

# Appendix

## Appendix A: Department of Youth Justice response



Department of  
Youth Justice

Our ref: 03098-2024  
Your ref: 2024-00091(P1)

Mr Anthony Reilly  
Queensland Ombudsman and Inspector of Detention Services  
Email: [Inspector@ombudsman.qld.gov.au](mailto:Inspector@ombudsman.qld.gov.au)

Dear Mr Reilly

Thank you for your letter dated 4 July 2024 providing your revised inspection report 'Cleveland Youth Detention Centre: Focus on separation (segregation) due to staff shortages'.

The draft report highlights some of the operational complexities and the significant efforts made by the Cleveland Youth Detention Centre to maximise service continuity during periods of separation. It also highlights the reduction in the use of staff shortage separations throughout 2023-24 compared to 2022-23, and the considerable efforts made by the Department of Youth Justice (the Department) to improve recruitment and retention.

Queensland has continued to maintain the highest youth detention centre utilisation rates across the nation over the past eight years. Staff shortages can be impacted by volatile and variable demands, including taking young people to and from court, hospital and other medical appointments, as well as staff absenteeism – all of which can be spontaneous or unplanned.

Separations are subject to strict approvals, supervision protocols, time limits and record keeping, ensuring they are reasonable and justified, in keeping with the legislative requirements of the *Youth Justice Regulation 2016* and the *Human Rights Act 2019*.

Some recommendations are to Government and are of course issues for Government. The Department accepts the recommendations related to its administrative functions in principle. I note that the recommendations focus on the following areas:

- workforce sustainability and capability;
- infrastructure planning and enhancements to existing facilities;
- legislation, policy and practice; and
- information systems and reporting.

The Department has achieved growth in the YDC FTE since June 2022, when there were approximately 56 FTE net vacancies in YDCs compared to 118 FTE over strength in June 2024.

The time spent in separations due to staff shortages has reduced at the Cleveland Youth Detention Centre by about 50 per cent.

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Notwithstanding these figures, the challenge of overcoming nationwide workforce shortages, particularly in a regional area, such as Townsville cannot be overstated, in addition the systemic challenges that exist with recruiting and retaining staff in all fields of human services across the state.

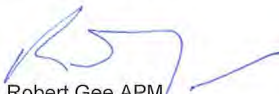
A comprehensive response to the proposed recommendations is enclosed. The response refers to a range of initiatives that collectively support improvements to workforce, infrastructure and service delivery outcomes, including:

- recruitment and retention strategies that focus on attraction and selection, health and wellbeing, renewal and workforce sustainability;
- long-term infrastructure capacity initiatives;
- legislative review of separation powers; and
- reporting capability enhancements.

The Department remains fully committed to minimising the use of separation and the continuous improvement of the administration of these powers.

Should your officers require any further information, please contact Mr Joel Moat, Acting Senior Executive Director, Youth Detention Operations and Reform on 07 3097 7528 or at [Joel.Moat@cyjma.qld.gov.au](mailto:Joel.Moat@cyjma.qld.gov.au).

Yours sincerely



Robert Gee APM  
Director-General  
... 1.1.8.24

Enc: Comprehensive response to the proposed recommendations

**Attachment 1 – Response to proposed recommendations**

The Department accepts the recommendations related to its administrative functions in principle.

Focus area	Recommendations	Response
Workforce sustainability and capability	1, 13	<p>The Department has achieved growth in the YDC FTE since June 2022, when there were approximately 56 FTE net vacancies in YDCs compared to 113 FTE over strength in June 2024:</p> <ul style="list-style-type: none"> <li>FTE numbers as of 28 June 2024 were 901 FTE Active and Paid FTE.</li> </ul> <p>Notwithstanding these figures, the challenge of overcoming nationwide workforce shortages, particularly in a regional area, such as Townsville cannot be overstated, in addition to noting of the systemic challenges that exist with recruiting and retaining human resources in all fields of human services across the state.</p> <p>Recruitment and retention of frontline YDC roles remains a paramount priority for the Department. Several critical attraction, recruitment and retention strategies have been implemented by the Department in the last two years, yielding strong recruitment outcomes across the state and a strong growth in frontline FTE. Youth detention centres (YDCs) have evidenced significant improvements in the use of separation relating to staff shortages and will continue to implement strategies to fully operationalise youth detention service delivery.</p> <p>A strategic workforce plan to promote sustainability, diversity, capacity and capability is being finalised, inclusive of:</p> <ul style="list-style-type: none"> <li>finalisation of an Employee Value Proposition</li> <li>ongoing use of recruitment and retention analytics to refine processes and strengthen applicant and employee supports</li> <li>increased investment to strengthen statewide recruitment processes</li> <li>industry partnerships to build a long-term applicant pool for scheduled recruitment cycles</li> <li>increased investment in staff training and implementation of recommendations from the Training Needs Analysis for YDCs</li> <li>improved workforce structural supports, compensation and benefits to promote staff development, wellbeing and retention.</li> </ul> <p>The development of a strategic workforce plan aligns with sector advocacy and recent Queensland Audit Office and Community Safety Plan recommendations in relation to workforce sustainability, which recognise staffing shortages as both a national and international issue across human service</p>

		<p>professions. Further, it aligns with the QFCC review of 'Capacity and capability of the youth justice and child safety workforces', recognising that service delivery objectives cannot be met without an adequate, skilled and capable workforce.</p> <p>The centralised team of recruitment specialists continue to coordinate YDC recruitment for the three YDCs and the Wacol Youth Remand Centre (WYRC). The team continues to action several system improvements in partnership with the YDCs to improve recruitment and retention outcomes, including:</p> <ul style="list-style-type: none"> <li>• embedding a renewed, sustainable, and streamlined state-wide recruitment model</li> <li>• enhancing application, shortlisting, selection and onboarding processes</li> <li>• supporting workforce health, safety and wellbeing</li> <li>• inclusion of a behavioural indicator framework to improve the selection process</li> <li>• promotion of transfer opportunities between YDCs</li> <li>• specific initiatives and strategies to attract and recruit Aboriginal and/or Torres Strait Islander staff</li> <li>• regionally focused strategies to promote and support CYDC recruitment.</li> </ul> <p>The Youth Detention Centre Certified Agreement 2023 was certified by the Queensland Industrial Relations Commission in December 2023, and includes a wage increase of 4%, 4% and 3% over three years from 1 August 2023 and a cost-of-living adjustment (COLA) payment each year (capped at 3%). The YDC Operational Employee Allowance and Youth Detention Skilled Worker (Retention Allowances) have also very significantly increased remuneration for YDC staff (from \$50 to \$350 per fortnight indexed with wage increases).</p> <p>Remuneration benefits have led to increased attraction of suitable applicants and improved retention rates which has alleviated workforce shortage pressures. Throughout 2024, there are 11 inductions scheduled (six for CYDC and five for BYDC/WYDC/WYRC) with a further 71 staff about to commence inductions.</p> <p>Individual YDC Workforce Plans were also developed in June 2023 highlighting key workforce development priorities, inclusive of attraction, recruitment, retention, professional development and supervision strategies. The workforce plans are tailored to the unique needs of each YDC and are informed by an environment scan and centre profile information to develop a range of strategies to address workforce challenges.</p> <p>The 2023-24 Detention Youth Worker Recruitment Strategy highlights targeted recruitment processes for detention youth workers across Queensland YDCs, with key focus areas including candidate care, advertising, community partnerships, feedback and clear, expedited application processes.</p> <p>A specialist recruitment agency was onboarded for CYDC in August 2022 to attract frontline staff, with specific strategies to support sustained workforce growth in that region. This work aims to improve</p>
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<p>attraction, retention, and progression opportunities for skilled staff, tailored to the needs of CYDC, noting the acute recruitment challenges specific to the region, including the need to increase Aboriginal and/or Torres Strait Islander applicants. Townsville-based positions at CYDC are filled through continuous advertisement.</p> <p>Ongoing promotion and community engagement to attract frontline CYDC staff continues. This has included:</p> <ul style="list-style-type: none"> <li>• a CYDC microsite hosted by Hudson recruitment</li> <li>• tailoring local advertisements and promotion to better reflect the CYDC role and its clients</li> <li>• seek ads in all major metropolitan locations, plus additional regional locations including Mt Isa, Doomadgee, Mackay, Rockhampton, Bundaberg and Torres Strait Islands</li> <li>• reimbursement of relocation costs for successful permanent applicants</li> <li>• exploring transferable skills from other professions, including PO streams</li> <li>• promotion of employment opportunities across a range of government and non-government agencies, including career fairs.</li> </ul> <p>Strategies to strengthen CYDC workforce retention include:</p> <ul style="list-style-type: none"> <li>• undertaking an evidence-based analysis of local and systemic issues that contribute to attrition, identifying both strengths and opportunities</li> <li>• reviewing relevant role profiles, staffing and supervision structures to identify resource efficiencies and alleviate demand pressures</li> <li>• developing learning and professional development pathways and increase opportunities to expose staff to different roles and responsibilities</li> <li>• developing local on-boarding processes, integrated into existing corporate and DYW induction processes</li> <li>• regularly celebrating team successes and organising other similar team building activities</li> <li>• providing staff improved skills to give and receive feedback and mentoring support</li> <li>• improving stakeholder understanding of CYDC operations and service delivery to strengthen local partnerships with stakeholders and create opportunities for innovation and efficiencies.</li> <li>• Increased operational support with ongoing Youth Worker secondments from YDCs in south-east Queensland</li> <li>• This work is ongoing and significant investment in promotion, communication and engagement activities continue as part of the Department's business as usual operations.</li> </ul>			
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<p>Infrastructure planning and enhancements to existing facilities</p>	<p>5, 6, 7, 9, 14</p>	<p>The Department is also committed to supporting the health, wellbeing and resilience of the YDC workforce, as well as strengthening learning, behaviour support and cultural considerations and practices.</p> <p>Enhancing the capability of onboarded and existing YDC staff through professional development and training is critical to the long-term workforce and operating framework reform. Research highlights the critical role of a skilled and capable workforce to deliver effective management of young people. The Department notes that the recommended operating model for the new YDC at Woodford provides for a therapeutic approach and as such, an increased ratio of professional staff has been explored to support young people to address offending behaviours.</p> <p>This work aligns with the recently commenced QFCC review of 'Capacity and capability of the youth justice and child safety workforces', which aims to identify innovative and sustainable structural approaches to enhance capability and capacity systems. The review will consider evaluations, recommendations and sector insights regarding issues, strengths and opportunities for change.</p> <p>To ensure existing YDCs can incorporate elements of contemporary, therapeutic approaches, the Department will review caseloads and associated activities of client services' teams, as well as the operation and intent of behaviour support units and the level of resourcing required to achieve their intended purpose.</p> <p>Further consideration will be required in relation to additional resourcing, budget implications and staff and union consultation. The Department will also continue the delivery of CART Lite training to non-operational staff. As previously noted, the report would benefit from a comprehensive representation of the cultural supports available at the centre.</p> <p>In summary, the Department will continue to improve and refine attraction, recruitment and retention strategies throughout 2024/25. The overall strategies include ongoing investment in staff training, utilising recruitment and retention analytics to refine processes and improve supports, defining the Department's Employee Value Proposition, improving staff compensation, building a diverse workforce and redeploying staff as required.</p> <p>The Department acknowledges infrastructure issues identified in this report; and agrees that fit-for-purpose infrastructure is critical to the safe and secure management of YDCs.</p> <p>The Department also acknowledges that it is essential to address the underlying causes that result in young people being placed in separation due to staffing issues. As mentioned above, the Department is focused on recruitment and improving the retention and wellbeing of youth detention staff in order to reduce the occurrence of staff shortage separations. The impact of improved staffing across the YDCs has resulted in young people spending significantly less time in staff shortage separations.</p>
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	<p>There are existing legislative, policy and practice safeguards in place to ensure that when young people do need separated:</p> <ul style="list-style-type: none"> <li>• separation rooms are only used when absolutely necessary and for the shortest possible period to ensure a young person's safety</li> <li>• young people always have access to staff via an intercom and can access fresh water and toilet facilities on request. Policy and procedure reiterates these requests must be actioned without delay</li> <li>• young people are observed frequently and, on some occasions, will have a dedicated staff member assigned to them to provide constant supervision.</li> </ul> <p>The Department will also explore the feasibility of existing infrastructure modifications, noting these may not be structurally possible or financially viable due to infrastructure or construction limitations. These modifications will have significant cost implications that will need to be considered and staged relevant to other capital expenditure priorities. The Department will also be required to consult with staff and industrial unions to address likely concerns regarding workplace health and safety. However, it is important to acknowledge that the primary focus for the Department is around improving staffing retention and recruitment to ensure that young people are not being separated due to staff shortages.</p> <p>The Department has commenced a long-term infrastructure strategic plan that will be finalised in late 2024, that aims to deliver the following outcomes:</p> <ul style="list-style-type: none"> <li>• transition to a diverse youth detention asset portfolio</li> <li>• increase the efficiency of existing YDC infrastructure</li> <li>• alleviate current and projected capacity stresses on the asset portfolio and provide sufficient capacity to support safe operations</li> <li>• maximise opportunities for rehabilitative outcomes for young people through infrastructure which supports a targeted, evidence-based and culturally responsive approach to operations.</li> </ul> <p>Comprehensive condition assessments of the three existing YDCs will be made to inform the plan that takes into account the expanded YDC portfolio (including a predictive 10-year outlook based on lifecycle assessment and other criteria) and implications for the design, siting and operations required to transition to a more diverse youth detention asset portfolio and support an integrated statewide service system.</p> <p>This work includes an analysis of demand factors (such as geographic location and the risk/need profiles of different cohorts) and service model options that address community, geographic and system needs. It will also examine contemporary design responses to the increasing complexities of Serious Repeat Offenders and learnings from recent infrastructure projects. This work aims to implement best practice, evidence-based operating models including accommodation management, tailored to specific</p>
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		<p>cohorts and/or risk profiles, including supporting Aboriginal and Torres Strait Islander young people, culturally and linguistically diverse (CALD) young people, and young people who identify as non-binary.</p> <p>Importantly, all YDCs have routine and regular cleaning and maintenance schedules to ensure all rooms and facilities are in good, clean order. These protocols include regular checks to identify required maintenance, including the removal of graffiti. As part of restorative activities (as per the restorative practice and behaviour support policies), young people may also be required to clean up or paint over graffiti. This is documented in YDC local operating procedure and includes cleaning requirements for separation rooms. Further, new facilities maintenance agreements for BYDC and CYDC includes provision for a full-time painter to maintain the standard and aesthetic of YDCs.</p> <p>The Department will also explore whether soft furnishings can be utilised safely, noting separation rooms are only utilised in response to unsafe behaviours. Any soft furnishings would also need to be robust enough to withstand intentional attempts to use these items to cause harm. Otherwise, these items may end up posing a safety risk to young people. This will also likely result in significant property damage costs for the Department.</p> <p>The infrastructure design of the two new YDCs at Woodford and Cairns will incorporate best practice, including therapeutic and purpose-built design principles, on-site training facility requirements, and improved facilities for managing dynamic risk and separations. For example, innovative design solutions are being explored at the newly developed YDCs including the placement of telephones in young people's accommodation rooms and accommodation unit designs that incorporate a range of multi-use spaces that can be utilised for programs, video-links and other activities.</p>
<p>Legislation, policy and practice</p>	<p>2, 3, 4, 8, 10, 11</p>	<p>The Department takes its obligations under the <i>Youth Justice Act 1992</i> and <i>Human Rights Act 2019</i> seriously, while also balancing workplace health and safety obligations to employees.</p> <p>Staff shortage separation occurrences were more prevalent during 2022-23 due to workforce shortages associated with the post pandemic recovery and general labour market shortages, particularly in regional areas such as Townsville.</p> <p>In response, the Department has made significant investments in attraction and recruitment activities and implemented enhanced retention and safety initiatives for staff. YDCs have seen significant improvements in the use of staff shortage related separations, with significant decreases in the number of young people separated as a result of a staff shortages occurring in 2023-24. The Department will continue to improve attraction and retention strategies with ongoing recruitment throughout 2024-25.</p> <p>The large majority of separations within a YDC are essential, risk-based response options to ensure the safety, security and good order of YDCs and ensure the safety and welfare of all young people, staff and</p>



	<p>visitors. Consequently, separations will only occur where there is a risk to the safety, security or good order of the centre.</p> <p>The Department takes its workplace health and safety and industrial obligations to staff and the need to maintain the supervision ratio of one staff member to four young people seriously. Where this ratio is not able to be met, separations are required to ensure the safety and security of the YDCs. There are many variables that can impact on the day-to-day operations and ability to adequately staff the YDCs on any given day. This includes ongoing demand pressures, noting Queensland has maintained the highest YDC utilisation rates across the nation over the past eight years. Staff shortages can also be impacted by volatile and variable often spontaneous operational factors, including taking young people to and from court, hospital and other medical appointments, as well as unplanned staff absenteeism, which can be impacted by seasonal factors such as sickness and unscheduled leave.</p> <p>Regular meaningful contact between staff and young people during separations is supported by existing legislation and policy that requires regular observations of young people while separated. At a minimum, these observations must occur every 15 minutes, and are more frequent depending on assessed risk. This could result in a dedicated staff member constantly supervising and interacting with a young person while separated.</p> <p>Compared to other Australian jurisdictions, Queensland YDCs have the most frequent observation protocols and one of the lowest staff to young person ratios, ensuring that young people are provided robust and meaningful supervision, with routine engagement and interaction occurring.</p> <p>The observation directive issued under section 21(4) of the Youth Justice Regulation 2016 was also recently updated to require YDCs to audit, on a minimum monthly basis, compliance with observations protocols. Any non-compliance with these requirements is referred to the Professional Standards Unit.</p> <p>The Department has maintained these safeguards to ensure young person and staff safety, and in recognition of the increasing complexity and frequency of unsafe and volatile behaviours prevalent in young people detained in custody. This is particularly relevant for those young people accommodated in a behaviour support unit.</p> <p>The Department exercises its duty of care to young people to ensure their safety, the safety of staff and the good order of large and complex YDC environments extremely seriously. Separation for risk related purposes is one means by which young people's risk-taking behaviour can be utilised to prevent them from harming themselves, other young people and staff. Accordingly, for 2022-23, Queensland had the second lowest rate of young person on young person assaults in the nation which was almost ten times less than the highest rate.</p>
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<p>Having more staff has had a positive impact on staff shortage related separations incidents, separations due to staff shortages decreased throughout 2023-24, as the Department's continued recruitment and enhanced retention strategies resulted in additional frontline staff to meet demand.</p> <p>The Department is committed to ensuring that separation is used in strict compliance with the requirements outlined in sections 21 and 22 of the <i>Youth Justice Regulation 2016</i> and the associated directives issued under sections 21(1)(c) and 21(4) of the <i>Youth Justice Regulation 2016</i>. All separations are recorded, approved by the relevant delegated officer, and are used for the minimum amount of time necessary as prescribed in the legislation.</p> <p>Separation is inherently complex and for its impact on young people to be appropriately contextualised and analysed, a number of factors must be taken into consideration, including:</p>	<ul style="list-style-type: none"> <li>• the duration of both the separation event and time spent in and out of room</li> <li>• overall separation trends, across both the centre and accommodation units, and any cumulative impacts</li> <li>• staffing levels, deployments and agile rostering to maximise out of room time in a fair and equitable manner on a daily basis</li> <li>• young person complexity and cohort management, which is dynamic and differs across accommodation units</li> <li>• operational impacts which require staffing agility on a daily basis, including emergency codes, leaves of absence, court requirements, admissions and releases</li> <li>• observation levels, and other risks that may inform this, including suicide or security risks</li> <li>• separation supports provided to young people while in separation, noting the recording of this information prior to system enhancements in November 2023 is likely to be incomplete</li> <li>• supports provided by a range of operational and non-operational staff, including nurses, psychologists and cultural staff.</li> </ul> <p>Existing legislation and policy align with the intent of these recommendations and ensures separations:</p> <ul style="list-style-type: none"> <li>• are subject to strict approvals, frequent supervision protocols, time limits, record keeping requirements and complaints management processes</li> <li>• fully consider human rights obligations and are informed by advice from multi-disciplinary staff, including psychologists to ensure therapeutic supports are in place throughout separations</li> <li>• provide out of room time and promote service continuity in relation to education, programs and other activities that support young people's wellbeing</li> <li>• reflect standards enshrined in international conventions.</li> </ul>
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	<p>The Department will continue to monitor the use of separation rooms to ensure they are used only when absolutely necessary and for the shortest possible period. Further enhancements to policy, training and information systems will be considered to reinforce this outcome.</p> <p>Review rights are supported via section 277 of the <i>Youth Justice Act 1992</i>, and the Queensland Ombudsman's complaints management processes. Young people are informed of their right to make a complaint as part of admission to a YDC and are regularly informed of this right during their period in custody. Young people are advised that they can make a complaint at any time, to any staff member.</p> <p>Easy English guides on how to make a complaint (developed by Youth Justice Speech and Language Pathologists) support young people's understanding of the process, with consideration to their age, development, cultural and linguistic backgrounds, and literacy capabilities.</p> <p>Young people can directly access several complaints and advocacy agencies, including the Queensland Ombudsman<sup>(GH2)</sup>, Queensland Human Rights Commission and the Office of the Public Guardian (OPG) from their accommodation unit phones. OPG Community Visitors visit all YDCs on a weekly basis to speak directly to young people, and young people who have been separated are prioritised during these visits. OPG also maintain confidential mailboxes in each accommodation section, allowing young people to write to the OPG either anonymously or by identifying themselves, to raise any issues or concerns they may have. These processes are comprehensively covered in staff training.</p> <p>The existing separation policy supports consultation with the multi-disciplinary team, inclusive of psychologists, in relation to separation supports. This recommendation, however, fails to comprehend that regardless of the advice of a psychologist, if the staffing ratio cannot be met to safely operate an accommodation unit/s, a separation will be required if all other alternatives have been considered. The Department reiterates the focus of addressing the root cause of staff shortages in YDCs through improved recruitment and retention processes and investing in the capability and skill development of our new and existing workforce.</p> <p>Young people who are separated are supported by the provision of therapeutic, educational and cultural supports, which are coordinated by the YDC multi-disciplinary teams and other key staff. During separation, all young people have access to:</p> <ul style="list-style-type: none"> <li>• multi-disciplinary team members, including clinicians (psychologists and speech language pathologists), caseworkers, program officers and cultural liaison officers</li> <li>• a range of health services provided by Queensland Health and nursing staff. This includes young people attending the onsite medical centre for routine health appointments, assessments and treatment</li> <li>• phone services and visits</li> <li>• education packs provided by the Department of Education, activities and music</li> </ul>
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Information systems and reporting	12, 15	<p>staff at any time either in person or via the intercom.</p> <p>The Department recognises the importance of transparent and responsive performance reporting, particularly in relation to restricted practices, such as separation. This information is critical to both separation decision makers and oversight agencies to promote legislative compliance and robust scrutiny of the use of these practices.</p> <p>The Department is committed to improving reporting on restrictive practices, including introducing a distinct measure on out of room time, as per similar recommendations made by the Disability Royal Commission and the (Queensland) Child Death Review Board. This is occurring via the inter-jurisdictional working groups established to support the Youth Justice National Minimum Data set and annual reporting to the Productivity Commission's Report on Government Services (ROGS).</p> <p>Transparent and accountable reporting also supports the Department's commitment to the Child Safe Standards, the <i>Human Rights Act 2019</i> and other inquiries and reviews with enduring importance such as the Royal Commission into Aboriginal Deaths in Custody and the Forde Inquiry.</p> <p>The existing DCOIS was introduced in 2011 and is now classified as a legacy system. Its reporting functionality is limited and despite regular upgrades, its design has not enabled the system to keep up with growing service complexity and reporting requirements.</p> <p>Considerable steps were taken to improve the Department's separation records and capability to readily produce contextual reports that demonstrate the Department's ongoing commitment to respect and uphold the human rights of young people and meet its legislative obligations. System upgrades to DCOIS delivered in November 2023 enabled capturing more accurate reporting of separations and live operational review of separation incidents.</p> <p>The Department continues to develop and embed processes to ensure that separations are being used reasonably, lawfully, with sufficient justification and with the required approvals and documentation.</p> <p>As part of the Department's youth detention infrastructure expansion projects, a replacement system is being scoped to ensure comprehensive, real time reporting capability for separation and other restrictive practices within YDCs. Importantly, recording time out of cells will be a core capability requirement. Input from other jurisdictions is also being sought as part of this process, including from Queensland Corrective Services who use a similar system.</p>
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