

Appendix E: Office of the Health Ombudsman submission



Your ref: 2023-00146(P1)

8 August 2024

Mr Anthony Reilly
Inspector of Detention Services
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BRISBANE QLD 4001

By email : executive@ombudsman.qld.gov.au
Cc: inspector@ombudsman.qld.gov.au

Dear Mr Reilly

Inspection of Cairns and Murgon Watch-houses

Thank you for your correspondence of 19 July within which you advise that inspections of the Cairns and Murgon watch-houses are now complete - including the enclosure of the draft report for our consideration.

Thank you for your invitation to provide you with a submission in relation to the draft report. I note the gravity of the findings on the risks identified in relation to the health and wellbeing of children detained in Cairns and Murgon watch-houses, and strongly support the recommendations which address these risks and ensure timely access to health assessments and services.

I can provide the following feedback in relation to those recommendations that align to the functions of the Office of the Health Ombudsman (OHO) and would be happy to discuss this feedback:

Recommendation 1

The watch-house staff complete a risk and compatibility assessment before children are required to share a cell. [Recommendation supported.](#)

Recommendation 2

The Queensland Police Service examines ways to increase privacy in relation to the use of toilets for children sharing a cell. [Recommendation supported noting the particular risks to children who have experienced trauma.](#)

Recommendation 3

The Queensland Police Service ensures the design of new watch-houses ensures more privacy for children when using the toilet. [Recommendation supported as above.](#)

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Recommendation 4

The Queensland Police Service examines ways to increase privacy in relation to the use of showers for children at the Cairns watch-house. Recommendation supported noting the particular risks to children who have experienced trauma..

Recommendation 5

Where children are detained in watch-houses for longer periods of time:

- (a) they are not detained in watch-houses that cannot facilitate at least two hours of daily access to an outside exercise yard. Recommendation supported, noting the importance of access to natural light and external environments to health and well-being, as well as the opportunity for social engagement with others in a more open and natural space.
- (b) that such access is treated as a mandatory entitlement that cannot be removed, for example, for operational reasons or as punishment. Recommendation supported.

Recommendation 6

The Queensland Police Service reviews staffing of the Cairns and Murgon watch-houses to ensure a greater physical presence of its staff in the units used to detain children.

This should include a requirement that watch-house staff undertake regular, unobtrusive, physical supervision of children to ensure their safety. This should occur at least every 15 minutes when children are locked in their cells. The observations should be recorded, monitored and reviewed. Recommendation supported noting the importance of these observations to prevent potential harm or deterioration of children's health and wellbeing in these environments.

Recommendations 7 to 11- These are supported as outlined below:

Recommendation 7

The Queensland Police Service develops and delivers mandatory training for staff who undertake admissions and assessments of children, covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children.

Recommendation 8

The Queensland Police Service consult with Queensland Health and/or other appropriate health experts, to develop and implement a standardised process to be applied to all children who are being detained in watch-houses for longer periods of time:

- that facilitates the examination of the child by a qualified health practitioner
- within a timeframe recommended by Queensland Health and/or the other health experts.

Recommendation 9

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops appropriate assessment tools to use in the watch-house to identify the needs and level of risk of children (including Aboriginal and/or Torres Strait Islander children).

Recommendation 10

The Queensland Police Service ensures admission discussions with children take place in a confidential and non-threatening environment.

Recommendation 11

The Queensland Police Service and the Department of Youth Justice ensures that children identified as being at risk of self-harm and/or suicide are:

- transferred to a youth detention centre, or other appropriate facility immediately, and
- referred to mental health staff immediately while awaiting their transfer.

Feedback on Recommendations 7 to 11

- Given the often complex needs of children admitted to watch houses, it is imperative that admission and assessment processes are managed in a way that minimises stress as much as possible, occur in privacy and in a culturally safe way, and take into account the child's age, developmental level and cognitive ability.
- Children are likely to be hyperalert or experiencing fight-or-flight mode, and therefore anything to minimise and de-escalate a stressful process is strongly supported.
- The OHO supports mandatory specialised training for watch-house officers and police officers working in watchhouses to ensure risk identification and risk management strategies can be implemented as early as possible to reduce any potential self-harm/ongoing trauma the children may experience. Such training should also address understanding and effective communication with children with traumatic histories, mental health/substance use issues, cognitive impairments and children with complex needs; and culturally safe engagement with Aboriginal and Torres Strait Islander children.
- The OHO strongly supports that nursing staff/paramedical staff are employed 24 hours a day 7 day a week at all Queensland watchhouses as identified by the Deputy State Coroner's June 2024 report. If this is impractical in smaller watchhouses, it is recommended that within 90 minutes a child's admission to a watchhouse that they are seen by a suitably qualified registered health practitioner (medical officer/registered nurse/paramedical staff) to ensure an adequate health assessment can be undertaken including general health, mental health, suicide and self-harm assessment, and that appropriate medical treatment/intervention including psychological and medicinal based intervention can be implemented continued, and any referrals to specialist/support services can be initiated.
- It is strongly recommended that children identified as being at high risk of self/harm and/or suicide, and who may be withdrawing from substance use, that they are transferred immediately to a facility that can provide appropriate intervention and responses to the children's needs, and appropriately manage the risks.

Recommendation 12

The Department of Youth Justice and the Queensland Police Service ensure that children detained in isolation (by virtue of being the only child in the watch-house or because they need to be removed from other children) are transferred from the watch-house to a youth detention centre and not be held in a watch-house for longer periods of time. Recommendation supported.

Feedback on Recommendation 12

- It is endorsed that no children should ever be housed with adults admitted to watchhouses.
- If 24/7 nursing staff/paramedical staff are employed 24 hours a day 7 days a week, this would address health assessments required of children who are isolated with reference to section 16.12.1 of the QPS OPM, namely:
 - the child is violent
 - has a history of sexual abuse
 - is at risk of harassment, abuse of assault from another person
 - has suicidal/self-harm tendencies

Such health assessments would identify the urgency of any necessary transfer to an appropriate facility to provide intervention and responses to the children's needs, particularly where a child is assessed at risk of self-harm or suicide.

Recommendations 13 to 15 - These are supported as outlined below:

Recommendation 13

The Department of Youth Justice and the Queensland Police Service ensure that children with known complex mental health and/or cognitive issues are transferred to a youth detention centre or a more appropriate facility and not held for longer periods of time.

Recommendation 14

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops:

- a behaviour management policy/strategy that provides guidance to watch-house staff in relation to behaviour management strategies, including identifying which entitlements are mandatory and cannot be withheld
- training in the trauma-informed and culturally appropriate management of children in custody that is mandatory for all watch-house staff.

Recommendation 15

The Queensland Police Service ensures that each watch-house that detains children partners with an agency that provides individual, trauma-informed and culturally appropriate advice and input on managing the complex needs and behaviours of children in watch-houses.

Feedback on Recommendations 13 to 15

- It is suggested that Recommendation 13 includes a timeframe i.e. that children with known complex mental health and/or cognitive issues are transferred to a youth detention centre or a more appropriate facility as soon as possible but no later than 24 hours after admission to a watchhouse. For such children there would be clear risks and harms associated with prolonged detention in watchhouses, particularly noting the report's findings on the length of time children are locked in their cells.

Recommendation 16

Where children are detained in watch-houses for longer periods of time, the Queensland Police Service ensures contact between a child in a watch-house and their family is given a high priority.

- Recommendation supported. It is unclear why contact between a child and their family has to be in a 'non-contact' interview room if facilities can accommodate contact and appropriate security screening parameters implemented.

Recommendation 17

The Department of Youth Justice and the Queensland Police Service facilitate access by appropriate Aboriginal and Torres Strait Islander organisations, and Aboriginal and Torres Strait Islander Police Liaison Officers, to children in a watch-house. [Recommendation supported.](#)

Recommendation 18

The Department of Youth Justice and the Queensland Police Service work together to develop structured visiting times for Youth Justice officers at the Murgon watch-house and improved communication and coordination around their visits. [Recommendation supported.](#)

Recommendation 19

The Department of Youth Justice and the Queensland Police Service identify services available to children in the Murgon watch-house (for example, Cherbourg Regional Aboriginal and Islander Community Controlled Health Service, and Mercy Services), and ensure:

- the regular involvement of community organisations is facilitated
- children have access to culturally appropriate mental health care and welfare visits
- protocols and agreements are in place to support this. [Recommendation supported.](#)

Recommendation 20

The Queensland Police Service ensures Murgon watch-house staff promptly send advice of the arrest of a child to the Department of Youth Justice. [Recommendation supported.](#)

Recommendation 21

The Queensland Police Service and the Department of Youth Justice conduct a joint review of services to children in watch-houses across the state that identifies gaps and develops strategies to address them. [Recommendation supported.](#)

Recommendation 22

The Queensland Police Service reviews the levels of centralised coordination of children in watchhouses to improve accountability and consistency of practices and services across the state. [Recommendation supported.](#)

Recommendation 23

The Queensland Police Service reviews its complaints-handling policies and procedures to ensure it has an effective, transparent and confidential process in place for children held in a watch-house. The complaints system should be user-friendly for children with low levels of literacy, those with disabilities and those for whom English is an additional language or dialect. [Recommendation supported](#)

Feedback on Recommendation 23:

- It is noted the report says that the inspectors didn't see any information about complaint bodies. The OHO recommends that a list should be available to all children housed in watchhouses (and the children's families / guardians) of relevant external complaint

agencies, including the OHO so that young people could contact the OHO about any concerns about access to health services, including mental health services and drug and alcohol / substance abuse treatment

- Further to the above, the most ideal solution to access issues would be to work with QCS to implement the Aruntu phone system (if not already in place) so that young people could contact the OHO directly on the dedicated prisoner phone line to make an enquiry or a complaint.

Recommendation 24

- Children should be detained in a watch house for the minimum time possible and transferred to a more suitable facility as soon as possible. Recommendation supported. It is suggested that this recommendation includes a maximum timeframe i.e. children detained in a watchhouse should be transferred to a youth detention centre or a more appropriate facility as soon as possible, including specified timeframes for children assessed as being at risk or in need of health treatment.

Thank you for the opportunity to provide feedback on the draft report.

It would be helpful to understand how the impact of the recommendations on the treatment of children in watch houses will be monitored and measured. It is noted some of the recommendations appear broad with no suggested timeframes in which the recommended action should be achieved.

The OHO also notes the recent comments by the National Children's Commissioner Anne Hollands, and that her findings on children detained in watch-houses will form part of the Human Rights Commission report being tabled in Federal Parliament in August 2024 on how to improve safety and wellbeing in children being held in youth justice. It is noted that her comments refer to the need for timely health and wellbeing assessments for all children and young people entering custodial settings, and issues of children detoxing in watch houses without access to health services. As health assessments and access to health services directly relate to the OHO's jurisdiction, it would be helpful to understand how the recommendations from your report on the Inspection of Cairns and Murgon Watch-houses might work together with the anticipated recommendations from Commissioner Collins report to address these areas of concern.

Should you wish to discuss please do not hesitate to contact me or [REDACTED], Executive Director, Assessment and Resolution, on 3158 1080 or at [REDACTED]@oho.qld.gov.au

Yours sincerely



Dr Lynne Coulson Barr OAM
Health Ombudsman