


31 March 2023


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Committee Secretary
Legislative Council Government Administration Committee 'B'
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Dear Committee Secretary

Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters

1. Introduction:

I forward this submission in respect to the above-mentioned Inquiry. The submission essentially follows the content and tenor of a document I provided to the Department of Communities (DoC) following a short period of contracted work as a 'youth support worker' to the Ashley Youth Detention Centre (AYDC).

Other people have viewed the document including former police officers, current and former members of parliament and interested parties. Consequently, I was strongly encouraged to provide this submission to the Committee as a broader representation of my original document, which I agreed to do.

2. Scope:

In so far as the terms of reference (TOR) apply, this submission specifically focuses on issues associated with the AYDC. In this respect, TOR 2-5 are generally the focus. The original document has been incorporated and modified into this submission where applicable to the TOR.

The submission represents reflections, observations and personal views based on some limited exposure as a 'youth worker support officer' at the AYDC coupled with other private research undertaken. This is against a backdrop of 40 years' experience as a Tasmania Police officer with 7 years as the Commander of Northern District and now in private consultancy working across the public, private and educational sectors focussing on leadership, people development and crisis management. The submission may or may not be useful or helpful to the Inquiry. In this respect, I have no personal expectation other than for the contents to be considered by the Committee.

3. Background:

In early September 2022, I volunteered to assist with the immediate staffing shortfalls at the AYDC following an expression of interest (EOI) request to retired police officers from the DoC in consultation with Tasmania Police. The role that retired police were to undertake was classified as a 'youth worker

support officer'. This role was not a 'youth worker' per se, but a support person to those undertaking that role. It appeared to be a strategy to boost numbers on the floor using a cohort of people who, amongst other perceived skills, experience and personal attributes, possessed experience in dealing with youth offenders.

The time from EOI to induction and then deployment into the workplace was between 4-6 weeks. Following several incidents of violence directed at me by several residents, I elected to withdraw from the contractual arrangements in October 2022.

4. Overall thoughts and reflections:

The AYDC appears as both a complex and complicated challenge for Government and the community. Clearly, other states are experiencing similar issues. The AYDC has been subjected to numerous inquiries and reviews over the years; yet the same and/or similar issues of concern seem to remain. There appears to be no apparent model of contemporary best practice anywhere. Likewise, there appears to be at best, limited simple fixes that essentially tinker around the edges of the broader issues. An 'improvement' or 'progress' mindset towards improving resident outcomes and worker conditions is perhaps the way forward noting the complexity of the environment.

In my view, there is no escaping the societal need for a youth custodial facility. Society may not want one, but society needs one and I'd hazard a guess most of the community demand one. In this respect, the justice system seems to require it noting it's the judges and magistrates that ultimately send youth to AYDC after exhausting all other judicial options as required under the Youth Justice Act in order to minimise the risk they pose to the community and themselves.

One underlying friction point to me is that there appears little common understanding or agreement by key stakeholders as to what a facility such as AYDC should be, what it should deliver and how it delivers it. In this respect, key stakeholder viewpoints appear somewhat isolated and disparate. The cause of the differing viewpoints is tangibly unclear and speculative at best. Regardless, agreed clarity would be helpful for all stakeholders, although getting some form agreement or common ground will be challenging.

5. Staff: (TOR 4)

My observation of the most recent Commission of Inquiry (CoI) is that the AYDC staff were to blame for many of its issues. There now seems to exist a strong anti-AYDC staff narrative permeating throughout the community as a consequence. The AYDC youth workers which I had contact with - bar none, were decent, caring people who seemed to have a genuine desire to improve the situation and circumstances of the residents. I observed the same with AYDC management. I can't speak about staff who I don't know nor the allegations currently before the CoI. However, having now had some time on the floor, I have some reservations around some of the allegations based on the public detail disclosed in the CoI coupled with my investigative experience and observations of specific workplace practices and procedures employed at AYDC. Regardless, in the absence of any other evidence, having 'some reservations' is the limit of my commentary at this point.

One issue of concern I have is the extent to which an investigative process and/or resolution procedure is being applied to the current allegations against staff, with a view to ensuring an effective and timely resolution of matters for all concerned. At present, it seems much is left hanging and that seems to be having a damaging affect, particularly towards staff. It seems a number of staff remain away from

work because of stand down/suspension/workers compensation provisions, which is contributing in the main to the staffing shortfalls. There is a general feeling amongst staff that progress on these matters has stalled, which adds to the level of concern and discontent.

In my experience, unresolved workplace issues like these will probably not augur well for future recruitment and retention either, with employer reputational damage at potential risk. In a shrinking labour market, I'd suggest that is far from helpful in building future workforce capacity and capability and noting the proposed changes Government intends to make. At the very least, some public information and advice or even a messaging/communication strategy on these matters would be beneficial to all concerned.

Further, it's clear that the Col has had a personal, social and cultural impact on staff. This was evident during one-on-one conversations with staff and my own observations on the floor. This exacerbates the employment challenges identified above and the adverse public exposure AYDC has and is continuing to experience locally.

6. Therapeutic Approach: (TOR 2, 4, 5)

Speaking with staff it's clear there is little common understanding on what 'therapeutic' approaches to youth reform mean and look like in practice. Is there a policy, procedure or 'how to' guide? There may in fact be, but it was evident that the concept is not well-entrenched or commonly understood in the workplace. In my research before commencing at AYDC, the closest detailed and seemingly legitimate reference I found applicable to AYDC in the 'therapeutic' space is outlined by former Children's Commissioner - Mark Morrissey in the 2015 review. It's quite broad brushed and open to interpretation.

In my view, this term and its practical application require greater clarity and agreed understanding by all stakeholders. The basic questions I ask are: what does it mean, what does it look like and how can it practically work in the AYDC setting that benefits residents and provides the necessary safety to staff? The point I make is it's difficult to apply the theory in the workplace if the workers don't quite know exactly what it is, what it's meant to look like and how it's meant to work practically and safely. Importantly, how does a youth worker apply 'therapeutic' practices and remain safe at the same time? What does that balance look like? This was the sticking point for me and others and one which I struggled to make sense of. The broader concern is that the workers end up carrying the risks for its supposed lack of application in the workplace as well as maintaining their own safety in applying it; hardly reasonable or fair in the circumstances I'd suggest.

Similarly, another term seemingly doing the rounds is 'trauma informed' approaches. Again, is there common understanding and agreement on what this means and how it works in practice? Where is the agency endorsed legitimacy/discussion/guidance on this and how is that inculcated in agency policy and practices? Latching onto what some might describe as 'trendy new buzz-words' and phrases as if they were legitimate, well entrenched and commonly understood is risky and open to interpretation if proper consideration is not given to their practical relevance, understanding and application in the workplace. More detailed, agreed and specific evidence-based practical understanding and education of concepts like these is required in my view.

7. The Retired Police: (TOR 4, 5)

Insofar as employing retired police as a short-term solution to staffing shortfalls, I make the following comments:

1. It was worth an experiment to supplement resourcing at short notice and well done to the DoC for thinking outside of the box on this occasion. An experimental mindset and having the courage for considered risk is an important attribute in tackling the AYDC challenges. The literature, which I will expand on later, supports this approach as well. I'd encourage similar experimental thinking as the Department moves forward.
2. Given the compressed time frames, induction and preparatory information was adequate and reasonably well organised given the timeframes. Of course, there were risks with this approach, but they were mitigated as much as reasonably possible to meet demands.
3. HR contact and engagement was very good, well organised, and supportive.
4. Support from AYDC management was very good.
5. However, I'm not so sure that the prevailing unit-based environment with ex-police and residents in that structural setting was a good mix. It would probably work better if the environment was changed to enhance staff safety. It's this safety aspect that I see as being one of the predominant fracture/fault lines for staff in terms of attraction, retention, and ongoing AYDC capacity.
6. I was involved in several incidents of violence directed at me by residents. Follow up was sound.
7. On a personal level, I realised quite quickly that the unit environment as it stood wasn't going to suit me and my ability to adapt to it given my age and conditioning over many years was somewhat incongruent. In other words, that environment was not the place for me nor me for it.
8. However, what this tells me is that clear role understanding in getting the right people into these roles is paramount and this also means getting the best type of structured induction training and education as well so people are properly informed on what they can expect. Expectation management is a critical aspect of any induction process, although I'm not sure what more could have been done in the short time available with our retired police cohort. This isn't a criticism, just an observation. Is there room for a reserve workforce to cater for these unexpected absences? If so, where would they come from and what could it look like? In view of the retired police experiment, perhaps this might be an option worthy of further consideration.
9. Having a casual and flexible workforce seems to be what the youth workers desire, based on conversations with them. This is clearly a prevailing attitude across many employment sectors and more so since COVID. Most seem to want to work short shifts (8hrs max) whilst only a few like longer shifts. Catering to individual needs with flexibility where possible is imperative to maintain organisational commitment in this type of complex and challenging environment, and when the labour market is tight.

8. Security and Safety: (TOR 4,5)

Assuming the need and desire for a fully secure facility, and the imperative for both staff and resident safety, I am of the view this issue is a primary fracture or fault line of the AYDC as previously indicated. Having been involved in the emergency management OHSW space for many years and having also experienced and managed secure facilities including some oversight of the Risdon Prison Complex, I make the following observations and practical suggestions for consideration:

1. There is no central overwatch/central control facility (e.g., 'master control'). This means there is no one central point of internal and external communication and/or security observation post to support front line staff. There is no external perimeter security and noting drone advancements, this presents a significant risk on several fronts. Coupled with the inadequate perimeter fencing, facility security across the board is a significant deficiency. Such functionality would certainly improve staff confidence in terms of safety and security.
2. Coupled with point 1, there is no central communication facility, particularly for movements to ensure all calls are captured and logged. Recorded communications would be preferable for review and accountability purposes.
3. Each unit should have one supervisor that provides unit overwatch, has direct communication with the 'master control' and is free to manage all the office-based demands usually dealt with by the youth workers to free up their time, which is seriously impacted by the current processes and structures. It is very easy to lose personal safety awareness in an environment of risk when one is juggling multiple demands. This approach would also aid in enhancing staff confidence around safety and security having an on-site supervisor watching their back.
4. Automated records for movement and observations. The seemingly ad-hoc and labour-intensive records systems need modernising to reduce inefficiencies and consequential staff stressors. This might sound like an easy technical fix, but it isn't. In fact, it's probably a separate project and will require a systems analysis approach to progress it. In my view, the current approach given the multitude of information demands is not sustainable on several important fronts moving forward.
5. Body worn cameras (BWC) should be seriously considered for all staff together with security cameras to all open areas and corridors (with audio) that is easily retrievable – again another staff confidence issue and critical in terms of resident complaints and allegations. This is one example where the potential dichotomy of a perceived 'therapeutic' approach to resident support versus staff safety intersects. In my view, if resident and staff safety are equally important, then BWC are a necessity given the AYDC environment.
6. Is there a better model between providing youth worker support and staff security? Should these be considered distinct roles and performed by differently trained people? This is a critical issue and one that cannot easily be resolved because of the varying viewpoints around youth worker roles and responsibilities. Youth support and security are both different functions and are open to interpretation in terms of individual application. This seems to have an adverse and inconsistent flow-on effect to residents and staff. Role clarity in this environment is important. This is where the ideas of perceived 'therapeutic' support and resident security create another critical dichotomy and perhaps goes to the very heart of the divergence of views in what the AYDC should be. Should there be security-trained people doing different roles than youth work? If so, what would the structure look like? In my view this aspect needs significant work and is likely to be a pivotal point between stakeholders as to what the 'youth worker' model might look going forward. In my view, this isn't an easy fix either, yet one that needs serious consideration and common agreement amongst stakeholders.
7. Following on from points 3 and 6, and diving a little deeper in a tactical sense, given the current workplace practices, in my view there should be a minimum 2 youth workers (or security people) per resident when out of rooms and mixing with others in largely uncontrolled areas. The ratio can be reduced if youth workers are not physically exposed to more residents than their total numbers. Of course, what this might look like structure and resource wise is part of a larger discussion. Regardless, given the current environment, 2 youth workers to 4 residents in my view, is simply unsafe when all 4 residents are in out in the common area with little to do as was evidenced by my experience.

8. There is a need for more specialised safety equipment. For example, safety boots to avoid door jamming, smaller radios and less keys (two hands needed to protect keys and radios and no hands left to protect yourself). Leather gloves may also be an option in some circumstances to minimise bite and jam injuries. Once again, role clarity in this issue is important and equipment would also be part of the wider discussion. Nevertheless, there are shortfalls with the provision of adequate safety equipment from a basic OHSW perspective. I have no doubt an analysis of workplace physical injuries will support this position.
9. The suggestions above are predominantly offered based on the current working arrangements. Technological advancements no doubt offer a range of other options and solutions. With the recent Government announcement, now is the time for more broader consideration, research and development in this space.

9. Staff Welfare: (TOR 4)

One obvious concern expressed by staff is the extent to which they feel valued, supported, confident and safe in the workplace. What was expressed to me varied considerably, although it was evident more needs to be done to help staff cope with the daily stressors and critical incidents that occur. In this respect, the following are suggestions for consideration:

1. Time out room: A separate room away from the units used for staff to settle and relax after a critical incident such as an assault or verbal abuse. This concept was implemented at Launceston Police Headquarters in 2018 for staff suffering adverse effects from critical incidents such as fatalities and serious crimes. Although dependent upon adequate staffing backfill, the concept was well received. Simply having a dedicated and properly equipped room available despite its intermittent use certainly had a positive impact on staff morale.
2. CISD process: Critical Incident Stress Debriefing processes really need no explanation and in my view are equally applicable in the AYDC as they are in the emergency service space. Whilst the ad-hoc follow-up phone calls after a critical incident have relevance, a more structured approach to properly treat staff involved in critical incidents to minimise ongoing mental health harm is vitally important in this environment. A review of the current list of workers compensation claims would most likely provide evidence to support such an approach.
3. Psychologist availability for both staff and detainees. This should be 24/7 and an AYDC specific and personalised service rather than a random on-line counselling session with a contracted service provider. These first 3 recommendations are all focussed around providing better welfare mechanisms for staff to reduce workplace mental health injury, which I understand, is quite a significant issue amongst the staff cohort.
4. Consideration should be given to a Children's Commissioner (CC) representative having a permanent presence on-site during day working hours as a 'face to face' collaborative approach to resolving day to day concerns as they arise, rather than the residents just having remote phone access to raise issues. I'd suggest the time efficiencies and resolution effectiveness of such an approach in addressing concerns would be significantly beneficial to all stakeholders. Such an approach will probably raise the 'lack of independence' and 'conflict of interest' perception obstacles. However, these can be mitigated with adequate separation strategies; no different to similar oversight/referral functions co-located in other organisations. To my mind I feel this is important from a collaborative stakeholder engagement perspective. In many respects, I'm not at all convinced the CC representatives and other visiting stakeholders experience the reality of the AYDC environment when they are present. In fact, I observed on one occasion model behaviour from residents when the CC representative was present and the moment they left, the behaviour deteriorated significantly. I doubt this was an isolated incident and most likely occurs to other visiting

organisations and observers as well, which tends to skew if not create false perceptions of reality of the AYDC environment. This can be quite damaging particularly if those with authority and power walk away with false perceptions of what the AYDC is really like.

10. Staff Management and Development (TOR 4)

It seems clear to me that largely because of current staffing shortfalls, staff merely turn up to work, do the job then go home. There isn't any time to do the other important HR activities, and this is understandable given the prevailing resourcing situation. Looking forward to when (or if) resourcing improves, I recommend the following for consideration to enhance staff development, professionalisation and reduce HR risks around and excessive separation rates:

1. Regular and on-going education and training days for all staff. Whilst resource and funding dependant, it seems this approach has sporadically been applied over the years. A failure to invest in staff development consistently and systematically is a significant HR risk, which is well documented.
2. Following on from the above point, structured professional development at tertiary level for both front line staff, supervisors and managers would be significantly beneficial in terms of professionalising the workforce in the various employment facets and providing a more credentialed workforce. In this respect, I note some concerns raised in the Col around education standards for youth workers in that it seems most education and training is limited to TAFE type accreditation. A voluntary opt-in type approach that provides tertiary opportunities and pathways rather than mandating same could be a useful first step.
3. Managers and supervisors would benefit with structured development, mentoring and coaching sessions. This is linked with the first 2 points. Proper management education and training seems also to be limited.
4. A review of the education and training position(s) considering the above 3 points would be useful to better meet the ongoing capability and capacity needs of staff. In my view, the bigger educational picture is about giving more focussed and structured education and training generally because of the complexities the AYDC environment presents. This also means attracting the right 'educator(s)' (as opposed to 'trainers') and support mechanisms to drive educational change and reform.
5. Managers need to be given time to manage rather than become too immersed on the shop floor largely because of staffing shortfalls. One indicator of this is finding out how many extra hours the managers are doing daily. My guess is it's significant, which is a separate OHSW issue itself. Is the management/supervisory structure, right? Is the span of control too broad? Is there a supervisory layer missing given managers respond to 'Code Black' calls? Regardless, there is a perception of some disconnect between management and staff so a closer look at roles, responsibilities and structures would be useful in my view.
6. Overlapping shift start times with both incoming and outgoing briefings seems to me to be one important issue that causes staff angst and creates continuity risks. It seems that staff are having to stay back (although overtime is paid, most don't seem to care about it – they simply want to go home) to either wait for staff and/or provide a handover. Handovers themselves could be more structured and in that regard, I refer to similar processes used in other shift-based professions – nurses etc.

11. Residents: (TOR 5)

I make the following comments and observations in relation to managing residents:

1. Consider implementing an induction process for residents. Rather than receive residents from external security, undertake a short screening process and escort them to a unit, perhaps consider an induction discussion around such things as expectations around contact with staff, clear expectations around behavioural consequences agreed in policy and endorsed by stakeholders. This approach provides a formal 'welcome' to the facility, sets expectations and outlines consequences. Wider input from more experienced workers would be helpful in developing a beneficial framework.
2. I question whether it's sensible to allow detainees to mix without any focussed activity and particularly when there exist staff shortages. Perhaps human contact with youth workers instead of other detainees is preferable in more controlled settings. One way to think about this is that police spend a whole heap of time and effort in disbanding criminal networks and limiting offender associations in the mainstream community. In some circumstances it's a crime and police place bail conditions accordingly, which are supported by the judiciary regardless of age. We say we don't want offenders consorting and conspiring on the 'outside' so why permit it on the 'inside' so to speak? I suspect this might conflict with the 'therapeutic' thinking and other viewpoints as well, which I suppose is understandable to a certain extent. However, the violence I experienced in the unit was in my view, caused by the uncontrolled ability of residents to physically conspire into mischief, which they did. I'd guess a review of incidents where staff are injured would reveal similar themes and circumstances.
3. Provide more structured engagement by youth workers on behaviour and expectations with clearly understood consequences that in effect, replicate community standards and life generally. Going to programs is good, but I feel the educative approach needs better structure, with good role modelling and reinforced at every opportunity. This of course is people/resource dependent. However, if higher quality outcomes are sought for residents', then the right resourcing should be put in place to provide the best opportunity for this to happen.

12. Facilities: (TOR 5)

The Government has committed to a future model with several facilities; the finer details of which are yet to be disclosed. In the absence of detail, it is difficult to pass any further comment on the model. However, in my view, the AYDC must remain in place until any new model is implemented. There is no other realistic or tangible option for youth detention, which I argue is a societal necessity.

That is not to say progress on systems, structural and procedural changes cannot or should not occur in the interim – they should. I say this because new facilities alone aren't the panacea to making positive progress in this space. The chosen business operating model moving forward needs to be well planned, understood, practised and in place well before the new facilities commence operation. Importantly, the operating model must sync with the new infrastructure. All too often we see project infrastructure so far out of alignment with operating models, that planned effectiveness and efficiency dividends are lessened. Consequently, there stands a strong chance of repeating past mistakes and the opportunity for positive progress is lost.

Summary:

The broad ranging issues at AYDC are what the academics and contemporary leadership practitioners label as 'wicked problems' or 'adaptive challenges'; that is, problems which are complex and ambiguous in nature where no clear pathway forward exists. It requires people to learn new ways, change attitudes, values and norms in order to think differently and make progress towards an intended or aspirational outcome (Heifetz, Grashow and Linsky, 2009). Essentially, it's peoples' thinking that has to change as opposed to adopting the same mindset to different problems and expecting different results. Arguably I'd suggest, the latter is perhaps one reason why after numerous reviews the same issues at the AYDC keep bubbling to the surface.

Much of my professional educational work as a former senior police officer and now privately in retirement, centre around leadership and problem solving with emergency managers in this context. The Kennedy School of Government at Harvard University (Massachusetts - United States) has for quite some years, been at the forefront of this approach. I would encourage anyone involved in public sector leadership to delve more deeply into it to better understand how to approach complex challenges such as those at the AYDC.

In my view, protecting youth in Government care is just as important as protecting the staff employed by Government. I think this point is either de-emphasised or somewhat lost in discussion. However, based on my exposure to the staff themselves, individually they are not the problem at the AYDC. The problems rest with systems, structures, resourcing and stakeholders. Consequently, improving working conditions by making staff systems, safety and welfare just as an important issue as the residents' care is one potential underpinning strategy moving forward. This involves structural and systems-based enhancements as well as receiving the necessary resource funding to employ the right people, the right number of people, create and maintain a safe, secure environment and a workplace that supports its workforce in growth and development. In my view, this is the bedrock to maximise the opportunity for the necessary care and support residents need. Without the former, the latter simply can't be achieved regardless of building new facilities or otherwise.

I genuinely believe that all stakeholders want the same outcome and that is providing the best quality care and support to young people sent to AYDC. The other plank of course is to create more effective buy-in with key stakeholders to ensure a shared understanding on what the facility is, what the facility should do and how it should do it. Worker welfare and safety is central to the discussion.

If you require any further clarification, additional information, or anything else, please do not hesitate to contact me. Thank you for the opportunity to comment and I wish the Committee well with its deliberations.

Yours sincerely

Bretton (Brett) Smith APM

Reference

Heifetz, R., Grashow, A., & Linsky, M. (2009). *The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World*. Boston: Harvard Business Press.