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Introduction

1. Between 10-12 April 2019 Senior Investigation and Monitoring Officers from the Office of the Children’s Commissioner (OCC) conducted an arranged monitoring visit to the Alice Springs Youth Detention Centre (ASYDC) (the April visit). The monitoring visit was conducted pursuant to the OCC’s monitoring framework (Appendix A).

2. Based on themes identified in complaints received by the OCC throughout 2018, the April visit examined the following issues in youth detention:
   a. Separation procedures
   b. At risk procedures
   c. The availability of recreational programs
   d. The availability and appropriate use of mental health services in the admissions process
   e. The availability of education

3. The OCC monitored the period 18 February – 15 March 2019 (the monitoring period).

4. During the first two days of the April visit there were 11 young people being held at ASYDC. That number increased to 14 on 12 April 2019. All of the young people at ASYDC were male and 100% were recorded as Aboriginal. Three were sentenced and 11 were being held on remand. The daily census did not indicate that the Chief Executive Officer of Territory Families (TF) had parental responsibility for any of the young people.

5. Every young person had the opportunity to be interviewed by the Senior Investigation and Monitoring Officers. Of the 14 young people in ASYDC during the April visit, nine chose to participate in a discussion. The young people we spoke to were invited to comment on all of the domains contained in the OCC’s monitoring framework. Where their views related to the domains set out above, at paragraph 2 a-e, they have been incorporated into this report. Where their comments related to subjects outside of those domains, the OCC is addressing those concerns directly with TF.

The Royal Commission into the Protection and Detention of Children in the Northern Territory

6. In November 2017 the Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission) released its final report. The report contains 227 recommendations, 58 of which relate directly to youth detention in the Northern Territory. Combined, the recommendations are designed to facilitate fundamental overhaul of the Northern Territory’s youth justice system.
7. On 1 March 2018 the Northern Territory Government (NTG) announced its acceptance of the intent and direction of all recommendations within the report that related to the Northern Territory. The most recent official update of the NTG’s progress in implementing the recommendations was released in November 2018 and is titled ‘Safe, Thriving and Connected: Generational Change for Children and Families’ (Safe, Thriving and Connected).1

8. While positive and important changes have been made in relation to youth detention in the Northern Territory since the completion of the Royal Commission, there is still work to be done to ensure youth detention serves as a therapeutic intervention in the lives of young people who enter the facilities.

9. The recommendations of this report are designed firstly, to address any immediate risks to the wellbeing of young people in detention and secondly, to complement the reform framework identified in the report of the Royal Commission and the reform agenda committed to by the NTG.

Legislative Framework

10. In order to promote improved oversight and accountability in the youth detention and child protection systems in the Northern Territory, the Royal Commission recommended that the powers and functions of the OCC be expanded to create a Commission for Children and Young People. To date, no changes have been made to the Children’s Commissioner Act 2013 (the Act).

11. Under the current legislation there is uncertainty regarding whether the OCC has the power to conduct site visits to detention centres in order to carry out monitoring activities. Given that uncertainty, the OCC sought the consent of TF to carry out the April visit. We thank TF for their cooperation in allowing OCC staff access to ASYDC and assisting staff to navigate and access documentary records.

12. However, legislative reform giving the OCC free and unfettered access to places of youth detention is critical to the ongoing effectiveness of the monitoring program.

Previous Monitoring Reports

13. The OCC commenced monitoring youth detention facilities in February 2019. The first of those reports is available on the OCC’s website. They will continue to be published as they are completed. Where issues raised in this report give rise to a recommendation that has already been made by the OCC still in the process of being implemented, the recommendation is still noted in this report. However, it is marked as ‘under implementation’ to avoid duplication.

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1 See ‘Safe Thriving and Connected: Generational Change for Children and Families’ (First progress report, November 2018).
14. Pursuant to section 10(1)(e)(i) of the Act, the OCC monitors the ways in which service providers implement recommendations contained in the monitoring reports by requiring regular progress reports until recommendations are fully implemented.
Findings and Recommendations

Separation

15. The separation of young people in detention is governed by sections 155A, 155B, and 156 of the Youth Justice Act, regulation 72 of the Youth Justice Regulations and Youth Justice Policy Determination 4.11: Separation.

16. According to section 155A of the Youth Justice Act, a young person is considered ‘separated’ when they are kept apart from the other young people within the centre.

17. The harmful effects of separation are well-known and have been widely reported. The dangers are particularly acute for certain sub-sections of the population, including children and Aboriginal people. On that basis, the legislative, regulatory and policy framework surrounding the use of separation in youth detention in the Northern Territory is designed to ensure young people are only subject to separation as a last resort and if they are subject to separation, robust protective mechanisms are in place to minimise the harm caused. Separation must not be used as a form of punishment or discipline.

Findings:

18. During the monitoring period there were five instances of separation involving four individual young people. Overall, the OCC’s monitoring visit showed inconsistent compliance with the legislative, regulatory and policy framework governing the separation of young people in detention.

Monitoring, observations and engagement

19. Given the risks associated with separating young people, the Youth Justice Regulations require detention centre staff to continuously monitor a young person in separation by close-circuit television or physical observation. Physical observation is preferable as it promotes engagement and interaction with the young person. Written observations must be recorded at intervals not exceeding 15 minutes.

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2 Elizabeth Grant, Exhibit No. 636.005, Precis of Evidence, Royal Commission into the Protection and Detention of Children in the Northern Territory, 29 June 2017, 125.


4 Territory Families, Youth Justice Determination 4.11 – Separation.

5 Youth Justice Regulations r 72(1)(a).

6 Youth Justice Regulations r 72(1)(b).
20. The records provided by TF indicate that this did not occur consistently. TF have substantially breached their obligation to record their observations every 15 minutes in relation to two of the five instances of separation that occurred during the monitoring period.7

Behavioural and therapeutic measures

21. Section 155A(3)(a) of the Youth Justice Act sets out that a young person can only be separated for their own protection, the protection of another or the protection of property, after all reasonable behavioural or therapeutic measures to resolve the situation have been attempted and have failed. The Youth Justice Regulations require that all such behavioural and therapeutic measures are recorded.8

22. There were no records of any therapeutic or behavioural measures attempted prior to the decision being made to separate the relevant young person. In some of the more serious instances, such as escape attempts, that may be justified by virtue of section 155A(3)(a) of the Youth Justice Act. However, not all of the instances of separation were of that nature.

Periods of separation

23. As set out in Youth Justice Policy Determination 4.11: Separation, ‘separation is a significant response that should only be employed as a last resort, and for the shortest time necessary’. In order to ensure young people are only separated for the shortest time necessary, regulation 72(1)(c) of the Youth Justice Regulations requires the Superintendent to reassess the decision to separate a detainee every two hours. Regulation 72(2)(g) requires notes of each of those assessments to be recorded.

24. Two instances of separation that occurred during the monitoring period were for periods exceeding two hours.9 The OCC found no records relating to the Superintendent’s assessment of separation every two hours, in breach of this requirement.

25. Two instances of separation spanned the entire period between two overnight lock downs, resulting in young people spending over 24 hours separated from the general ASYDC population. There were additional shortcomings in the management of both these instances of separation. At the time of this report, the OCC has commenced preliminary inquiries, pursuant to section 28(3) of the Act regarding those periods of separation.

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7 Though there were minor breaches in relation to other instances of separation, regular and frequent observations were made of the relevant young person, meaning any risk to the safety or wellbeing of the young person was minimal.

8 Youth Justice Regulations, r 72(2)(d).

9 It is noted, however, that the operation of TF ‘codes’ meant that in practice, in all instances of separation young people spent over two hours separated from the general population.
Other areas of Concern:

Finalising separation due to ‘lock down’ commencing

26. Lock down refers to the period when a young person is locked in their cell. During the monitoring period the evening lock down generally occurred between 6:30pm and 7:30am. In addition, lock down would generally occur for an additional 30 to 60 minute period throughout the day. However, the daily logs demonstrated inconsistency and variation in that practice.

27. Of the five instances of separation that occurred in the monitoring period, all concluded when the evening lock down commenced.

28. There was one instance of separation where records demonstrated that the needs of the young person were considered when separation was terminated. However, there were also records that revealed young people were exhibiting highly concerning behaviour shortly before the evening lock down commenced and the protections that separation attracts were removed.

29. The OCC has previously raised concerns regarding this practice. Specifically, the OCC is concerned that if young people are demonstrating behaviour that warrants their separation pursuant to s155A of the Youth Justice Act, immediately terminating the protections that s155A attracts when evening lock down commences may place these young people at risk.

30. On 5 April 2019 TF updated their policy determination in relation to separation. The updated Youth Justice Policy Determination 4.11: Separation now requires that a review of a young person’s separation be undertaken 30 minutes before evening lock down to assess if separation is to cease or continue. If separation is to continue the young person is to be provided 15 minutes of exercise prior to evening lock down and the protections afforded for the management of separation continue. This policy change is welcomed by the OCC.

Extended periods of Lock Down

31. Throughout the monitoring period young people detained in ASYDC were regularly in lock down for 14 hours each day, including 13 hours overnight and a one hour period during the day. On occasions, young people were subject to an additional half hour period of lock down throughout the day.

32. During the last week of February, as a result of tension among detainees, ASYDC staff divided the ASYDC population into two groups, one group able to attend school at any given time, the other group that was unable to attend school and subjected to lock down.

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10 See, the Final Monitoring Report, Don Dale Youth Detention Centre. Available at www.occ.nt.gov.au.
11 This issue is discussed in relation to its impact on education below at paragraph 50.
33. TF’s policy determination requires that young people spend a minimum of 12 hours per day outside of their cell unless they have been separated. Records demonstrate that young people who spend over 12 hours in their cell as a result of extended lock down are not treated as ‘separated’ by TF and therefore do not enjoy the protections articulated in section 155B of the Youth Justice Act.

RECOMMENDATIONS

1. All staff employed by Territory Families working within the Alice Springs Youth Detention Centre, including senior staff, undergo training before 31 July 2019 in relation to their legislative, regulatory and policy-based obligations regarding separation.

2. Territory Families and the Department of Education, collaboratively review strategies for managing tensions between young people in detention with a view to ensuring young people are not subject to extensive periods of lock down or separation as a management technique.

3. Territory Families immediately review staffing arrangements, including staff numbers and shifts, in an effort to design a roster that despite the need for staff breaks, enables young people in ASYDC to spend a minimum of 12 hours outside of their cells each day. [Under implementation]

4. For the period of 1 June 2019 to 31 August 2019, each instance of separation at ASYDC to be reviewed by Territory Families’ Implementation and Assurance to ensure compliance with legislative and regulatory requirements. Remedial training to be provided to staff who are not meeting those requirements.

At Risk

34. The at risk process in youth detention is governed by section 162 of the Youth Justice Act, Division 3 of the Youth Justice Regulations and Youth Justice Policy Determination 5.0: Young People at Risk. TF has also developed Procedure: Identifying and Managing Young People at Risk and Terms of Reference: At Risk Assessment Team. The Department of Health (DoH) manages at risk processes in accordance with their Youth ‘At Risk’ Youth Justice Procedure.

35. Research into the mental health of young people in detention around Australia demonstrated that over 75% had one or more diagnosable psychiatric disorders. Suicide risk factors are

12 Youth Justice Policy Determination 4.3: Structured Day.
13 Transcript of Proceedings (Royal Commission into the Protection and Detention of Children in the Northern Territory, Stuart Kinner, 23 March 2019), 1736.
more prevalent among children and young people who are detained than in the general population’.14 The at risk process is designed to ensure good practice in the identification, response and management of young people who are at risk of self-harm or suicide.

Findings

36. During the monitoring period there was one instance of a young person being placed at risk. While it is not possible to make reliable findings about the operation of at risk procedures based on one instance, the management of this occurrence reiterated concerns raised previously by the OCC in relation to collaboration between TF and the Department of Health (DoH) in how the young person’s care was managed.15

Removal of at risk placement

37. When a young person is placed at risk in detention TF and DoH share responsibility for the young person’s care. Broadly speaking, DoH is responsible for primary care as well as ongoing planning in relation to the management of the young person. TF is responsible for operationalising the plan developed by DoH. Critically, a young person’s ‘at-risk status may be cancelled only on the recommendation of a medical practitioner after consultation with the Superintendent or a member of staff authorised by the Superintendent for that purpose’.16

38. TF’s records demonstrated that the young person had their at risk status cancelled despite there being no recommendation to do so from DoH. The day after this occurred, a DoH employee noticed the discrepancy and recommended to TF the at risk status be re-instated until the young person could be seen by an appropriate medical practitioner. This did not occur.

Communication and record keeping

39. Key to effective collaboration between DoH and TF in relation to young people at risk of self-harm is accurate record keeping and comprehensive information sharing. According to TF policy, all information relevant to an at-risk incident is required to be entered onto the Integrated Offender Management System (IOMs).

40. According to DoH policy all information relevant to an at-risk incident is required to be recorded on the Primary Care Information System (PCIS).

14 Transcript of Proceedings (Royal Commission into the Protection and Detention of Children in the Northern Territory, Stuart Kinner, 23 March 2019), 1735.
15 See, the Final Monitoring Report, Don Dale Youth Detention Centre. Available at www.occ.nt.gov.au.
16 Youth Justice Regulations, r 44(1).
41. Based on TF and DoH policy, the only place where information is stored which can be accessed by TF and DoH staff is a ‘red at risk file’. It is unclear whether all relevant medical information must be placed on that file. The red at risk file is created so that information from IOMS can be ‘easily transported if the young person needs to be escorted from the youth detention centre to a hospital or external health facility’.  

42. The OCC understands that red at risk files are not used in Alice Springs. This clearly creates a risk that the wellbeing of young people at risk of self-harm in ASYDC will be compromised. In addition, it places Youth Justice Officers in the position of being required to provide intensive and critical care to a young person, without all the relevant information.

RECOMMENDATIONS

5. Territory Families immediately implement the use of ‘red at risk files’ in ASYDC and provide all staff with training on their use.

6. Territory Families and the Department of Health collaboratively review practices surrounding information collection and recording relating to managing young people who are declared at risk, with a focus on ensuring all information is kept in at least one central location that is accessible to Youth Justice Officers. [Under implementation]

Education

43. The provision of education in detention is governed by section 40 of the Education Act, section 4(i) of the Youth Justice Act, regulation 69(1) of the Youth Justice Regulations and Youth Justice Determination 4.3: Structured Day.

44. As highlighted by the Royal Commission, ‘education is a strong protective factor against re-offending and improves overall life outcomes’. 18 The findings of the Royal Commission highlighted concerns in relation to a range of aspects of the provision of education in youth detention centres in the Northern Territory. 19 Primary amongst those concerns was that young people’s education was considered subordinate to security considerations, resulting in young people frequently and arbitrarily being excluded from education. As a result of those findings, the focus of the OCC during the April visit was on the availability of education to young people in ASYDC and the reasons for their exclusion.

19 See, Royal Commission Report, vol 2A.
45. The Owen Springs School, the school within ASYDC, runs four classes each day. The attendance records kept by Owen Springs School detail each child’s attendance at each class and if the child is absent, reasons for that absence.

Findings

Availability of education

46. Between 18 February and 15 March 2019, approximately 48% of scheduled classes were unavailable to young people in ASYDC. The OCC has considered lessons as ‘unavailable’ when records indicate a young person did not attend classes and the reason recorded is ‘other’. From the available records, the OCC was able to determine ‘other’ does not include court attendance or medical appointments. However, from the available records it is not possible to determine whether it includes personal or professional visits. ‘Other’ does not include where a young person attended a lesson but left, either by choice or due to their behaviour.

47. A significant number of lessons were not delivered due to security or operational reasons. On a number of occasions no lessons were delivered either for a whole day, or half-days, as a result of incidents at the centre. Many children missed full weeks of school and were marked as ‘other’.

48. The records demonstrate that for six school days, the young people were split into two groups in order to manage tensions within the centre. Only one group was able to attend school at a time. The records provided do not suggest that efforts were made by TF or DoE to make alternative arrangements, such as using an alternative building, providing young people with other educational materials, using additional staff to manage the tension in the classroom or using professional intervention early in the week to resolve the issue expeditiously.

49. During the monitoring period the provision of education appears to have been frequently and arbitrarily subordinated to operational considerations.

Engagement with education

50. Many of the young people spoken to about education in ASYDC spoke positively about school. They spoke specifically and enthusiastically about subjects they had been learning about, particularly history and cooking.

51. The reports from the young people are consistent with observations that OCC staff have made during the monitoring period, as well as on other visits to ASYDC. The class room is a calm space that is well-maintained. The walls were covered in art and work that the students have done. OCC staff observed positive and respectful relationships between the students and the teaching staff.
Some young people participate in a work party instead of attending school. The young people spoken to about the work party suggested its role is to clean the facility:

“work party this week. Sick of doing same work (in school). We clean up kitchen, hallway. Good relax in rec room”

Young people stated that they wanted to do more meaningful work as part of it, and wanted skills they could use to get a job when they left detention.

During the monitoring visit OCC staff saw the work party around the facility with no clean-up or work tasks assigned. OCC staff observed that the young people were beginning to demonstrate challenging and antagonistic behaviour.

The OCC is aware that the educational facilities at ASYDC do not always have sufficient capacity to cater for all the young people at the centre. It is important that the work party is not used to divert young people out of formal education, given the limited vocational utility the work party currently appears to offer.

### RECOMMENDATIONS

7. Territory Families and the Department of Education collaboratively design a policy or strategy to ensure education is available to all students, including in situations where there is unmanageable conflict between some students.

8. Department of Education staff record the specific reasons that students are not attending school that are currently being captured as ‘other’.

9. Territory Families review the governance, operation and outcomes of the ‘work party’ to ensure that if young people are participating, there are relevant vocational outcomes.

### Availability of Activities and Programs

The case studies of young people’s experiences in detention contained within the report of the Royal Commission almost uniformly contain statements that greater availability of programs and activities would have improved their experiences. For example, one young person said that in relation to improving detention:

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I would like, create activities, you know, keep the kids active, you know, instead of getting into fight[s] and ... each other and abusing guards... Make them do music, sports, you know, keep them busy and occupied."\(^{21}\)

57. The importance of providing meaningful programs and keeping young people busy in detention is reflected in section 4(p) of the *Youth Justice Act* and the *Youth Justice Policy Determination 4.3: Structured Day*.

**Findings**

58. The records provided by TF in relation to the availability of recreational programs in ASYDC demonstrate that there is an absence of planned and co-ordinated activities and programs.

59. The available records demonstrate that ‘engagement and sports’ was run on 14 days during the monitoring period. Ten of those session were delivered by Alice Springs Youth Accommodation and Support Services (ASYASS). Four were delivered by ‘Basketball NT’. The records demonstrate that large numbers of young people consistently attended those sessions.

60. Records suggest that on one occasion Red Cross delivered a program, however, they do not reveal what that program was.

61. Some records indicate that there are other recreational programs available within ASYDC, including:
   - Red Cross program – sport, games, cooking and art programs;
   - cooking programs – as organised by selected Youth Justice Officers;
   - Relationships Australia – counselling and meditation services;
   - Bluearth – physical wellbeing program;
   - Tangentyere Domestic Violence Specialist Children’s services – availability of group or one to one support sessions exploring the impacts and prevention of domestic and family violence on young people; and
   - Mentoring – run by local elder.

62. There were no records to suggest that these programs occurred during the monitoring period. None of those program providers were recorded in the Daily Logs as attending ASYDC during the monitoring period.

63. Most of the young people reported that they liked playing footy and many reported that they would like more opportunities to participate in physical activities. Some reported wanting more opportunities to participate in cultural programs and activities because at home they enjoyed

activities like hunting, fishing and spending time in the bush. Young people also consistently spoke positively about participating in cooking in ASYDC, and told OCC staff about recipes and methods they had learnt.

64. It was clear that the young people viewed the available programs as their favourite aspects of ASYDC. However, a number of those same young people reported feeling bored in ASYDC.

‘Nothing to do here…just sleep…nothing fun…don’t want to watch four walls.’

65. Based on the available records and conversations with young people, the frequency and the range of recreational programs available in ASYDC does not meet the standards contained in TF’s policies. Specifically, TF records do not demonstrate that there are varied recreational activities and programs that are culturally appropriate, promote health and self-respect and assist them to re-integrate into the community. This finding is supported by the views of the young people.

66. On 15 April 2019 NTG publically released a ‘Statement of Commitments’. In that document, NTG committed to ‘using best endeavours’ to provide the following in ASYDC by 1 August 2019:

- At least one hour of recreational or therapeutic programs outside of school hours each weekday; and
- At least two hours of recreational or therapeutic programs each Saturday, Sunday and public holiday.

67. The OCC welcomes this commitment. Its implementation would amount to a significant improvement in regard to the availability of programs. However, the OCC is concerned regarding the limited nature of the commitment and the demonstrated relationship between unstimulated young people and challenging behaviours in ASYDC.
68. The availability and appropriate use of mental health services in the admission process is governed by section 149 of the Youth Justice Act, division 6 of the Youth Justice Regulations, TF Youth Justice Policy Determination 4.10: Admissions, Warrants and Release and TF Youth Justice Policy Determination 5:0 Health Services.

69. ‘Many young people admitted have complex mental health care needs, some of which may not have been identified previously’.22 Those needs include ‘mental health problems, drug and alcohol abuse, elevated rates of chronic conditions...learning difficulties and intellectual disabilities’.23 Given the prevalence of unidentified and undiagnosed conditions among young people admitted to detention in the Northern Territory, in order to ensure suitable treatment and management of young people, it is critical that a robust mental health assessment procedure forms part of the admissions process. In addition, ‘young people are particularly vulnerable when they first arrive at a youth detention centre. Many young people have already

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experienced high levels of early trauma, increasing their vulnerability. These early experiences may mean that young people being admitted to a centre will have difficulties in interpersonal functioning and understanding, and difficulty controlling their emotional states and impulses. Because of the vulnerability of young people, admission is a high risk period'.

70. In light of this, the Royal Commission recommended a two stage assessment process on admission: an initial risk assessment within the first 24 hours of a young person’s admission, followed by a comprehensive assessment within 72 hours. TF have implemented this recommendation by conducting an Individual Risk and Needs Assessment (IRNA) during a young person’s admission, followed by a ‘comprehensive medical and health assessment’ within 24 hours of a young person’s admission.

71. During the April visit, the focus of the OCC was on the appropriate use of the IRNA during admission and on ensuring young people were assessed by medical staff within 24 hours of their admission.

**Findings**

72. During the monitoring period there were 22 admissions to ASYDC. IRNAs were administered appropriately in relation to all admissions.

73. Young people were also seen by medical staff within 24 hours of admission in all instances for which the OCC was provided records. However, the OCC was not provided with records relating to 15 March 2019 and therefore could not review notes from three of the admissions during the monitoring period.

74. There were no mental health concerns identified in the IRNAs completed. This finding was compared with the records from the subsequent medical assessment. During the monitoring period the OCC found that the mental health observations noted on IRNA’s were consistent with those contained in the medical notes.

75. Formally, the IRNAs only facilitate YJOs taking the following actions in relation to mental health concerns:
   a. mark a young person as ‘at risk’; or
   b. note any concerns in their referral to medical staff for review within 24 hours.

76. In the OCC’s monitoring of the Don Dale Youth Detention Centre in February 2019, it was clear that after administering an IRNA, some staff had concerns about young people that did not

24 Territory Families, Youth Justice Policy Determination 4.0: Admissions, Warrants and Release
25 Territory Families, Youth Justice Policy Determination 4.0: Admissions, Warrants and Release
26 Youth Justice Regulations, r 57(1).
necessary reach the threshold required to declare them ‘at risk’. In those cases staff implemented informal processes to ensure those young people received additional support and increased oversight. Such practices are positive and demonstrate good initiative and understanding of mental health concerns. The records reviewed by the OCC relating to ASYDC did not reveal the use of any similar techniques. However, that does not conclusively establish that they are not occurring.

77. Those practices also demonstrate that given the nature of mental health concerns, it is difficult to design rigid processes and procedures that would ensure all concerns were immediately and effectively identified and responded to. A more effective method of promoting the mental health of young people in detention is to provide front line staff with suitable training, enabling them to independently identify and appropriately respond to young people experiencing mental health issues.

**RECOMMENDATIONS**

13. **Territory Families ensure that Youth Justice Officers obtain a Certificate IV in Youth Justice in the first 12 months of their employment.** [Under implementation]

14. **Territory Families, in collaboration with Aboriginal Health Services, identify appropriate trauma and mental health training for all Youth Justice Officers.** [Under implementation]

**The Facility**

78. As part of the OCC’s monitoring visit, a site inspection was conducted. Overall the centre was dirty and unhygienic. The upkeep of the centre had markedly dropped since previous informal inspections had been carried out by OCC staff.

79. It is disappointing that the management team at ASYDC did not maintain the conditions to an acceptable standard. However, the Children’s Commissioner met with the CEO of TF and the General Manager of Youth Detention after the inspection to discuss the standard of the facility. They undertook to remedy the situation urgently.

80. OCC staff will return to ASYDC to ensure the situation has been addressed.
RECOMMENDATIONS

15. The General Manager or the Executive Director of Youth Justice, Territory Families or delegate, undertake a site inspection during each visit to ASYDC, but no less frequently than once per calendar month to ensure the centre is maintained to an appropriate standard of maintenance and hygiene.
<table>
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<tr>
<th>Domain</th>
<th>Sub- Domains</th>
<th>Measures</th>
<th>Potential Evidence Sources</th>
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| **TREATMENT**| Relationships between staff and YP                     | **Relationships between staff and YP are respectful, caring and professional**<br>YJA, s151(3)(b)<br> *Care and Protection of Children Act*, s9<br>Youth Justice Policy Determination 4.8: Positive Behaviour Support | • Youth Survey  
• Staff Survey  
• Complaints received by OCC  
• Record of TF internal complaints |
|              | Use of physical restraints                             | **Use of restraints is compliant with legislative requirements**<br>YJA s151A<br>YJA s155<br>Youth Justice Policy Determination 2.4: Use of restraints | • Restraint Register  
• Training Register  
• IOMS  
• Youth Surveys  
• CCTV |
| Use of force | **Force is only used in compliance with legislative requirements**  
YJA s154  
Youth Justice Policy  
Determination 2.5: Use of force | • Use of Force Register  
• IOMS  
• Youth Survey  
• Staff Survey  
• CCTV |
|---|---|---|
| Separation | **Separation is carried out in accordance with legislative requirements**  
YJA s155A  
Youth Justice Policy  
Determination 4.11: Separation | • Separation Register  
• Daily Block Journals  
• Youth Survey  
• CCTV  
• Staff Survey  
• Notifications of Separations received by OCC |
| At risk | **At risk procedures are carried out in compliance with legislative requirements**  
YJA s162  
Youth Justice Regulations Division 3  
Youth Justice Policy  
Determination 5.1: Young People At Risk | • IOMS  
• Medical Records  
• Staff Survey |
| Searches (Strip Searches included) | **Searches are carried out in compliance with legislative requirements** | • Search Register  
• Youth Surveys  
• Staff Surveys |
| Behaviour Management System | **A behaviour management system is in place that is fair, clearly explained to the young people and implemented**
YJA, s150
YJR, r31
Youth Justice Policy
Determination 4.8: Positive Behaviour Support | • Youth Surveys
• Staff Surveys |
|-----------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Leaving Detention Planning  | **Planning occurs when young people leave detention to ensure continuity of support and services**
Youth Justice Policy
Determination 4.1: Case Management, Assessment and Throughcare Services | • Youth Surveys
• IOMS (case plans and case planning meeting minutes)
• Staff Surveys (TF, DoE, Bail Support) |
| PROTECTION SYSTEM | Education for YP in care | Young people in detention can access education at the same standard as young people outside of detention  
Education Act s 40  
Youth Justice Act s151(2)(3) (a)(b)  
Youth Justice Determination 4.3: Structured Day | • Daily logs  
• DoE Attendance Records  
• Youth Surveys  
• Staff Survey |
|-------------------|-------------------------|-------------------------------------------------------------------------------------------------|------------------|
| PROTECTION SYSTEM | Admission process | The admissions process is compliant with legislative requirements  
YJA s149  
YJA s 150  
Youth Justice Regulations r57  
Youth Justice Policy Determination 4.0: Admissions, Warrants and Release  
Youth Justice Procedure 4.0 - Process Map for Admissions | • Medical Records  
• IOMS  
• Admission/Release Files |
| Physical Safety of young people in detention | Young people are physically safe and feel physically safe in detention  
YJA s151(2)  
YJA s151(3)(c) | • Youth Surveys  
• Appropriate use of Intake Assessment Documents  
• Youth Surveys  
• Incidents i.e. Assaults  
• Communication Systems in place |
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| **YP’s knowledge of their rights** | Young people are told their rights in detention in a way they understand. YJA s150 | • Youth Surveys  
• Inspection of Facility  
• Access to Information from Providers |
| **Administration of complaints system** | The centre has a complaints system that the young people know about, that is fair, confidential and that works quickly. YJA s163, YJR, r66 and r67, Youth Justice Policy Determination 3.3: Complaints | • Complaints Register  
• Youth Survey  
• Staff Survey |
| **LIVING ENVIRONMENT** | Inside environment (shared spaces outside a young person’s cell – eg recreation areas, meal areas, interview rooms) | The detention centre is clean, safe and can accommodate the needs of the young people. YJA s151(d) | • Facility Inspections  
• Block Journal  
• Youth Survey  
• CCTV  
• Daily Census |
| | Outside environment | Young people have daily access to outside areas in which they can participate in recreational activities | Youth Justice Determination 4.3: Structured Day | • Youth Survey  
• Facility Inspection  
• Staff Survey |
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Youth Justice Determination 4.2: Accommodation of Young People</th>
<th>Additional Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Room (incl. bedding,</td>
<td>Each young person’s room has adequate facilities for sleeping, temperature</td>
<td>Facility Inspection, Youth Survey</td>
<td></td>
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<tr>
<td>sanitary installations,</td>
<td>and privacy</td>
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<td></td>
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<tr>
<td>privacy, overcrowding)</td>
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<td></td>
<td>Youth Justice Determination 4.2: Accommodation of Young People</td>
<td></td>
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<tr>
<td>Clothing</td>
<td>Each young person has sufficient clothing and footwear</td>
<td>Youth Survey, Staff Survey</td>
<td></td>
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<tr>
<td></td>
<td>Youth Justice Regulations, r61</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal hygiene</td>
<td>Young people have access to facilities and products to allow them to</td>
<td>Youth Survey, Staff Survey</td>
<td></td>
</tr>
<tr>
<td></td>
<td>maintain good personal hygiene</td>
<td></td>
<td></td>
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<td></td>
<td>Youth Justice Policy Determination 4.5: Supporting Girls and Young Women in</td>
<td></td>
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<td></td>
<td>Detention</td>
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<td></td>
<td>Youth Justice Determination 4.2: Accommodation of Young People</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td>Young people are provided with sufficient and nutritious food</td>
<td>Youth Survey, Staff Survey</td>
<td></td>
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<td></td>
<td>YJR r 62</td>
<td></td>
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</tr>
</tbody>
</table>
| ACTIVITIES & CONTACT WITH OTHERS | YP's contact with families | **Contact between young people and their families is supported, encouraged and facilitated**  
YJA, s4(h)  
YJR r 45 & 46  
Youth Justice Policy Determination 3.1 Personal and Professional visits  
Youth Justice Policy Determination 4.1: Case Management, Assessment and Throughcare Services | • Visitors Book  
• Youth Survey  
• Staff Survey |
|---|---|---|
| | YP's participation in activities and programs | **While in detention young people have access to and are supported to participate in varied recreational activities and programs that are culturally appropriate, promote health and self-respect and assist them to re-integrate into the community**  
YJA s4(f) and (p)  
Youth Justice Determination 4.3: Structured Day | • Youth Survey  
• Staff Survey |
<table>
<thead>
<tr>
<th>MEDICAL SERVICES</th>
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</table>
| Access to primary health services | **Young people in detention have access to primary health services of the same standard and availability as young people outside of detention**  
YJA s173 &174  
Youth Justice Regulations, r 58, 59 & 60  
Youth Justice Policy  
Determination 5.0: Health Services | • Facility Inspection  
• Youth Survey  
• Staff Survey  
• Medical Records  |
| Access to specialist health services (mental health, drug/alcohol services) | **Young people have access to specialist health services as required**  
YJA s4(f)  
YJA s151(3)(a)(b)  
Youth Justice Policy  
Determination 4.1: Case Management, Assessment and Throughcare Services  
Youth Justice Policy  
Determination 5.0: Health Services | • Professional Visitors Log  
• IOMS  
• Medical Records  
• Youth Survey  
• Staff Survey  |
| Administration of medication | **Administration of medication is done in a timely and reliable manner and appropriate records are kept** | • Staff Survey  
• Youth Survey  |
| Waiting times for health services | Young people in detention receive medical attention without unreasonable delay Youth Justice Policy Determination 5.0: Health Services | • Staff Survey  
• Youth Survey |
| Dentist, audiologist and optometrist | Young people can access any required medical service Youth Justice Policy Determination 5.0: Health Services | • Staff Survey  
• Youth Survey  
• Medical Records |
| **STAFF** | Staff behaviour | Staff consistently behave in a way that makes young people feel safe, contributes to the effective operation of the centre, and can offer positive role modelling to the young people | • Youth Survey  
• Staff Survey  
• CCTV  
• Complaints received by OCC  
• Internal Complaints received by TF |
| | Staff supervision | Supervision and assessment improve staff work performance and development  
Staff know relevant legislation policies and procedures,  
Staff have the opportunity for career progression | • Staff Survey  
• Performance Plans |
| CULTURALLY APPROPRIATE AND RESPONSIVE | Staff have accessible and quality therapeutic supervision | • Staff Survey  
• Records Review |
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<tbody>
<tr>
<td>Working relationship between service providers</td>
<td>Information and advice is shared between all agencies and providers in the detention in the best interest of the young people</td>
<td></td>
</tr>
</tbody>
</table>
| CULTURALLY APPROPRIATE AND RESPONSIVE | Appropriate Cultural Training of Staff | • Training Records  
• Staff Survey  
• Youth Survey |
| Cultural programs | All staff have participated in cultural training and interpreter training, including refresher training | YJA s(4)(j)(p) |
| Cultural programs | Available and appropriate programs are in place that assist young people to learn and participate in their culture | YJA s(4)(f),(o)&(p)  
Youth Justice Determination 4.3: Structured Day |
| Cultural programs | • Youth Survey  
• Visitors Log | |
Appendix Two: Interviews conducted and information accessed

The information that was considered in this monitoring visit to ASYDC included:

• Reviewing the following hard and electronic documents:
  • IOMS;
  • Written observations related to the separations;
  • Journal recordings related to the separations;
  • All Daily Logs/Day Journals between 18 February – 15 March 2019;
  • Individual management plans or Emergency Management Protocol records related to young people declared at risk between 18 February – 15 March 2019;
  • Written observations related to the young people declared at risk;
  • Journal recordings related to the young people at risk;
  • Notification of Concern for the young people declared at risk;
  • Owen Springs School attendance records;
  • A copy of the Owen Springs school curriculum;
  • Medical notes relating to young people being declared ‘at risk’; and
  • Medical notes relating to the admission of young people to ASYDC.

• Interviewing the following people:
  • Young people in ASYDC.