opportunities and VET programs for AYDC residents.
- (xi) AYDC management, in consultation with the Senior Practice Consultants and the Psychologist for AYDC, review the timeframes given to outdoor activities on weekend days.
- (xii) Blind spots in the units to be examined from a structural and practice perspective and solutions implemented.
- (xiii) AYDC consider introducing the practice of residents wearing overalls during visiting times, to assist with the reduction of contraband entering the site.
- (xiv) AYDC investigate introducing more stringent non-contact visit arrangements (e.g. the use of glass partitions), for residents previously found to have gained access to contraband during visiting times.
- (xv) AYDC re-introduce the practice of conducting random staff searches, to assist with dealing with contraband.



- (xvi) Trial CCTV in the Franklin unit for a 12 month period. At the conclusion of the trial, evaluate the effectiveness, benefits and disadvantages of the system.
- (Note: Recommendation of 2 of the 3 Review Team Members only - Mr David Fanning and Ms Vicki Rundle)**
- (xvii) The Manager of the DHHS Investigation Unit to conduct a review of the AYDC complaints/ investigation process and documentation, in consultation with AYDC, the Commissioner for Children and the Ombudsman. The revised procedures are to incorporate requirements as detailed under sections 127, 128 and 138 of the *Youth Justice Act 1997*.
- (xviii) In conjunction with recommendation (xvii), revise information contained in the booklet entitled “*What Goes On at Ashley*” in respect to the complaints procedures, to meet the notification requirements of sections 127, 128 and 138 of the *Youth Justice Act 1997*.
- (xix) Create an AYDC Residents’ Advocate position within the Commissioner for Children’s Office, to meet with residents on a regular basis, discuss issues and concerns with them, and represent their interests at a range of forums, including CST weekly meetings. Additional funding would be required to enable this to occur.
- (xx) Establish an AYDC Advisory Group to provide advice and external scrutiny to AYDC processes and practices. The composition of the group to be determined by the Executive Director, Children and Families Division, in consultation with AYDC external stakeholders. The group should consist of no more than 5 members.
- (xxi) The AYDC Advisory Group to conduct a review of the Centre Support Team (CST) process, particularly in respect to resident (or their advocate) attendance and participation.

## Additional Recommendations

- (xxii) Conduct a review of all AYDC Standard Operating Procedures (SOPs).
- (xxiii) Prepare and distribute a synthesis on the findings of the Review, for residents, staff and service providers who participated in the Review process. Synthesised document to also be used for the purposes of providing quality improvement feedback to AYDC in general.

# Appendix 'A'

## Sample Copy of Letter – Current Residents AYDC

### To all Residents of the Ashley Youth Detention Centre

You may have heard that there have been recent allegations of assault of young people in Ashley by other Ashley residents. It is important to us that all residents at Ashley are safe and treated well during their time there. A Review will be done to ensure this is the case.

A team of people have been asked to do this Review and we will be visiting Ashley on **Tuesday 30<sup>th</sup> and Wednesday 31<sup>st</sup> August**. The team is:

Vicki Rundle, Executive Director Children and Families Division  
Paul Targett, Executive Director, Corporate Services  
David Fanning Commissioner for Children

We would really appreciate hearing from you about your experience at Ashley, what's good about it, what's not so good and whether or not you feel safe. Anything you say will be kept confidential and there won't be any way of linking any information with your name.

You can talk to any or all of the three team members and it is your choice about whether you talk to them. You can also meet with the team members as a group or bring a support person with you if you wish.

Please call Rhonda Anthony in the Commissioner for Children's Office on 6233 4520 if you want to make a time to meet with the team. Staff at the Ashley School can help you with this.

You may feel more comfortable writing to us. A form you could use and an envelope is provided for you. These forms can be left with the Ashley School and will not be read by Ashley staff. Forms should be completed by Friday 4<sup>th</sup> September.

What you have to say is important and will be used to help make Ashley a better Centre.

Yours sincerely



Vicki Rundle  
*Executive Director*

25 August 2005

## Sample Copy of Letter – Complainant 1 alleged recent assaults

Mr XXXXXXX  
XXXXXXXXXX  
XXXXXXXXXX

Dear XXXXXX

I understand that a few weeks ago you meet with the Commissioner for Children, David Fanning, following your allegation of assault.

I am writing to tell you about the Review that will be undertaken to ensure that all residents at Ashley are safe and treated well during their time there.

A team of people have been asked to do this Review. These people are:

Vicki Rundle, Director Children and Families Division  
Paul Targett, Director, Corporate Services  
David Fanning Commissioner for Children

Both staff and residents will be invited to meet with the Review Committee to provide information and everyone will get a letter about this soon.

I am also writing to invite you to meet with the Review Committee. I understand that you talked with the Commissioner for Children about this.

The Committee will be able to talk with you on Tuesday 30<sup>th</sup> August and arrangements will be made for this to occur with your carer. You can talk to any or all of the three team members. Any information provided will be kept confidential and your name will not be given to anyone else.

What you have to say is important and will be used to help build a better Centre.

Yours sincerely

Vicki Rundle  
*Executive Director*  
On behalf of the Review Committee  
25 August 2005

## Sample Copy of Letter – Complainant 2 alleged recent assaults

Mr XXXXXX  
XXXXXXXX  
XXXXXXXX  
XXXXXXXX

Dear XXXXXX

I understand that a few weeks ago you meet with the Commissioner for Children, David Fanning, following your allegation of assault.

I am writing to tell you about the Review that will be undertaken to ensure that all residents at Ashley are safe and treated well during their time there.

A team of people have been asked to do this Review. These people are:

Vicki Rundle, Director Children and Families Division  
Paul Targett, Director, Corporate Services  
David Fanning Commissioner for Children

Both staff and residents will be invited to meet with the Review Committee to provide information and everyone will get a letter about this soon.

I am also writing to invite you to meet with the Review Committee. I understand that you talked with the Commissioner for Children about this.

The Committee will be able to talk with you on Tuesday 30<sup>th</sup> or Wednesday 31<sup>st</sup> August and arrangements will be made for this to occur. You can talk to any or all of the three team members. Any information provided will be kept confidential and your name will not be given to anyone else.

What you have to say is important and will be used to help build a better Centre.

Yours sincerely

Vicki Rundle  
*Executive Director*  
On behalf of the Review Committee  
25 August 2005

## Sample Copy of Letter – Parents of complainants of alleged recent assaults

XXXXXX  
XXXXXX  
XXXXXX

Dear XXXXXXX

As a result of the alleged assault of your son while in the Ashley Youth Detention Centre, I have asked that a review be undertaken. The Review will focus on

1. the current system including standard operating procedures and practices to minimise the potential for abuse towards residents, by other residents or staff
2. the current systems and environment for encouraging the reporting of allegations of abuse
3. the adequacy and timeliness of the response systems when an allegation of abuse is received and the environment in which those responses are undertaken

A small committee has been established comprising myself as Executive Director, Children and Families Division, Paul Targett, Executive Director, Corporate Services and the Commissioner for Children, David Fanning. You may be aware that the Commissioner has taken a keen interest in the wellbeing of Ashley residents and his participation is consistent with his independent role.

Both staff and residents will be invited to meet with the Review Committee to provide information and discuss the points above.

I am writing to advise you that as a part of this review, XXXXXXX will be asked to meet with the Review Committee.

I am aware that it has taken some time for us to establish this Committee and to commence the Review, but I am hopeful that it will be completed by the end of September 2005.

Should you have any inquires in relation to this Review or wish to be interviewed by the Review Committee, please contact my office on 6233 4745.

I am confident that this Review process will highlight any shortcomings in the current system and identify strategies to address them.

Yours sincerely

**Vicki Rundle**  
**Executive Director**  
**On behalf of the Review Committee**

## Sample Copy of Letter – Former AYDC Residents

«Title» «First\_Name» «Last\_Name»  
 «Address\_Line\_1»  
 «Address\_Line\_2» «State» «ZIP\_Code»

### To Former Residents of the Ashley Youth Detention Centre

You may have heard that there have been recent allegations of assault of young people in Ashley by other Ashley residents. It is important to us that all residents at Ashley are safe and treated well during their time there. A Review will be done to ensure this is the case.

A team of people have been asked to do this Review. The team is:

Vicki Rundle, Executive Director Children and Families Division  
 Paul Targett, Executive Director, Corporate Services  
 David Fanning Commissioner for Children

We would really appreciate hearing from you about your experience at Ashley, what's good about it, what's not so good and whether or not you feel safe. Anything you say will be kept confidential and there won't be any way of linking any information with your name.

You can talk to any or all of the three team members and it is your choice about whether you talk to them. You can also meet with the team members as a group or bring a support person with you if you wish.

Please call Rhonda Anthony in the Commissioner for Children's Office on 6233 4520 if you want to make a time to meet with the team.

You may feel more comfortable writing to us. A form you could use and an envelope is provided for you. These forms will not be read by Ashley staff. Forms should be returned by Friday 9<sup>th</sup> September.

What you have to say is important and will be used to help make Ashley a better Centre.

Yours sincerely



Vicki Rundle  
*Executive Director*

29 August 2005



## Sample Copy of Letter – AYDC Staff

Contact: Vicki Rundle  
Phone: 6233 4719  
Facsimile: 6233 2883  
File:

### **To all staff at the Ashley Youth Detention Centre**

#### **Post-Incident Review**

Following the recent allegations of serious assault of two young people by three other residents, the Minister and the Secretary of the Department have asked for a post incident review to be undertaken to ensure that the procedures, protocols and practices at Ashley are robust and thorough enough to maximise the safety and wellbeing of Ashley clients.

I believe the systems and practice at AYDC have improved vastly over recent times and that in general staff strive to provide secure care in what can be a very challenging environment.

However, you may also be aware that the Opposition Spokeswoman for Health and Human Services, Ms Sue Napier, has recently stated publicly that she has been advised there is a culture of violence at Ashley and that clients, and possibly some staff are too afraid to speak out about this.

As always, the Agency promotes an ethos and a system of quality improvement, and given the recent allegations and the claims of a culture of violence, it is timely to undertake a review of the factors that are relevant to this set of circumstances. The purpose is to identify areas for improvement, not to focus on the individual case reviews.

The Terms of Reference for the Post-incident Review are attached for your information. The Review Committee comprises myself as Executive Director Children and Families Division, Paul Targett, Executive Director, Corporate Services and the Commissioner for Children, David Fanning. As you know the Commissioner has taken a keen interest in the wellbeing of Ashley residents and his participation is consistent with his independent role. Executive support to the Review Committee will be provided by Kerriane Fleming from Corporate Services.

You are invited to meet with the Committee to express your views in relation to the attached terms of reference. The Committee is happy to meet with any staff on the Ashley site or at an alternative site in Deloraine, should you prefer. Information will as far as possible be treated confidentially.

The Review Committee will be available on Tuesday 30<sup>th</sup> August and Wednesday 31<sup>st</sup> August during business hours and in the evening / night shift, if required.

You may feel more comfortable providing your views by meeting with one of the Review Team or submitting your comments in writing, and both of these can be arranged.

If you have good reason to believe that you cannot speak with any of those individuals but still wish to be interviewed, an alternative option can most likely be identified for you.

The Review Committee may also return to the site for additional interviews at a later time if this is needed.

The Review Committee will provide the Minister and Secretary with a Report outlining the findings by the end of September 2005.

Should you wish to provide information to the Committee, I invite you to contact Rhonda Anthony (Office of the Commissioner for Children) on 6233 4520 to make an appointment.

If you would prefer, you may provide comments in writing, either by post or by email to Kerriane Fleming at

Email: [Kerriane.fleming@dhhs.tas.gov.au](mailto:Kerriane.fleming@dhhs.tas.gov.au)

Post: Kerriane Fleming, Executive Officer, Corporate Services, PO Box 125  
Hobart, 7001.

(Please mark as *private and confidential*)

If you have other queries and wish to take them up either with your direct supervisor, or with Ashley Manager Bill Smith, or one of the members of the Review Committee you are welcome to do this. If you wish to contact any of the members of the Review Committee you can do so by emailing us at

[Vicki.Rundle@dhhs.tas.gov.au](mailto:Vicki.Rundle@dhhs.tas.gov.au)

[Paul.Targett@dhhs.tas.gov.au](mailto:Paul.Targett@dhhs.tas.gov.au)

[David.Fanning@dhhs.tas.gov.au](mailto:David.Fanning@dhhs.tas.gov.au)

I wish to thank you in advance for your participation. It is important that we undertake these reviews, to implement any improvements that are required, and most importantly, foster a culture and create an environment where people (clients and staff) feel that they can raise issues and be confident they will be addressed.

Yours sincerely



Vicki Rundle  
**Executive Director**  
**Children and Families**

## Sample Copy of Letter – Unions

Mr Tom Lynch  
General Secretary  
CPSU  
GPO Box 54  
Hobart TAS 7000

Mr Chris Brown  
Secretary  
HACSU  
PO Box 635  
North Hobart TAS 7002

Dear Mr Lynch and Mr Brown

Following the recent allegations of assault of two young people by other residents at the Ashley Youth Detention Centre, a post incident review is being undertaken to ensure that the procedures, protocols and practices at Ashley are robust and thorough enough to maximise the safety and wellbeing of Ashley clients.

I understand that the CPSU has raised this with Paul Targett, Executive Director, Corporate Services. You may also be aware that the Review Committee: David Fanning, Paul Targett and myself, met with residents and staff on site last week as part of the review process.

Please find enclosed for your information, the terms of reference for the Review, which is expected to be completed by 30 September 2005.

You may have ideas or issues that you believe are relevant to the Terms of Reference. If so, the Review Committee would be pleased to discuss them with you. I can be contacted on 6233 4745 to arrange this.

Yours sincerely

Vicki Rundle  
Executive Director  
Encl.

## Appendix 'B'

**ASHLEY POST INCIDENT REVIEW  
RESIDENTS FEEDBACK FORM**

**I feel safe at Ashley.**

- All the time
- Most of the time
- Sometimes
- Never

**I know how to make a complaint if I need to.**

- Yes
- No

**I am well treated by the Ashley staff.**

- All the time
- Most of the time
- Sometimes
- Never

**What I like about Ashley is.....**  
.....  
.....

**What I don't like about Ashley is.....**  
.....  
.....

**Please make any other comments about Ashley.**  
.....  
.....  
.....

Your Name \_\_\_\_\_

## Appendix 'C'

**ASHLEY POST INCIDENT REVIEW  
RESIDENTS FEEDBACK FORM**

**I felt safe at Ashley.**

- All the time
- Most of the time
- Sometimes
- Never

**I knew how to make a complaint if I needed to.**

- Yes
- No

**I was well treated by the Ashley staff.**

- All the time
- Most of the time
- Sometimes
- Never

**What I liked about Ashley was .....**  
 .....  
 .....

**What I didn't like about Ashley was .....**  
 .....  
 .....

**Please make any other comments about Ashley.**  
 .....  
 .....  
 .....  
 .....

Your Name \_\_\_\_\_