



Government of **Western Australia**
Department of **Justice**
Corrective Services

Response to Inspection:

Inspection of the Intensive Support Unit at Banksia Hill Detention Centre

February 2022

Version 1.0

Response Overview

Introduction

The Inspection of the Intensive Support Unit (ISU) at Banksia Hill Detention Centre (Banksia Hill) was announced by the Office of the Inspector of Custodial Services (OICS) on 1 December 2021.

Being an occasional inspection under section 21 of the *Inspector of Custodial Services Act 2003* (the ICS Act), the methodology for the gathering of documents and information for this inspection occurred primarily on site at Banksia Hill.

On 17 December 2021, OICS provided the Department of Justice (the Department) a preliminary report of the Inspection, which highlighted concerns for the treatment and care of young people in the ISU at Banksia Hill. As a result, OICS issued the Director General a Show Cause Notice under the *Inspector of Custodial Services Act 2003* and requested the Department provide a response and evidence demonstrating how the Department intends to address or alleviate the concerns raised by OICS. The Department provided a response to the preliminary report and Show Cause Notice on 23 December 2021.

On 15 February 2022, the Department received the completed draft report on the Inspection. The draft report reiterated the findings made in the preliminary report received by the Department on 17 December 2021 and made two recommendations. The Department has reviewed the draft report and provides comments and responses to the recommendations as outlined below.

Appendix A contains further comments linked to sections in the report for the Inspector's attention and consideration.

Review Comments

The Department is aware of the vulnerabilities of the young people in its care at Banksia Hill and a major priority is the safety, health and welfare of these young people. Many of the young people received at Banksia Hill come from highly dysfunctional and challenging backgrounds, suffer from complex neurological disorders, trauma abuse and have a long-term criminal offending history.

Since mid-2021, Banksia Hill has been experiencing considerable challenges, particularly with a small number of detainees who continue to behave in a highly disruptive manner impacting on the rest of the centre. These young people have consistently been involved in incidents of significant damage to infrastructure, fence and roof ascents, assaults to staff and self-harm and suicide attempts.

Although the critical incidents have been driven by a small number of young people, their actions have widespread consequences and have resulted in extensive damage to infrastructure and assaults on staff. That has led to an increase in workers compensation claims and high staff attrition, increased time in cells for young people and more frequent centre-wide lockdowns, impacting access to services for all other young people.

Some of these young people would be more appropriately accommodated in a forensic mental health facility. This however is rarely possible due to a dearth of youth forensic beds in the Perth metropolitan region and regional areas. These young people are placed in the ISU for the purposes of managing their behaviour and for the good order and security of Banksia Hill.

The ISU is a multifunctional unit that provides a safer environment for the management of young people with unique and complex needs, requiring a greater level of supervision. These young people include those who are self-harming or at risk of self-harm, or who are harming others.

The ISU may be utilised for short periods to interrupt a cycle of behaviour and provide the opportunity for young people to reflect and receive support. Like other detainees, the Department seeks to engage these young people in education, recreation and programs, unless there are significant security or safety reasons not to do so.

The Department acknowledges that Banksia Hill has inherent infrastructure issues and was not designed as a fit-for-purpose youth detention centre for both remanded and sentenced youth. Similarly, the ISU infrastructure is less than optimal, and the architecture is not conducive to providing the best therapeutic response that benefits the detainees who are accommodated within the unit.

Given the lack of other suitable enhanced security units at Banksia Hill, the ISU must be used for multiple, disparate purposes. This involves the shared housing and mixing of various cohorts for the purpose of post-incident management, security placement and to better manage vulnerable or at-risk youth. Staff within the ISU manage the young people to their best of their ability, with the safety of the young people being paramount.

As a consequence, the operational capacity to provide a stable environment and structured daily routine within available infrastructure for all young people (including young people with trauma or mental illness, complex and challenging behaviours, or those at acute risk of self-harm or suicide) is impacted. Further, the current infrastructure does not allow for adequate separation and targeted responses to each cohort's particular needs. These issues are more evident when the unit is full and holds cohorts of individuals who have very complex needs. Infrastructure damage and repairs as a result of incidents that have occurred in the ISU as well as in transitional units have also limited placement options for young people.

The Department has initiated a number of strategies to address the issues at Banksia Hill, including the service delivery model, infrastructure, staff attrition and the complex needs of the young people at Banksia Hill and more specifically, the ISU. The Department is continuing a program of work to address these issues

A bulk recruitment campaign has been undertaken with sufficient candidates identified to fill future Entry Level Training Programs (ELTP). Two training schools have commenced and expect to graduate in April 2022 with approximately 40 extra staff for Banksia Hill.

A more-appropriate model of care for the young people at Banksia Hill is under development. This will include a new operating philosophy and model of care based on best practice. The model of care will be a way of working with young people using trauma-informed principles across the system. The Department has committed resources to develop and implement the model of care and improve services for the young people at Banksia Hill.

The Department has also committed funds to address some urgent infrastructure needs. In addition, a number of submissions have been made for additional infrastructure project funding which are pending Government approval.

It should be acknowledged that, although the inspection report highlights cases of a small number of young people causing disruption at Banksia Hill, the majority of the

young people are compliant and are effectively managed within available infrastructure / facilities without incident. Banksia Hill continues to balance the welfare needs of the young people with the security of the facility and the safety of staff who work at the facility. Cells in poor condition and damaged telephones referenced in the report are caused by detainees and repaired as soon as possible

The inspection report also claims the Department is not complying with the minimum entitlements of young people in relation to time spent out of cell as established in international human rights instruments. To this effect, the Department has reviewed and amended related policies to provide clarity around the minimum entitlements for young people and provide operational guidance for staff in the application of the minimum requirements in accordance with legislation.

While maximising a detainee's time out of cell is a priority for Banksia Hill, this is dependent on the young person's behaviour and is impacted by Centre constraints – reduced staffing numbers and the management of critical incidents – which often result in Centre-wide lockdowns.

It should also be noted that in each of the cases cited in the inspection report, in addition to recreational time out of cells, the young people left their ISU cells for such purposes as health and psychological consultations and social visits.

While the Department is ultimately bound by the *Young Offenders Act 1994* (YOA), it does recognise the importance of providing as much productive out-of-cell time for the young people as possible, beyond the minimum requirements set out in legislation. The Department is working to increase out-of-cell hours by increasing staff numbers, infrastructure changes and provision of a greater number of supports to disturbed detainees to assist with reducing stress and the number of critical incidents which reduce time out of cell.

The Department supports the two recommendations made by the Inspector as they align to current practice and projects that have been initiated by the Department.

Response to Recommendations

1 Re-introduce explicit minimum out of cell requirements for detainees in the ISU on a Personal Support Plan.

Level of Acceptance: Supported - Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Women and Young People
Proposed Completion Date: N/A

Response:

Current policies for Banksia Hill Detention Centre, namely *COPP 6.2 Supervision Levels and Privileges* and *COPP 5.2 Intensive Supervision and Cue Units* identify the minimum out of cell hours for young people, including those on Personal Support Plans in the Intensive Support Unit (ISU).

The Department maintains that all young people are afforded participation in the normal daily routine program unless in circumstances where the good order, safety and security to young people and staff does not permit. Where the circumstances do not permit, *COPP 6.2*, particularly sections 3 (*Entitlements*) and 4 (*Privileges*), operationalises the minimum standards applicable to all young people.

The minimum standards apply to all young people irrespective of their accommodation placements and are detailed within individual Personal Support Plan – Change of Accommodation (CAPSP).

Additionally, and in line with the Young Offenders Act 1994 and Young Offender Regulations, *COPP 5.2* reinforces the minimum requirement of one hour exercise per day for each young person in the ISU and Cue Unit.

COPP 5.2 has been reviewed and amendments made to provide clarity around the minimum requirements and to ensure that the minimum out of cell hours is provided to a young person on a CAPSP. The revised *COPP* is scheduled for implementation in April 2022.

2 Embed an additional welfare focused, non-custodial workforce to supplement the existing workforce in the ISU and Cue Unit at Banksia Hill Detention Centre.

Level of Acceptance: Supported - Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Women and Young People
Proposed Completion Date: N/A

Response:

The Department recognises that contemporary best practice for the effective rehabilitation and reintegration of young people requires a multi-disciplinary and trauma informed approach to address the underlying reasons for their offending and behaviour.

Actions are underway to develop a more-appropriate model of care for the young people at Banksia Hill Detention Centre. A new operating philosophy and model of

care based on best practice is being developed. The model of care will be a way of working with young people using trauma-informed principles across the system.

The model of care will be supported by providing staff from all business areas with appropriate training. Staff will actively engage in the case management of the young people and will have detailed knowledge and understanding of the specific role they play in effective case management and how their contribution fits into the overall aims of the facility and the individual case plan.