

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into youth justice centres in Victoria

Melbourne — 19 April 2017

Members

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Ms Nina Springle — Deputy Chair

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Ms Colleen Hartland

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Witness

Ms Jodi Henderson, Executive Director, Youth Justice Operations, Department of Justice and Regulation

The CHAIR — Ms Henderson, thank you very much for coming in today. Welcome to this public hearing of the Standing Committee on Legal and Social Issues. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege.

I note that you have sent us an opening statement, which has been passed on to all committee members. I am going to assume that everybody has read that. Do you want to make any sort of opening statement in addition to that? Most people are speaking for 5 to 10 minutes. Given that you have sent a statement, I would not have thought you would want that long, but if there is anything you would like to add, now would be the time.

Ms HENDERSON — No, I am happy to read the salient points of the statement, if that is okay with you.

The CHAIR — Sure.

Ms HENDERSON — Good morning, and thank you for inviting me to speak to the inquiry today. Firstly, I would like to recognise the traditional owners of the land on which we are meeting and to pay my respects to elders past and present. I am the executive director of youth justice operations at the Department of Justice and Regulation, and accountable for the management and oversight of the custodial services and community services within the department.

I am also responsible for the management of safe and secure youth justice facilities, with a focus on rehabilitation and to reduce the risk of reoffending. In accordance with the Children, Youth and Families Act 2005, this involves the supervision of young people aged 10 to 17 who are on remand and sentenced by the Children's Court, and for young people aged 18 to 20 who are sentenced to serve their custodial term in a youth justice facility via the dual-track system. I am also responsible, in collaboration with my regional colleagues, for the management of teams who supervise young people in the community.

On 18 January I commenced as the acting director, secure services branch, at the Department of Health and Human Services, and on 3 April I commenced in this role. Given my relatively brief tenure in youth justice, those dates provide chronological points of reference for the evidence that I give today. I understand that you have been previously briefed by the Department of Health and Human Services and visited both Malmsbury and Parkville.

It is important to note the fundamental objective of my role in youth justice is to act in the best interests of the child. It is a statutory obligation within the act. The act requires any decision or action taken regarding care, custody or treatment must involve consideration of the best interests of the young person.

The Victorian system treats young people and children who are involved in youth justice differently from adults. There are two distinct policy frameworks. Many young people experience challenges during adolescence; however, only a very small number of children come into contact with the youth justice system. There are around 550 000 young people in Victoria aged 10 to 17 years, and less than 2 per cent are involved in the youth justice system. The majority of these children and young people are supervised by court orders and by our community-based teams. Only a very small proportion end up in custodial services. The department manages a range of services that respond to the different needs, complexity and seriousness of the young people who enter the system.

The CHAIR — Ms Henderson, I do not want to pull you up, but I am conscious that there are always a lot of questions for witnesses. So with the support of the committee I think we might move on to questions, if that is all right.

Ms HENDERSON — Okay, if you are happy, yes.

The CHAIR — I think everyone has had an opportunity to read the submission.

Ms SPRINGLE — Can I just ask if this has been tabled? Will this be with Hansard?

The CHAIR — It has been made as a submission to the committee, so my understanding is that it is a public document.

Ms HENDERSON — I am assuming it is, yes.

The CHAIR — The other thing I need to do is mention that this proceeding is being filmed — just so you are aware that is occurring.

Ms HENDERSON — Okay.

Mr O'DONOHUE — Thanks, Ms Henderson, for your presentation and for being here with us today. Do you anticipate that you will require the Grevillea unit at Barwon Prison until the new youth justice facility at Cherry Creek is open?

Ms HENDERSON — Sorry, can you repeat that?

Mr O'DONOHUE — Do you anticipate you will require the Grevillea unit at Barwon Prison for young offenders until the new facility at Cherry Creek is open?

Ms HENDERSON — No, that has not been factored into our consideration in terms of the time frame.

Mr O'DONOHUE — Do you anticipate you may require extra beds at Barwon or in other maximum security adult prisons to accommodate the cohort of young offenders that are currently difficult to accommodate at Parkville or Malmsbury? Are the 40 beds sufficient?

Ms HENDERSON — No, we have not factored that in or anticipated that we would need to further use a maximum security prison.

Mr O'DONOHUE — Have consultants been appointed to do the environmental and Aboriginal cultural heritage work required for the Cherry Creek site?

Ms HENDERSON — Yes, that is my understanding.

Mr O'DONOHUE — When will the work of those consultants be completed?

Ms HENDERSON — I will have to take that on notice.

Mr O'DONOHUE — Just one final question. Ms Edwards from Jesuit Social Services talked about the erosion of the culture of respect in the youth justice facilities in recent times. How do you propose to return a culture of respect to the youth justice system in Victoria?

Ms HENDERSON — I think it is important. We are awaiting the outcomes of the Jim Ogloff and Penny Armytage review in relation to youth justice in Victoria, but we have started to implement a behaviour management system that has seen some positive results in regard to promoting positive behaviours with young people. That has involved getting them to understand consequential thinking, taking responsibility for their behaviour, implementing a structured day and having community meetings, which goes towards the concept of building more respectful relationships both between young people and also respectful relationships with the staff who work with them day to day.

Ms PATTEN — Thank you, Ms Henderson. The Jesuit services has recommended that there be the establishment of an independent inspecting body to oversee the system. Could you see benefits in such an independent body having an overarching inspecting role?

Ms HENDERSON — It is not really for me to comment on whether I see the benefits. I think it is important, though, to understand that we currently have independent visitors coming into the centres regularly through the commission for young people. It is important that we have stakeholders like the Jesuits and others who have the opportunity to visit our centres and work with the young people in them, and to operate an open and transparent system that allows good visibility for the agencies who usually have post-care upon release of young people.

Ms PATTEN — Thank you. Given the large number of remand children, have you set in some more specific plans for the remand children, particularly around planning for their day-to-day plans et cetera? Quite often it seems the remand children, from what we are hearing, are sort of left by the wayside and there is not a lot of intensive work done with those kids while they are awaiting their court hearings. Have you specifically started to look at specific programs for remand children?

Ms HENDERSON — All young people are afforded opportunity currently to engage in educational programs and health programs. We have commenced some very close work with the Children’s Court. You are correct in that the remand numbers are high, and the remand population brings a range of unsettled behaviours. They often come to us carrying the effects of substance abuse or untreated mental health issues, so the first and foremost need is to stabilise the young people, making sure that their health needs are met quickly. Once they are stabilised and settled, then we can look at a plan around every young person — remand or sentence, but particularly remand because of the volatility of the cohort — and do a plan in relation to what is required when they present back to court and the circumstances of the needs around their offending that enables us to be able to make sure that they are getting good legal advice, appropriate family support and whatever support they need in the community if they are seeking bail.

We are pretty proactive in making sure that we do all those things. The strengthening relationship with the Children’s Court is very important in terms of planning ahead and getting young people to court in a timely way and then having their matters heard and consolidated quickly.

Ms CROZIER — Thank you for your time this morning, Ms Henderson. From your submission you commenced in your acting role on January the — —

Ms HENDERSON — Eighteenth.

Ms CROZIER — Eighteenth. Just a week later the mass escape occurred at Malmsbury. I am just wondering if you could inform the committee when the minister was told about that escape by the department?

Ms HENDERSON — I would have to take that on notice. I was managing the incident and reporting up my line to the deputy secretary and secretary. It would be my understanding that the minister’s office would have been notified as a matter of priority. In terms of what form, I would need to check and take that on notice and get back to you.

Ms CROZIER — If I could, there are some questions around that that I would like to ask that you might also need to take on notice in relation to not just the minister’s office being notified but when the minister was notified — when she first knew about it. If you could please provide that to the committee.

Ms HENDERSON — Yes.

Ms CROZIER — Was she spoken to in person, was it over the phone, how often was she informed and by whom? Just in relation to those details about the events that occurred on 25 January.

If I could go to another point in relation to that event, the identity of those escapees was not known for some time. I would like to understand if the minister was considering that on 25 January or who undertook that issue to enable that identity be made known. Can you answer that today or is that something that you need to — —

Ms HENDERSON — No, I will not be able to answer that today. I will have to take that on notice.

Ms CROZIER — Okay. If I could just go back to some more questions around Grevillea. You said that there had not been factored in the need for, in relation to the Grevillea unit, additional beds. Could you just expand a little bit on that?

Ms HENDERSON — I think the question was in relation to consideration of a maximum or adult prison. There have been no plans to extend Grevillea to the time frames of Cherry Creek that I am aware of.

Ms CROZIER — Does that mean that the Grevillea unit could stay as a facility, as an ongoing entity, even after Cherry Creek?

Ms HENDERSON — That is not our planning. That is not, as I understand it, planned to remain as a youth justice centre.

Ms CROZIER — In terms of the Cherry Creek proposal you have indicated that there are consultants undertaking the work. What time frames have been put onto the conclusion of that site?

Ms HENDERSON — In completion? My understanding is 2020.

Ms CROZIER — So the Grevillea unit effectively will be provided up until 2020.

Ms HENDERSON — No, that is not my understanding.

Ms CROZIER — If the new facility is not open until 2020 and we have still got a need for the Grevillea unit, and if it is not your understanding that the Grevillea unit will be open until that time period, how long will the Grevillea unit be open for?

Ms HENDERSON — It is my understanding that Grevillea will remain open while the rebuild and fortification works at Parkville occur, and that when those 60 beds are back available to us in terms of being able to manage the Parkville precinct at full capacity then we will be able to decant and relocate the young people back to Parkville youth residential.

Ms CROZIER — Just one more question, if I could, Chair. When is that time frame expected to be complete?

Ms HENDERSON — The completion of the works for Parkville is due towards the end of May or June this year.

The CHAIR — Earlier when Jesuit Social Services were here, they said that around 40 per cent to 80 per cent of staff in the youth justice system are agency staff. Are you able to shed any light on what the proportion is of agency staff compared to permanent staff?

Ms HENDERSON — There has been quite a reliance on agency staff over a period of time. We have worked hard in the last 12 weeks to try and reduce the dependency on agency staff. I would have to take on notice the exact percentage as it is today, but I am fairly confident that there has been a reduction, particularly at Parkville, where from January we have brought 85 new staff in as custodial youth justice workers. The ongoing recruitment process is still very proactive. We would hope that month by month you would see a decrease in the reliance on agency staff and an increase in, importantly, ongoing permanent youth justice staff and the need to maintain a casual workforce as well.

The CHAIR — I just want to follow up on that. You indicated there has been a reduction in the proportion of agency staff over the last 12 weeks — and I appreciate that you do not come in here with every single figure and so on — but at the end of last year what was the proportion of agency staff compared to regular casual and permanent staff?

Ms HENDERSON — I think at its highest it has been 40 per cent to 50 per cent. I have not got the time frames. I can get some of that data if the committee would like that.

The CHAIR — Thank you.

Ms HENDERSON — I know from some previous reports that it has been as high as that when I look at the data backwards. As we move forward it has been coming off and decreasing in terms of the utilisation of agency staff.

The CHAIR — Thank you. If you could provide those figures, that would be very useful. Just one additional question: in relation to the events at Malmsbury with the breakout earlier this year, there were consequences for local residents in terms of carjackings and violence, which also spread further afield into Melbourne. What sort of support and compensation have been provided for the victims in those circumstances?

Ms HENDERSON — I can only talk really about the support that we have provided as a system. We have met with community members. We have had a community meeting, and the general manager at Malmsbury continues to meet with community members to make sure that they are feeling supported and that the decisions we make reflect the local community's input into how they have felt since January. We are looking for ways to rebuild their confidence in a centre that has been there for a long time and historically has had very good relationships with community members.

The CHAIR — Thank you.

Ms SPRINGLE — Thank you very much for your presentation and for providing it prior to the hearing today. Just to pick up on Ms Crozier's point earlier, in the most recent court case around the Grevillea unit the department secretary talked about the repair of Parkville being possibly complete in late May but that the 15 children left in Barwon will remain there until August or September. Have you got any insight into why there would be that discrepancy in time frame, given the implications that have come out through these court cases in terms of human rights, and why those children would be left in Grevillea for those two or three months between when Parkville is finished and when they are due to come out?

Ms HENDERSON — I cannot speak for the secretary, but what I can tell you is that when the centre comes back in terms of being completed at the end of May or in June, there is a range of commissioning processes that we have to take ourselves through to satisfy ourselves. There is the fit-out of the facilities. Then there is quite an extensive commissioning process of all custodial facilities to make sure that we test the facilities properly. Then we would need to think about what staffing arrangements we would need. It can take some time to actually do that. Once the buildings are handed over to us completed, then there are a range of activities that we have to take ourselves through to satisfy ourselves that they are ready to receive young people. So maybe that is what she may be talking about.

Ms SPRINGLE — Yes. I would also just like to explore a little bit the move from DHHS to the department of justice in terms of the youth justice system and in particular, I suppose, if there are safeguards that have been put in place in a unit like Grevillea, that is within the adult system, for how the department is ensuring that the children are being treated in a manner that is appropriate for children that are in detention.

Ms HENDERSON — The machinery of government occurred on 3 April. The department of justice has been very clear in relation to understanding what its legislative requirements are under the Children, Youth and Families Act. It has its own division — its youth justice division — overseen by deputy secretary Ms Julia Griffith, who reports to the secretary. It has all of the requirements that go to meeting the statutory responsibilities of young people in custody and community. In relation to Grevillea, there has been no change in our commitment to safeguard the young people who are housed at Grevillea. They are still administered under the Children, Youth and Families Act, and all of our operational procedures are the same. There has been no process where the adult system has interfaced with the youth justice system due to the fact of a machinery of government. They are treated as two separate divisions in our department.

Ms SPRINGLE — Is there any overlap of staff between the adult system and the youth justice system?

Ms HENDERSON — Only the agreed SESG and ERG. So for Grevillea there is an agreement that has been there for a while now for the ERG to be in the Grevillea unit, but they operate and act under our legislation.

Ms SYMES — Thank you for coming along today. I am just interested in, following on from the MOG changes, the enhanced training model, how that will be implemented, what type of training, who will be trained and the benefits that you see arising from that.

Ms HENDERSON — We have already commenced the enhanced tactical options training. That is an extra six days training for our SERT staff. Currently 29 of our staff have been trained, with a further 12 commencing today, I think. Our plan is that those six days extra training, which includes tactical options and riot formation training, will be rolled out to all of our staff over the next 12 months. So up to 400 of our staff will be trained in tactical options and riot formation. In addition to that we are planning to increase our induction training to our new promoting positive behaviours behaviour management system that talks about young people taking responsibility for their behaviours, and we are also building in some enhanced cultural awareness training as well. Does that answer your question?

Ms SYMES — Yes, thank you.

Mr MULINO — I was just interested in a bit more detail on the new behaviour management system. What are some of the key components of that? Also, have you evaluated any impacts of that to date relative to what had been in place before?

Ms HENDERSON — It is a package that has been worked up through evidence-based research with our practice leaders, senior staff, the office of the chief practitioner and the CPSU. It goes to three components, one being promoting positive behaviour, which is a system that allows young people to move between essentially

bronze, silver and gold. When young people are making good choices, are engaging in their education and their rehabilitative programs, are attending to their chores, are showing respectful behaviour and are taking responsibility for their actions, they can move to the highest level, and if they are unable to behave in a way that is appropriate, then they go to the bottom level. That has been implemented now at Grevillea and is showing some very good, positive signs. We have got a very settled group of young people down there.

The other part of it is a secure care plan that is implemented for young people who are not able to manage their behaviour appropriately, and we are then very clear about what we intend to do with those young people in terms of the consequences. They have the opportunity to have input into that, and they are given a copy of that secure care plan. The third important aspect is the establishment of a structured day for young people — being very clear about what we expect every day for young people and having a structure around that for each of those young people and the expectation that they participate in a structured day. As I said, so far we have implemented that and piloted it at Grevillea, and it is showing some very good signs of being a good system.

Mr MULINO — So it sounds like it is having some positive impacts. Do you think part of that is that it is simpler for the children to understand what is expected of them and what the consequences of various behaviours are?

Ms HENDERSON — Possibly it is also about the young people having a consistent understanding of what is required. There is a very clear structured day, there are consequences when they step out of that, they know what those consequences are and ultimately they make choices — just like children in the community and our own children — about what that looks like for them, so there are no surprises for them.

The other very important aspect of running custodial environments is that the staff also understand that. When you are running 12-hour shifts 24 hours a day, you have got to have consistency. If we have got a behaviour management system that is very clear and very structured and both the young people and the staff have a good understanding of that, then there is less interpretation or less differences between staff. That helps go to having a very settled environment when young people and staff know what the boundaries are, what the consequences are and then what the opportunities are for when they make good choices — what the things are that will work for them in relation to that.

Mr MULINO — Is this based on what has been seen to work in other jurisdictions and systems?

Ms HENDERSON — Yes, it is. This is well researched in evidence in other places both nationally and internationally. Yes, correct.

The CHAIR — I have an additional question, and there are a couple more, I understand. The Ombudsman gave evidence recently to this inquiry and mentioned in part films or footage that she had seen from CCTV. Sorry, it was not the Ombudsman; it was the commissioner for children and young people. She gave evidence about film that she had seen of young people being involved in — and these are my words, not hers — interactions with staff members, some of which resulted in injuries, including broken limbs. I am curious to know whether you can tell us about any trend or any numbers of staff who have been the subject of disciplinary procedures or dismissal or similar based on the sort of behaviour that evidently concerned the commissioner a great deal.

Ms HENDERSON — I think that incident was quite a while ago, maybe last year or maybe even longer. I have seen her report in relation to that. I would have to take it on notice. I can get that information for you. I do not know the exact number of people who have been subject to discipline or adverse findings in relation to restraints, but I can get that information for you if you like.

The CHAIR — Thank you. If you could, that would be appreciated.

Ms HENDERSON — How long a period would you like that for?

The CHAIR — Over the last two years would be useful. Thank you.

Ms HENDERSON — Okay, yes.

Mr O'DONOHUE — Thank you, Ms Henderson, for your evidence today. Just to follow up some of the feedback from some of the other comments, you talked about the structured day and consequences for

inappropriate action. When there have been some very disturbing reports of threats of rape to staff and threats of violence and actual violence committed against staff, what would be the consequences for a young person who threatened rape or physical harm against a staff member?

Ms HENDERSON — For any act of violence — whether it is physical, psychological or verbal — that constitutes a criminal act. The threshold is that — if it constitutes an act that is criminal, then all those matters are referred to police in relation to police investigation.

In relation to internally what consequences or what we would do to manage that, we would look at the young person as an individual, what status he is in terms of behaviour management and what course of action we need to take to prevent that young person from displaying those behaviours. That could look like demoting him — we could move him to another place — and we could withdraw things that he may have gained through a process of behaviour management. If it is criminal, it gets referred to police; if it is internal, we would look at a range of consequences that help that young person to account for his behaviours.

It is also important that when we see behaviour being exhibited like that to understand the age, the development and the profile of the young person. We ask health services, our practice leaders and other professionals to do an assessment of that young person to see what type of counselling and programs we may need to put that young person through so that he understands the impact of his behaviours and strategies to modify that, particularly for our CMIA young people and our young people with intellectual disabilities who have very poor impulse control. Sadly they often just say silly things with no kind of consequential ability to think about the repercussions.

Mr O'DONOHUE — How many matters have been referred to police, say, since 1 January 2015?

Ms HENDERSON — I would have to take that on notice, but I know that the previous department and certainly this department are very diligent in referring all matters that constitute a criminal offence. If you would like that information since 18 January, I will get that for you. All incidents?

Mr O'DONOHUE — I would be interested to know any referral to Victoria Police for alleged criminal behaviour since 1 January 2015.

Ms HENDERSON — Okay.

Ms CROZIER — Ms Henderson, if I can just go back to the escape that occurred on 25 January, reports suggest that a sally port door, which is a secure door used in correctional facilities, had been malfunctioning for a number of weeks. Can you confirm that that was the case?

Ms HENDERSON — I can confirm that in the last six months there had been two or maybe three defect notices in relation to the operating of the sally port door, and those matters had been rectified. I can give you the exact details of that if you would like, but my understanding is that it had not been multiple malfunctioning over weeks. It had had two maybe three incidents over the six-month period preceding where it required some type of fix. It is my understanding that they were indeed fixed.

Ms CROZIER — If you could provide those details to the committee, that would be most helpful.

Ms HENDERSON — Yes.

Ms CROZIER — On the day of 25 January, when the mass escape occurred, was the door malfunctioning?

Ms HENDERSON — I would have to take that on notice; that is not my understanding.

Ms CROZIER — You cannot answer that today?

Ms HENDERSON — I just want to be careful that I give you the accurate information. I know that either on the day or leading up to it, it had been fixed for something, but I just want to make sure that the information I give you is absolutely correct. So I can check, if it was not that day, the exact day it was fixed.

Ms CROZIER — Who issues the defect notice? Is that an internal matter?

Ms HENDERSON — Yes.

Ms CROZIER — Or is it WorkSafe or — —

Ms HENDERSON — No, no. Internally it is managed, so a staff member might pick up that it is squeaking or whatever the reason — they have pressed a button or a key or whatever — and then a staff member reports that to our maintenance people, and then our maintenance people log that on our internal system and then whoever needs to attend to fix it comes and fixes it.

Ms CROZIER — I would appreciate very much if you could provide to the committee the details of whether that door was actually malfunctioning on the day, how many times it had been malfunctioning over the six-month period, what actual action had been taken to ensure that that secure door was in actual fact secure and how those younger offenders got through that door on the day of the 25th.

Ms HENDERSON — Yes.

Ms SYMES — Just following on from Ms Crozier's questioning method, she mentioned that there have been reports that it was defective for two months and you clarified that that is not your understanding and it had actually been fixed. Obviously we have got further information on that to come, but just on the general theme of public reporting of incidents in the youth justice centre, in your experience, in your time, have you come across a lot of inaccurate information that has come out of the public realm about incidents?

Ms HENDERSON — It is hard initially. Sometimes information, when an incident occurs, gets out or information gets put into the public domain that is not factually correct. There can be various reasons why that occurs. You know, I think people try to give actual factual information, but sometimes there are just things that are simply not correct that get reported.

Ms CROZIER — Could I just follow up on that point. We have had a number of very serious incidents where the minister has failed to come out for a period of time, and in actual fact the incident over the weekend where that young offender was severely assaulted in Malmsbury in relation to that. So in terms of the department's advice to the minister, could you provide some guidance to the committee as to why there have been significant delays for the minister to come out and speak publicly either in relation to the mass escape, the Parkville riot in November or the latest incident?

Ms HENDERSON — I can only speak to the process that I follow, which is, when there is an incident of a serious nature, that we report through a hierarchy in terms of the deputy secretary and to the secretary and to the minister's office, and then how that gets managed by the minister is a matter for the minister. I have operational responsibility, and my job is to make sure that I am very focused on dealing with the incident at hand and that the information I get is as factual and accurate as I can report on that, but there are times when information in the very early stages of an incident is not as clear or people are just very busy managing serious incidents and working very hard with very difficult young people, and it is important that we manage those incidents and have the ability and the time to do that properly and then gather the information around the antecedents, around viewing the CCTV, around understanding what was happening with those young people and then we put that together in a proper report that actually reflects the facts of the incident.

Ms CROZIER — Could I just follow up on that. Is a riot categorised as a single incident?

Ms HENDERSON — It is a category 1 incident.

Ms CROZIER — It is indeed, but is it categorised as a single incident? I mean, there might be multiple offenders involved in that riot, but is it categorised as a single incident?

Ms HENDERSON — The short answer is yes. It will be captured as riotous behaviour, but there may be other incidents that require an incident report in their own right in terms of, you know, if a young person has to have follow-up medical or there is a follow-up incident that can happen as a result or a flow-on of something like a riot. The riot itself would be reported as a category 1 incident, but there may be other subsequent incidents that follow.

Ms CROZIER — Which would have occurred in, for instance, the November riot, where there were multiple incidents that occurred over that long period of time during that November riot. So would that be one incident, that whole riot that lasted over an extensive time period of 24 hours or longer? Is that just categorised as one incident, even though there were multiple incidents involved in that riot?

Ms HENDERSON — I was not there at the time. I can take it on notice.

Ms CROZIER — But you are managing it now.

Ms HENDERSON — How I would manage it is exactly how I spoke to you just before, so I would manage it initially as the category 1 incident of riotous behaviour — the actual incident itself — and then any subsequent or any other incidents that followed that would be managed as a separate incident report. I cannot speak of the November ones, how that was. I can find out. I can see if I can find out for you.

The CHAIR — We are very close to time. I am conscious Ms Springle has been waiting to ask a further question, and then there is an additional one from Mr O'Donohue.

Ms SPRINGLE — I have two quick questions. They are probably not so quick — but anyway, I am keen to hear about this. We have heard quite recently from the child commissioner and obviously it is very well documented in numerous UN reports that the use of solitary confinement, particularly on children, is not appropriate and should never be something that is used, particularly in detention. Can you outline how the department of justice are trying to wind back that practice, if indeed they are?

Ms HENDERSON — Yes, we are. Further to our behaviour system promoting positive behaviour, there is a natural flow-on effect that does see a reduction in young people's behaviours requiring isolation. If young people are settled, engaged in structured activities and are feeling like they have got control and responsibility for what they are doing, then they are much less likely to behave in a way that threatens themselves or others, so the implementation of a structured behaviour management system certainly helps in relation to effectively reducing the likelihood of isolation.

We are also looking at other mechanisms in relation to young people, through their secure care plan, taking responsibility early for their behaviour and then, if requiring isolation, that it is the shortest, sharpest process, and importantly following up post the isolation about understanding why the young person was put in there in the first place.

Ms SPRINGLE — My understanding is that some of the incidents of the use of isolation has been around staffing issues and staff shortages. How is that being dealt with?

Ms HENDERSON — Yes, that is correct. The recruitment process — the aim of bringing 85-plus, 100 staff in — is to get as many ongoing, fully established, permanent staff as we can and to set up staff teams that are very predictable in units so that young people see the same people every day and the staff feel like they are working in a team environment where they know who they are going to be with every day. They are more likely then to come to work. So it is a bit of a cycle. If we get our staff employed, we train them and we have good permanent staff in teams, people are more likely to come to work, and then young people do not have to be locked up because of staff shortages.

Ms SPRINGLE — And one last thing: obviously the linkages between youth justice and child protection are quite well known. Now that the youth justice system has been taken out of DHHS and put into Justice, I am keen to know how you will work with the child protection system now that they do not exist in the same department.

Ms HENDERSON — It is an important question. Forty-five per cent of our young people are child protection dual-order clients. We have got some very strong protocols to ensure that we are working in the best interests of the children through DHHS and DJR. That includes things like developing MOUs between ourselves and the office of the chief practitioner — Tracy Beaton's area — as well as notifications around any issues or incidents and that particularly in the regional areas the staff are co-located still with DHHS to be able to work across child protection and youth justice, particularly on the matter of the dual-order clients. So far that has not caused or been an issue for us.

Mr O'DONOHUE — Ms Henderson, can you tell me how many SESG members are stationed at Malmesbury, Parkville and Grevillea, noting there is an SESG on-site at Barwon? How many SESG members in particular are located at Parkville and Malmesbury?

Ms HENDERSON — There are eight at Parkville and eight at Malmesbury.

Mr O'DONOHUE — Where have they come from?

Ms HENDERSON — I do not know. You will have to ask Corrections. I can try and find out for you, but I am not exactly sure where those staff have been.

Mr O'DONOHUE — And presumably if the Grevillea unit requires the SESG, they just respond from Barwon?

Ms HENDERSON — Yes, that is correct.

Mr O'DONOHUE — I have one final question. With the change from the DHHS to the department of justice, are the young people still referred to as clients?

Ms HENDERSON — Yes, that is right.

The CHAIR — I have one final question as well, going back to the questions that you were being asked by Ms Crozier earlier. I know that your department would regularly brief the minister, but if something unusual happens that may warrant making the minister aware of it out of the cycle of usual briefings, what is the test for whether the minister needs to be immediately notified of something that has happened, and whose job is it to tell the minister?

Ms HENDERSON — The test is any serious incident, so for me that would be a category 1. I would let the deputy secretary, the secretary and the minister's office know via text, then depending on who needs to know or who wants to know that information there is a process where the incident report is completed and then a briefing follows the following day. That gets us much of that detail. Something could happen at 11 o'clock or 10 o'clock at night, then that information goes up via text and then the incident reports and the briefing are completed the following business day.

The CHAIR — Okay. So just to clarify, whenever there is a category 1 incident, the minister receives a text to say this has occurred.

Ms HENDERSON — The process that I follow — I can only talk about from when I have been in — is that whenever there is a serious incident of a nature which would constitute what I would call a category 1 incident, so anything of a very serious nature, I would text the deputy secretary, the secretary and the minister's office.

The CHAIR — Okay. Would the text system align perfectly with the published list of category 1 incidents? I guess what I am asking is: are you sure that the list of category 1 incidents is accurate?

Ms HENDERSON — No, I cannot be 100 per cent sure. I would have to go back and look at all the category 1 incidents from 18 January and then see what the process was, because do not forget there was a DHHS process and now there is a DJR process.

The CHAIR — Sure. And just to clarify, because I want to understand this clearly, is it a text to the minister or is it a text to the minister's office?

Ms HENDERSON — To the office.

Mrs PEULICH — Specifically who in his office in terms of position?

Ms HENDERSON — I would have to take that on notice.

The CHAIR — If you could, thank you. We are out of time. Thank you very much for the evidence that you have given today. You have made a number of undertakings to get further information, so we look forward to hearing from you on those fronts. Thank you for offering to do that. You will receive a copy of the transcript within a few weeks for proofreading. Thank you.

Ms HENDERSON — Thank you for your time today.

Witness withdrew.

Closed proceedings follow.