



## Australian Education Union-ACT Branch

# Submission to the Bimberi Youth Justice Centre Review

The Australian Education Union – ACT Branch (AEU) is the peak professional and industrial organisation for over 3000 principals, teachers and school support staff in ACT public schools and TAFE. This membership represents the vast majority of principals and teachers and an increasing membership base of school assistants, Indigenous Education Officers/Workers, Youth Workers and other education workers who support students in public schools and TAFE colleges.

The AEU welcomes the opportunity to provide a submission to the Bimberi Youth Justice Centre Review.

The AEU will respond to the Bimberi Youth Justice Centre Review by raising issues under the following key themes and provide recommendations for future directions under each theme.

### **1. Internal Communications between Bimberi Youth Justice Centre Management and Murrumbidgee Education and Training Centre [METC] teaching staff and implications for safety and security of students and staff.**

Communications between manager/s of the centre and teachers had become ineffective and inadequate, deteriorating to a low point over the past 20 months to 2 years. The decision-making processes concerning educational programs had been uni-directional and in the main appeared to come from the Centre management rather than METC managers.

There was an absence of genuine consultation in regard to key decisions and as a result there were some significant surprises for teachers and centre staff. The

removal of youth workers/custodial officers from the classrooms was just one such example. The suggestion that such a decision was approved in order to develop a more 'normal' classroom/school environment is misguided to say the least. METC is an exceptional educational environment and therefore requires additional measures to ensure students have equitable access to a high quality education whilst residing in Bimberi.

There has been poor consultation with teachers in regard to the arrival at the centre of new residents and the establishment of appropriate educational programs for each student. The introduction of new residents into classroom settings also challenges the dynamics of established groups. This needs to be considered by teachers before new students enter the classroom at METC. Both of these issues have generated concerns by centre staff about safety and security of teachers, youth workers and the residents. Teaching staff and youth workers/custodial officers were required to 'catch up' with the decisions made by Bimberi management in order to adjust to the changed dynamics and to deal with the fall-out from those decisions.

Communications would be enhanced if there was a site-based Department of Education and Training [DET] Principal position established at the METC-Bimberi. This role would be more complex as compared with the normal principal function due to the shared responsibilities with Justice and Community Safety [JACS] and the range of residents than that at equal level in a main stream school. The current model requires the Executive teacher to 'punch' well above their weight.

**Recommendation 1(a):** The AEU recommends that before any new resident is placed in a METC class group they should be inducted through a case conferencing model in which the student, executive teacher, teachers and youth workers are included. It is important that education professionals at the site are involved in such a process to determine the best program for each resident.

**Recommendation 1(b):** The AEU recommends the establishment of a new site-based DET Principal position at the Murrumbidgee Education and Training Centre.

## **2. Teachers as 'snitches'/authority figures/disciplinarians.**

It was established practice at Quamby/Hindmarsh Youth Justice Centre and more recently at Bimberi to have a youth worker/custodial officer in the classrooms with the teachers and students. This model appeared to function effectively because the teachers were able to teach the educational program, work individually with students,

involve the youth workers/custodial officers and most importantly develop a good rapport with the students resulting in a secure and safe environment. The residents were also able to develop closer relations with the youth workers/officers and occasionally confided in them and accepted advice from them. By removing the youth workers from the classrooms mid-2010 the dynamics in the classrooms underwent a significant change for the worse. The stated rationale underpinning the change was to create a sense of “normalcy” in the classrooms, however, as stated in point 1, no classroom enclosed behind locked gates will ever be a ‘normal’ classroom. The focus must be on students accessing an educational program and having both teachers and youth workers in the classroom supported this goal.

In mid-2010 the teachers’ role was altered so that they were required to call for the custodial officers, now stationed outside in the courtyard, to assist them with significant, inappropriate behaviours by a student/s. This generated a level of suspicion and resentment among the residents toward teachers. They informed the teachers that they [the teachers] had become ‘snitches’ and could no longer be trusted. Their classes were reportedly more often disrupted by unruly behaviour, offensive and threatening behaviours and other issues. It is disingenuous to suggest that the removal of the youth workers from classrooms is a positive step since teachers report a significant decline in students accessing an educational program. The change resulted in custodial officers/youth workers becoming purely custodial officers. Their role became much more adversarial than supportive as they were only called on to run interference in threatening situations. The combined roles of the teachers and the custodial officers was reduced to one of control and punishment and moved away from a rehabilitative direction. If anything there should be additional staffing provided to the facility to enable METC to operate safely with a positive approach to improve the lives of the residents, the youth workers/custodial officers and teachers.

**Recommendation 2a:** The AEU recommends the return of the youth workers/custodial officers to the classrooms. It is believed that such a move will assist in establishing a clear focus at Bimberi and METC on rehabilitation rather than punishment and will enhance safety and security for staff and students alike.

### **3. Programs for Education designed with relevance to short [project based] and long stay residents.**

The AEU believes strongly that the educational programs run at the METC should recognise the wide mix of students in terms of both individual ability and length of

sentence. There is a strong emphasis by the Department of Education and Training [DET] on developing literacy and numeracy skills in the students. While that is appropriate in a number of cases it is not always the most practical program to offer for some students. Many of the students detained have long term, well-established difficulties with literacy and numeracy ranging from illiteracy and/or innumeracy through to semi-literate and semi-numerate. A few students at METC are both literate and numerate.

Many students are past the age [17] requiring compulsory education and are completely unmotivated to engage in literacy and numeracy classes. Their history of formal schooling has often been problematic and patchy at best and as a consequence many of these students are firmly of the view that they do not wish to participate in education programs. Whilst teachers do their best to encourage these young people (and often adults), to engage in education - and present activities which will motivate them – it must be accepted that students beyond the compulsory age of schooling have the right to choose not to engage in these classes. However, current staffing arrangements and limitations on access to classroom equipment (such as tools) by individual students do not allow them to select purely trades/technical subjects. Nor does the operational staff have the capacity to supervise these students outside METC hours. This often results in considerable student management issues within education classes.

If a student resides in Bimberi for three weeks or less the emphasis should be focussed on project-based programs so that during the course of their detention they are able to complete a tangible project. It is possible to include literacy and numeracy as a common thread through every program but not at the expense of providing achievable goals for short term residents. The importance of such goals cannot be overstated in the interest of developing self esteem in damaged individuals.

There is also a significant need for programs designed to instil some fundamental social skills in the residents to enhance their life chances when they are released. In many of the residents, the lack of basic social skills has been a contributing factor to their circumstance and they lack a structured framework that would assist them in the community. Programs such as anger management, working and coping with difficult people, applying for Centre Link payments, preparing job applications and job interviews reflect a focus on rehabilitation rather than punishment and may contribute to the well being of the residents and the community.

If students are able to complete some components of a Vocational Education and Training (VET) Certificate program then that record should be kept and a copy issued to the resident at the time of their release. Status should be given to the student so they can have the opportunity to build on these studies elsewhere. If they should have the misfortune of returning to the centre, students could continue their VET program in METC. Such a record would ease the workload of the teachers and others in the case conferences and assist them in getting the student engaged in the program again.

The key point is that if students arrive at METC with poor literacy and numeracy skills they are unlikely to become either literate or numerate in a short period of time no matter how intensive the program. For the literate and numerate students, the educational program would be adjusted to meet individual students' needs and provide challenge and progression toward achieving the educational milestones of Year 10 and Year 12 Certificates.

**Recommendation 3a:** The AEU recommends that there is close consultation with the METC teachers regarding educationally and socially appropriate programs for short stay residents the aim of providing students with achievable goals in the course of their short stay.

**Recommendation 3b:** The AEU recommends that a record of achievement be maintained for individual residents during and after their detention to facilitate the identification of commencement points for the continuation of courses either at a college, TAFE, other Registered Training Organisation or METC.

#### **4. Exclusion of students from education programs used as an inappropriate means of behaviour management.**

Education is not a privilege to be dangled in front of students yet this is exactly what seems to have occurred at Bimberi in recent times. The AEU strongly believes in providing education to all residents as a fundamental human right and objects to the strategy of withholding education from some or all residents as a punishment for the inappropriate behaviour of one or two residents. Regardless of Bimberi management's rationale behind this practice, education is too important to be applied in such a manner. The breaks in the education program as a result of lockdowns undermine the capacity of teachers to maintain the interpersonal rapport and continuity in their programs. The practice of withdrawing the right to education results in the classroom environment being destabilised and generates safety and security issues for all concerned.

**Recommendation 4a:** The AEU recommends that the education program be delivered without interruptions by lockdowns or withdrawal of students except in extreme situations, to enhance continuity of programs, safety and security.

**5. Interference/obstruction in the education program by centre management – kitchen, horticulture, wood and metals programs**

The AEU acknowledges that the VET facilities metalwork, woodwork, horticulture and cooking programs at METC are of a high standard and well-resourced. However, the AEU understands that there have been so many restrictions placed upon the students' access to tools that courses have been unable to run. A risk assessment needs to be undertaken for each educational program and should consider how programs can run safely in order to meet the needs of each student. It is vital that the students' access to tools in the areas identified is less restrictive and that a youth worker/custodial officer be present during lessons with the teacher and students, in the interests of health and safety for all. This in fact would ease the workload of teachers in so far as it enables them to engage the students in active learning programs whilst the youth worker/custodial officer provides support.

**Recommendation 5a:** The AEU recommends that, following a risk assessment, students should be given supervised access to tools to enable them to complete the programs in which they are enrolled from the date of their enrolment.

**Recommendation 5b:** The AEU recommends that there must be two adults –a teacher and a youth worker/custodial officer – in any scenario where there is access to tools.

**6. Transitional program to ensure students' smooth transfer back into the school system**

The AEU is concerned that younger residents appear to be released into the broader education community often with insufficient support networks to sustain a positive pathway. The receiving schools are inadequately funded to manage appropriate transitional programs and the students are left to their own devices in a 'sink or swim' environment. While the schools do their best through Student Welfare officers and Counsellors there is no resourcing to provide close guidance, mentoring and transitional support for the students through a case-management model. This is a safety and security issue for the recently arrived student, the teachers in the receiving schools and the other students. It could be managed more effectively if the teachers at METC, who have developed a professional relationship with the student,

were allocated time to attend the receiving schools as transition coaches for both the students and the staff at the receiving schools. While at first glance this appears a costly option, the alternative is to fund programs for recidivists who return to Bimberi. It is important to determine first whether the community is interested in rehabilitation or whether the real intention is punishment. If the latter is the main purpose then there will be no significant adjustments to the resourcing of either Bimberi or METC and public education; if rehabilitation is the plan then additional teacher resources should be provided to the program.

For older residents, on release there should be a staged release/half way house from which the residents would be able to continue VET Certificate courses commenced at METC with mentoring and ongoing assistance available.

**Recommendation 6a:** The AEU recommends that METC teachers be involved in a transition program to support and mentor former METC students to assist them through a successful transition to reduce recidivism.

## **7. Early Intervention/Alternative programs and settings**

The AEU has been urging the DET to provide funding for alternative public education programs and settings for many years to support the diverse needs of students in the ACT. Most recently the AEU recommended that the former Weston Campus of CIT be converted vocational pathway school to accommodate disengaging/disenfranchised students and students at risk of missing out on education. Instead, the government made the decision to grant that public site to an independent school (the Islamic School of Canberra). Following this decision, the AEU recommended that the government identify other site/s to establish an appropriate alternative educational program:

### **AEU-ACT Branch Budget Submission 2008 – 2009:**

#### ***Proposal for an alternative vocational pathways school at Weston***

13. *The AEU proposes that provision be made for an alternative vocational pathways school at the Weston site of the Canberra Institute of Technology. We feel that this site is ideally suited to establishing a training facility for both those students at risk of dropping out of school, and those who have already disengaged from schooling. However, if this site is unavailable, an alternative suitable site should be identified.*

## ***The Access 10 program at CIT***

14. *The Access 10 program should be available in strategic locations throughout the ACT to ensure that, true to its name, it is indeed accessible by students at risk of not achieving a Year 10 certificate. This accessibility would be enhanced by establishing Access 10 programs in suitable facilities in the Northern and Southern suburbs of the ACT [eg. Gungahlin and Tuggeranong] as well as a central site at one of the established CIT campuses such as within the proposed Vocational Pathways School at Weston.*

The AEU considers the government's recalcitrance in this regard to be unfortunate and ill-advised. The costs and advantages associated with early intervention are by far the lesser when compared with those tied to juvenile detention.

**Recommendation 7a:** The AEU recommends the establishment of alternative education programs and settings, as an early intervention strategy, to support young people who are disengaged or at risk of missing out on education.

### **8. Throughcare/Halfway House**

Releasing a student from Bimberi directly into a mainstream school or CIT appears to be a flawed process. The receiving schools and TAFEs need time to conduct a *risk assessment*, develop a *risk management plan* that will address the needs of the student and teachers, and prepare to receive the student. If the residents were released into the care of specialists [teachers and carers] at a halfway house for a period prior to their enrolment into a mainstream school their transition into a new routine and school would be enhanced. The AEU is of the view that such a model would contribute to fewer incidents involving the 'recently released' arising out of a hasty induction into a mainstream school.

**Recommendation 8a:** The AEU recommends that the ACT government provide funding to enable JACS and DET to establish either a 'Half Way House' or 'throughcare' facility in the interest of aiding a smooth transition from METC into mainstream schools, CIT and the community. It will also provide the receiving schools with the appropriate time and information needed to develop plans to support the students and staff.

**Conclusion:**

The AEU-ACT Branch would welcome the opportunity to support the work of the ACT Human Rights Commissioner, the ACT Children and Young People Commissioner and all others interested in equity, social justice and the education, care and wellbeing of children and young people in the youth justice system in the ACT. We also strongly support our AEU members currently working at the Murrumbidgee Education and Training Centre and seek every opportunity to enhance their professional and industrial (including health and safety) conditions.

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