



# A Blueprint for Change

## Adapting the lessons of the Spanish Youth Justice System to the Northern Territory

Report of Diagrama visit  
October 2019



## **Acknowledgement of Country**

During this study, Diagrama visited Darwin/Palmerstone,  
Katherine, Tennant Creek and Alice Springs.

We acknowledge the traditional custodians of the lands we  
visited and pay our respects to the Elders, past and present.

## Executive Summary

In October 2019, the Department of Territory Families (Territory Families) funded the Aboriginal Medical Services Alliance NT (AMSANT) to host a visit by representatives from Diagrama Foundation (Diagrama). Diagrama is an international not-for-profit organisation based in Spain that runs youth custodial facilities. We run more than 35 re-education (detention) centres for young people across different regions of Spain, relying on our therapeutic model in these and other services. Our model has earned us Special Consultative Status to the United Nations and sees low rates of recidivism.

Together with AMSANT representatives, we conducted consultations and site visits in Darwin, Katherine, Tennant Creek and Alice Springs. The purpose of the visit was to scope the environment, opportunities and challenges in the Northern Territory (NT) for implementing an adapted Diagrama model. We consulted with a range of stakeholders, exploring opportunities, challenges and the unique NT social, political and cultural contexts.

We saw the progress made since the Royal Commission into the Protection and Detention of Children in the NT (Royal Commission) published its final report. We saw too that further reform is needed - and can be made. Although improved, the purpose and working practices of NT youth detention facilities and bail accommodation are not yet designed to reduce recidivism and reintegrate young people into society, or to support young people with complex needs: this is not seen as their core purpose. Expectations for young people in detention are low. We would want more for our own children and during our time in the NT we could see that young people's communities want more for them too.

We came to the conclusion that our model is applicable to the NT. It is designed to bring about a change in a young person's behaviour – this is challenging for the young person and takes time. For these reasons, we believe our model should first be applied in detention, where changing the culture will also influence the whole youth justice system. We propose a pilot to run the Diagrama model in detention and we make recommendations on how to progress this. This includes enabling not-for-profit non-governmental organisations (NGOs) to run detention facilities in the NT, to introduce a new model of care.

Once embedded in detention, our model could then be applied elsewhere in the NT. For example, facilities in the Katherine and Tennant Creek areas for young people sentenced to detention and who need intensive support to help them address their offending behaviours.

Detention is part of the wider youth justice system and we spoke to professionals and community members who recognised the need to work together so that different agencies work as part of an integrated whole. For example, with delays in the system, too many young people are spending lengthy periods on remand with little or no useful work being done to help them change their behaviours. This wastes the time and resources of the system without meeting the needs of either young people or victims of crime.

Spain reformed its youth justice system in 2000. Having played a part in this reform, we recommend the NT government uses the opportunity of developing a new single Act for youth justice and care and protection to take practical steps to improve the working of the youth justice system. We describe how this could be supported in the report.

We believe our main recommendations could act as a blueprint for change:

- Use the opportunity of introducing a single Act for youth justice and care and protection as a catalyst for making practical changes to the youth justice system.
- Shift the focus and funding from designing and developing a new detention facility in Darwin to adopting an evidence-based model of care (Diagrama model) for Don Dale (DDYDC) and Alice Springs Youth Detention Centres (ASYDC).
- Enable not-for-profit NGOs with appropriate expertise to run youth detention centres in the NT, through an amendment to the Youth Justice Act (NT) and related legislation or policies.
- Implement a pilot to enable Diagrama to run its model of care for young people remanded or sentenced to detention, in either the old or current Don Dale site (refurbished).
- In Tennant Creek and Katherine, commit to the design and development of facilities able to support both young people on remand/in detention and in supported bail/community orders (in separate units within the facilities). These could be introduced as a new model in care in detention becomes embedded.
- Support bail accommodation providers to develop their model of care so young people are reintegrated into the community in a more holistic way.
- By introducing a new model of care to ensure that detention facilities can support young people with complex needs and serious behavioural problems, for example foetal alcohol spectrum disorders (FASD) and neuro-developmental impairment. If detention facilities are unable to do this, commit to developing a therapeutic secure facility in Darwin to ensure young people receive the therapeutic support they need.

Diagrama wants to support the NT to deliver real change and an outline programme to support this is set out in section 7. We believe this programme would rehabilitate young people, keep communities safer and introduce more cost effective ways of working.

## Acknowledgements

We would like to thank Territory Families officials, managers and operational staff for supporting our visit, enabling us to spend time learning about their experiences and the challenges they face to improve outcomes for children and families in the NT. In particular, we would like to thank them and the staff and managers of Saltbush Social Enterprises for the access granted to us to visit the youth justice and bail support facilities in Darwin and Alice Springs and to speak with the staff and young people in those facilities.

We would like to thank AMSANT and its representatives for arranging and facilitating the visit, and for their support and advice at every stage.

We are especially grateful to the young people, families, community members, land council members, and staff of non-government and government organisations who we met during our visit. The briefings we received and understanding they shared highlighted the need for a youth justice system that engages with the incredible cultural and linguistic diversity of the NT and which has high aspirations for young people. A list of the organisations we visited and who attended our events is shown in Appendix A. We have not included names, but all those we spoke to were generous with their time, knowledge, insights and curiosity. Their collective commitment to make the youth justice system work for young people and all their communities is inspiring.



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Appendices to this report can be found in a separate document.

## 1. Introduction

In October 2019, Territory Families funded AMSANT to host a visit to the NT by representatives from Diagrama. Diagrama is an International not-for-profit organisation based in Spain and the aim of the visit was to explore whether Diagrama's way of working with young people in the youth justice system could be applied in the NT.

Diagrama has developed its approach over nearly 30 years. Its team of more than 5,000 staff now works with around 2,900 young people in custody each year - and around 5,000 young people in conflict with the law in total (including probation). Our model of care has demonstrated excellent results for young people, reintegrating them into their families and communities: low recidivism rates, stable, secure centres where young people feel safe and are safe and operational costs that are comparable to or lower than those of other providers<sup>1</sup>.

In light of this experience, David McGuire, Diagrama's CEO for the UK, was invited to give evidence to the Royal Commission. Representatives from Australia then travelled to Spain to learn more about Diagrama's model and in 2018 David visited Sydney, Melbourne, Adelaide, Darwin and Alice Springs. He spoke at conferences and met with young people, government ministers, MPs, judges, lawyers, police, NGOs and other key stakeholders. There was considerable interest in the Diagrama model, particularly in the NT.

Building on this first visit, in October 2019 Territory Families generously funded AMSANT to host three representatives from Diagrama: David McGuire (CEO, UK), Daniel Navalón (Director of Socio-educational Intervention, Diagrama) and Helen Dean (Head of Professional Standards and Business Development, UK)<sup>2</sup>. The aim of our visit was to provide advice and a report to AMSANT about Diagrama's alternative juvenile detention model and its applicability to the NT, including exploring whether and how the model could be delivered:

- in the Katherine and Tennant Creek areas;
- in non-custodial facilities (bearing in mind youth detention facilities are delivered by government in the NT); and
- to meet the needs of young people in the justice system with complex needs and serious behavioural problems, for example FASD and neuro-developmental impairment.

We visited Darwin, Katherine, Alice Springs and Tennant Creek, where we held community forums and talked to community members, professionals, families and young people about our experience of caring for young people in the justice system. We talked about what we have found works to integrate young people back into their communities and prevent re-offending. We are grateful for the time these groups took to teach us about their communities and the challenges faced.

We are also grateful for the warm welcome we received from all Territory Families staff – both officials and, in particular, operational staff in both Don Dale and Alice Springs youth detention centres. We acknowledge the complexities and challenges of delivering these services, and the broader reform agenda being pursued. We commend the NT Government,

<sup>1</sup> See section 3; <sup>2</sup> The background and experience of the team is shown in Appendix B

communities, Aboriginal people and stakeholders for their ongoing commitment to improving outcomes for vulnerable children and young people – particularly those coming into contact with the justice system.

The purpose of this report is to provide a summary of our key observations, challenges and opportunities to deliver Diagrama’s model in the NT, adapted to the NT’s context. Based on nearly 30 years experience of working with children in the justice system, we believe our proposals include practical steps to support successful change in the NT.



## 2. Background and context

### 2.1. Diagrama Foundation

#### **Our experience and who we work with.**

Diagrama started working with young people sentenced to custody in 1991. Our way of working with young people has been refined over time and continues to develop. We now run more than 35 centres for young people sentenced or remanded to custody, ranging from small 12-bed facilities to around 20 facilities of about 70 places each (and up to over 100).

We work with some of the most disadvantaged children in society. In our centres we work with boys and girls aged 14-23<sup>3</sup>, typically convicted for violent offences. They face a full range of challenges – disengagement from education, from different types of family background, and with a wide range of health, social and other challenges, including learning difficulties, substance misuse and mental health issues. Many of our centres include therapeutic units for those with significant mental health conditions and we also run specific centres solely for young people in the justice system who have mental health issues.

When our centres were first established, more than 85% of those we worked with came from Roma communities, marginalised by society. We continue to work with children and young people from diverse backgrounds across all our services. We run over 75 residential shelters for unaccompanied asylum-seeking children as well as integration programmes to address the challenges faced by people socially excluded by race or religion. We also manage medical and educational programmes for vulnerable communities in Senegal and Kenya.

We are commissioned by 15 of the 17 counties in Spain to run either custodial or non-secure facilities. Each region of Spain is different in terms of culture, language, climate and geography. We run centres in the middle of cities, and in distant parts of the countryside. Each region's programme reflects our core, repeatable, model but is adapted to the culture of the local community by staff recruited locally - for example in the activities the young people take part in, and the local civil administration's requirements of youth justice.

#### **Outcomes**

We have supported more than 40,000 young people in detention since 1991. In Spain, young people's criminal records are wiped at the age of 18, making reoffending rates hard to track. However, a 2019 study by the University of Murcia followed 757 young people who started their custody order during 2011 and attended a Diagrama re-education centre in the Murcia region<sup>4</sup>. This tracked young people following release until December 2017 and looked at

<sup>3</sup> A young person who commits a crime while under the age of 18 will finish their sentence with us without being transferred to an adult prison, if they make progress in a centre.

<sup>4</sup> Dr. Antonio Velandrino Nicolás, Estudio Sobre La Eficacia De La Intervención Educativa Con Menores Sujetos A Medidas Judiciales en La Comunidad Autónoma de La Región De Murcia, Universidad de Murcia, 2019

how many had received a further custodial sentence. They found only 13.6% (103) had been placed back in custody by the end of the study period. We understand the recidivism rates in the NT are closer to 80%.

Our secure centres are stable and orderly places where young people feel safe and there are very low levels of disruptions. Therefore use of restraint and force are uncommon in our centres: in 2018, only 9.51% of young people across our centres were restrained and only 6.85% committed a serious incident beyond their first two months in custody<sup>5</sup>. Our costs are comparable with or lower than those of other providers, even though we employ qualified and specialist staff<sup>6</sup>.

This expertise has earned us international recognition. In 2007 Diagrama was awarded Special Consultative Status to the United Nations, having demonstrated particular competence in our field. Diagrama is also one of the most active of members of the International Juvenile Justice Observatory (IJJO). Founded by our Chairman, Dr Francisco Legaz, the IJJO is an independent collaboration of professionals, government agencies, subject experts, judiciary and academics from around the world. The IJJO develops international policies, legislation and intervention methods for the global juvenile justice arena<sup>7</sup>.

## 2.2. The Northern Territory context

We received detailed briefings from Territory Families and key Aboriginal and non-government organisations to better understand the NT context and in particular to learn more about the unique characteristics of Aboriginal communities. We recognise that these factors of diversity and sparsity of population are integral to providing services in the NT:

- The population of the NT is around 247,000 people, in an area of 1.3m km<sup>2</sup> (larger than Western Europe). 26% of the population identifies as Aboriginal, with this proportion projected to rise in future years<sup>8</sup>.
- While more than half the NT population lives in the Darwin area, more than 51,000 people live in remote communities, homelands and outstations. The NT government recognises 96 Aboriginal communities and 604 different homelands. We were told that access to services in these communities can be variable.
- More than 100 Aboriginal languages are spoken across the NT, with English spoken as a second or third language by many residents of remote Aboriginal communities.
- As a population, Aboriginal people in the NT have disproportionately lower health, social and economic outcomes than non-Aboriginal people – across domains including physical and mental health, mortality, education, employment and housing.

<sup>5</sup> Serious incidents include verbal abuse and threatening behaviour. There were no riots.

<sup>6</sup> See section 3.2 for a comparison with NT detention centre staffing.

<sup>7</sup> <http://oijj.org/en>

<sup>8</sup> Population figures in this section taken from Australian Bureau of Statistics 2016 census information

## 2.3. Youth Justice in the Northern Territory

Aboriginal young people are vastly over-represented in the NT youth justice system. 47% of 10-19 year olds in the NT are Aboriginal, but data cited by the Royal Commission showed that, in 2015-16, 92% of youth arrests were for Aboriginal young people<sup>9</sup>. These young people come from diverse cultural, linguistic and regional backgrounds – from urban centres (Alice Springs, Tennant Creek, Katherine) to more remote communities (Central Australia, Arnhem land, Tiwi Islands, Wadeye etc) where English is often not their first language and where cultural practices and traditional ways of being are the norm.

The majority of these young people come from families and communities which are socially and economically disadvantaged: the Royal Commission and other studies have found that many in the youth justice system in the NT come from homes affected by poverty, overcrowding, alcohol or drug abuse, violence and dysfunctional relationships. The Royal Commission also heard evidence that many young people in detention were disengaged from education, with a prevalence of low-level literacy and numeracy skills. Many of the young people in detention are 'crossover kids' from the Child Protection system<sup>10</sup>.

The Royal Commission also said that many children and young people entering detention arrive with complex physical and mental health care needs, some of which may not have been identified previously. This could include hearing loss, poor vision, FASD/cognitive impairment, and mental health disorders, including early life trauma and psychiatric disorders such as depression, substance abuse and behavioural disorders<sup>11</sup>.

### Progress in reforming the youth justice system and opportunities for further change

Every part of the youth justice system needs to work as an integrated whole to turn around the lives of young people and stop them offending. However, the Royal Commission described the NT's youth justice system as "*broken*"<sup>12</sup>, hampering its ability to rehabilitate young people and safeguard communities. The Commission also found "*the youth detention centres used during the relevant period were not fit for accommodating, let alone rehabilitating, children and young people*"<sup>13</sup>. The Royal Commission made more than 200 recommendations and, on 1 March 2018, in response to these, the NT Government released its plan **Safe Thriving and Connected: Generational Change for Children and Families**. In relation to youth detention, the plan made a commitment to ensuring that "*young people in detention are housed in secure, therapeutic facilities that support their rehabilitation and receive the help, guidance and structure necessary to stop future offending*"<sup>14</sup>.

<sup>9</sup> See Royal Commission Final Report, Volume 2B, p224

<sup>10</sup> AIHW, Closing the Gap Clearinghouse Resource sheet 34, Daryl Higgins and Kristin Davis (2014), Law and justice: prevention and early intervention programs for Indigenous youth.

See also AIHW (2016), Vulnerable young people: interactions across homelessness, youth justice and child protection, 1 July 2011 – 30 June 2015.

<sup>11</sup> Bower, C, et al, 2018, Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia, BMJ Open 2018

<sup>12</sup> See Royal Commission Final Report, Volume 2B p358.

<sup>13</sup> See Royal Commission Final Report, Volume 2A p 101.

<sup>14</sup> [https://rmo.nt.gov.au/\\_data/assets/pdf\\_file/0005/498173/Safe,-Thriving-and-Connected-Implementation-Plan-Web.pdf](https://rmo.nt.gov.au/_data/assets/pdf_file/0005/498173/Safe,-Thriving-and-Connected-Implementation-Plan-Web.pdf)

During our visit we saw and heard about the progress made. Major investment is planned for youth diversion through the Back on Track programme, and investment in detention centres and supported bail accommodation to help ensure that detention is only used as a last resort. The Specialist Assessment Treatment Services (SATS) team, set up to support case management and interventions in detention, and the commitment to fund Danila Dilba to deliver primary health care to young people in detention are both positive improvements. We also heard, though, that safeguards built into amendments to the Youth Justice Act and new policy determinations had been amended following community backlash and in response to incidents in detention. In our view, removing these safeguards aimed at preventing unnecessary personal searches, use of force, restraints, separation and lock downs, has constrained progress.

Reflecting on both what we saw and what we were told during our visit, there is more to do to embed a youth justice system and a model of care in detention that is therapeutic and effective in rehabilitating young people. We believe professionals, families and community members are all keen to see further progress. There are opportunities to take this forward: the NT Government is committed to developing a new single Act for youth justice and care and protection. New youth facilities are planned in Darwin (\$60m), Tennant Creek and Katherine, and there are plans for a \$10m upgrade to ASYDC. In this context, we have made observations drawing on our practical experience delivering effective - and cost effective - youth services internationally. The recommendations set out in this report are achievable steps that set out a blueprint for the improvement of youth detention facilities as well as actions that can be taken as part of broader moves towards a well-functioning youth justice system in the NT.



## 3. Diagrama's model of care

### 3.1. The Diagrama model

We apply our therapeutic model of care in all our services. This is based on research and has been developed over nearly 30 years. The model supports young people to address their behaviours, reintegrate into their communities and sees low rates of recidivism, earning us Special Consultative Status to the United Nations. Our approach is alive and flexible and adaptable to different circumstances and to take account of new learning about 'what works'.

The model is centred around the themes of relationships and emotions, cognition, behaviour and progression. This is a simple concept but working with vulnerable young people is challenging: everyone is different. Over time we have also developed our way of implementing the model across all our centres: the staffing and management approach, information sharing tools, ways of working together as a team that ensure standards are consistent everywhere we work. At the heart of the approach there remains an understanding of the needs and motivation of each child as an individual. Diagrama is a values-based organisation with an ethos of respect, dignity and trust.

#### **Features of our model include the following:**

**Relationships and emotions** - Our staff build warm, parenting relationships through qualified staff members – 'social educators' who act as role models, encouraging, supporting and sharing every aspect of the day from wake-up to bed time. This is the foundation for helping a young person to address their experiences and behaviours.

**Cognition (interventions and thinking skills)** - Case management is supported by a multidisciplinary professional 'Technical Team' (including psychologists, social workers) who carry out a thorough assessment of each young person. Building on the positive relationships developed, the young person can be supported to acquire social and thinking skills like self-control, emotional intelligence, problem-solving, conflict management, and critical thinking. Other interventions to address issues such as drug addiction can also be introduced.

**Behaviour and progression** - All our staff work together to set consistent, clear and fair boundaries to help young people understand the positive and negative consequences of their behaviour. Preparation for life after release starts from day one. Young people are guided to earn increasing responsibility and autonomy such as opportunities to work, study and socialise in the community, taking responsibility for their behaviour. They may lose these privileges and then have to re-earn them: but they learn in a safe and controlled environment before they are released from our supervision.

**A full day of education and activities, every day** - Young people are involved in learning in every aspect of their day - how to get ready for the day, how to share meals together,

play sports together, how to care for and decorate their environment - not just at formal classes and workshops. Supported by social educators, qualified teachers and vocational (VET) instructors there is vocational education and training as well as classes, daily sports, and constructive leisure activities – music, art, gardening, animal husbandry and cultural activities.

**Engagement with family, carers or other significant people** - Where it's appropriate, we support families to be fully involved in the young person's individual programme. Where family issues are a contributing factor to negative behaviours, we work with families to develop the skills to support each other. Regular contact is encouraged – we take a flexible approach to visits and provide welcoming spaces where visitors can have some privacy. Where distance is a barrier, we work with local organisations to help support video visits, and provide accommodation near our centres for young people to spend time with families..

**Healthy living** - Achieved through education, sport and healthy eating and through close working with health care providers. For many young people the centre may provide the first opportunity for them to have sustained and meaningful contact with health services.

**Normal and engaging environment** - As far as possible we make our centres feel like a normal environment with young people engaged in their decoration, upkeep, gardening; with everyday furniture rather than 'prison' furniture and a daily rhythm that is appropriate to the age of the young person – a normal 9:30 or 10:00pm bedtime. This provides young people with greater opportunities to learn and they go to bed tired and sleep better. We also have fewer problems caused by the frustration of boredom or loneliness.

All of the above contributes to making our centres feel like safe, normal environments where disruptions and use of force are low. Young people can focus on their progression and build skills for successful life in the community.

Our staff are key to delivering the model and everyone - from the Director to kitchen and facilities staff - plays a role in supporting young people. Everyone has the same ethos and we work as a team.

### **Key roles are as follows:**

**Social educators** - Qualified to degree level and guided by the Technical Team, they support young people throughout every aspect of their day, from getting up in the morning to when they go to bed and including in classes, vocational training and leisure activities. They are at the heart of our approach and genuinely care about the young people they work with.

**Technical Team** - formed of qualified psychologists, social workers and reintegration workers (who support planning for release - housing, education, jobs), working alongside healthcare staff. They plan and deliver assessments, integrated case management, interventions and reintegration programmes.

**Security staff** – who act as a last resort in incident management. Their primary role is to safeguard and protect young people, staff and visitors, treating them with decency, dignity and respect at all times. As far as possible they stay in the background and are not responsible for young people's day-to-day care.



### 3.2. Staffing comparison

Our model achieves lower rates of recidivism, and a stable, safe and supportive environment for young people. A common question asked is whether, with the inclusion of qualified staff, our model is more expensive. It is difficult to compare direct costs without detailed budget information, however, we have found that, typically, staffing costs account for around 75% of our budgets and so we have compared staffing approaches between Diagrama and the detention centres in the NT (see the tables in Appendix C).

We were provided with the organisational charts for Don Dale and Alice Springs. We note that although we were told DDYDC has a maximum capacity of 46 beds, published figures show that its maximum average number of young people in 2019-20 was 22.1<sup>15</sup>. Therefore we have provided two comparison points for DDYDC below. The first, a 46-bed centre, has comparable numbers of staff over all, but within this, half the number of security staff. In the second, a 20-bed centre, we have less than half the staff overall. We also run a centre of comparable size to ASYDC with less than half the staff.

<b>Number of Staff (see Appendix C for details)</b>				
Don Dale, Darwin NT (46 beds max capacity)	77.5		73	Sangonera, Murcia, Spain (46 places)
Don Dale, Darwin NT (highest average no. per month in 2019-20: 22.1 young people)	77.5		33	Odiel, Huelva Spain (20 places)
Alice Springs (18 places max)	56.5		25	San Miguel, Granada Spain (14 places)

In particular, our centres have 2-3 times as many social educators as DDYDC and ASYDC have youth workers, and there are one sixth the number of security staff in our centres compared with the number of youth justice officers (YJOs) in DDYDC and ASYDC, for similar numbers of young people.

In our centres, more social educators work with young people to fulfil their needs and keep them engaged. Fewer security staff are needed. It takes time to achieve this - in particular if the young people themselves are used to the current culture in detention - and it is achieved once our model is embedded in a centre. For that reason, if we were to deliver services in the NT, we would train a first group of Australian staff in Spain, working alongside English speaking staff, so that they can return with a thorough understanding of the model and how we work to gain the confidence and skills to adapt and deliver it in the NT.

Having discussed this model widely during our visit, we believe our model could be delivered in the NT.

<sup>15</sup> <https://territoryfamilies.nt.gov.au/youth-justice/youth-detention-census> week commencing 28/10/19

### **3.3. Community feedback and adapting Diagrama's model to the NT**

Community members and other stakeholders who attended the public consultations held in Darwin, Tennant Creek, Alice Springs and Katherine raised important considerations about the NT context which would rightly impact on the application of our model.

Common themes arose during the different sessions, some of which are discussed below as they influence other aspects of this report with others shown in more detail in Appendix D. Feedback from throughout our visit has informed all of this report.

The consultations demonstrated that Aboriginal people, organisations and NGOs are eager to be involved in the design and planning of youth facilities for their communities. If we are invited to submit a further proposal for a Diagrama model for the NT, we would want to ensure that these important stakeholders are an essential part of planning and next steps.

#### **Sentence length and time spent by young people in our centres**

Many attendees asked how long young people spend in our centres. In Spain our young people are typically with us for an average of 9 months, with 6 months being the minimum time recommended in our centres. Some attendees were understandably concerned about the significant period of time a young person would be deprived of their liberty - we explained the reasons why.

Young people are sentenced to detention in Spain for serious offences (typically violent offences and persistent reoffending). Changing behaviour takes time: young people need to build up trust with the people working with them, and have time to build and practice the skills needed to change their behaviour – often failing in a safe environment before making progress. The people we talked with recognised this – likening it to treating an addiction and needing longer than a few weeks to make an impact. They also understood that in our model young people spend much more time studying and working in the community before they are released, and likened the experience more to attending a boarding school during that period of their sentence.

We were told that young people sentenced to detention in the NT for serious crimes already have similar sentence lengths to those of young people in Spain. A key difference, though, is the very high proportion of young people on remand in the NT and greater use of short sentences. We comment on this and other aspects of the youth justice system in section 6 as we believe this sets young people up to fail, wasting time and resource.

Even for young people who are with us for short periods, however, we expect some degree of progression towards developing positive behaviours. For those on remand, we would also complete a full set of assessments to inform courts about the best course of action for that young person.

## **Can the model work in both secure and open facilities?**

Our model aims to support young people to change entrenched behaviours. As part of this we set clear boundaries, which can be very challenging for a young person who has not had limits placed on them before. If there is an easier option, a young person will often first try to take this: through absconding for example, or maybe opting to stay in a detention facility that doesn't set expectations for their behaviour. A period in 'closed' conditions gives the young person time to settle, to understand their plan and begin to work towards this, without being able to take the easy option of removing themselves from the programme. Having this option of a period of 'closed' detention is therefore important for many young people. Where risk assessment allows, we then make far greater use of time in the community for that young person – a major incentive to engage with their programme.

In Spain, the culture of the youth justice system has changed over time, so now, we also successfully run services for young people on 'open' sentences (for example immediately required to attend school in the community) and for young people on community sentences. We believe that as the culture and practice in detention changes in the NT, it will become easier to run effective facilities for young people on bail or community sentences – services that genuinely help them to address their behaviour.

However, we believe changing the model of care in the NT must first start with detention centres, giving a court-ordered option of a period of 'closed' detention when working with young people. We understand there are currently some barriers to NGOs running detention services in the NT but we believe these are resolvable, if there is a willingness to change towards a more effective - and cost effective - approach.

## **How are young people kept connected to their families?**

Family members of young people in the justice system told us they wanted young people to be kept closer to home so they could be more involved in the rehabilitation of their children. Also, members of the Aboriginal communities who attended said young people should remain on country as far as possible. We agree that detention should only be used where necessary, and local facilities would help connect young people and their families.

In our centres, the Technical Team has specific responsibility for family contact, for example, contacting the family as soon as the young person arrives, meeting with them when they visit to explain how the centre operates and updating them on progress. Where distance is a barrier, we work with local organisations to help support video visits, and provide accommodation near our centres to support young people to spend time with families.

We know it is not always appropriate or possible for families to be engaged with young people in detention. We agree with stakeholders who said there needed to be services which can work with these families, to build both the capacity of the family and the young person in the community. In our centres, where it's appropriate, we work with families and young people together to develop the skills to support each other, and we would work closely with other organisations who could provide those services in the NT too.

## **Connection to culture, language**

Attendees at every consultation raised the need for detention service models to be culturally safe: how would we ensure that Aboriginal and Torres Strait Islander cultures would be respected and incorporated into a model of care for young people in a facility? We were also reminded that for a significant number of young people entering detention English was not their first language, in fact in some cases, it can be their 4th or even 5th language.

Having worked with people from marginalised communities across the world, we know these are serious considerations for every service provider. We recognise that culture needs to be respected as a potential strength in young people's lives. It would be critical for us to respect and work with local Aboriginal Community Controlled Organisations (ACCOs), people, communities and families who know their young people when designing a specific programme for the NT. It would also be critical for us to make sure we have staff who understand the young people, and who recognise the gaps in their own knowledge.

We try to recruit members of staff who can relate to the young people they work with, understand their language (and where necessary use translators) and know how to teach young people who have a different first language. When we work with asylum seekers, for example, we support them to learn the language that will help them be able to get training and work. We also recognise the part that language plays in connecting Aboriginal young people to their communities and our programme would need to incorporate positive ways of supporting young people to learn about and speak their language as part of cultural activities.

What we would also stress is that the young people we met in detention in the NT had, at heart, the same basic needs as young people all around the world – we saw they wanted affection and positive attention from adults and to feel safe.

## **Staffing, training and qualifications**

Stakeholders expressed the importance of using a local, culturally-aware, trauma-informed team working with young people in the NT. Bail support accommodation providers noted that having a culturally-aware workforce has enhanced the effectiveness of their program, allowing for the development of positive relationships between staff and young people.

We agree this is critical to creating an environment that understands the young people in our care, is empathetic and that young people can relate to, so we would want to employ local and Aboriginal staff across every role. We would also want staff who want to develop and stay working in their communities, growing with the organisation. We know that the NT can attract professional staff from across the country but they don't always stay for a long time.

We also understand the difficulties around recruiting Aboriginal people for the care sector and the existing detention centres. While a key requirement of staff is emotional intelligence and a desire to support young people to change, we would also design a social pedagogy

degree programme for staff to develop their skills and knowledge and help them progress in all roles in a centre. (We have designed a similar programme in the UK, working with the University of Canterbury). We would seek support from the community and ACCOs in designing training so all staff have an awareness of Aboriginal culture. Staff also need to feel listened to and supported – we believe our approach to team working, daily staff debriefs and handovers encourages this on a daily basis.

### **Complex needs, neuro-developmental impairment and FASD**

Many questions in the consultations highlighted the need for the justice system to be able to work with young people with complex needs and serious behavioural problems, including for FASD and neuro-developmental impairment. The need for specialised training for staff working with these young people was also raised. Our model addresses these issues through a number of approaches, including staffing, case management and support to staff. We also run specific units and centres for young people in the justice system who have high mental health needs. We discuss this in more detail in section 5.4 below.

### **Education**

People wanted to see increased vocational training and work opportunities - how could that be applied in the NT, in particular in remote and regional contexts where job opportunities are limited? In Spain, we initially grew our networks of friendly businesses through friends and personal contacts, and ensured that we supported each placement carefully. We would look to form partnerships with local resource and training organisations and local businesses to create meaningful opportunities for young people in our centres – we saw great examples of multi-agency working in Katherine, for example, that support this.

### **Reintegration and throughcare**

A consistent theme raised in the consultations was the importance of throughcare and case management services that are well integrated within and outside of the centres. Attendees expressed frustration at the very limited use of day release within the current system and were interested in our approach to progression: planning for life after release starts with the initial assessment and young people earn opportunities for work, study and socialising in the community as their behaviour and engagement progresses. We explained that this is always risk assessed. Young people do not wear electronic monitoring bracelets when out in the community: if a young person does abscond or is late to return, they lose their hard-earned privileges and have to start earning them again.



## 4. Youth justice facilities in the Northern NT

### 4.1. Detention centres

To understand how Diagrama's model could work in the NT in any capacity, including alongside government-run youth detention centres, we needed to understand how the current system operates. We visited DDYDC and ASYDC, including spending a full shift shadowing staff from wake-up to lock down. We are grateful to the staff – they were welcoming and generously took the time to show us around and share their insights about their experiences and the challenges they face. We also talked to families with children in detention and with other professionals about young people's experiences.

We saw the positive steps forward in the implementation of a more therapeutic approach to detention in both centres and it was clear to us that Territory Families are committed to improving the culture and practice in these facilities. However, we saw that further substantial reform is needed for the facilities to have high expectations of young people, meet their complex needs, and give them the skills to reintegrate successfully into their communities.

#### **Use of custody**

The daily average of number of young people in DDYDC and ASYDC has fallen from 49 in 2015-16 to 35 in 2018-19<sup>16</sup>. The centres can hold young people aged 10-17. The majority of young people admitted to detention are boys (79% in 2015-16), with typically 1-3 girls in custody at any one time. The vast majority of those in detention are Aboriginal young people.

We were told that around a third of young people were in detention for breach of bail, a third for property and vehicle-related crime and a third for person-related crime. We note that many of these offences would be unlikely to lead to detention in youth custody in Spain. In comparison with a typical youth detention centre in Spain, the offence profile in the NT is generally less serious (at present) – more young people are detained in Spain with offences of violence (around 80%) – including murder, serious assault, sexual assault, aggravated robbery, child-to-parent violence, but also some who have persistently offended for property crimes. That said, we could see the potential for escalation in seriousness of offences in the NT if interventions to address reoffending are not effective. In our centres in Spain, typically around 15-20% will be in detention for having breached sentence conditions.

The main difference in cohorts though is the very high number of young people on remand in the NT (more than 80% when we visited), and repeated use of short sentences (the Royal Commission found around two thirds detained were on a repeat admission). We comment on this in section 6 as we believe this sets young people up to fail. The Royal Commission found in 2015-16, the average time spent on remand only was 17.5 days<sup>17</sup>, and the mean sentence length was 247 days. In Spain about only 20% of young people will be on remand.

<sup>16</sup> TF presentation provided as part of visit

<sup>17</sup> Territory Families told us this has now risen to 30 days on average on remand.

## **Culture, staffing and management**

It was good to see that many new YJOs have been recruited, some with excellent qualifications, and with the ability to understand and relate well to young people. We were also pleased to hear that new staff are provided with a six-week YJO induction that includes an understanding of trauma-informed practice and cultural competence.

However the role of the YJOs does not appear to have changed consistently in line with this and we saw clear differences in how people saw their role. We were particularly impressed by some of the staff who have taken the initiative to lead activities with young people, such as music recording and sports. Others, though, were less comfortable with an ethos that was not security focused and did not see it as central to their role to form strong relationships with young people or to lead activities and engage in young people's broader education. This is a potential waste of some staff members' skills.

Working with young people in the justice system can be difficult and staff need support to find the best ways of interacting and motivating them, for example those with traumatic backgrounds and complex needs. While youth workers were available for some of the time and we saw they had good relationships with young people, it is the centre staff who are with those young people all day and who need the skills and support from managers, supervisors and other professionals, within a varied programme of activities. Without this support in place the environment is more likely to be stressful for staff and therefore for young people too and we believe the staffing and management model should change to address this.

## **Case management and young people's progression**

Introducing the SATS team to provide case management and psychology support is a positive development. So is the appointment of Danila Dilba Health Service, with their experience of providing culturally safe health services to Aboriginal and Torres Strait Islander People.

We were invited to attend the morning meeting with representatives of the SATS team, the Superintendent and managers to discuss operational matters, and to join a meeting to discuss each young person's place on the incentives scheme. These meetings clearly contribute to the good running of the centre, but with a focus on behaviour management and incidents rather than on progression of young people towards their goals. We understand that case management meetings do occur periodically, and that most young people now have a young person support plan.

By way of contrast, in our centres, the Director and managers are directly responsible for the progress of each child and they have responsibility for case management, supported by the Technical Team, with all staff having a role in this. All decisions about the young person are made by a multi-disciplinary team that includes a centre Deputy Director, professionals (such as SATS team staff – psychologist, social worker) as well as teachers, social educator, health care staff and the young person themselves. It is our experience that better outcomes are achieved where each young person has a comprehensive case management plan, and all staff in the centre are co-ordinated in working towards the fulfillment of this plan.

## **Education and activity programme**

We observed that limited value was placed on education, with young people often able to opt out of attending formal classes, with staff not challenging this or not actively encouraging participation. Education did not appear to be differentiated according to the needs and level of young people attending classes, which could partly explain the limited engagement. For the boys at DDYDC for example, there were three sessions of 45 minutes each, although giving only around 15 minutes of teaching per session once young people were settled.

It was positive to see youth social support services from Danila Dilba embedded at Don Dale and to hear that Territory Families are working to re-establish a visiting elders program, and facilitating visits for family members to enable access to culture in detention. More programmes have been made available to young people and the involvement of outside agencies in delivering these is also very positive. In addition to this we would advise more co-ordination and delivery of this programme by centre staff. This would lead to a more joined-up approach to education and leisure of young people. Also, there is a risk of an over-reliance on external providers and duplication of staff. Overall we feel there were too many staff for the number of young people, but they were not being used effectively to deliver activities (see staffing comparison in section 3.2). Early lock-up (6:30pm) and morning and afternoon lock-ups during staff break times inhibit the length and quality of programmes delivered and the structure of a young person's day.

## **Relationships, boundaries and standards**

While we saw some staff engaging well with young people, a significant opportunity is being missed by not ensuring all staff set consistent positive standards with young people. We observed that it was not part of the role of staff to take the opportunity to educate young people in an informal way – for example in sharing meals together, good hygiene such as encouraging boys to take showers after sport, setting standards to prevent play fighting and setting an example regarding swearing.

In our experience staff are best placed to role model positive behaviours, setting standards around good habits. There needs to be a common approach to what acceptable behaviour should be and staff should be supported to apply these standards consistently, always building on caring relationships to encourage young people to engage positively in a full and structured programme. We could see that the young people needed attention and affection and wanted to engage. We feel that young people had too much freedom to set their own norms. At ASYDC during free time young people had control of music volumes – too loud to maintain a calm environment for example. At DDYDC we saw light-hearted references to 'Don Dale Rules' during games and sports – this is a sign that young people were not encouraged to learn the negative consequences of negative behaviours, like ignoring a refereeing decision and are not challenged on this.

## **The physical environment**

We met with the Youth Justice Centres Project Team who are overseeing the re-design of ASYDC, upgrades to DDYDC and development of a new youth facility for Darwin, in Holtze. We acknowledge the significant work being done to make these facilities a more suitable environment for young people. We provided advice on physical features that can help make the running of a facility more cost effective and support rehabilitation.

## **Current works at DDYDC**

There have clearly been some positive enhancements to the physical infrastructure at DDYDC and ASYDC, particularly to the accommodation blocks. There is still room for improvement, for example we noticed in L Block (the 'girls unit') at DDYDC the rooms still opened directly onto the yard, as does the shower, with only a shower curtain for privacy.

## **Proposed new facility in Darwin**

We understand that planning is well underway for the replacement for DDYDC. Our view is that Territory Families must first change their model of care, and be clear about what this is, before building new detention facilities. A refurbished building can play an important part in raising the expectations of staff and young people in a location, giving a pride in place, and can also represent a new start helping to break old habits and cultures - but it cannot do this on its own. Without a new model of care, problems found in the current locations will be replicated in the new centre.

There is ample space available at the current DDYDC (and at the old Don Dale facility) and their locations are well away from an adult prison (unlike the new facility proposed for the Holtze area). We believe Territory Families should consider whether an upgrade to one of these two existing facilities is acceptable to stakeholders, combined with a total change of approach to detention provision through the implementation of a Diagrama model, instead of a replacement. We understand why the Royal Commission recommended that Don Dale be closed, but we have to remember that the practices taking place were influenced by the model of care, not by the building itself.

Diagrama has often said that while a well-designed building can support effective delivery, the key to an environment that rehabilitates young people is the model of care itself and the people delivering it, not the building. We run centres in many different environments: sites purpose-built by us with space for sport, activities and designed to reduce staffing costs, as well as in sites provided by the local authority including ones with cramped conditions, or ugly locations built with high levels of security in mind. We work with young people to make the most of any location and engage them in the refurbishment and decoration – embracing this opportunity for them to learn useful practical skills like painting and landscaping, for example.

*Our days were kept very busy – we got up, brushed teeth, had breakfast – the whole unit together - then education, a quick sandwich break, more education, lunch, siesta, more education – this time it was practical work like bricklaying or plastering - all sorts really. Then it was shower, tea time, sports and PE and half an hour free time. But rather than just leaving us to sit there arguing with each other our educators would join in with us – like have a game of football or sit outside and play guitar. You always had something to do.*

*I learnt a lot of life lessons in there. It wasn't just the bricklaying and plastering skills I picked up. I learnt how to live, how to think and behave and how to influence people. I'm a lot calmer now – I learnt how to manage my anger.*

**John, who served 4 years for robbery at knifepoint**

In light of this, we recommend shifting the focus from re-designing new detention facilities, to prioritising the development of an evidence-based model of care for ASYDC and DDYDC.

**Recommendation 1:** Shift the focus and funding from designing and developing a new detention facility in Darwin to adopting an evidence-based model of care for Don Dale and Alice Springs Youth Detention Centres.

**Recommendation 2:** Alongside introduction of a whole new model of care, consider whether a refurbishment of either Old Don Dale or existing Don Dale facilities would be acceptable to stakeholders, rather than a new build.

### **Current works at ASYDC**

Having seen both centres, although we believe there is scope to successfully refurbish the current Don Dale centre (at lower cost than a new build), we saw greater problems in the facilities at ASYDC. We believe ASYDC is not fit for purpose as a youth justice facility. While the model of care in ASYDC can be improved on the current site, space is very limited and a new site/new build would provide more space for young people to live, play sports, be educated and engage in VET and other programmes. We consider that additional funding should be allocated so this accommodation can be replaced entirely with a purpose-built centre, as a matter of priority. If a new facility on a new site cannot be built, then as a minimum, the refurbished design should incorporate space for an induction unit for new admissions. This would give young people arriving the time to understand and adjust to the operation and programme of the centre, and understand the expectations for their engagement in this, without disrupting young people already stabilised.

**Recommendation 3:** Make available additional funds to refurbish (and ideally replace) Alice Springs Youth Detention Centre as a matter of priority.

## **4.2. Supported bail accommodation**

As part of the youth justice reforms, the NT Government has commissioned new youth bail support accommodation run by Saltbush Social Enterprises (Saltbush) in Darwin and Alice Springs. Places for up to 12 young men (and potentially young women) in each location were made available from January 2018 for young people on bail (pre-trial), as an alternative to detention on remand in AYSDC or DDYDC. More recently Saltbush has also been used to provide accommodation and support for young people on suspended sentences. It is positive to see the bail support service is being delivered by a not-for-profit organisation.

We visited both Saltbush facilities and met staff, managers and the service commissioner from Territory Families. From our conversations with staff, we understand there had been some difficulties in encouraging police, prosecutors, judges and lawyers to understand and make use of the facilities: at the time of our visit only one young person was at the Alice Springs facility and six at the Darwin facility. The service commissioner and managers were working hard to engage other agencies to ensure relevant stakeholders were aware of the facilities and their benefits. We also heard that young people who had breached their bail conditions and had been picked up by the police were sometimes then taken to Don Dale, not returned to Saltbush – staff at Saltbush felt this was not always appropriate and it may be due to miscommunications, lack of liaison with Saltbush staff or a lack of knowledge about the facilities on the part of police or the courts. As well as receiving referrals at the initial court stage, staff also visit young people on remand in detention to see if Saltbush is right for them.

### **Accommodation**

The accommodation in both locations was homely with access to kitchens and outdoor spaces. Young people could engage with each other and with staff and learn and practice skills for independent living. However, we did observe that some aspects of each site were a little disorganised and cluttered (eg. broken shelves, equipment out of place). We could also see that the accommodation had great potential for young people towards the end of their sentence in detention who had demonstrated progress. This would be a place to practice skills for independent living: going to a school or work placement while living in a controlled environment prior to release (we call this an 'autonomy unit' in our model).

### **Staffing and activity programmes**

It was very positive to see the recruitment of Aboriginal staff in the bail accommodation service. We could see staff were committed to forming good relationships with young people. We could also see examples of good ideas by individual staff and managers about activities and use of the space at each site.

We believe the activity programme could benefit from more structure and professional



oversight to make it more educative, consistent, and tailored to individual young people's needs as part of a clear model of care, so that every opportunity for education is taken.

### **Facilitating behavioural change**

We could see that Saltbush meets a very important need to offer a positive and less disruptive alternative to remand than the current youth detention options. Young people have better access to family and opportunities to attend education and training. It is our observation though that even for those on suspended sentences, the Saltbush programme is not really set up to deliver longer term behavioural change to rehabilitate young people and reintegrate them into their communities. This is partly because of issues with the wider system and the narrow purpose of the accommodation, for example lack of consistent support from police and courts. The accommodation is also not funded or supported to deal with underlying or complex needs such as addiction or the need to work with the family.

We observed that because Saltbush provides only non-secure accommodation, where staff and management have no power to prevent young people absconding, it is difficult to bring about the kind of challenge to young people's thinking that will eventually support them to change their behaviour. Our learning over 30 years of experience has been that without sufficient structure, young people are set up to fail – they are likely to try to abscond, or breach their bail conditions and end up on remand or sentenced to detention.

Our experience visiting Saltbush and speaking with their staff has informed our recommendations for the implementation of a Diagrama model in the NT. As part of a wider programme of reform, bail accommodation providers could be supported to develop their models to further support young people's integration into the community.

**Recommendation 4:** As part of wider programme of system reform, support bail accommodation providers to develop their model of care so young people are reintegrated into the community in a more holistic way.

## 5. Opportunities for the Diagrama model in the NT

### 5.1. Darwin and Alice Springs

We recognise that Territory Families, managers and staff have worked hard to bring about the changes already introduced to detention and bail accommodation and understand there is more to do. We believe a key issue is that in the NT, the core purpose of detention is not yet seen as being one of education and rehabilitation. We believe that staff and managers currently feel their role is to keep young people secure and safe while in detention, and where possible to provide them with some skills, but expectations and aspirations for young people are low. If staff - and the system as a whole - have low expectations of young people, why should they have higher expectations for themselves? Why should their families engage? The model is also not designed to support young people with complex needs.

We recognise the current approach in detention makes it difficult to set truly meaningful incentives for young people - time with families and in the community, for example - but this will reinforce their view that time in detention is, at best, wasted time spent waiting to leave.

Bail accommodation providers, while providing a valuable service, also cannot fill this gap. We explained in section 3.3 that introducing a new model of care to the NT must first start in detention centres, so that there is period of 'closed' detention when working with young people, and so young people do not see a sentence in a detention centre as an easier option than addressing their behaviour.

A change programme towards a new model of care should include:

- A review of staffing and roles - including splitting out the role of welfare and engagement with young people from the role of security; team work and management approaches to support this.
- A structured programme in a longer day - with a minimum of 5 hours schooling/vocational education and training/other programmes, and a minimum of 1 hour of sport – for girls as well as boys. Centre staff should lead that programme.
- A positive educative environment – centres must not normalise poor behaviour. Rather, staff should take every opportunity to role model and support positive habits, to consistent standards. Using young people's 'usual home life' or 'culture' as an excuse to not address these issues is completely wrong.
- Case management – while the SATS team can direct case management through comprehensive assessment, young people's progress must be the responsibility of all managers and staff, with oversight from a multi-disciplinary team. Working with families is also crucial in order to reintegrate young people into their communities.

The elements above are part of the Diagrama model. We have no doubt that this approach would work with young people in the NT but we do not underestimate the work involved in changing the culture of staff and young people too. These elements need consistent application, all day, every day. For that reason, we recommend that the NT government should allow NGOs with the right expertise to run youth detention centres in the NT and also consider a pilot to enable Diagrama to run its model in detention, ideally in a refurbished DDYDC or refurbished old Don Dale location.

**Recommendation 5:** Enable not-for-profit NGOs with appropriate expertise to run youth detention centres in the NT, through an amendment to the Youth Justice Act (NT) and related legislation or policies.

**Recommendation 6:** Implement a pilot to enable Diagrama to run its model of care for young people remanded or sentenced to detention, in either the old or current Don Dale site (refurbished).

## 5.2. Tennant Creek

Tennant Creek is the main town of the Barkly Region, sited about 1000km south of Darwin and 500km North of Alice Springs. It has a population of around 3,000 of which around 56% identify as indigenous. The Barkly Region covers an area of around 324,000km<sup>2</sup> across the centre/east of the NT, with an estimated population of 7,400, of which around 72% identify as indigenous<sup>18</sup> and with around 16 different language groups. The unemployment rate across the region is around 25% - but much higher for Aboriginal people (around 77%, and around 69% in Tennant Creek). Youth unemployment is around 40% (15% in Tennant Creek)<sup>19</sup>.

In April 2019 the Australian Government, NT Government and Barkly Regional Council signed the Barkly Regional Deal providing \$78.4m of investment over 10 years. This aims to “support the productivity and liveability of the Barkly Region by stimulating economic growth and improving social outcomes, including reducing overcrowding and improving child safety”<sup>20</sup>. As part of this there is funding for youth services and funding to construct an alternative to detention facility.

### Alternative to detention facility

We were asked to provide recommendations regarding the ‘alternative to detention’ facilities proposed for Tennant Creek. We understand the purpose of this proposed facility is supported accommodation (like Saltbush) for young people on bail or suspended sentences.

Whilst we see the value of the Saltbush facilities in Darwin and Alice Springs, providing safe accommodation to prevent young people from being unnecessarily remanded to

<sup>18</sup> Population 2018 Estimates; Population growth since 2001: Australian Bureau of Statistics (ABS) 2019, Regional Population Growth, Australia, 2016-17, March 2019 update (Cat. No. 3218).

<sup>19</sup> [https://www.regional.gov.au/regional/deals/files/Barkly\\_Regional\\_Deal\\_20190413.pdf](https://www.regional.gov.au/regional/deals/files/Barkly_Regional_Deal_20190413.pdf)

<sup>20</sup> [https://www.regional.gov.au/regional/deals/files/Barkly\\_Regional\\_Deal\\_Fact\\_Sheet.pdf](https://www.regional.gov.au/regional/deals/files/Barkly_Regional_Deal_Fact_Sheet.pdf)

ASYDC and DDYDC, it is important to ensure this is an environment that has the resources and capacity to address young people's reoffending, change behaviour and successfully reintegrate them into their community.

In our view, to achieve this the facility must be a secure one, that is, management need to be able to detain young people for a period of time, while they are at the start of their change process and are still learning how to adjust to boundaries on their behaviour. We discussed this idea in our consultations in Tennant Creek, and although the idea was contentious, we believe the community members and families we spoke with understood the rationale for this proposal. They understood that we need to have time to work with young people, near their communities, with some people likening this to a 'boarding school' type of environment.

We therefore recommend that Territory Families consider building a 20-bed facility that could accommodate: young people remanded and detained (and so with the option of holding them in closed conditions until they had demonstrated they had made the progress necessary for risk-assessed time in the community); and also young people on bail and suspended sentences (in a separate unit from those in closed conditions).

The model of care for each group would be the same, but their access to external resources in the community (schools, training, constructive leisure) would be different depending on their reason for being there, the stage of their progression and risk. We believe this approach would meet the needs of young people and the community better and be more cost effective.

**Recommendation 7.** Commit to the design and development of a 20-bed facility in Tennant Creek, able to support both young people on remand/in detention and in supported bail/community orders (in separate units within the facilities), running a therapeutic model.

## Location

Our visit took place while the process of selecting a site for building this facility was underway. The choice was a site in town, or two sites out of town: one near the Juno education facility and the other on Aboriginal-owned land on the Peko road. We were asked for our views on the where the new facility should be built. At the outset we note that Diagrama's model would be easily adaptable to any of the proposed sites, however our preference would depend on the type and purpose of the facility being built.

If Territory Families plans to build a facility where staff do not have the power to detain young people (i.e. a Saltbush style facility), we believe the site based in town would give better access to schools, work placements and training. It would also make it easier for families to visit, reducing the risk of young people absconding or breaching bail conditions. However we understand there may be objections to this from some parts of the community.

If the new facility can hold young people on detention, and balancing the needs of the young people and town, then we believe the site on the Peko Road, on Patta land, would be better. It would give the local Aboriginal community better ownership and involvement in the facility – and rental income to reinvest into the community. This would give the new facility the opportunity to develop the use of the space according to the needs of the young people,

while still being close enough to share resources with the Juno facility, where appropriate. The Patta land also offers young people a better view of the surrounding country. If the facility is placed out of town, then a free bus service for families must be put in place.

### **Engaging local people and organisations**

It was made clear to us by non-Government stakeholders in the Barkly Region that they felt pressure from the Government via Territory Families for the Barkly Youth Justice facility to be established quickly and for a service provider to be chosen to operate the facility before mid-2020. In our meeting with members of the Aboriginal community in Tenant Creek, it became clear their preference is for a service model and a provider of their choice - not of expedience. Several expressed a desire to slow this process down so the facility and its service model is not compromised by the haste with which it is being pursued.

There is a major role that Aboriginal community groups can play in helping to shape and support the programme of this kind of facility, in particular supporting reintegration of young people into the community. There must be investment in local people - supporting education, training and work placements for young people while they are at the facility, working with local businesses, ACCOs, schools and others. We agree that building the capacity of local communities to own and address their problems of housing, health and employment is needed to achieve longer term change. The Barkly Regional Deal presents an opportunity to develop communities in this way and we would welcome the opportunity to support this process as part of a wider programme of reform.

### **5.3. Katherine**

Katherine is the fourth largest town in the NT. The municipality has a population of around 11,000. It is the centre of administration for the Katherine Region, which stretches from Western Australia to Queensland, covering an area of around 337,000 km<sup>2</sup>. The region has a population of around 21,000 with about half identifying as Aboriginal. There are many different communities and language groups in the region and we were told that, in particular, the communities in the east and west of the regions are very different from each other.

While in Katherine we met with representatives of the Katherine Youth Justice Reinvestment Group (KYJRG) and we gave a presentation on Diagrama's model to professionals and others working with local people. We also met with representatives from Kalano Community Association, an Aboriginal owned, operated and community-led organisation providing services including housing and a community night patrol.

We saw that while Katherine faces many challenges, there is strong multi-agency collaboration. Partners (government and non-government) are clearly determined to work together and with their communities to prevent offending and to support and address the needs of young people in contact with the youth justice system. The KYJRG, made up of representatives from a network of agencies, NGOs and community groups, is seeking to put

in place a holistic framework for working together and investing in the community to reduce youth incarceration. They have sponsored research from Menzies to inform this approach.

Although Katherine has very low numbers of young people requiring detention for youth justice purposes, there is still clearly a need for a residential youth facility in the area. This has been recognised by Territory Families, who have committed to establishing an alternative to detention facility, like in the Tennant Creek area. As with Tennant Creek, there is a need to stop young people being remanded in Darwin or Alice Springs, and to keep young people who have been sentenced nearer to their communities. Again, as outlined above, we would suggest that such a facility would need to cater for young people at differing levels of risk, and so should offer both secure and non-secure environments. It was suggested to us that the site of the Charles Darwin University Rural Campus on the Stuart Highway might be a good location for such a facility.

**Recommendation 8:** Commit to the design and development of a 20-bed facility in Katherine, able to support both young people on remand/in detention and in supported bail/community orders (in separate units within the facilities), running a therapeutic model.

As in Tennant Creek there is much scope to work with schools, businesses, ACCOs and others, including through the KYJRG to adapt a programme to local requirements, engage community members in supporting young people and support young people's reintegration into the community, as part of their time at a detention facility. Again, we would welcome the opportunity to support this process as part of a wider programme of reform.

#### **5.4. Young people with complex needs**

We were asked to consider whether/how our model could be used to meet the needs of young people in the justice system with complex needs and serious behavioural problems, for example FASD and neuro-developmental impairment. Many people raised concerns regarding the lack of suitable facilities for these young people, especially those who are 'unfit to plead' due to mental impairment, or who have complex mental health needs.

In our centres in Spain, and elsewhere, many young people have neuro-developmental, health or other complex needs – for example, issues such as learning difficulties, autism and Asperger's, substance misuse, personality disorders, post traumatic stress, impulsive control disorder, eating, adjustment and sleeping disorders, ADHD and anxiety.

Our model addresses these issues through a number of approaches. The Technical Team identifies issues through comprehensive assessment on entry, working with healthcare providers. The assessment then informs the development of a suitable plan for each young person, adapted with goals and interventions (where needed) to take account of their specific needs. It also informs how staff will work with that young person, recognising their communication needs, and how to adapt to the centre's rules in a way that is fair and meaningful according to their understanding and capacity. The Technical Team provides advice and guidance to staff on how to work with and support specific young people with high needs. Staff are qualified and trained to understand issues such as brain development, trauma-informed approaches, the effects of neuro-developmental and other impairments.



Staff share information during handover sessions about how young people are progressing day by day, and how well support strategies are working. Staff are supported on shift by the active involvement of supervisors (co-ordinators) and managers. We also have specialist units within our centres, and some specialised centres for young people with very high needs due to addiction and/or mental health problems. In some cases, judges (advised by a team of professionals) can direct that this is the unit/centre where a young person must be remanded or sentenced. Our interventions for young people include programs for addiction, domestic violence against a partner, domestic violence against parents, serious violence, sexual offences, gang-related crime, driving offences.

We agree that detention facilities must be able to safely and effectively accommodate young people with complex needs, and options such as specialist units could be explored further in the NT context. If detention facilities are unable to meet these needs, though, then the NT government should commit to developing a therapeutic secure facility in Darwin to ensure young people receive the support they need.

**Recommendation 9:** Introduce a new model of care to ensure that detention facilities can support young people with complex needs and serious behavioural problems, for example FASD and neuro-developmental impairment. If detention facilities are unable to do this, commit to developing a therapeutic secure facility in Darwin to ensure young people receive the support they need.

## 6. The wider Youth Justice System in the NT

### 6.1. Feedback from practitioners

Detention facilities are one part of a wider system. If ineffective, they can make it hard for other parts of the system such as bail accommodation or diversion to work and when other parts of the system don't function well (for example, delays at court) young people in detention are set up to fail. We heard from many professionals and community members who were concerned that the youth justice system did not work as an integrated whole to prevent reoffending but we also saw good examples of multi-agency working and met practitioners who are willing to talk to other agencies about how, together, they can improve the system.

Our experience of the positive features of the Spanish system shows us that practical steps can be taken in the NT to continue to develop a well-functioning youth justice system. The Government's intention to implement a single Act for youth justice and care and protection can be a catalyst to support progress, bringing together different agencies to explore workable ideas to promote rehabilitation and a more effective use of expensive resources.

The very high use of remand and repeated use of short sentences seriously undermines the effectiveness of detention. From our discussions, we believe this is partly due to delays in the court process, which practitioners told us was due to a number of different issues. For example, if diversion fails, a young person's case will return to court, often with a long list of offences, many months after these were committed. This breaks the important connection in the young person's mind between the offence and its consequences. We heard that prosecution services are not well resourced which can lead to frequent requests for adjournments. We heard there are other factors influencing delays too – capacity of courts, time to prepare and produce required reports or finalise investigations.

We wanted to know who has overall responsibility for a young person in the justice system. We were told there could be case managers from many different organisations involved with the child – or none. Courts appear to be reliant on defence lawyers to co-ordinate the assessment of young people's needs and recommendations on bail conditions, sentence options and sentence conditions. This leaves the judge in the position of having to balance these views against those of the prosecution, without advice independent of either 'side'.

If found guilty, by the time the young person is sentenced they may already have been remanded for a long period of time. For reasons of proportionality the judge cannot then sentence them to further time in custody, so they could be released having spent a significant period of time in detention with no useful work being done to help build a positive future and stop reoffending. There wasn't a single person we met who did not think that, at best, this is a waste of time and, at worst, a damaging and pointlessly expensive outcome.

Judges have no oversight of whether the sentence applied to a young person is working – unless they commit another crime, or breach sentence conditions and return to court. This means important feedback on what genuinely works for young people is not in place.

## 6.2. Lessons from the Spanish Youth Justice System

Spain went through a journey of reform of its youth justice system in 2000. The system now includes features that we believe support young people's rehabilitation<sup>21</sup>:

**Legislation:** The relevant Act (5/2000), based on international standards, seeks the best interests of the child. A team made up of professionals who are specialised in youth justice and delinquency evaluates each case. The purpose of the sentence is mostly educational, not simply to punish the young person but to prepare them to take responsibility for their actions. The minimum age of criminal responsibility is 14, and young people's criminal records are expunged when the young person turns 18 including for serious offences.

**Specific roles and training in relation to youth justice:** While the Prosecutor's Office leads actions taken in the system, the law confers specific roles on all professionals on an equal level of importance. It also requires professionals – including police, lawyers, judges to have relevant and specific training for their role working with young people.

**Prosecutor:** Oversees the whole case, including the preliminary investigation of an offence, with the Juvenile Court Judge responsible for safeguarding the rights of the young person. Prosecutors and judges make decisions about decriminalising or diverting young people from the court system, not the police. Typically a case will be completed in 3-4 months (with a limit placed on all but the most complex/serious cases of 6 months).

**Police:** There are specialist juvenile police groups. Their role is to arrest and investigate, respecting the young person's rights. In practice, juvenile police groups may have wider roles in their community, for example dealing with juvenile victims of crime.

**Technical Team:** Made up of professionals who specialise in youth justice and delinquency (psychologists, social workers and educators), the team evaluates the case and the young person as soon as the case gets to the prosecutor's office. The team prepares a report that will help inform the prosecutor's decision on how to proceed. (We believe that for young people on remand, a detention centre's Technical Team could fulfil this role if a specific court based team is not in place).

**Juvenile Judge:** Sentences are individualised, depending on the offence and on social, psychological and educational needs. They are also flexible, linking to progression. The judge also oversees rehabilitation. They are informed about progress on a monthly basis and regularly attend the detention centre, meeting young people, families and staff.

**Defence lawyer:** Must have the same specialised training as judges and prosecutors. The defence lawyer's role at each phase is to safeguard the young person's rights.

**Local councils:** Have sole responsibility for children from their area: if detained, this is always within their region, never outside. By keeping services regional, cross-county problems with schooling and health are avoided, and services and information are accessed swiftly. Placing children closer to home creates greater opportunities for successful integration back into the community and for families to provide support.

<sup>21</sup> See Appendix E for more detail.

### 6.3. Towards a well-functioning Youth Justice System in the NT

Many of those we spoke with wanted to work together to make the youth justice system more efficient and more effective. Without addressing this, the good work being progressed by the NT Government and staff across the system will be limited in its impact.

**Recommendation 10:** The NT Government should use the opportunity of introducing a single Act for youth justice and care and protection as a catalyst for making practical changes to the youth justice system.

This would affect different agencies within the youth justice system: Territory Families, as the lead government department, could work across government departments and with experts from each agency and with communities to consider the following:

- Develop a clear vision for rehabilitating children and young people, shared by the whole system.
- Enshrine in law a focus on the child and their best interests, not just on their antisocial behaviour – allowing for individualised justice and opportunity for change.
- Bring NT law into line with international standards.
- Raise the age of criminal responsibility to at least 12.
- Require all professionals working within the youth justice system to be trained and qualified for their specific role in relation to young people, recognising the different skills, knowledge and specialisms needed to work successfully with young people.
- Make specialist judges responsible for making all decisions relating to young people within the youth justice system. Support them to do this.
- Make specialist prosecutors responsible for bringing all cases to court, supported by police investigation.
- Create a specialist youth police unit whose officers are the only officers allowed to undertake functions relating to young people subsequent to an arrest. Train all officers in working with young people so the work of specialist youth officers is not diluted.
- Create 'Technical Teams' to ensure all decisions are supported by objective information about young people – family, social and educational background, previous involvement with private or public agencies, physical and mental health.
- Give judges oversight of sentences and their effectiveness, with active involvement in overseeing rehabilitation (complementing the existing powers to vary the sentence depending on progress).
- Ensure local regions have reintegration facilities that meet the needs of their young people to help them reintegrate to their community.

*"The atmosphere in the centres was wonderful in a loving, supportive and hugely productive environment. You have very high expectations of what the children can achieve and belief in their ability to change, as a result you are able to begin to undo years of abuse, neglect and academic failure."*

**Charlie Taylor (Author of the Review of Youth Justice, UK)**

- Expunge criminal records when a young person turns 18.
- Resource the above to ensure cases are typically dealt with in 3-4 months and as a maximum, 6 months. For very serious crimes requiring complex investigations, judges can approve a further 3 months.

Based on experience and involvement of similar change in Spain, we believe a team of experts from the NT could be set up whose role would be to advise the government on development of the new single Act for youth justice and care and protection. We would welcome the opportunity to support such a process of change, providing advice and support from our own staff and from our network of contacts of youth justice experts (legal, judges, prosecutors, other practitioners). Together they could:

- Advise the NT Government on changes to the law and its impact;
- Support work to explain and explore potential changes with stakeholders and explore how the law would work in practice;
- When a new law is implemented, work with agencies to develop and provide training in the law and in its practical implementation and interpretation, for example in setting the regulations for detention and bail accommodation.
- Support culture change through review, training and mentoring.

## 7. Conclusions and recommendations - a blueprint for change

Diagrama was invited to the NT to provide advice on our model and its applicability to the NT. In the time available for our visit, we have not carried out a detailed feasibility study, but what we learned led us to broaden our recommendations from those of the original intention of our visit. Diagrama is a service delivery organisation with nearly 30 years successful experience and this report intended to offer practical help.

Our recommendations build on the progress made in the NT since the Royal Commission published its final report, and on the willingness of professionals and communities to continue this journey. We saw their commitment to young people and communities during our visit.

### **In our experience, a well-functioning youth justice system has the following:**

- A coherent law, in line with international youth justice standards, that is educative and promotes responsibility. It recognises that preventing offending is achieved through a focus on the child and their best interests and not just on their antisocial behaviour – allowing for individualised justice and the opportunity for change.
- Clear roles for each agency in the system – that allow them to bring their specific expertise to working with young people, and which are resourced with professionals who are trained to understand the issues affecting young people in the justice system.
- Sentencing options backed up by effective resources and facilities which can take account of individual young people's needs and support them to change their behaviour and reintegrate into their communities.

Taking these first two points, in section 6 we described how Territory Families, working with other agencies, could bring together a team of experts to revise aspects of the law and enable each agency to bring their expertise to working with young people. Diagrama could support that group using our network of contacts in the youth justice field. Together, this group could advise the government, explore changes and impacts with stakeholders and support training and ongoing culture change, based on practical experience.

To deliver effective sentences that rehabilitate young people, detention in the NT needs to change. We believe our model could be implemented in the NT. We also know that change is difficult, especially where the expertise does not yet exist – we have learnt this over nearly 30 years of introducing and growing services. For that reason, we believe Diagrama staff would need to be directly involved in delivery if the model is introduced in the NT, to ensure practice is consistent and to work with ACCOs, communities and local professionals to adapt it to the NT context. In particular, they would work together to design a programme of formal education, cultural and leisure activities that is relevant and appropriate for young people and connects them to their communities and culture.

We recognise that it is critical to respect and work with local people, communities and

families who know their young people best. This would include employing local staff, working in partnership with ACCOs and respecting local decision-making authorities and structures. A key part of a successful introduction of our model would be to grow a group of local staff who thoroughly understand the approach and know what it looks and feels like when it is successfully operating. To support this, if we were invited to pilot our model in the NT, we would take a group of staff from the NT to train alongside English-speaking staff in centres in Spain, to gain in-depth knowledge of our model and how to run this in practice. They would then return to the NT and be crucial to the design of local programmes and to the training and mentoring of other staff.

### **Our recommendations are as follows:**

**Recommendation 1:** Shift the focus and funding from designing and developing a new detention facility in Darwin to adopting an evidence based model of care for Don Dale and Alice Springs Youth Detention Centres (page 27).

**Recommendation 2:** Alongside introduction of a whole new model of care, consider whether a refurbishment of either Old Don Dale or existing Don Dale facilities would be acceptable to stakeholders, rather than a new build (page 27).

**Recommendation 3:** Make available additional funds to refurbish (and ideally replace) Alice Springs Youth Detention Centre as a matter of priority (page 27).

**Recommendation 4:** As part of wider programme of system reform, support bail accommodation providers to develop their model of care so young people are reintegrated into the community in a more holistic way (page 29).

**Recommendation 5:** Enable not-for-profit NGOs with appropriate expertise to run youth detention centres in the NT, through an amendment to the Youth Justice Act (NT) and related legislation or policies (page 31).

**Recommendation 6:** Implement a pilot to enable Diagrama to run its model of care for young people remanded or sentenced to detention, in either the old or current Don Dale site (refurbished) (page 31).

**Recommendation 7:** Commit to the design and development of a 20-bed facility in Tenant Creek, to support both young people on remand/in detention and in supported bail/community orders (in separate units within the facilities), running a therapeutic model (page 32).

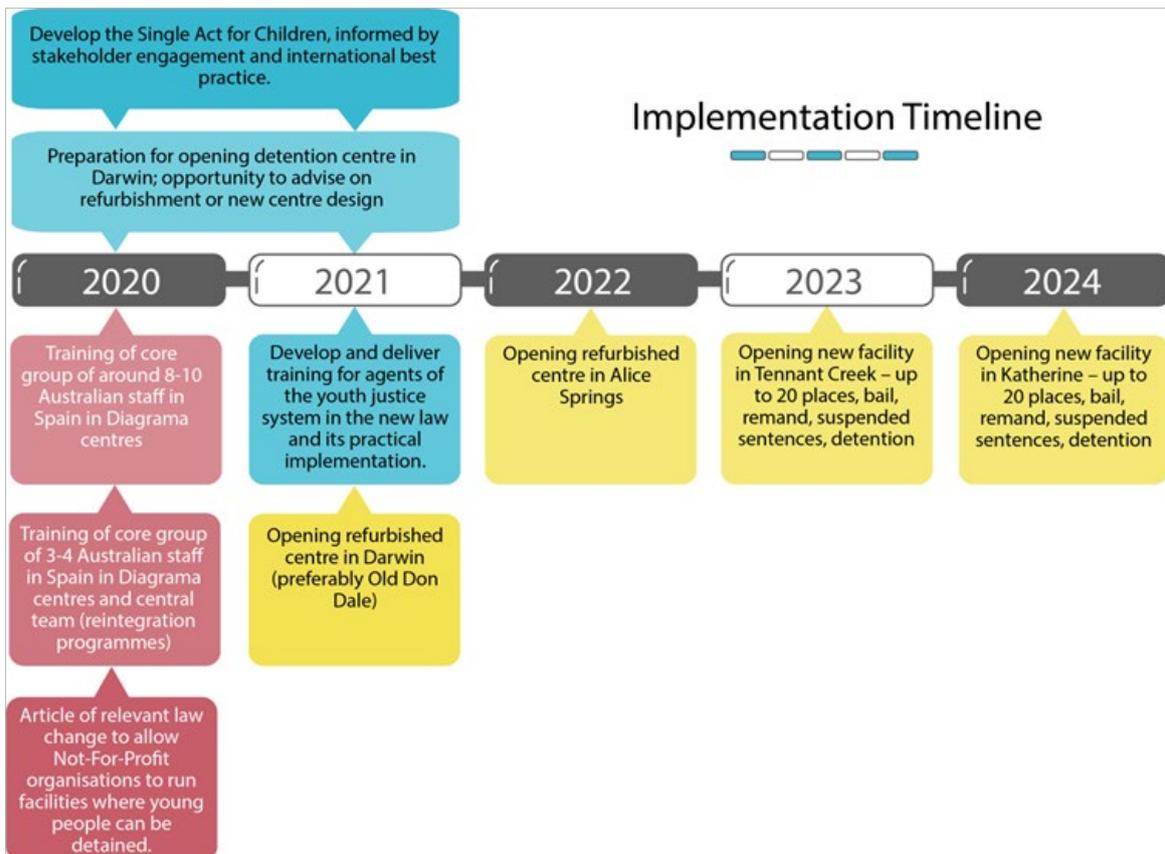
**Recommendation 8:** Commit to the design and development of a 20 bed facility in Katherine, able to support both young people on remand/in detention and in supported bail/community orders (in separate units within the facilities), running a therapeutic model (page 34).

**Recommendation 9:** Introduce a new model of care to ensure that detention facilities can support young people with complex needs and serious behavioural problems, for example FASD and neuro-developmental impairment. If detention facilities are unable to do this, commit to developing a therapeutic secure facility in Darwin to ensure young people receive the support they need (page 35).

**Recommendation 10:** The NT Government should use the opportunity of introducing a single Act for youth justice and care and protection as a catalyst for making practical changes to the youth justice system (page 38).

## Programme of Change

Bringing these recommendations together in a programme of change:



## Rationale for the approach

	Action	When	Rationale and approach
1.	Develop new single Act for youth justice and care and protection  • Advice to inform stakeholder engagement, drafting of legislation and regulations, implementation planning.	2020 - 2021	Sets the framework for youth justice in the NT around a purpose of rehabilitation and best interests of young people.  In line with international standards.  Using Diagrama experience and contacts across youth justice agencies to learn from good practice in Spain.  Uses development of a new Act as a catalyst for change.
2.	Article of relevant law change to allow not-for-profit organisations to run facilities where young people can be detained.	2020	To open up detention to providers who can change the model of care in detention.
3.	Develop and deliver training for agents of the youth justice system in the new law and its practical implementation.	2021	For example, in the practical approach to setting up Technical Teams, supporting judge involvement in overseeing the effectiveness of sentences. Supported by Diagrama experience and contacts across youth justice agencies to learn from good practice in Spain.
4.	Training of core group of around 8-10 Australian staff in Spain in Diagrama centres	2020	Staff need to be fully confident and competent to run a new detention model. Up to 1 year to fully experience running different aspects of Diagrama re-education centres working with English speaking staff.  This core group would return to Australia to set up and run the first centre, train other staff, supported by English speaking staff.
5.	Training of core group of 3-4 Australian staff in Spain in Diagrama centres and central team (reintegration programmes)	2020	Staff need to be fully confident and competent to run the new model aligning this with an approach to community reintegration and programme development.  Up to 6 months working with English speaking staff.
6.	Preparation for opening detention centre in Darwin  • Opportunity to advise on refurbishment or new centre design	2020-21	Bringing back to the NT Australian and English-speaking Spanish staff, adapting Diagrama's model to the NT context, including working with Aboriginal community groups.  Mobilisation of new centre by Australian and Spanish staff.
7.	Opening refurbished centre in Darwin (preferably Old Don Dale)	2021	For young people on detention and remand. For those on remand – provide Technical Team support to courts if not in place.
8.	Opening refurbished centre in Alice Springs	2022	Staff trained and experienced in Darwin to lead set up of new detention centre approach in Alice Springs.
9.	Opening new facility in Tennant Creek – up to 20 places, bail, remand, suspended sentences, detention	2023	Staff trained and experienced in Darwin/Alice Springs to lead set up of new facility.
10.	Opening new facility in Katherine – up to 20 places, bail, remand, suspended sentences, detention	2024	Staff trained and experienced in other centres to lead set up of new facility.
11.	Cooperate with Territory Families in the design of an evaluation approach	2020-2024	Territory Families to lead, to ensure independence and cross-system approach.

We believe this programme would rehabilitate young people, keep communities safer and introduce more cost effective ways of working.

Diagrama wants to support the NT to deliver real change. We are committed to careful planning and discussion with Territory Families and others to address any barriers to making that change – children and young people need solutions and high quality in the services looking after them.

With that in mind we would like to thank all those who shared their experiences with us during our visit and who so clearly demonstrated their commitment to improving the lives of children and the communities of the NT



David Romero McGuire PhD

Chief Executive,  
Diagrama Foundation UK

