



Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings

WITNESS STATEMENT OF ALISON LYN GRACE

I, Alison Lyn Grace of [REDACTED] in the State of Australian Capital Territory, Deputy Centre Manager, Bimberi Youth Justice Centre, [REDACTED], do solemnly and sincerely declare that:

1. I am authorised by Bimberi Youth Justice Centre to make this statement on its behalf.
2. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

BACKGROUND AND QUALIFICATIONS

3. I have the following qualifications:
 - (a) Master of Social Science (Criminology);
 - (b) Graduate Certificate in Criminology; and
 - (c) Graduate Certificate in Business (Public Sector Management).
4. I commenced employment with the Australian Capital Territory (**ACT**) Government in 2001, as a casual youth worker delivering school holiday programs to young people in detention at Quamby Youth Detention Centre (**Quamby**) in Symonston, ACT.
5. I commenced full-time employment at Quamby on 13 March 2003, as the Education Youth Worker (Administrative Services Officer 5). In this role I worked in the Hindmarsh Education Centre at Quamby developing, facilitating and delivering educational and recreational programs to young people. I held this role until December 2007.
6. In December 2007, I moved from Quamby to Community Youth Justice within the ACT Community Services Directorate (**CSD**) and commenced as a Case Manager (Health Professional Level 2). In this role I was responsible for supervising young people on bail and community-based youth justice orders, for example Good Behaviour Orders.

7. Between March 2009 and May 2017, I undertook several acting positions within CSD. All positions were within the Office for Children, Youth and Family Support (now Children, Youth and Families). These positions were:
- (a) March 2009 to 5 February 2010, Executive Officer (Senior Officer Grade C) to the Executive Director, Youth Directorate. During this period the Senior Manager, Bimberi Youth Justice Centre (Bimberi) and Senior Manager, Community Youth Justice reported to the Executive Director;
 - (b) 6 February 2010 to 30 April 2010, Case Manager, Community Youth Justice;
 - (c) 1 May 2010 to 23 May 2010, Team Leader (Health Professional 3), Community Youth Justice;
 - (d) 24 May 2010 to 6 August 2010, Assistant Manager (Senior Officer Grade C), Community Youth Justice;
 - (e) 7 August 2010 to 29 May 2011, Team Leader, Community Youth Justice;
 - (f) 30 May 2011 to 30 June 2012, Senior Policy Officer (Senior Office Grade C), managing a team delivering youth justice operational policy and data. In this role I supported the directorate in responding to recommendations from the 2011 ACT Human Rights Commission's review of the ACT Youth Justice System and worked on the development of the Bimberi Integrated Management System;
 - (g) 1 July 2012 to 1 November 2014, Secretariat, Australasian Youth Justice Administrators (AYJA) (Senior Officer Grade C). This role included providing high level secretariat, administrative, financial, policy and research support to AYJA under the direction of the AYJA Chair. AYJA is a multilateral group of senior executives responsible for youth justice across Australia and New Zealand; and
 - (h) 27 February 2014 to 21 May 2017 (concurrent with AYJA Secretariat), Executive Officer to the Executive Group Manager (Senior Office Grade A), Children, Youth and Families.

8. From 22 May 2017 to 9 April 2020, I was the Senior Manager of Business Support (Senior Office Grade A), Children, Youth and Families. In this role I was responsible for managing the Executive Group Manager's office. This team was responsible for delivering on a diverse range of projects and activities to support Children, Youth and Families including governance, ministerial support, complaints management, communications and risk management. During this period the Senior Manager of Bimberi was upgraded to Executive Branch Manager, Bimberi Residential Services and reported directly to the Executive Group Manager, Children, Youth and Families.
9. From 10 April 2020 to 28 August 2020, I acted in the position of Executive Branch Manager, Bimberi Residential Services, while the Executive Branch Manager was on leave. In this role I was responsible for the management and operations of Bimberi Youth Justice Centre and Bimberi Community Residential Services.
10. Upon the Executive Branch Manager's return on 29 August 2020, I moved into the position of Deputy Centre Manager (Senior Officer Grade A), Bimberi Residential Services.
11. Attached to this statement and marked **ALG-1** is a copy of my curriculum vitae setting out my qualifications and professional experience.

CURRENT ROLE

12. I am currently employed as Deputy Centre Manager of Bimberi Residential Services. I commenced with Bimberi Youth Justice Centre in April 2020.
13. In this role I am responsible for supporting the Executive Branch Manager in the management and operations of the Bimberi Youth Justice Centre and Bimberi Community Residential Services.

QUAMBY YOUTH DETENTION CENTRE

14. Quamby opened in 1962 and was initially a refuge for young people until it turned into ACT's youth justice centre. It was a government-run facility, housing young people on remand and young people sentenced to a period of detention by the ACT Childrens Court or Supreme Court. Quamby had the capacity to house 26 young people but it was increasingly becoming too small for purpose. At one stage, there were close to 40 young people at Quamby,

which required the use of a purpose built demountable building to accommodate the additional young people.

15. In 2008, the introduction of the *Children and Young People Act 2008* (ACT) saw the decommissioning of Quamby and commencement of Bimberi Youth Justice Centre (**Bimberi**).

HUMAN RIGHTS FRAMEWORK

16. The *Children and Young People Act 2008* (ACT), *Human Rights Act 2004* (ACT) and the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* (ACT) provide the legal framework for Bimberi to perform its responsibilities within human rights requirements.
17. Having human rights frameworks legislatively entrenched has ensured that the human rights of young people in detention in the ACT are considered in the development of policies, procedures and processes and in the enactment of these policies and procedures. Human rights frameworks also create an oversight network across youth detention in the ACT that monitors the human rights of each individual young person in detention and Bimberi as a whole.
18. The Charter of Rights for Young People in Bimberi (**Bimberi Charter of Rights**) aims to strengthen the protection of young people in Bimberi by developing awareness of young people's rights and responsibilities. The Bimberi Charter of Rights embodies the ACT's commitment to maintaining a human rights compliant framework. A copy of the Bimberi Charter of Rights is attached to this statement and marked **ALG-2**.

Children and Young People Act 2008 (ACT)

19. The commissioning of Bimberi and decommissioning of Quamby coincided with the introduction of the *Children and Young People Act 2008* (ACT).
20. The new legislation required a redraft of all policies and procedures for youth detention in the ACT. The policies and procedures were strengthened, became more extensive and importantly, brought change to the culture of the institution. Ultimately, it saw Bimberi operate at a higher professional standard than that seen at Quamby.
21. The *Children and Young People Act 2008* (ACT) changed youth justice legislation in the ACT. It improved accountability and transparency, created

protections for young people's human rights, improved safety mechanisms of everyone at the detention place and modernised the legislation. The legislation required that policies and procedures be developed for 'places of detention' (Bimberi) and that these policies cover all manner of activities from behaviour management, searches, use of force and minimum living conditions, and outlines how these activities are to be reported and recorded. The *Children and Young People Act 2008* (ACT) also requires Bimberi's policies and procedures to be notified on the ACT Legislation Register, making them publicly available online.

BIMBERI

22. Bimberi commenced operations in December 2008. It is the first youth detention facility in Australia to operate within human rights requirements, including under the *Children and Young People Act 2008* (ACT), and designed to meet human rights standards.
23. Almost all staff moved across to Bimberi from Quamby. Additional staff were also trained onsite at Bimberi and commenced employment at the new site, testing the infrastructure onsite before young people were moved over. Services were operating from Quamby on one day, both sites for a few days and then exclusively from Bimberi in the following days. All young people were moved within a 24-hour timeframe.

Capacity at Bimberi

24. Bimberi has capacity for 40 beds but is currently only funded for 21 beds. We hold a business continuity plan that is enacted when Bimberi's capacity approaches the 21-bed threshold, which enables the Executive Branch Manager to trigger communications with our Director-General and Minister to enact the Business Continuity Plan.
25. The last time Bimberi had more than 20 beds occupied was in March 2020.

Design of Bimberi

26. The design of Bimberi took several years to complete and it includes design elements similar to a school campus with separate residential, civic and community zones to reflect the broader community, and to provide a normalised environment for young people. Three key elements were considered in the design of Bimberi: physical structures, operating procedures

and programs for young people. The site centres around the 'town square' with health services, school services, the Centre's dining hall and the Spiritual Centre immediately adjacent to the town square. To the front of Bimberi is the visitor centre and sporting facilities. The young people's residential units extend along the southern and western side of the site and consists of four units — Coree (induction unit), Namadgi, Majura and Bendora. Bimberi has recurrent funding to operate three of the four residential units at any one time.

27. Inside each unit consists of four to six individual rooms (some high needs and others with adjoining doors) with individual bathroom facilities in each room and a shared living space, with kitchenette, communal toilet and telephone booth. Each residential unit has its own secure courtyard. Staff duty points within each unit are currently under renovation with upgrades being made to the spaces to improve staff safety.
28. A satellite view of Bimberi's layout is available on [Google Maps \(satellite view\)](#).
29. Conjoining doors in some of the rooms allows for the doors between rooms to be opened if, for example, there are Aboriginal and Torres Strait Islander young people that need additional support or would like to be housed with kin.
30. Besides the individual courtyards and an enclosed basketball court, there is no additional fencing within the centre. Internal security consists of secured doors, cameras and movements controlled by radio and a central control room, allowing staff and young people to move throughout the centre without having to move through gates and additional fencing.

Facilities at Bimberi

31. Bimberi has a large gymnasium, which was important for the ACT given the colder climate. This was another distinct difference to Quamby. We needed a large recreational space that was secure where young people could exercise and interact with each other even in the colder months. The gymnasium has a full-sized basketball court, 25-metre swimming pool and a secure weights area. Outside, Bimberi's recreational facilities consist of a synthetic lawn playing field, two basketball courts and several open spaces.
32. The education centre includes a secure staff room for education staff, a classroom kitchen, wood technology classroom, art room, music room, general classrooms and a large multi-purpose resource room.

Technology at Bimberi

33. In 2019, the ACT Human Rights Commission conducted a Commission Initiated Consideration of Bimberi. One of the recommendations to come from the inquiry was to install additional closed circuit television (**CCTV**). An additional 100 CCTV cameras were installed to cover several black spots within the centre.
34. There is CCTV throughout the common areas at Bimberi. With respect to the units, there is CCTV in each of the rooms in the induction unit (Coree) to monitor the new young people that come into the centre. Aside from the rooms in Coree, only the high needs rooms in Namadgi, Majura and Bendora units contain CCTV. These rooms are generally used to house young people with a history of self-harm. The remaining rooms for young people do not contain CCTV.
35. The CCTV throughout Bimberi provides protection for the young people and staff. There is significant CCTV coverage across the site. Bimberi also contains electronic doors and the staff utilise key fobs to move around within the centre.
36. The combination of technology utilised at Bimberi operates for ease of access across the site but also as a monitoring system. It is possible to monitor who removed which key fob on which day and where they moved throughout the centre based on which doors were opened and closed. We can then also review the CCTV footage against the key fobs and electronic doors if needed to determine where people have moved across the site.
37. There is also an interconnecting intercom system that allows young people to speak with staff in the unit's duty point and with the control room, when they are secured in their rooms. The intercom system records sound and can be used to monitor young people in their room, if a visual observation isn't possible.

Characteristics of youth at Bimberi

38. Bimberi accommodates children and young people aged 10 to 21 years of age who are on remand and have been refused bail or are sentenced to a period of detention by the ACT's Children's Court or Supreme Court. The majority of young people that come into Bimberi are between 14 and 18 years of age.

39. Currently there is work being carried out to raise the minimum age of criminal responsibility in the ACT from 10 years old to 14 years old. If the legislation is passed, the ACT will be the second jurisdiction in Australia to make such an amendment.
40. If the minimum age of criminal responsibility is lifted to 14 years of age, it means that children under that age will not be able to come into Bimberi unless they are charged with a particularly serious offence, such as murder or are being held under Commonwealth law. The details of this major reform are still being considered by the ACT Government.
41. Bimberi does not generally experience much cultural diversity amongst the demographic of young people at the centre.
42. The number of Aboriginal and Torres Strait Islander young people in Bimberi fluctuates frequently because our numbers are so low. We typically have between one and three Aboriginal and Torres Strait Islander young people in our care. We also have small numbers of young people who come from a culturally diverse background. We do not see any trends in Pacific Islander or Islamic young people.
43. The community in Canberra is very multicultural but we do not see that reflected in the youth justice system. That cohort may be flowing through to the police and going to court but we have not seen a trend in any cultural groups being remanded in Bimberi.
44. The offending behaviours of the majority of young people that we previously saw at Quamby, often related to car theft, breaches of bail and other minor offences. This is in contrast to the more complex cases we are now seeing come through Bimberi, which includes family violence offences and more serious offences. We are also seeing young people with more complex mental health concerns and drug and alcohol use. The young people with less complex histories are usually at the centre for a night or two until they attend court. Thus, most young people at Bimberi are in custody for more serious offences and the young people themselves present with more complexities. This is consistent with the youth justice principles in the *Children and Young People Act 2008* (ACT), which states that 'a child or young person may only be detained in custody for an offence (whether on arrest, on remand or under sentence) as a last resort and for the minimum time necessary'.

INTAKE PROCESS AT BIMBERI

Initial screening and risk assessments

45. When a new young person is admitted and inducted into Bimberi, usually in the evening, their profile will be input into our client management system. The client management system at Bimberi is shared with Child and Youth Protection Services (CYPS). Therefore, when a new inductee is entered into the system, if the young person is known to CYPS there may be alerts for the admitting Team Leader to be aware of and consider as part of the induction process. These alerts include but are not limited to, whether the young person has experienced child sexual abuse or might exhibit harmful sexual behaviours, if the young person has a known allergy or medical condition and/or if the young person has a known history of self-harm behaviours or has attempted suicide.
46. Each young person admitted to Bimberi is assessed as soon as practicable and within 24 hours must have a physical and mental health assessment and be assessed for safety and security needs or risks and any needs or risks identified by the assessments are addressed.
47. Case management for young people in Bimberi is provided by CYPS using a single case management model. This means young people have the same case manager across both custody and community. Single case management provides a consistent voice and seamless service delivery to young people throughout their involvement in the youth justice system.
48. Bimberi's Principal Practitioner and Programs and Services Manager work closely with our colleagues at CYPS. This means that information is shared as appropriate between Bimberi and CYPS in relation to new young people coming into Bimberi. This information will then be used to determine how we manage the young person during their time in Bimberi, including any known complexities and how they are supported at the centre.

Accommodation arrangements for different cohorts

49. A young person coming into Bimberi will first come into Coree, the induction unit, which is where they will remain for at least six days. This is a new measure introduced following the COVID-19 pandemic.

50. A young person that is remanded in Bimberi for the first-time may be held in Coree for longer than the six days until they understand the routines at Bimberi, are comfortable with their surroundings and until we know that they are going to be in custody for a longer period. This is to ensure that we are not introducing young people to the larger cohort of young people in the Centre unnecessarily. This protects the young person's privacy, prevents them from mixing with young people with highly complex needs and/or lengthy criminal histories and limits disruptions to the larger cohort of young people in our care. A young person will usually be moved to the main area of Bimberi if they are staying for longer than seven days.
51. Bimberi has three units (seven residential wings) in the main part of the centre. Funding allows for two of these units (five wings) to be utilised at any one time. Assessments undertaken following admission and induction form the basis of decision-making in relation to the most appropriate placement for the young person and their classification level, observations and any special management needs.
52. Male and female young people may be housed together in Coree. When they move into the main area of the centre, the female young people are housed separately to male young people, usually in one wing. Typically, Bimberi only has one female young person in our care at any one time and occasionally we might have up to four. Male young people are housed together across the other four residential wings.
53. The placements of young people must consider the young person's legal status, gender, and age. Placement decisions must be made in the best interests of all affected detainees and therefore are most often based on security classification and any special needs or requirements of the young person.
54. Female young people can mix with male young people during education and recreation programs. These opportunities are considered and risk assessed each morning. Where mixing occurs, there will always be at least one staff member present to supervise the activity.
55. A classification assessment is conducted by the Intelligence and Classification Officer on each young person who is remanded or sentenced in Bimberi. A classification is based on an assessment tool that measures a young person's

static and dynamic risk to the safety of self, other young people and staff in the Centre. The purpose for the classification of young people is for:

- (a) protection of the young person's safety and interest;
 - (b) protection of staff and other young people in the Centre;
 - (c) placement of young person in a least restrictive custodial environment consistent with their risk;
 - (d) to link case management and programming within the classification system; and
 - (e) to promote rational, consistent and equitable decision making regarding a young person's classification level.
56. Each young person is risk assessed and classified within the first few days following induction and are assessed as high, medium, low or very low risk. Review of a young person's classification occurs following a regular scheduled period or an event, such as involvement in a critical incident. The scheduled period will be determined by the length of time a young person is expected to be in Bimberi, with young people on remand reviewed every two months.

Bimberi Charter of Rights

57. The Bimberi Charter of Rights was published in 2017 and provides a clear, accessible framework outlining the rights and responsibilities of young people in Bimberi. It was developed to be consistent with social inclusion principles outlined in the *Human Rights Act 2004 (ACT)*, the *Children and Young People Act 2008 (ACT)* and the *Aboriginal and Torres Strait Islander Justice Partnership 2015-2018 (ACT)*.
58. The Charter was based on the Australian Children's Commissioners and Guardians (**ACCG**) *Model Charter of Rights for Children and Youth People Detained in Youth Justice Facilities (Model Charter)*, which in turn draws upon international human rights agreements to which Australia is a signatory and is consistent with the *Human Rights Act 2004 (ACT)*.
59. The Bimberi Charter of Rights development was underpinned by substantial consultation with a diverse range of experts and practitioners and with young people in Bimberi. As a result, it uses simple language to make the information more accessible to young people. Importantly, it includes responsibilities

alongside rights, and clearly demonstrates the role young people in Bimberi play in respecting and upholding the rights of everyone there, including staff.

60. The Bimberi Charter of Rights incorporates the youth justice principles contained in the *Children and Young People Act 2008* (ACT). These principles require that young people in detention are dealt with in a way consistent with their age, maturity and developmental capacity, and have the same rights and protections before the law as adults in similar circumstances.
61. The Bimberi Charter of Rights is explained to young people at induction and is included in a handbook and video that we offer young people to read and watch when they first come into the centre. There are also posters around the Centre and a leaflet for young people who would like to know more.
62. The Bimberi handbook outlines various administrative and operational features of Bimberi, including minimum living conditions, how to make a complaint, who the Official Visitors are and who the Public Advocate is. This booklet is provided to young people upon induction and is written in a manner so that they can refer to it as they need.
63. We have also recently introduced a rights and responsibilities checklist that assists our staff in explaining to a young person their rights and responsibilities whilst in custody, including an explanation of the Bimberi Charter of Rights. This information is explained to the young person during their induction but also re-covered in the following days when the young person may be more settled and more comfortable with asking questions.

COMPLAINTS

64. We place significant emphasis on our staff ensuring that young people in our care are not only aware of their right to make a complaint but also that the young people are supported by our staff to make a complaint. The *Children and Young People Act 2008* (ACT) and Bimberi's policies and procedures outlines a young person's rights to be informed about decisions that affect them, their ability to seek an appeal or review of these decisions and/or make a complaint and their right to a support person.
65. Bimberi has a range of internal and external complaints mechanisms to ensure that every young person's voice is listened to and heard. As much as possible young people are encouraged to speak with their supervising Youth Worker,

Team Leader and/or Unit Manager to address their concerns. Young people may also choose to speak to a member of the leadership team and are encouraged to write their complaints to Bimberi Management.

66. Young people have access to a range of external oversight agencies as part of the oversight and regulatory framework established for youth detention in the ACT. This includes the Official Visitors, Public Advocate, ACT Human Rights Commission and the ACT Ombudsman.
67. The young people are frequently reminded that they can speak to an oversight agency, such as the Official Visitor or the Public Advocate. Both agencies are required to visit young people in Bimberi at least once a month, but in reality visits occur more frequently, often weekly. Young people can contact the Official Visitors, Human Rights Commission or Public Advocates, free of charge, from their personal phone accounts. A young person can contact an oversight agency to attend Bimberi for a confidential visit or can request a staff member contact an oversight agency and arrange a visit for them. Young people have private phone booths to make these calls, so they can be made in private, and legislation and policy prevents these calls from being monitored or listened to.
68. Whilst we do not monitor phone calls between young people and professionals, we may monitor phone calls with family members and friends. Young people have access to 20 personal phone calls each week and each call is for 10 minutes. There is no limit to the number of professional phone calls young people can make, and each call is 30 minutes in length.
69. If a young person has a complaint, we request that the young person submits their complaint in writing and progress the complaint following the *Children and Young People (Complaints Management) Policy and Procedures 2018*. Young people will be supported by a youth worker, or support person of their choice, to write down their complaint. In investigating the complaint, we may review CCTV footage, available audio and discuss the matter with the relevant youth workers and young people. We would then respond to the young person and if there was anything found, the matter would be escalated for further investigation.
70. Young people also engage with other professionals and services within Bimberi and can raise complaints with these professionals. Case Managers are part of

the broader Community Services Directorate but are not employees of Bimberi. Education staff are employees of the Education Directorate and health staff are part of Canberra Health Services.

71. Complaints processes and mechanisms are outlined in the *Children and Young People (Complaints Management) Policies and Procedures 2018*. They are also outlined for young people in the Bimberi Handbook.

Weekly client services meeting

72. The case planning of each young person is regularly reviewed whilst they are in Bimberi. The primary place for this is within the client services meeting held each week at Bimberi. This is a multidisciplinary meeting which involves the case manager, custodial health services (primary health services and custodial mental health services), education, principal practitioner, programs and services manager and a unit manager. Young people are reviewed at the Client Services Meeting within a week of being admitted to Bimberi and then at least on a four-weekly basis, or more frequently if issues of concern arise or transition planning requires.
73. The meeting provides attendees with an opportunity to discuss new young people at Bimberi, including:
- (a) where the young person is going;
 - (b) how each service is supporting them at the moment;
 - (c) what services and supports they need;
 - (d) whether they have had any assessments conducted;
 - (e) if assessments are appropriate, what is the best way to access these assessments;
 - (f) whether they have an National Disability Insurance Scheme plan; and
 - (g) what the young person already has available to them that might support them when they are transitioning out of Bimberi.
74. After the initial meeting, the young people are reviewed monthly.
75. The process has a different level of success for each young person depending on how much we know about them, their rapport with their case manager and what services are already involved.

BEHAVIOUR MANAGEMENT FRAMEWORK

76. Bimberi has a comprehensive behaviour management framework that directs the provision of a safe environment for young people to undertake social and emotional development, and promote prosocial behaviours, while still responding to negative and challenging behaviour. The behaviour management framework relies on both young people and staff understanding the centres expectations as well as their rights and responsibilities. The behaviour management framework highlights the important role that rapport and positive relationships play in supporting positive behaviours in young people and promotes the use of motivational interviewing, prosocial modelling, and trauma informed practice, in understanding and responding to young people.
77. The emphasis of the behaviour management framework is to implement proactive or preventative strategies to promote positive and prosocial behaviour by young people and responsive strategies to respond to negative or challenging behaviour by young people. Challenging behaviour should be considered in context of young person individuality, their overall functioning and in consideration of their trauma history.
78. The behaviour management framework incorporates an incentive scheme, which recognises and affirms socially acceptable behaviour by young people. Young people are rewarded with points which can be spent on privileges and objects of value. Through this young people learn about consequences for their actions, and take responsibility, as well as encouraging self-regulation and emotional management strategies.
79. Throughout their day, the young people are provided with the opportunity to demonstrate that they are behaving in a prosocial manner and supporting their own rehabilitation. When they are able to do so, they can earn points. At the end of each week, the young people are then be able to use their points to earn incentives. The young people have three opportunities to earn points; in the morning, during the day and in the evening. Points can be earned by their engagement with internal and external programs, following centre rules and expectations, developing new skills and prosocial attitudes, personal development and developing and maintaining meaningful relationships.

80. There is currently a comprehensive internal review of the Behaviour Management Framework. This review is exploring the key theoretical frameworks that underpin youth justice practice and behavioral management in custodial settings, exploring better practice in terms of trauma informed behaviour management systems and supports that are culturally responsive and supportive for Aboriginal and Torres Strait Islander young people. This review is exploring current practice trends in other jurisdictions across Australia and New Zealand, and how they compare to the ACT. Further the review will explore feedback from staff and young people regarding the current Behaviour Management Framework and consider these along with the recommendations from previous reviews and research to, to make specific recommendations for the implementation.
81. Bimberi's disciplinary framework is outlined in the *Children and Young People Act 2008 (ACT)*, *Children and Young People (Behaviour Management) Policies and Procedures 2018* and the *Children and Young People (Discipline) Policies and Procedures 2018*. If a young person is alleged to have committed a behaviour breach as outlined in section 287 of the *Children and Young People Act 2008 (ACT)*, staff can submit a behaviour breach report. The breach will be investigated by a Bimberi unit manager who may decide to impose consequences under the Behaviour Management Framework. Consequences may include issuing of a fine, withdrawal of privileges, the requirement to make an apology to the person/s affected by the behaviour breach and/or the requirement to perform extra chores. For more serious behaviour breaches, the matter may be referred to police for investigation.
82. A staff briefing is held every morning at Bimberi. This provides an opportunity to update all staff as to the status of young people and their behaviour over the previous 24 to 48 hours. Information shared includes changes in classification, changes in a young person's risks or alerts, the young person's behaviour and any behaviour breaches or charge notices issued, segregation directions in place and mixing opportunities.

Therapeutic approach, including training

83. The Principal Practitioner at Bimberi is a clinical psychologist and it is their role to oversee the programs and services teams with a therapeutic lens. The Principal Practitioner supports staff to provide individualised responsive care to

young people and provides specific therapeutic consultation on the management of support of young people within the centre. The Principal Practitioner works with the young person's CYPS case manager, Custodial Health Services (primary and mental health) and allied health professionals and community support services to ensure the young person receives any required assessments and treatment and, as appropriate, the information and recommendations from these assessments are incorporated into guidance for Bimberi staff.

84. This support may also include reviewing information about a young person's history, support needs, diagnosis and any recommendations from previous assessments. The Principal Practitioner assists in consolidating this information and incorporate it into guidance for Bimberi staff in their care of the young person. The goal is to provide as consistent a response to the young people's needs as possible, whether they are in custody or in the community.
85. The Principal Practitioner also provides the therapeutic lens and consultation to the broader Bimberi systems, including input into the review and development of policies and procedures to promote trauma informed care, debriefing, decision making, system wide project work and research and in the development and delivery of training to staff and our partners.
86. Custodial Health Services within Canberra Health Services is responsible for providing primary health services and custodial mental health services to young people at Bimberi. A young person's physical health and mental health must be assessed within 24-hours and a report provided to Bimberi on how to support the young person's health needs and any risks or alerts that must be considered. Additional healthcare services are provided at Bimberi through partnerships with external organisations. Where necessary leave or a transfer to a health facility is risk assessed and facilitated to ensure young people receive the health care and treatment recommended by Custodial Health.

Recruitment and Training at Bimberi

87. Bimberi runs a biannual recruitment process. Individuals applying for employment do not require any previous training or experience, other than a willingness to work with young people and make a difference. Recruitment and induction processes take roughly 18 weeks from 'request to advertise' to staff being youth workers working as part of the Bimberi team. The recruitment

process includes written application, psychometric testing, psychometric interviewing, an independent health assessment, fitness (beep) test and a national police check. Eligible applicants must also hold a valid driver's licence, senior first aid certificate and ACT Working with Vulnerable People Card before their induction training commences.

88. Bimberi has a strong focus on, and commitment to, providing regular, thorough and responsive training opportunities to all staff. Staff members are required to maintain currency in a range of mandatory certifications and are provided with regular opportunities to attend this training on site at Bimberi. All operational and management staff who have face to face contact with young people are required to attend an induction in, and yearly refresher of, 'Responding to Critical Situations and the Use of Force', CPR and Fire Warden and hold a current First Aid Certificate.
89. To support ongoing efforts to embed best practice and promote a human rights culture in policy implementation, Bimberi ensures staff are appropriately trained in policy and legislation, including the *Children and Young People Act 2008* (ACT) and the *Human Rights Act 2004* (ACT).
90. Operational staff commencing employment at Bimberi are required to undertake a seven-week induction program and must complete the induction program to be found suitable for permanent appointment. The induction program includes a mix of training delivered by internal and external training providers and is specific to the role of Bimberi Youth Worker. The seven-week induction program is followed by two weeks of 'buddy shifts' prior to staff commencing in their role.
91. A dedicated Training Officer was appointed at Bimberi in March 2020. The Training Officer is responsible for developing and reviewing training packages for Bimberi staff and our partners, delivering training to Bimberi staff and our partners, monitoring mandatory and non-mandatory training activities, coordinating and managing training services provided to Bimberi by external trainers, ongoing assessment of Bimberi's training needs and, assessing staff competency against training requirements.
92. The Principal Practitioner also provides training to staff to ensure services delivered to young people are trauma informed and therapeutic in design. Training provided by the Principal Practitioner during induction training

includes, professional boundaries and self-disclosure, self-care and resilience and working with CYPS. This is mandatory training that all new operational staff must attend. The Principal Practitioner also provides skills maintenance sessions on understanding disability and reasonable adjustments, resilience and self-care, delivery of programs and services and professional boundaries. These sessions are delivered several times each year and must be attended at least once annually by all operational staff.

93. Our induction program for operational staff includes training from the Australian Childhood Foundation (**ACF**). These sessions involve training around the adolescent brain, working with young people with trauma and sexualised behaviours and working with a therapeutic approach. Training provided by ACF also covers areas related to how engagement with young people may need to be adjusted in recognition of their trauma history and how that has impacted on their functioning and needs. Induction training also includes specific disability training because we know that many of the young people that come to Bimberi have undiagnosed disabilities and/or reasonable adjustment needs.
94. Ongoing training on this way of working and thinking will enable our staff to solidify the necessary skillset. But training of the staff at Bimberi remains a constant work in progress. Some of our more established staff are yet to undergo some of the more recent training programs add to induction training, including disability awareness and the Cultural Development Program. It is difficult to take the staff off the floor whilst simultaneously delivering a service. It will take some time to have our staff complete all the most up to date training that are now mandatory components of our induction training program. As noted at paragraph 87, it is mandatory for all operational staff to participate in annual training in Responding to Critical Situations (including use of force), Fire Warden, CPR and First Aid (every three years). Operational staff are also required to complete the annual Skills Maintenance Sessions and e-learning requirements, as outlined in Bimberi's annual training calendar.

Harmful Sexual behaviours

95. It is uncommon for Bimberi to receive young people who have charges related to sexually offending behaviours. When we do see a young person with these types of charges, being a small jurisdiction, we have the ability to refer out to specialist for assessment and treatment interventions. There are few

specialised practitioners in the ACT, so CYPS have at times had to send referrals to interstate practitioners who can either travel to the ACT or provide services remotely.

96. The small number of young people with sexual offence charges within Bimberi is likely due to the management of these concerns within a more child protection frame or within the community youth justice sphere.
97. If there are concerns about a young person being at risk of exhibiting harmful sexualised behaviours within Bimberi, either as a result of their charges, past concerns or emerging behaviours within the centre then Bimberi, CYPS, Custodial Health Services, education and other known professional supports would develop a plan to support that young person in custody. This information would be considered as part of the young person's classification, placement decisions and special management directions.
98. Bimberi does not have a policy on working with young people exhibiting harmful sexualised behaviours, instead they are covered through general policies on risk behaviours and management of these behaviours and how the behaviours of these young people are risk assessed, managed and the young person supported. As part of Bimberi's induction training program for new staff, the ACF provides training in working with young people with trauma and sexualised behaviours.
99. However, we have seen a cohort of young females come to Bimberi after being sexually exploited in the community, many of whom reside in and out of residential care. Therefore, the staff at Bimberi need to manage the effects of that trauma as opposed to managing a display of that behaviour within the grounds of Bimberi. We can do this on an individualised basis through the Principal Practitioner, with the assistance of custodial health services and the weekly Client Services meeting.

Concept of "reasonable adjustments"

100. The concept of reasonable adjustments relates to measures or actions taken to help a young person with a disability or other need to participate reasonably in all aspects of their life on the same basis as their peers. Reasonable adjustments may be required for a range of needs including physical, mental, intellectual, or sensory needs.

101. We are currently running a trial of screening questions at induction to identify reasonable adjustment needs at induction. This information along with information gathered for the young person's parents/carers, the care team and the client services meeting is used to develop reasonable adjustments specific to the Bimberi environment for the individual young people as needed.
102. The consistent application of reasonable adjustments is most challenging for staff in the context of having to implement the behaviour management framework. It can be challenging for the staff as we are asking them to work within a very structured framework with clear rules and processes and also asking them to think about a particular young person from a different perspective and provide nuanced reasonable adjustments as well. Staff are most comfortable with this process when they have a clear understanding of the young person's capacity and needs, why specific reasonable adjustments are required and different from normal process and they are supported to respond in a nuanced way and to contribute to the planning. It is necessary to find the right balance between following a process whilst also catering to the individual needs of some young people. The individual needs can also change and develop overtime as we come to have a better understanding of the individual young people and their needs.
103. Our Principal Practitioner has over the course of a few months conducted a skills refresher course for staff, including what reasonable adjustments are, how to identify when a young person may need reasonable adjustments and why we make reasonable adjustments. She discusses the behaviour management framework but also how young people that need reasonable adjustments fit into this framework. She also provides staff with helpful examples of young people at Bimberi that might need reasonable adjustments. The Disability training module in the staff induction program also covers reasonable adjustments.

LGBTIQA+

104. The *Children and Young People (Health and Wellbeing) Policy and Procedures 2018* and the *Children and Young People (Admission and Classification) Policy and Procedures 2018* outline how a young person can identify themselves in terms of sex and gender and how they would like to be identified and referred to whilst in Bimberi. Bimberi also has practice guidelines on the Management

of Transgender Young People and the Management of Young People with Variations in Sex Characteristics that goes beyond the process of induction into the centre.

105. We also have practice guidance for staff on supporting young people who identify as within the LGBTQAI+ community. To date, the number of young people that fall into this cohort has been low so we have been able to provide an individualised approach as to how that young person is managed, including what they need, how to keep them safe, but also allowing them to explore who they are.

Young people with disabilities or from culturally and linguistically diverse backgrounds

106. As discussed in paragraph 92, Bimberi staff receive training on awareness and working with young people with a disability or culturally and linguistically diverse backgrounds in their induction training. This training is overseen by the Principal Practitioner and delivered in partnership between allied health specialists and representatives from the CSD Office of Disability.
107. As discussed in paragraph 100, we are currently, trialling a reasonable adjustment identification tool. This tool includes asking the young person specific questions about their functioning, in areas of their mobility, sensory capacity, memory, concentration and communication. There are also additional prompts for staff to record any observations they have made regarding challenges in the young person's physical, emotional, cognitive or sensory capacity. This information is then provided to the Principal Practitioner who will incorporate this information, with additional information known about the young person's history and make additional enquiries to determine what adjustments might need to be made to facilitate their stay at Bimberi. The information is shared with the young persons' care team and discussed at the Client Services Meeting. The reasonable adjustment can be changed and updated as a young person's needs change or more information is known about what is required to support their functioning.
108. At induction young people are also asked to identify if they have a disability or other diagnosis. When a disability or other diagnosis is known this information is recorded on our client management system and is accessible to all staff.

109. When young people with culturally and linguistically diverse backgrounds are at Bimberi we consult with them, their family and their community supports to identify what supports and reasonable adjustments are needed to assist them while they are in Bimberi.

SEARCHES

110. Bimberi has a hierarchy of searches, which are legislated. The hierarchy of searches is as follows:
- (a) scanning search, which involves the use of the Garrett wand and does not require a young person to remove clothing or be touched by someone else;
 - (b) ordinary search, which may require the young person to remove outer layers of clothing or footwear. It also may include a turnout of pockets, running fingers through their hair, opening their mouth;
 - (c) frisk search — this is a search conducted by quickly running the hands over a young person's outer clothing and an examination of anything worn or carried by the young person;
 - (d) strip search; and
 - (e) body search.

Policies and procedures for searches

111. A strip search must be authorised by a Unit Manager or above and we must have grounds for conducting such a search. Grounds to conduct a strip search might include if we know that the young person self-harms, if the young person is known to bring instruments such as razor blades into the centre, if we have intelligence that the young person has brought something into the centre or if we have an item missing from the centre and there is reason to suspect the young person may have the missing item.
112. A young person has the right to refuse a strip search. If attempting to search the young person could place the young person or staff at significant risk, or the young person is refusing a search, or is becoming increasingly overwhelmed by the possibility of the strip search then delaying or ceasing the strip search may be considered. The young person will be placed in a sterile area and appropriately observed, their contact with others and movement

around the Centre will also be restricted while the requirement for a strip search is reviewed. It may be appropriate to try the strip search again when the young person is calmer or to manage the risk to the young person and others in another way, such as a safety and security segregation. We see this right exercised by female young people particularly if they come into Bimberi in the evening. They might refuse a strip search and, in that case, we would ensure they are held safe overnight and then we will attempt to conduct the strip search the following morning.

113. A strip search must be conducted by an authorised person of the same gender as the young person unless the decision maker reasonably believes that there is an imminent and serious risk to the personal safety of the young person that justifies the immediate search by an authorised person. This also applies to the observing officer. During the course of a strip search, the young person should only remove clothing from either the top half or bottom half of their body at any one time. The *Children and Young People Act 2008* (ACT) allows necessary and reasonable force to be used to conduct a strip search.
114. The number of strip searches conducted at Bimberi is significantly reduced as compared to the number of searches that were conducted at Quamby. At Quamby, almost all young people were strip searched on arrival at Quamby and before they went to court. The grounds to conduct a strip search were significantly lower compared to the grounds required to conduct a strip search at Bimberi. The high number of strip searches that were being conducted at Quamby and in the early years of Bimberi was raised by the ACT Human Rights Commission review of youth justice in the ACT, in 2011.
115. We have substantially reduced the number of strip searches conducted at Bimberi and generally, each year the number of strip searches has reduced. In 2020–21 and 2021–22 we have conducted less than 10 strip searches each year.
116. A body search is a search conducted by a non-treating doctor of a young person's body, including an examination of an orifice or cavity of the young person's body. A non-treating doctor is defined by the *Children and Young People Act 2008* (ACT) to mean a doctor authorised by the Director-General to exercise non-treating health functions such as body searches, identification of transgender young persons and alcohol and drug testing. As opposed to a

treating doctor who carries out the day to day health services at Bimberi to protect the health of young people. Body searches are extremely rare. They must be authorised by the Executive Branch Manager, Bimberi Residential Services and are governed by the *Children and Young People Act 2008* (ACT) and the *Children and Young People (Search and Seizure) Policy and Procedures 2018*. During the course of a body search, the young person should only remove clothing from either the top half or bottom half at any one time.

117. A register of searches must be kept by Bimberi and is available for inspection by a judge, magistrate, Official Visitor, Commissioner, ACT Public Advocate and the ACT Ombudsman. The ACT Public Advocate must review the register of searches at least every three months.

Camera in search room

118. The search room at Bimberi includes a camera to protect both the youth worker conducting the search and the young person. The camera is positioned within the room to an angle that monitors staff undertaking a search of a young person, while protecting the privacy of the young person being searched.
119. The *Healthy Centre Review of Bimberi Youth Justice Centre 2020* by the ACT Inspector of Correctional Services resulted in the recommendation to have the camera removed. However, rather than removing the camera, we have repositioned it and will have the height of the internal wall in the search room raised to further ensure privacy of young people. The Inspector of Correctional Services was satisfied when shown the repositioning of the camera angle and plans to increase the height of the internal wall.

ISOLATION OR SEGREGATION

120. Bimberi does not use isolation. We are authorised by the *Children and Young People Act 2008* (ACT) to utilise 'segregation' to manage risks to the safety and/or security of a young person towards themselves, other people or Bimberi. Segregation is the restriction or denial of a young person's opportunity to go into, or be in, a particular part of a detention place or to associate with other young people. Segregation is never used as a behaviour management tool.

121. Segregation directions are governed by the *Children and Young People Act 2008* (ACT) and the *Children and Young People (Segregation) Policy and Procedures 2018*. There are four types of segregation directions that may be authorised, these are:
- (a) Safe room;
 - (b) Safety and security;
 - (c) Health; and
 - (d) Protective custody.
122. Authorising a segregation direction is a risk-based decision that can be made where there is a risk to the young person or other young people of that young person or the security of the centre. In making a segregation direction the young person's human rights and minimum living conditions must be considered and the Executive Branch Manager must be satisfied that alternatives to the segregation direction have been considered and the criteria for making the direction are met.
123. Even in the case of segregation, the minimum living conditions apply. Segregation might mean that the young person is prohibited from going to education but they still need to be provided with education materials and support. They might attend the education centre when other young people are not there or they may be offered education materials and support within their unit. The courtyards in each unit have assisted in the instances of segregation because the young person will still have access to the outdoor and fresh air by virtue of the fact that each unit has its own secure outdoor area.
124. A safe room segregation must be reviewed within two hours (initial review) and every subsequent two hours for which it is in effect. Other segregation directions must be reviewed within seven days (initial review), within seven days after the initial review and each subsequent period of 14 days while it remains in force. Notice of the direction must be provided to the young person, a person with parental responsibility (for young people under 18 years), a nominated person (for young people over 18 years), CYPS (if the young person is on Care Orders) and the ACT Public Advocate, as soon as practical and within 24 hours of the direction being made. A register of segregations must be kept by Bimberi and is available for inspection by a judge, magistrate,

Official Visitor, Commissioner, ACT Public Advocate and the ACT Ombudsman. The ACT Public Advocate reviews the register at least monthly.

BREACHES OF POLICY AND PROCEDURE BY STAFF

125. If a youth worker is suspected of breaching a policy or procedure, for example, the strip search protocol, an investigation would be conducted under the *Public Sector Management Act 1994* (ACT).
126. We are very clear with all staff from the beginning of their employment at Bimberi that if they work within the policies and procedures, they will be supported. However, if they work outside of the policies and procedures, then they will be managed accordingly. Weekly skills maintenance sessions and e-learning requirements ensure staff are aware of their obligations and any changes to policy and procedures. Allegations of misconduct are considered internally, and where there are grounds that misconduct may have occurred then the matter is discussed with the Community Services Directorate's People Management Branch and their advice on next steps is followed. Actions might include an internal staff note or security breach. The matter may also be reported for investigation under the *Public Sector Management Act 1994* (ACT) and appropriate Enterprise Agreement, reporting to the ACT Ombudsman as a matter of Reportable Conduct or reporting to the Police for criminal investigation.
127. Strong leadership is pivotal to the operations at Bimberi. There is an on-call manager available at all times and operational staff are aware that they should seek further guidance from a superior when they are unsure. There are also particular situations where operational staff must call their supervisor for further guidance because they do not have the delegation to make a particular decision. This includes when a new young person comes into Bimberi or if they need to open the door to a young person's room after it has been secured in the evening. The staff at Bimberi are instructed to always seek further guidance where they are unsure about how to proceed in relation to a particular matter.

Child sexual abuse allegations against youth workers at Bimberi

128. Young people have made complaints or claims of child sexual abuse against the youth workers at Bimberi. When complaints or claims are made, a member

of the management team will review the claim. This includes reviewing the CCTV footage, listening to available audio, discussing the complaint or claim with the relevant young people and/or youth workers and others alleged to be involved or to have witnessed the behaviour. The CCTV footage is usually what clarifies a complaint or claim as in most cases it can be distinguished very quickly whether or not the complaint or claim has any merit. We also use the data that is tracked from the key fobs, which tracks the positioning of a youth worker, including when a youth worker enters a young person's unit and/or room.

129. If a complaint or claim has merit, the matter will be escalated to the CSD People Management Branch for an immediate investigation. The relevant youth worker would be unable to work with young people at Bimberi and in many instances would be stood down pending the investigation. The matter of placing the staff member on leave or on alternative duties at Bimberi or another site managed by CSD while an investigation occurs is decided by the People Management Branch in consultation with the Executive Branch Manager, Bimberi. A preliminary assessment is then undertaken by the People Management Branch or depending on the seriousness of the matter, it may be handed over to the Chief Minister's Directorate for investigation. The investigating team would be provided with a copy of the CCTV footage and audio as well as key fob data and any other relevant information, such as incident reports or staff file notes. For matters that are considered Reportable Conduct, the People Management Branch will also notify the ACT Ombudsman's Office who will conduct their own investigation.
130. I have dealt with an allegation of sexual abuse which involved one of our non-operational staff members. The allegation was in relation to a relationship that developed in the community which was initially thought to have developed from their contact or knowledge of each other within Bimberi. When the matter came to my attention, I immediately advised my supervisor, the Executive Group Manager (Deputy) of Children, Youth and Families and the People Management Branch. The People Management Branch attended Bimberi on the same day and the staff member, who was on a temporary contract, was stood down. They were given an opportunity to respond to the termination of contract. The matter was investigated and reported to the ACT Ombudsman under the ACT Reportable Conduct Scheme for further investigation. The

matter was also reported to ACT Policing's Sexual Assault and Child Abuse Team.

131. The reporting obligations of Bimberi staff are outlined in the *Children and Young People Act 2008 (ACT)* and the *Children and Young People (Records and Reporting) Policy and Procedures 2018*. The Bimberi Charter of Rights explains to young people their right to make a complaint or raise a concern with how they are being treated, who they can speak with and their right to be supported through this process.
132. During induction training staff are trained in Reporting Child Abuse and Neglect, including their mandatory reporting obligations and the ACT Reportable Conduct Scheme. This training is then covered annually through skills maintenance sessions or e-learning that staff must complete. Staff are also required to hold a non-conditional Working with Vulnerable Peoples registration and in applying for this registration are made aware of their obligations and responsibilities.

Complaints register and critical incident management

133. All complaints are logged in the complaints register, and any claims made are case noted on the young person's file. If the claim is investigated, then it is recorded as a reportable incident and recorded in the incidents register. Complaints and claims that meet the threshold of a critical incident are also reported to the ACT Insurance Agency. Both the complaints register, and incident register are reviewed monthly by the Public Advocate.
134. Minor matters are captured in a case note and may include conversations young people have had with a youth worker or conversations between young people that a youth worker has overheard, changes in a young person's behaviour or concerns raised with staff by others about a young person. This information is shared with the operational team so that the young person can be monitored, and further support can be provided to the young person from other staff members or professional services, such as custodial mental health. A case note alone may not provide enough information to raise a concern but the compilation of information from multiple sources might. If a matter reaches the threshold for a reportable incident, then the incident is formally recorded and investigated.

135. All matters, whether critical or minor, are responded to formally following the *Children and Young People (Records and Reporting) Policy and Procedures 2018* and the *Children and Young People (Complaints Management) Policy and Procedures 2018*. Critical incidents that involve alleged staff misconduct progress to a formal investigation through the *Public Sector Management Act 1994* (ACT).
136. Following every incident that involves a use of force or there is the possibility of injury to a young person, the young people involved will be asked if they would like to see a health professional, whether that be the nurse or the doctor, and they can make disclosures to those people. They will also be asked if they would like to make a statement. They are asked to make a statement as soon after the incident as possible, usually within a few hours. They will be offered the opportunity to make a statement by a staff member not involved in the incident, usually a Team Leader or Unit Manager. Depending on the nature of the incident, they may also be asked again the following day by the Intelligence and Classifications Officer.
137. At Bimberi we review the footage of every critical incident and request an individual witness statement from every employee, young person and witness involved, which are then reviewed as part of the investigation process. All documentation is collated and progressed through to the Executive for review and noting.
138. A young person, person with parental responsibility, nominated person, family and visitors are able to request a review of a decision or make a complaint about something that happens at a detention place to a youth worker, Manager, the ACT Public Advocate, the Official Visitor, the Children, Youth and Families Complaints Unit, or the Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ACT).

Reporting

139. The *Children and Young People Act 2008* (ACT) requires Bimberi staff and other professionals working with young people in Bimberi to report child abuse and neglect to CYPS. Child sexual abuse must also be reported to the police. As an organisation working with children, Bimberi is required to report to the ACT Ombudsman any reportable conduct involving an employee, volunteer or contractor.

140. Ultimately, young people can report to any professional that comes through the door at Bimberi and that person receiving the report has a responsibility as a mandated reporter to make sure something happens with that information and an allegation is at the very least considered. Further information about reporting child abuse and neglect in the ACT is available on the [Keeping Children and Young People Safe](#) page of the Community Services Directorate website.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at New South Wales

on 29 July 2022

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Alison Lyn Grace

Before me


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