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Inspections, reviews, inquiries and recommendations pertaining to youth justice centres in New South Wales between 2015 and 2021

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ABSTRACT

It is widely recognised that there is a lack of analysis of criminal justice policy-making (and youth justice policy-making specifically) within the wider criminological project. To partially address the gap, this article focuses on one part of the dynamic and complex policy-making environment—reviews, inquiries and findings of oversight bodies between 2015 and 2021 relevant to youth detention in New South Wales (NSW). We estimate that the reports arising from these inquiries and reviews have generated approximately 1040 recommendations (approximately 590 relevant to Youth Justice NSW (YJNSW) broadly and 284 relevant to youth justice centres more specifically). The sheer volume of recommendations, some of which are very broad, raises questions about the ability of an agency, such as YJNSW, to implement them; about which recommendations might be prioritised; and how YJNSW might resolve conflicts between recommendations arising from different and often parallel processes. We suggest that, for the purposes of achieving the best outcomes for young people in custody, there might be greater merit in having fewer inquiries that deal with parts of youth detention and a coordinated and prioritised response to recommendations to address issues of youth detention.

KEYWORDS

oversight bodies; policy; public inquiries; recommendations; royal commissions; young people; youth detention.

Introduction

There are mixed perspectives in the literature on public inquiries (Birkett, 2018; Stark, 2018). Some are critical and point to the political opportunism associated with calling inquiries as a way to distract and delay (Smart & Manning, 1986). Others are more optimistic and point to the impact of particular landmark inquiries (see Prasser, 2006; Stark, 2018). Our analysis somewhat departs from this scholarship and questions not the utility or otherwise of inquiries, but rather the utility of numerous inquiries being conducted simultaneously or sequentially and making a combined number of recommendations in the hundreds with little or no guidance regarding implementation or costing of what is required to implement the recommendations. It is clear that in the criminal justice context in NSW and Australia more broadly, inquiries and Royal Commissions

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have had significant positive impacts on policing (for example the Fitzgerald Inquiry Report into policing in Queensland and the Wood Royal Commission into policing in NSW, 1997) and corrections (for example the Nagle Royal Commission into adult corrections in NSW, the Aboriginal Deaths in Custody Royal Commission and the NSW Ombudsman's inquiry of youth detention in NSW, 1996). However, when numerous inquiries are conducted in close proximity and oversight bodies release findings from their inspections and reviews simultaneously, there is a risk of crowding an already crowded policy space (see Stark, 2018 for commentary on the crowded nature of governance and policy-making in the twenty-first century). It is possible that taken together these reports add weight to particular reforms, but it is equally plausible that there will be considerable cherry picking in choosing which recommendations to prioritise and that easier-to-address recommendations garner attention, leaving more important and difficult structural reforms unattended.

Of the 12 reports and inquiries analysed, only 1 contained an implementation plan, 2 clearly prompted a government response and none have costed recommendations. This is all in addition to reports from non-government organisations, internally generated policies and reviews, other policy priorities imposed by the NSW and Federal Governments and a dynamic operating environment (including historic low levels of young people in custody). By analysing these reviews and inquiries, we draw attention to one important part of the youth justice policy landscape and question the utility of disparate bodies making diverse recommendations simultaneously with little or no guidance on implementation or additional funding.

Youth Justice New South Wales

Youth Justice New South Wales (YJNSW) provides a comprehensive system of supervision and care for young offenders in the community and in youth justice centres (YJCs) 'aimed at turning young offenders away from a life of crime' (Department of Communities and Justice, 2021). YJNSW currently operate six YJCs (see Table 1). Across the six centres, there is a combined bed capacity of just over 400 (though recent data suggests that only 161 young people were in custody as at 31 December 2021 [NSW Bureau of Crime Statistics and Research, 2022]). Despite historic low levels of youth in detention, these centres have been the direct or indirect focus of 10 NSW-specific reviews and

Table 1. Current Youth Justice Centres in NSW.

Centre	Location	Type of Centre	Intended Population	Beds
Cobham	St Marys, Sydney	Remand and control	10–18 year males	105
Reiby	Airds, Sydney	Remand and control	10–18 year males (younger generally); 10–18 year females; male pre-release unit	65
Frank Baxter	Kariong, Central Coast	Remand and control (mostly control)	10–18 year males	120
Acmena	South Grafton	Remand and control (mostly control)	10–18 year males	45
Orana	Dubbo	Remand and control (mostly control)	10–18 year males	30
Riverina	Wagga Wagga	Remand and control (mostly control)	10–18 year males	45

Source: Department of Communities and Justice, 2019

inquiries between 2015 and 2021. In addition, there have been three national Royal Commissions (one is ongoing) with (direct or indirect) relevance to youth detention in NSW. Cumulatively, 11 separate agencies including three Royal Commissions have furnished reports relating to youth detention in NSW.

The frequency of reports published during this timeframe has a number of implications. First, the significant activity between 2015 and 2021 places significant demand on government departments contributing to these reports. These agencies have adopted different processes, operated on different timelines, invested significant resources and engaged staff to work, either briefly or in an ongoing capacity, on these reviews. Second, the volume of reports has profound implications for the capacity of agencies such as YJNSW to respond and plan their work and reforms in line with what is being proposed by the various reviews and inquiries. Specifically, it raises questions about how YJNSW should prioritise recommendations in the context of multiple, often simultaneous, reviews and inquiries. There are forces that no doubt shape these decisions, including those which seem most pressing regarding the health and safety of young people and staff, but beyond this there is no real guidance or commentary on how such decisions might be made. It is argued that this is largely because of the uncoordinated and fragmented nature of the oversight and review processes outlined in this article. In contrast to previous analogous policy processes in NSW, such as the Green (1993) and White Paper (1994) reviews and policy statements focusing on youth justice which were centrally coordinated (that is, at the ministerial level), the number of agencies conducting different reviews, inquiries and inspections in recent years leads to a more fragmented policy landscape where decisions about which recommendations should be prioritised are even less clearly made.

This article will first contextualise discussion of youth detention oversight with an outline of the inquiries and reviews under investigation as well as a summary of the agencies and oversight bodies responsible for inquiries, reviews and policy reform pertaining to youth detention in NSW. This descriptive overview of the numerous reviews and inquiries, and oversight bodies, relevant to the running of YJCs in NSW illustrates the level of commentary in this policy domain in recent years. We then turn to consideration of the reports produced, and recommendations arising from, the various reviews and inquiries impacting YJCs in NSW. Recommendations and, where applicable, findings, from these reports were collated for review and analysis by the authors. These recommendations were then read a number of times to iteratively develop broader categories and subcategories of recommendations that encapsulated their diverse content. The volume of recommendations precludes an in-depth analysis of the particularities of individual recommendations, however, grouping of the recommendations into broad categories of targeted reform demonstrates the diversity and breadth of changes proposed through these reviews and implications for policy and practice for YJNSW. This concentration of activity, involving numerous and diverse oversight bodies and recommendations in the youth justice policy space, precludes a coordinated and cohesive response to youth detention in NSW.

Inquiries and reviews

We have compiled a list of public (government) reviews conducted and published between 2015 and 2021 relevant to youth justice in NSW, especially the operation of

YJCs. The six-year period was chosen as it has been a period of considerable review and activity in this area, providing sufficient content for analysis.

NSW-specific inquiries and reviews during this period include:

- Office of the Senior Practitioner, Department of Communities and Justice. Youth Justice: The views of young people and staff about the reduction of self-harm and assaults during the pandemic (2021)
- Ombudsman. Strip searches conducted after an incident at Frank Baxter Youth Justice Centre: A special report under section 31 of the *Ombudsman Act 1974* (2021)
- Parliamentary Inquiry. The high level of First Nations people in custody and oversight and review of deaths in custody. Select Committee (2021)
- Inspector of Custodial Services. Inspection of six youth justice centres in NSW (2020a). Inspections of YJNSW youth justice centres are guided by the Inspector of Custodial Services NSW Youth Justice Inspection Standards (2020b)
- Lee Shearer. Ministerial Review into the riot at Frank Baxter detention centre on 21 and 22 July 2019 (2019)
- Advocate for Children and Young People (ACYP). What children and young people in juvenile justice centres have to say (2019)
- Inspector of Custodial Services. Use of force, separation, segregation and confinement in NSW juvenile justice centres (2018)
- Parliamentary Inquiry. The adequacy of youth diversionary programs in NSW. Law and Safety Committee Report 2/56 (2018)
- Auditor-General. Reintegrating young offenders into community after detention. Performance Audit (2016)
- Inspector of Custodial Services. Making connections: Providing family and community support to young people in custody (2015)

Relevant Federal inquiries and reviews:

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (n.d.)
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
- Royal Commission into the Protection and Detention of Children in the Northern Territory (2017)

The NSW Premier's Priorities and the Federal Closing the Gap Targets also have implications for YJNSW and how they operate YJCs, as do numerous internal reviews and policies impacting NSW public service agencies (including those relating to disabilities, recruitment of Aboriginal staff, finance, procurement, work health and safety etc). Additionally, reports by non-government organisations can have implications for the management of YJCs,¹ but these are not the focus of this article.

¹See, for example, reports such as: Amnesty International Australia, 2018, 'The sky is the limit: Keeping young children out of prison by raising the age of criminal responsibility'; Australian Child Rights Taskforce (ACRT), 2018, 'The children's report: Australia's NGO coalition report to the United Nations Committee on the Rights of the Child'; and the Change the Record Coalition, 2017, 'Free to be kids: National plan of action' report, amongst others.

Before considering the recommendations arising from these various reviews and inquiries, brief explanation of each agency is provided here. The descriptions have been grouped into oversight bodies, additional NSW institutions and recent relevant Federal Commissions of Inquiry and policy targets. It is acknowledged that these distinctions are somewhat arbitrary and that there are various distinctions that can be drawn between those grouped together for current purposes.

Oversight bodies

A number of oversight bodies operate in NSW to monitor the operation of the six current YJCs. Key amongst these are: the Inspector of Custodial Services, the NSW Ombudsman and the NSW Audit Office. Each represents an established and ongoing agency within the NSW government with different responsibilities, described briefly here.

Inspector of Custodial Services

The work of the Inspector of Custodial Services (ICS) is of direct relevance to YJNSW policy and practice. The ICS, established in 2012, is an independent oversight body that carries out inspections of YJNSW services and facilities including the conditions and operational practices of detention, and observable impacts on staff and young people (ICS, 2021a).

Inspections of YJCs in NSW are guided by the NSW Youth Justice Inspection Standards. The most recent iteration of the inspection standards consists of 9 sections and 485 subsections (ICS, 2020b). The nine sections comprise standards relating to:

- Governance and procedural fairness
- Informed advice
- Service delivery
- Family and community
- Partnerships
- Infrastructure
- Workforce
- Security
- Health and wellbeing

Inspections of each YJC take place at least once every three years (ICS, 2021b). Additionally, the ICS manages the Official Visitor program which involves routine (often fortnightly) visits to youth detention centres by independent community members with a view to taking enquiries and complaints from young people, working with centre staff to resolve enquiries and complaints, escalating issues that are unable to be resolved and monitoring the conditions and treatment of young people (ICS, 2021a).

The Official Visitor program, the programmed inspections of YJCs by the Inspector and ad-hoc reviews and enquiries of YJCs by the Inspector means that the Inspector directly or indirectly has consistent insight into the operation of the six YJCs in NSW.

NSW Ombudsman

The NSW Ombudsman is an independent agency that handles complaints, reviews, monitors, investigates, advises, trains and offers community education pertaining to the administration and delivery of public and community services in NSW (NSW Ombudsman, n.d.). Part of this purview is holding agencies delivering public services, such as correctional centres, accountable. In the context of youth justice, young people in custody or supervised in the community can complain to the Ombudsman about any NSW government agency. Similarly, other agencies or organisations can refer matters to the Ombudsman for investigation. For example, the report on strip searches conducted after a riot at Frank Baxter Youth Justice Centre (NSW Ombudsman, 2021) was precipitated by a referral from the ICS. Specifically, this report was issued to the Department of Communities and Justice (DCJ) after an investigation into three strip searches conducted at Frank Baxter YJC, and addressed issues relating to the appropriateness of strip searching young people in YJCs and recording and monitoring searches requiring removal of clothing (NSW Ombudsman, 2021).

NSW Audit Office

The Auditor-General and the Audit Office conduct financial and performance audits of state public sector agencies and are broadly mandated to hold government accountable for its use of public resources (Audit Office, n.d.). The Audit Office has conducted a number of audits relating to youth justice over the last 10 or so years. A number of these are listed below:

- Justice 2018, 22 November 2018, a financial audit of a cluster of agencies within Justice;
- Reintegrating young offenders into the community after detention, 28 April 2016, a performance audit exploring how well Juvenile Justice prepares and assists young people to reintegrate into the community after they are released from detention. It was estimated that this audit cost \$229,302 to produce.
- Addressing the needs of young offenders, 28 March 2007, a performance audit assessing capacity and effectiveness of Department of Juvenile Justice and NSW Police to identify and address the needs of young offenders. It was estimated that this audit cost \$330,000 to produce.

Additional relevant policy-making institutions in NSW

In addition to these oversight bodies, a number of other disparate bodies have also been active in this area including the Office of the Senior Practitioner, the Advocate for Children and Young people, a Ministerial Review and Parliamentary Committees conducting inquiries. It is acknowledged that, depending on how one conceptualises policy, numerous other organisations might also be considered here. Agencies that process young people before they enter youth custody, for example the police and children's courts, also influence policy and legislation as it relates to young people, as do organisations

impacting all NSW government agencies, such as the Public Service Commission and NSW Treasury. Their contribution is not the focus of this article.

Office of the Senior Practitioner

The Office of the Senior Practitioner (OSP) is one of five research centres within DCJ NSW, which is the government cluster in which YJNSW is now located (DCJ, 2021). The OSP research team is focused on exploring outcomes for children and young people in child protection and out-of-home care via original research and evaluation with practitioners, children and families (DCJ, 2020a). Its recent review on the views of young people and staff relating to the reduction in incidence of self-harm and assaults during the pandemic is an example of the relevance of the experiences of young people in detention to the OSP's research agenda.

Advocate for Children and Young People

The Advocate for Children and Young People (ACYP) is an independent statutory body overseen by the Parliamentary Joint Committee on Children and Young People. ACYP advocates for, and safeguards, the welfare, wellbeing and safety of children and young people with a particular focus on the needs of children and young people who are vulnerable or disadvantaged (ACYP, 2019). In 2019 the ACYP spoke to young people in youth detention and published the 'What children and young people in juvenile justice centres have to say' report.

Ministerial review

Ministerial reviews report on matters that reflect the interests of the relevant minister. For example, the Shearer review into an incident (or riot as it was declared by media outlets) at Frank Baxter detention centre (2019) was prepared for the former Minister for Families, Communities and Disability Services. In this instance, Lee Shearer (a former assistant commissioner of the NSW Police Force) was appointed by the Minister for Families, Communities and Disability Services on 25 July 2019 to conduct a review and report on a riot at Frank Baxter YJC during 21–22 July 2019. The review was completed over the course of one month, concluding in August 2019 (Shearer, 2019), and at a cost of \$222,805 (DCJ, 2020b).

Parliamentary inquiries

Parliamentary inquiries canvass topics of interest to government. The parliamentary inquiries canvassed here were conducted by two distinct committees. The Law and Safety Committee (Parliament of New South Wales, 2018) has portfolio responsibilities for Corrections, Emergency Services, Attorney General, Justice, Police, Counter Terrorism and Veterans Affairs. This committee is tasked with scrutinising laws and examining the financial performance and annual reports of government departments. Their 'Inquiry into the adequacy of youth diversionary programs in NSW' (Parliament of New South Wales, 2018) made 17 findings and 60 recommendations in its report released in

September 2018. The government response, some 11 months later (NSW Government, 2019), made little reference to direct recommendations from the committee, preferring to comment on what the government (through its various agencies) was doing to address the issues raised in the report. This might be considered as ‘soft’ acceptance of recommendations rather than absolute acceptance (Birkett, 2018).

Comparatively, the ‘Select Committee on the high level of First Nations people in custody and oversight and review of deaths in custody’ (Parliament of New South Wales, 2021) was established to inquire into and report on First Nations people in custody in NSW. Under their Terms of Reference, the select committee was mandated to explore: the unacceptably high level of First Nations people in custody in NSW; the suitability of the oversight bodies tasked with inquiries into deaths in custody in NSW; the oversight functions performed by various state bodies in relation to reviewing deaths in custody and any overlaps in the functions and funding of those bodies; how those functions should be undertaken and what structures are appropriate; and any other related matter. A NSW government response was issued in October 2021 (NSW Government, 2021). This response more clearly articulated the government’s acceptance or rejection of the 39 recommendations made in the report, with the government supporting 10 recommendations, supporting in principle 6 recommendations, stating that 10 recommendations were under consideration, noting 8 recommendations and not supporting 5 recommendations. The distinction between some of these responses is somewhat open to interpretation, but the more absolute response is in contrast to the ‘soft’ acceptance referred to for the previous Parliamentary Inquiry.

Premier’s priorities

There are numerous other policy mechanisms that impact YJNSW directly and perhaps YJCs indirectly. There has been a recent tradition of plans from the NSW government that set priorities and targets. Various state plans have morphed into what is known as Premier’s Priorities. These currently include:

- Breaking the cycle by:
 - *Reducing domestic violence reoffending*—reducing the number of domestic violence reoffenders by 25% by 2023;
 - *Reducing recidivism in the prison population*—reducing adult reoffending following release from prison by 5% by 2023; and
 - *Reducing homelessness*—reducing street homelessness across NSW by 50% by 2025 (NSW Government, n.d.).

The priorities around domestic violence reoffending have been a significant driver of action for YJNSW, informing their *Youth Justice Domestic and Family Violence Strategy 2019–2022* (DCJ, n.d.). This strategy comprises three component parts: a) improving outcomes for young people within the criminal justice system who are both victims and domestic and family violence offenders; b) focusing on housing and homelessness supports, early intervention, child protection and crisis supports in the domestic and family violence context; and c) focusing on criminal justice responses and victim support.

Relevant federal reviews and commissions of inquiry

The NSW-centric reviews and inquiries listed above have been augmented in recent years by a number of Royal Commissions and policy mechanisms at the federal level of government. Those most relevant to the operation of YJCs in NSW are considered here.

Royal Commissions

Royal Commissions are non-judicial and non-administrative public inquiries ‘established by the head of state to investigate and report on matters of public concern’ (Mintrom, O’Neill, & O’Connor, 2020). A Royal Commission has broad powers to collect information to assist with its inquiry, including the power to call witnesses to appear before it and to request individuals or organisations to produce documents as evidence (Royal Commissions, n.d.). As with parliamentary inquiries and ministerial reviews, Royal Commissions have terms of reference which outline the key areas of investigation, and generally the timeframe within which the inquiry is to be completed. In the case of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) and the Royal Commission into the Protection and Detention of Children in the Northern Territory (RCPDCNT) (2017), both have indirect implications for YJNSW policy and practice. The Royal Commission into Institutional Responses to Child Sexual Abuse (2017) includes recommendations relating to child-safe institutions as well as contemporary detention environments. The Child Safe Standards that emerged from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) set out 10 standards of a child-safe institution and have become the benchmark against which all institutions, including youth justice, assess their child-safe capacity and performance.

The RCPDCNT (2017) is directly relevant to youth justice in the Northern Territory and indirectly relevant to youth justice practice across Australia and all other states and territories, including NSW. The RCPDCNT examined the Northern Territory’s youth justice system as a whole following revelations broadcast on the ABC *Four Corners* program which highlighted abuse of young people in the Don Dale juvenile detention centre in Darwin. The Commission highlighted the youth justice system’s failure to keep children in detention centres safe, and specifically found YJCs in the Northern Territory to be unfit for accommodating or rehabilitating young people, unearthing sustained patterns of abuse and denial of basic human needs within the centres (2017, p. 80). The RCPDCNT Final Report (2017) detailed 147 findings and 227 recommendations relating to a long-term reform agenda to the child protection and youth justice systems in the Northern Territory.

Additionally, the Disability Royal Commission was established in April 2019 in response to public concern about widespread reports of violence towards, neglect and abuse of people with a disability. This Royal Commission is currently investigating the experiences of people with a disability in a variety of settings including jails and detention centres. The final report is due for delivery on 29 September 2023 (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, n.d.). A number of public hearings conducted by the Royal Commission have captured

information relating to the experiences of young people with a disability in justice settings. For example, ‘Public Hearing 11: The experiences of people with cognitive disability in the criminal justice system’, and ‘Public Hearing 15: People with cognitive disability and the criminal justice system, National Disability Insurance Scheme [NDIS] interface’, held in February 2021 and August 2021 respectively, explored points of contact for people with a cognitive disability and the criminal justice system and barriers people with cognitive disability face in accessing NDIS within custodial environments, and in transition from custodial environments. The NDIS is an Australian government scheme that funds costs associated with disability for people with a ‘permanent and significant’ disability under the age of 65 in Australia (NDIS, 2022).

Closing the Gap targets

The over-representation of Indigenous young people in custody continues to be a national shame. Numerous inquiries and reviews have highlighted the ongoing and worsening over-representation of Indigenous young people in custody over many decades (see Parliament of NSW, 2021). The Closing the Gap targets represent a concerted effort across all levels of government to ‘close the gap’ in Indigenous disadvantage, including a reduction in the rate of Aboriginal and Torres Strait Islander young people in detention by 30% by 2031 (Target 11). This target is one of 17 national socio-economic targets that address life outcomes for Aboriginal and Torres Strait Islander people in Australia. Each party to the National Agreement on Closing the Gap, including commonwealth government, state and territory governments, Coalition of Aboriginal and Torres Strait Islander Peak Organisations and the Australian Local Government Association, has developed an implementation plan and is required to report annually on their progress towards attainment of the target outcomes. Progress towards these targets are monitored by the Productivity Commission and made publicly available (Closing the Gap in Partnership, n.d.).

Summary

The above summary demonstrates the number of separate agencies (eight from NSW and three separate Royal Commissions) making recommendations regarding the management of youth detention in NSW. This volume of activity is striking (especially given the historic low levels of young people in custody) for the level of commentary in this policy domain in recent years, and for the diversity of actors involved. Some of these agencies are statutory and long-standing entities, while others are reactive and established in response to a crisis or incident. We now turn to consideration of the reports produced from the various reviews and inquiries impacting YJCs in NSW.

Method

The reports arising from the various inspections, reviews and inquiries were accessed online and read in full. Recommendations and, where applicable, findings from these reports were collated for review and analysis by the authors.

Where government responses were publicly available, these were also collated. All recommendations were transferred to Excel and organised by review or inquiry and in the categories in which they were reported. These recommendations were then read a number of times to iteratively develop broader categories and subcategories of recommendations that encapsulated their diverse content. These categories were informed by existing categories from particular reports and from identification of recurring themes or organising concepts that captured a group of recommendations. All recommendations were then re-classified according to this approach (outlined in Table 2).

This grouping of recommendations highlights the diversity, breadth and extent of the changes being proposed through these reviews. While the particularities of individual recommendations are not highlighted, they will in part be considered in the following section.

Table 2. Categories of recommendations directly and indirectly impacting YJNSW 2015–2021.

Broad categories of recommendations	Subcategories of recommendations
Detention centre policy and infrastructure changes	Security updates including updates to security infrastructure, systems and policies Policy changes including review and amendment of YJC policy and practice Centre-specific policy updates including review and amendment of centre-specific policy and practice Centre-specific infrastructure updates including updates or upgrades to centre-specific infrastructure
Staff	Training including new or ongoing approaches to staff training for staff from YJNSW, youth and community services, teachers, YJC staff, caseworkers etc Recruitment including recruitment of staff with particular backgrounds or skillsets and training
Monitoring, accountability and record-keeping	Record-keeping and digitalisation including record-keeping practices Accountability and notifications including accountability and notification practices to other departments or organisations Establishing or expanding monitoring systems
Audits	Audits including new and ongoing audits of YJNSW practice
Funding	Funding and resources for programs and services
Availability and delivery of services and programs	Expansion of existing services and programs to other geographical regions or sites, especially rural and regional areas Expansion or establishment of services for particular cohorts, including culturally and linguistically diverse (CALD) young people, Aboriginal and Torres Strait Islander young people, young people on remand etc Expansion of resources for existing or new services
Cross-sector coordination, collaboration and service delivery	Collaboration with NGOs Inter-governmental collaboration including between government departments, institutions and organisations Non-specific collaboration including non-specific cross-sector coordination between organisations or bodies Collaboration with young people including the need for feedback and input from young people Consultation and collaboration with Aboriginal and Torres Strait Islander organisations and communities Inter-detention centre consistency including expansion of YJC practice across centres and the need for consistency between YJCs Data and information sharing including information sharing between all key stakeholders within YJNSW
Review, evaluation and research	Legislative review and amendments Review of policy and procedural processes Need for further research

Recommendations arising from these reviews and inquiries

Overall, approximately 1040 recommendations impacting YJNSW policy and practice were documented over these 12 reports and inquiries, in addition to 17 Closing the Gap targets and 14 Premier's Priorities. Of these, approximately 590 relate to YJNSW specifically, with approximately 284 being focused on the operation of youth detention in NSW.

Table 3 provides a high-level summary of the number of recommendations arising from the individual reports and the number directly relevant to YJNSW, and to youth detention more specifically.

Observations and discussion

The first observation based on our analysis of the many inspections, reviews and inquiries directly and indirectly focused on YJCs in NSW is the diversity of actors engaged in this work in recent years. Eight separate agencies in NSW and three separate Royal Commissions have furnished reports. These agencies have adopted different processes, operated on different timelines, invested significant resources and engaged staff to work, either briefly or in an ongoing capacity, on these reviews. Little is generally known about the staff directly working on these reviews and reports beyond the 'usual suspects' of ministers, chairs of committees and perhaps implementing policy personnel (Stark, 2018), in what Smart and Manning referred to as an 'inquiry industry' (1986, p. 202).

Moreover, the demands placed on government departments during this period is likely to have been significant. Many of the reviews and inquiries have required staff to give evidence, data to be generated, site visits to be coordinated and arrangements made (in a small number of instances) for staff and young people to be spoken with. These processes come at considerable expense in terms of departmental staff time and resources invested in conducting the reviews and inquiries.

The second observation relates to the frequency of the reports. While we are unable to quantify on whether this period (2015–2021) was, compared with other periods in history, an especially active period for reviews and inquiries of this kind, it does seem to have been especially active. One can speculate that the focus brought to youth detention by the ABC *Four Corner's* episode in 2016 and the subsequent RCPDCNT (2017) has resulted in greater focus on youth detention than might otherwise be the case. As noted by Clancey, Wang, and Lin (2020), there have been numerous similar inquiries in many Australian states and territories in recent years. Consequently, the period being considered might have been an unusually busy period of review and inquiry.

Nonetheless, this has been a busy period with multiple reports being released in each year of the period considered here. This has implications for how agencies (such as YJNSW) can respond and plan their work and reforms in line with what is being proposed by the various reviews and inquiries. Smart and Manning (1986) highlight the somewhat periodic rise and fall in the adoption of inquiries and reviews as policy-making tools—perhaps the most recent past is just part of a longer trend of reviews and inquiries falling in and out of favour. In any case, the frequency with which reports have been finalised and released poses questions about the capacity of agencies to respond, the need for prioritisation of recommendations and evaluation of recommendations that are implemented.

Table 3. Recommendations directly and indirectly impacting YJNSW 2015–2021.

Report or inquiry	Number of recommendations	Relevance to YJNSW	Relevance to youth detention
Office of the Senior Practitioner, Department of Communities and Justice. Youth Justice: The views of young people and staff about the reduction of harm and assaults during the pandemic (2021)	12	12 (all)	12
Ombudsman, Strip searches conducted after an incident at Frank Baxter Youth Justice Centre: A special report under section 31 of the <i>Ombudsman Act 1974</i> (2021)	9	9 (all)	9
Parliamentary Inquiry, The high level of First Nations people in custody and oversight and review of deaths in custody. Select Committee (2021)	39	All broadly relevant to YJNSW policy and practice, and 4 of direct relevance to YJNSW.	3
Inspector of Custodial Services, Inspection of six youth justice centres in NSW (2020)	52	52 (all)	52
Lee Shearer, Ministerial Review into the riot at Frank Baxter detention centre on 21 and 22 July 2019 (2019)	63 (11 redacted)	63 (all)	63
Advocate for Children and Young People (ACYP), What children and young people in juvenile justice centres have to say (2019)	53	All of broad relevance to YJNSW, however some recommendations are targeted to community programs and services, education and school procedures.	23
Inspector of Custodial Services, Use of force, separation, segregation and confinement in NSW juvenile justice centres (2018)	60	All directly or broadly relevant to YJNSW policy and practice	20
Parliamentary Inquiry, The adequacy of youth diversionary programs in NSW. Law and Safety Committee Report 2/56 (2018)	60	4 of direct relevance to YJNSW	2
Auditor-General, Reintegrating young offenders into community after detention. Performance Audit (2016)	13	13 (all)	7
Inspector of Custodial Services, Making connections: Providing family and community support to young people in custody (2015)	17	17 (all)	17
Royal Commission into Institutional Responses to Child Sexual Abuse (2017)	405	Partial relevance to YJNSW policy and practice. Volumes of particular relevance include: - Volume 6: Making institutions child safe; and - Volume 15: Contemporary detention environments	9
Royal Commission into the Protection and Detention of Children in the Northern Territory (2017)	226	All broadly relevant to juvenile justice policy and practice	66
Premier's Priorities (NSW Government, n.d.)	14	2 of direct relevance to youth offending	0
Closing the Gap Targets (Closing the Gap in Partnership, n.d.)	17	1 of direct relevance to youth offending	1
TOTAL	1040	590	284

The third observation is the sheer volume of recommendations contained in the various reports. The approximately 1040 recommendations (approximately 590 relevant to YJNSW broadly and 284 relevant to youth justice centres more specifically) made between 2015 and 2021 across 13 reports and inquiries (10 NSW-specific and 3 Royal Commissions) and related policy instruments (that is, Premier Priorities and Closing the Gap targets) is somewhat overwhelming. Without even considering whether recommendations coalesce around consistent themes or are in broadly similar directions, it is clear that considerable work is generated through these recommendations, much of which can take years to implement. Recommendations also vary significantly in their focus and scope. Some are highly specific and easier to implement, whereas others are very broad and require careful planning and resources to address. By way of example, some recommendations arising from the ICS are quite clear and contained:

- Cobham YJC ceases the practice of placing young women and girls in the Tandarra unit [one of the accommodation units at Cobham YJC] which accommodates boys and young men (ICS 2020a).
- Orana YJC utilises both the indoor and outdoor visits area (ICS 2020a).

Recommendations like these are discrete and are likely to require local action that has few resourcing implications or demands little planning. Conversely, recommendations like the following more fundamentally go to the way that YJCs operate and raise issues that have tended to haunt youth detention operations for a long time:

- The Inspector recommends Juvenile Justice reviews the role descriptions and recruitment processes for youth officers to attract suitably qualified and skilled youth officers to work with young people (ICS 2020a).
- Ensure the cultural background of Juvenile Justice Centre workforce is reflective of the cultural background of young people in custody at the Centre (ACYP, 2019).
- Frontline staff in youth and community services be provided with training in child rights approaches, meaningful engagement, cultural competence and trauma informed practice to enhance the quality of their work with children and young people tackling multiple, complex challenges (ACYP, 2019).

Aligning cultural backgrounds of staff with those of young people detained in centres and attracting and training suitable staff to work in YJCs have been recommendations made for decades (see similar recommendations in the NSW Ombudsman, 1996a, 1996b Inquiry into juvenile detention centres). Recommendations of this kind are relatively easy to make, hence the frequency with which they appear. They are, however, much harder to rectify in a sustainable way. Workforce issues are common challenges facing youth justice and adult correctional settings. Working in custodial environments can be challenging and unattractive to those who might be well suited to such work. Pay and conditions also mean that staff might choose to work in other youth settings that pose fewer risks and have commensurate pay and conditions. So while recommendations of this kind might be laudable, implementing them can be difficult, as demonstrated by the recurrence of recommendations of this kind over many years and prior inquiries.

A fourth observation is that few of the reviews or inquiries included implementation plans or guidance in their reports (the OSP [2021] is the exception). In the absence of guidance regarding implementation, there are risks that there will be some drift away from what was originally proposed as recommendations become filtered through organisational layers and inter-agency structures. Similarly, the costing of recommendations is absent in the reports analysed here. Recommendations vary from those with modest implications, such as some of those listed previously requiring minor changes at a local level, to those with significant resource implications. The following fall into this category:

- The Inspector recommends Juvenile Justice ensure all youth officers receive comprehensive and ongoing training about trauma informed practice; managing challenging behaviours; effective communication and negotiation; effective conflict management; including de-escalation techniques; and incident management, including non-violent crisis intervention (ICS 2018).
- Increased resourcing for whole-of-community programs, particularly in regional and Aboriginal communities, to help strengthen capacity to tackle systemic conditions such as poverty, substance use, mental health difficulties, family violence and intergenerational trauma to support children and young people and prevent them from entering the justice system (ACYP, 2019).
- Greater co-ordination and overall strategy to further enhance and support Juvenile Justice Centre program staff to develop a suite of programs whose aim is to rehabilitate young people through educational, psycho-social, personal and living skills development (ACYP, 2019).

These, amongst many other recommendations, have significant resourcing implications (for various agencies) and require complex responses necessitating inter-agency coordination and planning. While it is common for there to be no estimation of the costs or resources required to respond to or implement recommendations of this kind (Krasovitsky [2019] argues that queries do not and cannot consider the budget implications of their recommendations), it does then demand budget bids to be prepared, with no guarantee of success, which adds to the length of time that will be taken in any response. It is noted that there is reference in a DCJ Annual Report of over \$4 million funding allocated to implement the Shearer Review (DCJ, 2020b). No similar funding commitments were identified in relation to other reviews or inquiries though it is expected that various projects arising from these reviews and inquiries will have attracted additional funding.

A fifth observation is that only a small number of the reviews and inquiries collected and reported insights from young people and staff or practitioners. This lack of insight from the people directly impacted by and impacting on YJNSW policy and practice is problematic and likely to lead to a disjunct between high-level, abstract objectives and operational and lived realities, needs and priorities. The disconnect between formal youth justice policy and lived practice has been well-established in academic literature (see Smith, 2013). As Smith (2013, p. 74) notes, 'prescriptive statements' or recommendations cannot presume to apply universally across different settings and to diverse cohorts of young people. Similarly, the operational arrangements and logistics that determine policy implementation inevitably

transform or impact the application of policy in practice. These underlying dynamics that contribute to a chasm between policy in theory and in practice are intensified when the voices of young people, staff and practitioners living and working in the youth justice space are not heard and considered.

A sixth observation is that a number of significant administrative changes have impacted the agency responsible for youth justice and YJCs across the six-year period considered here. Analysis of Annual Reports for the period in question (2015–2021) suggests that the responsible agency changed names (going from Juvenile Justice NSW to Youth Justice NSW); changed clusters (going from Department of Justice to the Department of Communities and Justice); changed ministers and changed executive directors (with at least six executive directors during this period, not including short-term acting executive directors covering periods of leave of substantive staff). This suggests a level of change that has implications for the management of the agency and YJCs more specifically, and this does not take into consideration re-structures throughout this period that resulted in centre managers changing in the YJCs.

While the focus here has been on the role of external agencies, especially through their reporting practices, consideration has not been given to the internally generated reforms and developments advocated by YJNSW. The YJNSW Strategic Plan, the Disability Action Plan, the Aboriginal Strategic Plan, the Practice Guide and similar internally developed priorities have not been canvassed, nor have internally commissioned or conducted reviews and reports that have not resulted in publicly available outputs. The tension between external and internal reform agendas is open for analysis. There will of course be some convergence between the two perspectives, but there is also scope for considerable divergence. What impact this has on actual policy and practice is worthy of analysis.

This article has focused on a single dimension of policy-making in the youth justice context—inspections, inquiries and reviews by various agencies. Policy is not only determined by the work of these agencies and actors. There are various policy models that place varying degrees of importance on top-down policy deliberations and engage with different voices, including those of young people, staff in YJCs and non-government organisations, amongst others (see Althaus, Bridgman, & David, 2018; Hobbs & Hamerton, 2014). There are also various important agencies which shape the manner in which a young person enters the youth justice system and for how long they stay (such as police and children's courts), while other agencies have an influence on the life course of young people (such as child protection and education agencies). Clearly, these agencies also significantly shape policy in this area, especially through the establishment of norms around practice that can become policy. Further research into the contribution of these agencies and actors and the influence of Work, Health and Safety legislation, unions, the Public Service Commission and many other actors is required to more fully understand youth detention policies in NSW.

None of what is argued here suggests that oversight or review of YJCs is not critical—it is. Rather, we have argued for some critical analysis of the process of conducting reviews and piling up recommendations. History clearly suggests that oversight, monitoring and auditing of the practices in youth detention centres is, and always will be, critical. Nonetheless, questions remain about whether the recent flurry of reviews and inquiries will positively impact YJCs.

Conclusion

Numerous commentators and scholars have lamented the lack of analysis of policy-making in criminal justice generally and youth justice specifically (Armstrong et al., 2017; Fishwick, 2015 and 2017; Barton & Johns, 2013; Fergusson, 2007; Ismaili, 2006; Jones & Newburn, 2007). To partially address the gap, this article focuses on reviews, inquiries and findings of oversight bodies between 2015 and 2021 relevant to youth detention in NSW, which has been the direct or indirect focus of numerous reviews, inquiries and reports in recent years.

The breadth, scope and volume of proposed reforms and recommendations documented in this article is overwhelming. When considered alongside the number and diversity of external oversight bodies that directly or indirectly scrutinise YJNSW policy and practice, it becomes clear that the policy and reform agenda is decidedly crowded. The volume and diversity of recommendations have significant implications for funding, and the frequency with which the reports have been released has implications for reaction to, and implementation of, the recommendations. In this crowded space, decisions need to be made about which recommendations can be actioned, raising questions about which reviews and/or recommendations are considered more relevant or of greater priority. It also raises questions about the duration of implementation and what can be expected in particular timeframes (especially if further reviews are being conducted or planned), and the fatigue that can arise in this context. Moreover, McAra notes that juvenile justice systems have shown a 'high level of continuity rather than change' (2017, p. 162) and Fishwick has suggested that they are 'path dependent', suggesting that meaningful change is difficult to achieve at the best of times, let alone when confronted with a volley of recommendations arising from diverse agencies in a short period of time.

For the purposes of achieving the best outcomes for young people in custody, we suggest that there might be greater merit in having fewer inquiries that deal with parts of youth detention and a coordinated, prioritised and evaluated response to policy recommendations for youth detention and the youth justice landscape more generally.

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Legislation and international conventions

Advocate for Children and Young People Act 2014 (NSW)

Children (Detention Centres) Act 1987 (NSW)

United Nations Convention on the Rights of the Child (United Nations 1989)

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (United Nations 1985) (the Beijing Rules)

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