

COMMISSION OF INQUIRY INTO THE TASMANIAN GOVERNMENT'S RESPONSES TO CHILD SEXUAL ABUSE

A REQUEST FOR STATEMENT

Statement of Fiona Atkins

I, Fiona Atkins, of [REDACTED] TAS [REDACTED], in response to the questions outlined in the Schedule to the Notice to Prepare and Produce a Statement (RFS-TAS-087), state to the best of my knowledge and belief that:

General

1. I commenced working at Ashley Youth Detention Centre (AYDC) on 13 June 2000.
2. I commenced working at AYDC in a casual Youth Worker role.
3. My duties as a casual Youth Worker included:
 - (a) working with and alongside young people who had offended and were either remanded or detained into custody under the *Youth Justice Act 1997* (Tas);
 - (b) assisting and guiding young people through their daily routines;
 - (c) assisting and guiding young people to undertake programs and activities as required; and
 - (d) if there was a dispute between young people, attempting to mediate and work through the issues in dispute and, in circumstances where this did not lead to a resolution of the dispute, referring and reporting the dispute to the Team Leader and/or through the incident reporting process if required.
4. In my role as a casual Youth Worker I reported to the Team Leader. I had no subordinates.
5. I saw an advertisement in the Examiner newspaper for the role of casual Youth Worker and I applied for the position. I was required to submit a written application, which addressed the selection criteria for the position. Following psychological testing, I attended an interview and provided referees. I can't recall who the interviewers were but, to the best of my recollection, there were three.
6. At the time I applied for and obtained my role as casual Youth Worker I knew Colin [REDACTED] through [REDACTED].
7. I have been the District Commissioner of Deloraine Pony Club, a participant of indoor cricket in the local league, a member and participant of badminton in the local association, and a committee member of the Deloraine Show Committee.
8. In chronological order, I have previously held the following roles at AYDC:
 - (a) Casual Youth Worker;
 - (b) Permanent Youth Worker;

- (c) Operations Coordinator;
- (d) Operations Supervisor; and
- (e) Coordinator Admissions and Training.

I am now Assistant Manager at AYDC.

9. Annexed and marked "A" are Statements of Duties for each of the above roles.

The Statement of Duties in relation to the role of Youth Worker is the oldest version that I can locate.

The Statement of Duties in relation to the roles of Operations Coordinator, Operations Supervisor and Assistant Manager are current.

To the best of my knowledge, the information contained within each of the Statements of Duties substantially recounts the duties and requirements of each of the roles at the time that I held those roles.

All roles had a component of recording, reporting and resolving disputes, including disputes between detainees, and detainees and Officials.

As a Youth Worker I reported to the Team Leader, and as an Operations Coordinator and Operations Supervisor I reported to the Operations Manager. In my role of Coordinator Admissions and Training I reported to the Acting Assistant Manager. In my current role as the Assistant Manager I report to the Manager.

In my role as Operations Coordinator, Youth Workers and Team Leaders directly reported to me. In my roles as Operations Supervisor, Admissions Officers and the Operational Support Officer directly reported to me. In my role as Coordinator Admissions and Training I had no direct reports. In my current role as Assistant Manager, the Operations Manager, Senior Catering and Stores, and Administration directly report to me.

10. In or about August 2001, the role of Permanent Youth Worker was advertised in the Examiner newspaper. To the best of my knowledge and belief, all staff onsite at AYDC were also sent an email advising that the position was available. I was asked to complete further psychological testing, which I did. I submitted a written application for this role. I was then invited to interview. I cannot recall who or how many interviewers there were.

In or about October 2003, the roles of Operations Coordinator and Team Leader were advertised in the Examiner newspaper. To the best of my knowledge and belief, all staff onsite at AYDC were also sent an email advising that these roles were available. I submitted a written application for both roles. The role of Operations Coordinator was first to be interviewed. I was invited to interview for that role. While I cannot recall the names of all of

the interviewers or how many there were, I remember that two of the interviewers were [REDACTED] and [REDACTED].

In or about August 2005, the role of Operations Supervisor was advertised in the Examiner newspaper. I understood this to be a more senior position than Operations Coordinator, so I applied on this basis by submitting a written application. I was asked to attend an interview. I cannot recall who or how many interviewers there were.

In or about 28 July 2019, there was a change in my title from Operations Supervisor to Coordinator Admissions and Training. I understand that this change occurred as, from 2013, I had started working out of the admissions area and, from 2019, I had also taken on some of the training tasks, in addition to my duties as Operations Supervisor.

In 2021, the role of Assistant Manager was advertised in the Examiner newspaper and on the Tasmanian Government job website. I submitted a written application as I had been acting in the role for approximately 12 months. I was then invited to interview. The interviewers were Stuart Watson (Manager at AYDC), [REDACTED] (Principal at Department of Education), [REDACTED] (Manager of Family Violence).

11.

[REDACTED]

Education, training and relevant professional experience

12. At the time I began working at AYDC my highest level of education was Year 10.
13. I had no experience in law enforcement, corrections or detention environments before working at AYDC.
14. I had experience caring for my own children, then aged [REDACTED], before working at AYDC. I also had experience caring for and engaging with children aged 8 onwards through my involvement in sporting clubs before working at AYDC.
15. During my time at AYDC I completed my Certificate IV in Youth Work, Diploma in Youth Work, Certificate IV in Frontline Management Business, Diploma in Frontline Management Business, and Graduate Certificate in Human Services.
16. I received a three day induction when I commenced working at AYDC. I cannot recall the details of this induction.
17. I have received many training opportunities during my time at AYDC, including:
 - (a) Professional Assault Response Training (**PART**);
 - (b) Non-Violent Crisis Intervention (**NVCI**) training (including Train the Trainer – which involves becoming certified in training others in NCVI);

- (c) first aid training;
 - (d) fire safety and fire warden training; and
 - (e) Fetal Alcohol Syndrome Disorder (**FASD**) training.
18. Adopting the formatting of and in response to the subparagraphs listed in paragraph 18 of the Schedule, during my time at AYDC I specifically received formal/structured training as follows:
- (a) Yes.
 - (b) Yes – examples include NVCI training, PART, behaviour development system/program training and training in relation to the use of restraints. While I recall receiving information on what isolation was/is, I do not recall receiving any specific training in relation to it.
 - (c) Yes – examples include NVCI training, and redirect, reconnect and resolve training, Trauma Informed Care, Motivational Interactions and Disability Awareness.
 - (d) I understand “harmful sexual behaviours” to mean sexual abuse. There was specific training in relation to sexual abuse in December 2020. This training was aimed at Youth Workers but it was open to all Officials. I did not attend this training as it was necessary for some Managers to stay onsite. I understood at the time that this training would be offered again and it is my intention to attend on the next occasion.
 - (e) Yes – examples include NVCI training, and redirect, reconnect and resolve training.
 - (f) Yes – examples include training in personal searches of young people, which includes partially clothed searches, pat searches, and wand searches.
 - (g) Yes – examples include NVCI training , redirect, reconnect and resolve training, and control and restraint training.
 - (h) Yes.
 - (i) Yes – work health and safety courses and Work Health and Safety for Managers.
 - (j) Yes – code of conduct raining, Workplace Culture and Values, and Professional Boundaries.
 - (k) Yes – code of conduct training, Workplace Culture and Values, and Professional Boundaries.
 - (l) Yes – complaints training in relation to both young people and staff and grievance processes training; and
 - (m) I do not recall receiving any training.
19. In my role as Coordinator Training and Admissions I was involved in the training of staff in relation to some of the matters listed in paragraph 18.

I conducted mandatory inductions for all new staff and organised mandatory Chief Fire Warden training for Managers.

I conducted training days for all staff. These training days occur one day per month and on average each Operations Team received four days of training per year.

I also attempted to ensure mandatory training (including first aid training, fire safety and extinguisher training, and the Tasmanian Health Education Online (THEO) learning modules, which involved learning about conflict and managing behaviour awareness, personal information protection, workplace culture and values, the code of conduct and ethical decisions in the workplace) was kept up to date and completed by all staff. I did this by regularly sending email reminders.

Other training was mandatory or voluntary depending on the person's role. This training included professional boundaries training, hostage response training, bomb threat training, standard precautions training, food safety training, basic disability awareness training, hostage crisis negotiator training and Safety Reporting and Learning System, swim teacher rescue training, suicide and self harm (**SASH**) training, NVCI, connect, redirect and resolve training, control and restraint training, trauma informed care training, motivational interactions training, report writing and case noting training, FASD training, and emergency response codes training (e.g. red, blue and black).

Sign in sheets were used at mandatory training days to track attendance. An excel spreadsheet was also used to track mandatory training and to record some of the optional training.

In or about 2016, the funding for role of Training Coordinator was given to Quality Improvement Workforce Development (**QIWD**). In about 2019, the funding for this role was given back to AYDC/Department of Communities and [REDACTED] (who then held the role of Senior Learning and Development Officer) made some changes in relation to the training regime based on her experience working in prisons. This included introducing assessment sheets in relation to mandatory training to capture competency. Since March 2020, the position of Coordinator Admissions and Training has been vacant other than when it was backfilled by a Youth Worker for a period of time before they went on long term leave. Officials have been filling in where they can since then to complete the duties of Coordinator Admissions and Training.

Policies and procedures

20. Adopting the formatting of and in response to the subparagraphs listed in paragraph 20 of the Schedule, during my time at AYDC:

- (a) The policies and procedures governing the use of isolation facilities have been updated and changed during my time at AYDC.

I can't recall the specific policy in the early 2000s or whether one formally existed.

To the best of my recollection, isolation was first written into a policy in 2006, when it was included into the incident management section (under a heading titled "sanctions") of the Behaviour Development System. This section detailed a number of sanctions, including cautions, restrictions from participating in activities, and isolation subject to the requirements of the Act.

The Standard Operating Procedure 15 Isolation was updated on 1 July 2017. The Behaviour Development Program also applies to isolation.

Isolation currently requires authorisation of 30 minutes from the Operations Coordinator and two and a half hours (maximum) from the Manager and/or delegate, being a total of three hours before further authorisation must be obtained from the Director.

- (b) Behaviour Development Program and Centre Support Team.
- (c) Standard operating procedures.
- (d) Standard Operating Procedure 10 Use of Force, including incident reporting (which included NVCI from the early 2000s to approximately 2017).
- (e) Unit Rules, Behaviour Development Program, the *Youth Justice Act 1997* (Tas) and, more generally, policies, procedures and rules which govern being a public servant.
- (f) Unit Rules, the *Youth Justice Act 1997* (Tas) and, more generally, policies, procedures and rules which govern being a public servant.
- (g) In relation to family and friends, Standard Operating Procedure No 9 Visits to the Centre. There is an approval process to check where any legal orders are in place preventing the visitation. If satisfactory, the person would be placed on the approved visitors list. Legal representation and external oversight is unvetted – they can have access to their client or AYDC at any reasonable hour.
- (h) Standard Operating Procedure 1 Incident Reporting and the Behaviour Development Program. Incident reports are quality assured. For example, from about 2005, classifications of incidents have been checked by the Operations Coordinator and then again by the Centre Support Team.
- (i) I can't recall the specific policy in the early 2000s or whether one formally existed. There is a formal policy now which details that Officials are mandatory reporters by virtue of their positions as public servants. I cannot recall the name of this policy but I know that

reporting is to occur through an Official's line supervisor and once this occurs it becomes an ED5 investigation.

(j) As above at subparagraph (i).

(k) N/A.

21. Officials are made aware of and trained in the policies during their induction. This includes taking new Officials through examples of how the policies operate in practice. New Officials are also advised where the policies are located.

In the instance of minor changes to policies or procedure, Officials were made aware of the changes by email.

In the instance of major changes to policies or procedures, Officials were/are given training (mainly on team training days). Dependant on the changes, this was/is often done through the Operations Coordinator. Once training is completed, Officials are then asked to signoff that they acknowledge: (a) the changes to the policies and/or procedure; and (b) having completed the training.

22. In my previous role as Operations Supervisor it was my responsibility to monitor and identify any possible breaches of policies or procedures through quality assurance. From a day-to-day perspective, this included checking off on incident reports, reviewing footage from incidents to confirm that Officials had completed checks as they said they had, ensuring that diaries were filled out correctly, etc. On about a monthly basis, the Fire Safety and Security Coordinator and I would undertake checks on CCTV to make sure the technology was functioning properly and that Officials were carrying out their duties correctly during night shift. This included, for example, checking that 20 minute bedroom door checks were accurately recorded. Any discrepancies were reported to the Operations Manager and either he or I would address issues with the person responsible.

Clinical Practice at Ashley Youth Detention Centre

23. The Clinical Practice Consultant is to provide professional supervision and guidance to staff to support the transition and the embedment of therapeutic approaches into their work at AYDC.
24. The position of Clinical Practice Consultant has the potential (provided the person undertaking the role is the right fit and conducts their duties) to be very valuable to young people, staff and AYDC generally, by providing professional supervision and improving on and learning new therapeutic techniques.
25. Adopting the formatting of and in response to the subparagraphs listed in paragraph 25 of the Schedule:

- (a) The Professional Service Team are Case Managers who provide case management to young people, and support young people through the process of living at AYDC and navigating their return to the community. The Conferencing Convener and Program Coordinator provide conferencing programs to young people in conflict who have received a Detention Offence but have not been charged by Police, which is aimed at addressing offending behaviour. The Policy Coordinator updates the policies of AYDC and is involved in training from time-to-time.
 - (b) The Health Team are under Correctional Primary Health Services and provide all medical services, including psychology and mental health care.
 - (c) The Operations Teams are under the Operations Manager and are responsible for the care, supervision and welfare of young people. They are responsible for putting into operation case plan goals and keeping themselves up to date with the latest information available regarding risk assessments.
 - (d) The School Team are under the Department of Education and provide educational services that are appropriate to the level of education for each young person, in a manner that they can understand and benefit the most from.
26. Adopting the formatting of and in response to the subparagraphs listed in paragraph 26 of the Schedule:
- (a) the Professional Service Team report to the Department of Communities;
 - (b) the Health Team report to the Tasmanian Department of Health;
 - (c) the Operations Teams report to the Department of Communities; and
 - (d) the School Team report to the Department of Education.
27. Since about 2007, recommendations from various reports have been adopted and put into practice. This includes the commencement of Multi-Disciplinary Team (**MDT**) meetings and other changes for the Health Area (i.e. previously the Nurse was employed by AYDC and this changed to Correctional Primary Health Services (**CPHS**)). While I can recall that there were other procedural changes, I can't recall the details of these other than those relating to young people being seen by the Nurse.
28. It is my understanding that MDT was established by the CPHS. The MDT is made up of professionals involved in the care of young people at AYDC, including workers from the Professional Service Team, Operations, CPHS, the Department of Education, and psychologists. I understand the aim of the MDT is for professionals to openly share information to one another on how best to support young people. This information would then be fed into the Centre Support Team (**CST**) by the professional services representative.

I've had limited involvement with the MDT because the Operations Manager generally attended their meetings. My roles (both previous and current) have not required me to attend. When I have attended on occasion, in my opinion the MDT meetings operated effectively.

29. The CST was responsible for assessing incident reports, unit points, case notes and programs points for the young people on a weekly basis. The assessments of CST resulted in an allocation of a colour within the Behaviour Development System to each young person. It also allocated young people to various units if moves were required and if any off property activities had been approved for young people. All of the information for a CST assessment was provided by the operational staff working with the young people. In my role as Operations Supervisor, I was the delegated chair of the CST when the Operations Manager was absent. I consider that CST did operate effectively based on information provided by the operational staff.
30. To the best of my knowledge, CST operated within the Behaviour Development System. Any information provided to CST from MDT would have originated from the Professional Services Team. There were always around the room discussions before any decisions were made by consensus. Recommendation from MDT may not have been able to be implemented due to operational needs at the time. For example, if MDT recommended that a young person be housed by themselves, that may not have been possible due to demands (e.g. the number of young people presently at AYDC).
31. The relationship between Operations Officials and Professional Services Officials appeared to be personality driven, in that there have been some personality clashes over the years. Both were trying to achieve the same thing, which was the best outcomes for the young people. The teams were looking at supporting the young people through different lenses, which could cause tension at times. Over time I think the relationship did improve, particularly as new people rotated through AYDC.
32. To the best of my knowledge, the relationship between Operations Officials and Health Officials was generally good.
33. To the best of my knowledge, the relationship between Health Officials and Professional Services Officials was and remains ok.
34. In present times all areas are working together for the benefit of the young people as there is depleted staffing. We have improved the Behaviour Development Program and the Risk Assessment Process Team – Terms of Reference (**Risk Assessment Process**) for young

people, which has all areas working together. Everyone is supportive of and looking after each other.

Culture

35. Young people are detained or remanded under the *Youth Justice Act 1997* (Tas). Part 6, Division 3 of this Act outlines how detainees are to be treated and their rights. All areas were to work together to maximise a young person's potential and their participation in the community on their release from AYDC.
36. I believe that Officials generally did work in a consistent manner with the overarching philosophy.
37. Naturally, the culture at AYDC has ebbed and flowed over the years. My general experience of the workplace culture was good up until March 2019.
AYDC is made up of several teams within the Centre, being Operations (which is further broken down into five sub-teams), Professional Services (now Ashley Team Support), Catering and Stores, Maintenance and Management. Additionally, there is also the School Team and CPHS. For this reason, Officials would have experienced the workplace culture differently due to the differing personalities within each of the teams.
38. As above at paragraph 37, my general experience of the workplace culture was good up until March 2019. I had a period of leave and when I returned to work in April 2019 it was my perception that I was subjected to bullying behaviours from the Business Manager **Lester** and the Manager Patrick Ryan. Both **Lester** and Mr Ryan went on workers compensation from March 2020. To the best of my knowledge, on his return, **Lester** returned to his role in Policy.
Sometime later, the Manager of Professional Services made repeated complaints to the Deputy Secretary about my appointment as Assistant Manager in April 2021. I understand a review of my appointment was conducted and found to be sound.
From 16 March 2020, I was the acting Assistant Manager. The then acting Manager, Stuart Watson, and I have worked hard to ensure that staff feel supported by, for example, introducing an onsite Employee Assistant Program, reaching out to those on workers compensation, and occasionally organising breakfasts for staff.
I believe there has been a positive culture change in recent times, resulting from a change in leadership and extra supports being put in place.
The Operations Team and Professional Services Team (**Ashley Team Support**) has had to virtually rebuild staffing levels after the stand downs, COVID, increased workers compensation claims, and the notification of closure of AYDC.

Placements and Unit Bonds

39. Adopting the formatting of and in response to the subparagraphs listed in paragraph 39 of the Schedule:

- (a) From about 2006 until present, decisions about unit placement during business hours were generally made by CST. During the same period, the On Call Manager, using information provided via incidents reports and observations from the Operations Coordinator, could make these decisions out of hours.
- (b) Unit placement decisions would generally be reviewed at the next CST or earlier if there were reported concerns.
- (c) Factors taken into consideration when unit placement decisions were made or reviewed included association issues, previous incidents involving the same young people, associations and events in other units in the Centre, and any other relevant information.
- (d) Unit bound was used to manage young people who had attempted, voiced they would or actually escaped custody. This information was written into the Behaviour Development System and decisions were made from there.

If a young person had escaped then being unit bound was a temporary measure until we could work with them to get a change in attitude towards escaping.

A young person who was unit bound would be given unit based activities to minimise the risk of escape by not having them outside of a locked building. This was in accordance with the Behaviour Development System. An individualised program would be created by the Program Coordinator for the Youth Workers to engage with young people who were unit bound. Professional Services would also work with the young person.

The Behaviour Development System was in action from about 2004 until 2020. In the earlier years there was a “non-association program” in the Behaviour Development System.

In 2020, the Behaviour Development System was replaced with the Behaviour Development Program and the Risk Assessment Process.

- (e) Decisions about detainees being unit bound were made by CST and/or the On Call Manager. The On Call Manager’s decision is in place until a CST can be convened.
- (f) The Behaviour Management System outlines the policy in relation to decisions concerning unit bounding. Factors taken into consideration when making a decision to unit bound detainees include the risk they pose to other young people or themselves,

the risk of escape, the young person's demeanour, and/or the risk of a continuation of the behaviours.

- (g) Decisions about detainees being unit bound would generally be reviewed at the next CST, or if there were reported concerns or the risk had decreased enough to return the younger person to normal routine.
 - (h) During my time at AYDC there would have been times that placements of detainees or detainees being unit bound were/was not ideal but decisions were made in line with the information known at the time, the Behaviour Development System, and for the safe operation of AYDC. I cannot recall being made aware of any specific concerns about the placement of young people or young people being unit bound.
 - (i) N/A.
40. In my view the philosophy has not changed but the way in which we work with young people has evolved, particularly over the last two years with the new Behaviour Development Program and the Risk Assessment Process. Young people have been responding positively to this new program, which includes daily incentives and off property activities for those that have been risk assessed.
41. The Bronte west and Bronte north unit are older units, meaning they are "softer" (i.e. have plaster walls, lower ceilings, etc). This means they are less secure when compared to the other units which are made out of bricks. It is unlikely that a violence and/or aggressive young person would be placed in the Bronte west or Bronte north units because of this. Naturally, this means that the better behaved young people are ordinarily placed in the Bronte west and Bronte north units.
- There has never been a policy of using placement decisions or threats of placement decisions as a means to influence or punish the conduct of a young person. When communicating what could be the consequences of their actions and depending on the conduct in question, this may be mentioned by Officials when attempting to deescalate incidents as a means to hopefully bring about good decision making by the detainee. I would have used this practice myself over the years, and I've seen others do it too. It is a negotiating strategy used in an attempt to defuse incidents, by giving the young person information to base their decision on.
42. There has never been a formal policy, informal policy or practice of using the behaviour or potential behaviour of some detainees as a threat to influence or punish the conduct of other detainees. It was practice for a young person to not be placed in a unit with another

young person or other young people who posed a physical or sexual threat to them which was known to Officials.

Isolation

43. Adopting the formatting of and in response to the subparagraphs listed in paragraph 43 of the Schedule:
- (a) Isolation is time spent in their bedroom alone as a result of poor behaviour. Unit bound is not going outside of the locked doors of the unit in line with the interpretation of the policies and procedures of the time.
 - (b) In December 2019, I became aware that certain young people were isolated after an incident where they had climbed onto the roof of the units. I was the On Call Manager for that weekend. I didn't receive any calls over the weekend that related to these young people or their behaviour. I was informed on the next Tuesday at a training day that they had been isolated and put onto an individualised program for the entire weekend. I had a call from the Acting Operations Manager on the Friday evening advising that the incident had been resolved, the young people were in their rooms and the young people would be coming out of isolation on the Saturday morning.
I do not have any concerns, nor have I been made aware of any concerns, about detainees being unit bound.
 - (c) I reported the above isolation incident to the Director, Pam Honan, via email. Not only was I concerned for the young persons, I was also concerned that I would somehow become implicated in the incident given that I was the On Call Manager during that weekend.
 - (d) Currently, the Operations Coordinator can authorise 30 minutes of isolation. Any period of isolation in excess of 30 minutes requires authority from the Manager, delegate Assistant Manager or Operations Manager, who can authorise up to 2.5 hours. If anymore isolation time is required then the Director must authorise this.

Searching

44. Adopting the formatting of and in response to the subparagraphs listed in paragraph 44 of the Schedule:
- (a) To the best of my recollection, I did not have any input into the changes around the searches procedure that occurred and was implemented in 2019. I would only have ever advised that searches be performed as per procedures at the time. When the procedure was changed in about 2019, I provided training on this to Youth Workers through training days.

(b) To the best of my recollection, no.

(c) N/A.

(d) The Standard Operating Procedure 7 sets out the previous procedure for personal unclothed searches.

The current procedure for personal unclothed searches is titled Personal Searches of Young People Detained at AYDC.

The name of strip searching was changed to personal unclothed searching some time ago. Current practice is that you need to have a reasonable cause prior to undertaking a personal unclothed search of a young person. You can then undertake the personal unclothed search once you have the relevant approval under the Instrument of Delegations. Once the search is completed it is to be entered into the search register.

45. Adopting the formatting of and in response to the subparagraphs listed in paragraph 45 of the Schedule:

(a) My role in relation to the new policy on searches was to provide and facilitate the training on the changes to the procedure.

(b) One major change was in relation to requiring reasonable cause to perform a search of young people instead of automatically searching young people. For example, in respect of a new admission, you would have to provide a reason for the search such as a history of contraband. The other major change was the introduction of the vanity gown for searches and ensuring that young people were asked if they wanted to use it if a search was required.

Staffing and Workplace safety

46. In 2000, when I first commenced work at AYDC there were plenty of staff. Chubb security also provided some staff as well at this time. Staffing levels continued to remain adequate for a year or so as a result of a recruitment drive.

In about 2001 or 2002, there were I believe Government cutbacks and staff were voluntarily redeployed. Then Platinum security provided some extra staff. At this time there were high numbers of young people. With ongoing recruitment efforts AYDC eventually got to a place where it had a healthy casual pool of workers and no service providers.

In about 2013, there were further cutbacks. Fortunately, these cutbacks only affected auxiliary staff and not Youth Workers.

47. Historically, staff shortages were managed with service provided by Chubb Security, Platinum security and AYDC's casual pool of Youth Workers. In recent times AYDC's casual

pool of Youth Workers has been utilised for daily operational needs and other more senior members of staff have also been working overtime in a Youth Worker capacity.

48. Current staffing levels has been adversely affected by the stand downs of staff from the redress system, the notice of closure of AYDC, COVID 19, the perception of threats from young people about the making of false claims against staff, increased workers compensation claims and the poor public perception of AYDC resulting from negative media attention.

As an example, I have been completing operational tasks whilst also undertaking my management duties.

49. Adopting the formatting of and in response to the subparagraphs listed in paragraph 49 of the Schedule:

(a) As above at paragraph 48. Additionally, some staff in key roles have sought employment in other areas due to the uncertainty of their employment in the future. I also understand that staff see other staff that they respect and who mentored them be stood down and this makes them feel very vulnerable.

(b) My concerns (at least for now) relate more to the Officials rather than the young people. For a long period some Officials have been working excessive hours of overtime. This has started to slow down as it is not sustainable. AYDC has tried to minimise the impact that staff shortages is having on young people but this is becoming increasingly difficult to do because there are competing factors. For example, workers are entitled to a safe workplace under work, health and safety legislation, which includes from a mental health perspective (e.g. stress, burnout, etc).

(c) On 6 March 2019, a Provisional Improvement Notice (**PIN**) was issued under work, health and safety legislation. The PIN related to an incident that occurred in the previous evening, where a handful of young people had broken into a Department of Education container which was storing equipment such as drop saws, metal bars and canisters. The young people caused significant damage to the AYDC using this equipment. This created an unsafe working environment for staff, who were concerned for their own safety. I was the On Call Manager for the weekend. The Assistant Manager at the time and I worked on the Saturday to ensure an agreed safe outcome for all. We worked closely with the Director to achieve this by providing regular updates on what was occurring and the way forward.

Since July 2021, we have had a Senior Business Partner onsite to handle all matters relating to human resources.

(d) I understand there have been complaints and concerns raised regarding staff shortages.

To the best of my knowledge this has been managed through the casual pool and people completing overtime.

50. Yes, we are working hard to ensure that staffing levels are maintained and safe recruitment processes are ongoing. We have been looking for suitably qualified staff to assist in the interim in supernumerary roles.
51. Yes, in February 2019, during one of the roof incidents. I was the Operations Coordinator at the time. Police were called and the Manager and Acting Assistant Manager had set up a control centre offsite at the Training cottage along with Police. Staff (including myself) were monitoring the situation onsite and trying to negotiate with the young people where possible. We were providing updates to the control centre. After a considerable amount of time Police came onsite. We were instructed by the Acting Assistant Manager, **Lester**, to remain inside a locked building which meant we were not able to maintain line of sight on the young people. The lack of communication from the control centre left staff (including myself) very vulnerable and at risk of harm.
52. Not that I can recall.
53. As above at paragraph 38. I have not observed other Officials be the subject of bullying in the workplace.
54. I have experienced a few physical confrontations with detainees over the years, including being spat on, punched, and hit with objects. This has on occasion results in bruising and marks. I've also had to have health screens after being spat on.
55. I have witnessed Officials be physically confronted by detainees over the years, in a similar fashion to my own experiences.
56. I have not been engaged in, or injured by, a physical confrontation with another Official.
57. I have never witnessed an incident in which an Official was engaged in, or injured by, a physical confrontation with another Official.
58. The Director, Pam Honan, reviewed the report. From Ms Honan's review, some of the recommendations from the report were implemented. These changes occurred over a 6-12 month period by **██████████** and **██████████**, and included developing and implementing the Learning and Development Framework and the Centre Practice Framework (which includes the Behaviour Development Program).

Contacting Police

59. If a young person is the subject of a Detention Offence this is reported to CST for a determination on how it should be treated and what ought to be done to escalate the

matter. In my experience, Police were generally notified of a Detention Offence, such as assault, escape, destroying government property, etc. In relation to a minor offence (e.g. a fight in the yard between young people), Police were not notified.

60. There is no formal policy guiding decisions as to whether Police should be notified in response to conduct by Officials or young people. Historically, this was addressed within the Behavioural Development System. The procedure was, that where Police were not notified, it would be dealt with through AYDC's conferencing process onsite.
61. As above, a decision of this nature was made at CST meetings but a victim could also make a complaint if they wished. From about 2006 until about 2014, the Operations Supervisor would contact the Police and provide appropriate details, including a letter from the Manager stating that a complaint was being made under the *Youth Justice Act 1997* (Tas). The Operations Supervisor would then liaise with Police to arrange interviews.
62. I do recall one incident onsite where the then Manager (I think it was Patrick Ryan) turned away Police. I don't know why this occurred. I only found out about this after the event and didn't otherwise witness what occurred.
63. There have been many occasions over the years where I believed a matter should have been referred to Police but was not. These matters mostly involved assaults and the victim (either an Official or young person) declined to make a complaint. From my experience, the Police almost always took the position that they would not proceed with the charge/s without a willing victim to make a statement. Police's position on this has changed in recent years and they are more inclined to prosecute matters based upon evidence other than the victim's (assuming there is sufficient evidence available to do so).
64. The current procedure in relation to notifying Police of incidents involves referring matters to the Police upon the assessment of the CST with the Manager's support. Incidents relating to inappropriate sexual behaviour are almost always referred to police, and police have been very helpful in reviewing referred incidents, especially those involving allegations of inappropriate sexual behaviour.

Conduct of other Officials: Sexual misconduct

65. I have never witnessed an Official engage in any form of sexual or sexually suggestive behaviour (including the use of sexually suggestive language) towards detainees.
66. N/A.
67. I am aware of one incident, where a female Youth Worker, [REDACTED], allegedly engaged in inappropriate interactions with a young person onsite. I observed a change in [REDACTED]'s behaviour, in that she started dressing differently and taking more care in her

appearance. I understand she also started spending a lot more time with the subject young person although I didn't witness this myself.

68. I understand that the matter was referred to Police by the Manager (who I believe was [REDACTED] at the time). I was involved in collating information in relation to the matter.

69. If we become aware of a young person who we think is at risk of harm or displaying inappropriate sexual behaviours, it is our duty to report this.

I am aware that Officials are all mandatory reporters. Reports are to be made through the Report and Referral Line (ARL). Prior to the last 18 months, while I understood that we were mandatory reporters (and I believe that others did too), the actual process of reporting was not clear and well known to Officials. The Professional Services Team predominantly made reports until that time.

Conduct of other Officials: Other forms of misconduct

70. Adopting the formatting of and in response to the subparagraphs listed in paragraph 70 of the Schedule:

(a) As above at subparagraph 43(b).

(b) Not that I can recall.

(c) Not that I can recall.

(d) As above at paragraph 67.

(e) Not that I can recall.

71. As above at subparagraph 43(b).

72. In my position of Operations Supervisor one of my duties was to gather information in relation to complaints and provide all of this information to the Operations Manager and Manager, so over time I would have received complaints in relation to most of categories listed in paragraph 72 of the Schedule. If I observed behaviour that was not in line with policies or procedures, I would have likely addressed this in the first instance as an education and training issue, by correcting and demonstrating appropriately. This is provided that such a response was fitting for the degree of behaviour in question.

I cannot recall any specific examples in relation to the subsections in paragraph 72 of the Schedule.

73. As above. An investigation into a complaint also usually involved getting statements from all persons allegedly involved.

74. Not that I can recall.

75. N/A.

76. In about October 2019, I was told by another Official that the Manager, Patrick Ryan, had made inappropriate comments about an Official prior to her commencing work at AYDC. The new Official had sent a picture of herself to **Lester**. I understand that there was nothing controversial about the picture, and to the best of my knowledge it was a picture that was included with the new Official's application. Allegedly, **Lester** was telling other Officials that Patrick Ryan had made comments about the picture, referencing a Japanese sex doll.
77. In about December 2019, I notified **[REDACTED]** of the incident allegedly involving Patrick Ryan and the new worker.

Behaviour Management

78. Blue colour was for young people who repeatedly had Detention Offences and needed extra support to change their behaviour through an individualised approach. I can't recall the years that this was in operation but I can recall that it was in operation for about two years.
79. I do not recall having a role in the introduction or reintroduction of the blue system.
80. The Behaviour Development System/Program has evolved over time and has seen young people thrive. Some young people have struggled with it but generally it was well received by them and understood, which allowed the young people to work towards achieving higher levels within the system/program.
- I was involved in the Behaviour Development Review Committee from its inception until about 2015. Throughout the years new ideas and best practice research were intertwined with the Behaviour Development System, which included ideas and feedback from Officials and young people.
81. I believe the Behaviour Development System was appropriate and generally given proper effect by Officials.
82. The membership of the committee initially was the Unit Manager, Operations Manager, Team Leaders, Senior Practice Consultant, Manager of Professional Services, Case Management Coordinator, Coordinator of Programs and young people from each unit (if available). The committee's functions were to monitor the operations of the incentive scheme and improve practices as the need arose. I was on the committee from its inception and actively participated in any discussions from a Youth Worker point of view. I understand that management accepted and regarded the committee in good light.

Detainee behaviour

83. Critical incident reports are used to document behaviours of young people that are in breach of the Unit Rules and AYDC rules, which are listed on the incident reporting form. Staff are

required to write critical incident reports for any behaviours that are in breach of those rules in accordance with Standard Operating Procedure 1 Incident Reporting.

84. Incidents were reported on incident report forms and/or in case notes, which are stored in accordance with departmental requirements and timeframes. To the best of my knowledge, after a young person turns 18 their reports are archived. We now have an electronic system in place called Ashley Incident Management System (AIMS).
85. From the early 2000s and to the best of my knowledge, Officials received training in making reports. This occurs during their induction and includes assessing what the report would be, how to complete the report and how the report would be managed after it is submitted. The training also includes reading and finalising the report, with the involvement of the young person.
86. When I was an acting Team Leader and an Operations Coordinator, I would read and assess each report, provide feedback on any issues, and advise where amendments were necessary. Whilst I was Operations Supervisor, I would randomly quality assure reports written by operational staff and give feedback to the relevant staff members.
87. From about 2003 or 2004, Youth Workers were trained in how to make and write incident reports. As a result of this training, I believe that Officials did understand how to make incident reports.
88. The system of making and assessing incident reports, together with the Behaviour Development System, worked when there was follow up from a case management perspective, which included the young person being engaged in appropriate programs or seeing a psychologist.
89. To the best of my knowledge, I'm not aware of any detainees receiving favourable or unfavourable treatment from Officials depending on whether the Official liked or disliked them.
90. To the best of my knowledge, I'm not aware of some detainees being singled out by Officials for unfavourable treatment because the detainee was disliked.
91. During my time at AYDC, I have witnessed multiple incidents involving physical violence between young people. I have also witnessed young people use sexually suggestive language between themselves and engage in other inappropriate behaviours. To use an example, I have witnessed young people place their hands down their pants in front of other young people and use words to the effect of, *"here, come and have a go at this."* I have always addressed this behaviour and continue to do so.

92. If I witnessed these behaviours, I would attempt to address the behaviours with the young people, write incident reports and make reports to the relevant supervisors.
93. When I was an Operations Coordinator in about 2004 or 2005, I was alerted by the Team Leader that a young person may have been the subject of a sexual assault by other detainees. I cannot recall any other examples.
94. We gathered information about the incident above and I reported this information to the On Call Manager who was the Operations Manager. We initially acted to keep the young person safe by moving them to another unit. Police were also notified and I understand the matter was prosecuted.
95. The aim of the current Behaviour Development Program is to engage young people in therapeutic programs and incentivise positive behaviour, which assists young people in modifying their challenging behaviour and develop social responsibility. The Behaviour Development Program, together with the Risk Assessment Process, ensures that staff have more relevant information about young people and are better informed on how to work with them.

Incident involving on [REDACTED] 2019

96. Adopting the formatting of and in response to the subparagraphs listed in paragraph 96 of the Schedule:
 - (a) I did not have any part in the unit placement of Henry [REDACTED] into the Franklin Unit.
 - (b) N/A.
 - (c) I became aware of the incident as I was asked to review the CCTV footage by Operations Manager, [REDACTED]. I understand that it is alleged that Finn [REDACTED] and Albert [REDACTED] placed a coke bottle into the backside of Henry [REDACTED].
 - (d) I cannot recall the reason/s given by Officials for placing Henry [REDACTED] in the Franklin Unit. I do not know why the incident occurred and would only be speculating if I provided a response.
 If the incident occurred in the last two years: (i) incident reports would have been written; (ii) there would have been a referral to the Advice and Referral Line (ARL); and (iii) it would have been reported to the Police and the Sexual Assault Support Service (SASS), the Director would have been informed, and a review of the incident would have been conducted by the Commissioner for Children and Custodial Inspectors.
 - (e) I would only be speculating if I commented on whether policies and procedures were followed by Officials in relation to the incident as I was not directly involved. However, I don't believe that Officials treated the incident seriously at the time. To the best of my

knowledge, I also understand that counselling was not offered to the young people involved.

97. I was a part of the working group that was responsible for implementing the recommendations that resulted from the Serious Events Review Team's review of that incident.

98. As above at subparagraph 96(e).

Incident on 13 December 2019

99. Adopting the formatting of and in response to the subparagraphs listed in paragraph 99 of the Schedule:

(a) As outlined in my statement dated 21 May 2020.

(b) I believe that the incident was opportunistic by the young people. I believe the response was punitive, which was contrary to practice at the time.

(c) As above at subparagraph (b).

I also know from my personal experience that the Standard Operating Procedure 15 Isolation was not followed. While the isolation was set up on the Friday evening by Acting Operations Manager, **Maude**, Acting Assistant Manager, **Lester** and Manager Patrick Ryan, no other isolation approvals were sought over the weekend. I don't know whether any other policies or procedures were breached.

(d) As above at subparagraph (b) and (c). I was the On Call Manager over the weekend. No one contacted me seeking any isolation approvals and I should have been the first person called.

(e) As outlined in my statement dated 21 May 2020.

To the best of my knowledge, the matter was referred to the Director, who made enquiries and referred the matter for external review. I understand that the external review process took some time as one of the Officials involved was on workers compensation for a significant period. I am unaware of the outcome.

(f) I understand that **Clyde** and **Chester** were also asked to sign the fabricated isolation records. I advised **Clyde** not to do this. I would have also advised **Chester** not to do this but I didn't find out that he was asked until later.

100. I had concerns about being turned away at the gate as this would have been a good learning opportunity for the new staff.

When I found out about the excessive isolation, I was extremely concerned as the staff involved were in management positions and had acted contrary to isolation procedures.

The reason why I did not report my concerns to the Manager at the time was that he was implicated in endorsing the isolation regime and it was my belief that he supported the approach taken.

I also felt that it was a rather punitive approach to the incident from the perspective of the young people involved.

Incident involving Ray

101. Adopting the formatting of and in response to the subparagraphs listed in paragraph 101 of the Schedule:

- (a) I did not have a role in the alleged unit placement of Ray into the Franklin unit.
- (b) I did not have a role in the alleged referral of the management of Ray to an SQPA.

102. Adopting the formatting of and in response to the subparagraphs listed in paragraph 102 of the Schedule:

- (a) I did not have a role in the response of the alleged incident involving Ray.
- (b) I cannot recall who told me about the incident. Upon becoming aware of the allegations, I asked the Nurse Unit Manager, , to check whether Ray received onsite medical treatment. To the best of my knowledge, Ray did receive onsite medical treatment from a Nurse.

Incident on 6 March 2020

103. Adopting the formatting of and in response to the subparagraphs listed in paragraph 103 of the Schedule:

- (a) I was the On Call Manager for the weekend of the incident on 6 March 2020. I was present for most of the incident before I was sent home by Manager, Patrick Ryan. When the incident commenced, I was giving updates on where and what the young people were doing at the specific times. I was generally kept in the loop for most of the evening but not after I was sent home.

On the Saturday morning, I received a call from the Operations Coordinator, Colin, as staff were not happy with the arrangements made for the management of the young people over the weekend. I attended AYDC as staff were threatening to walk off from AYDC. This resulted in a PIN being issued and Workplace Safety attending site. I called the Assistant Manager, Stuart Watson, and advised of the situation. Mr Watson attended the AYDC and assisted with the negotiations throughout the day. We worked

together to restore normal operations, which included a staged release of the young people from their rooms.

- (b) I am unsure why the incident occurred. I believe that the response was sound except for the intention on the Friday evening of having all of the young people involved in the incident on an isolation regime for the long weekend. When the Director, Pam Honan, was notified, she made it clear that the next day was to be a reset and risk assessed.
- (c) Yes – I believe the Standard Operating Procedure 15 Isolation was followed. The Director was kept informed of current behaviours, including staff safety and the negotiations with Workplace Safety. A rolling risk assessment of both AYDC and the young people was also undertaken, as there were weapons still in the grounds that were unaccounted for.
- (d) As above at subparagraph (c).

104. I believe the incident was resolved as best it could be with the young people being returned to their respective units and rooms. One concern was that, in circumstances where the young people had access to weapons, they were not searched on their return to the units.

Management of concerning behaviours by detainees

105. I do not believe that Officials have sufficient training, skills or resources to respond to and manage the significant mental health issues of the young people, including those that demonstrate high levels of violence, suffer from complex trauma, have diagnosed psychological conditions, or exhibit inappropriate behaviours of a sexual nature.
106. The Manager could apply to the "Transfer Assessment Panel (TAP)" if a young person's level of risk to Officials and/or other detainees could not be satisfactorily managed (i.e. all options for management of the young person were exhausted). The young person needed to be over the age of 17.5 years. The TAP could make a recommendation to transfer the young person to the Tasmanian Prison Service. This recommendation would then be sent to the Director of Tasmania Prisons for approval.
- I've been involved with applications to TAP for about 15 years. During this time, there have been a number of young people transferred under this process. If I had to estimate, there would have been between 15-20 young people transferred.

Your own conduct

107. I have never engaged in any form of sexual or sexually suggestive behaviour towards detainees.
108. I have never engaged in any other form of conduct towards detainees which I regard (or I believe the community would regard) as inappropriate.

109. To the best of my knowledge, no.

110. To the best of my knowledge, no.

Sources of information for this statement

111. I have spoken with the Director, Pam Homan, to refresh my memory in relation to the incident on 13 December 2019, mainly in relation to the actions that I took afterwards from a reporting perspective.

A list of the documents which I have used or referred to in making this statement are:

- (a) Statements of Duties (referred to at paragraph 9) – annexed and marked “A”;
- (b) Standard Operating procedure 10 Use of Force (referred to at subparagraph 20 (d)) – annexed and marked “B”;
- (c) Standard Operating Procedure No 9 Visits to the Centre (referred to at subparagraph 20(g)) – annexed and marked “C”;
- (d) Instrument of Delegation (referred to at subparagraph 44(d)) – annexed and marked “D”;
- (e) Standard Operating Procedure 7 (referred to at subparagraph 44(d)) – annexed and marked “E”;
- (f) Personal Searches of Young People (referred to at subparagraph 44(d)) – annexed and marked “F”;
- (g) Learning and Development Framework (referred to at paragraph 58) – annexed and marked “G”;
- (h) Centre Practice Framework (referred to at paragraph 58) – annexed and marked “H”;
- (i) Unit Rules (referred to at paragraphs 20(e) and (f), and 83) – annexed and marked “I”;
- (j) Standard Operating Procedure 1 Incident Reporting (referred to at paragraphs 20(h) and 83) – annexed and marked “J”;
- (k) Risk Assessment Process (referred to at paragraphs 34, 39(d), 40 and 95) – annexed and marked “K”;
- (l) Standard Operating Procedure 15 Isolation (referred to at paragraphs 20(a), 99(c) and 103(c)) – annexed and marked “L”;
- (m) email from [REDACTED] (referred to at subparagraph 102(b)) – annexed and marked “M”;
- (n) Behaviour Development System (referred to on multiple occasions throughout) – annexed and marked “N”;
- (o) Behaviour Development Program (referred to on multiple occasions throughout) – annexed and marked “O”; and

(p) Employee History for Fiona Atkins – annexed and marked “P”.

Other information

112. In my opinion, it would be both beneficial and appropriate for references to Ashley Boys Home and AYDC to remain separated, as they operate/d for different purposes and under different legislation. For example, Ashley Boys Home also housed wards of the state and not always “detainees”.
113. No.

B REQUEST FOR DOCUMENTS

114. As above at paragraph 111.
115. Annexed hereto and marked “Q” is an up-to-date copy of my CV.

Signature: _____

Date: _____