

Australian Capital Territory

**Children and Young People (Places of Detention) Search Standing Order 2007 (No 1)**  
**Disallowable instrument DI2007– 259**

made under the

*Children and Young People Act 1999*, Chapter 14 Standards and Standing Orders,  
section 403 (Standing Order making power)

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**1 Name of instrument**

This instrument is the *Children and Young People (Places of Detention) Search Standing Order 2007 (No 1)*.

**2 Commencement**

This instrument is to commence the day after notification.

**3 Standing Order**

I make the attached Standing Order:  
Standing Order – Search.

**4 Revoke**

I revoke the *Children and Young People (Places Of Detention) Search, Standing Order 2005 (No1) DI2005-167*.

Katy Gallagher, MLA  
Minister for Children and Young People

2 November 2007

## Children and Young People (Places of Detention) Standing Orders Introduction

A duty of care obligation is imposed on Institution staff upon the receiving of all children and young people into custody at an Institution.

The Standing Orders set out the minimum permanent standard to be met by all staff in the daily carriage of their duties. These Standing Orders provide a set of specific directions to enable staff to implement the provisions of the *Children and Young People Act 1999* and all relevant legislation (for example; *the Human Rights Act 2004*) with regard to the management of all young persons held in custody.

An Institution provides services to maximise rehabilitation and reintegration back into the community upon release. This is enhanced through ensuring each resident is detained within a safe and secure environment, with living conditions that meet the minimum requirements specified through the Standing Orders in regards to privacy and dignity, programs and services including educational, vocational and health services, and that consideration has been given to the specific individual characteristics of each resident such as their vulnerability as a child or young person, perceived maturity, sex, abilities, strengths and cultural identity. This is reflected in individualised care plans, which are developed as part of the case management process.

These Standing Orders recognise that children and young people who offend may be particularly vulnerable due to a wide range of risk factors and may have already experienced high levels of early trauma or adversity. Children and young people who come into contact with the justice system may have specific difficulties in interpersonal functioning, understanding and impulse control issues. The Standing Orders seek to reduce any further psychological harm whilst a child or young person is resident in an Institution and as such, the Standing Orders stress the rehabilitative and therapeutic role of all staff working in the Institution.

This Standing Order needs to be read and applied in the context of all Standing Orders. Standing Orders – Provision of Information, Review of Decisions and Complaints, Records and Reporting and Aboriginal and Torres Strait Islander Residents, in particular, have application and need to be considered across all the other Standing Orders. For example, when addressing a resident's health needs, staff must consider the requirements of the Standing Order - Health and Wellbeing along with Standing Orders - Provision of Information, Review of

Decisions and Complaints and Records and Reporting, and if the resident is an Aboriginal or Torres Strait Islander, also Standing Order – Aboriginal and Torres Strait Islander Residents.

Standing Orders will be supplemented by a staff, and a resident and carer handbook and will be supported by ongoing training.

## STANDING ORDER

### SEARCH

Staff of an Institution have a duty of care for residents that includes their protection from others and from self inflicted harm. Searching residents, areas and vehicles and things within an institution, and vehicles used for transporting residents, contributes to the objective of keeping residents and others at an Institution safe.

However, the search of another person involves a considerable invasion of privacy and may intrude upon other human rights. Therefore, the decision to undertake a search of a resident must be based upon grounds allowed for in legislation i.e., the *Children and Young People Act 1999*, and justifiable in the individual circumstances. On all occasions, residents must be treated with respect and their dignity maintained during search procedures. Further, searches must not be undertaken in a way that is degrading or humiliating or for punitive purposes.

Searching a resident must also recognise that many young people who are in an Institution will have experienced early adversity and maltreatment and come from complex family and social backgrounds. Residents are therefore likely to be psychologically and emotionally vulnerable and experience difficulties with emotional regulation and functioning in stressful situations. The incidence of mental disorders amongst children and young people who come into custody is also high. Therefore it is imperative that staff do not subject residents to distress or hardship and that they support the psychosocial, emotional and mental health needs of residents thus promoting their psychological resilience. The level of search required for a resident is to be least intrusive, as appropriate to the individual circumstances and in accordance with this Standing Order.

Staff must encourage and facilitate residents' participation in decision-making about them. It is important that staff fully explain the process and purpose of staff's intended actions and invite the resident to participate cooperatively with the search procedure.

- 1 **Definitions**
- 1.1 **Scanning search** is search of a resident by electronic or other means that does not require the resident to remove clothing or be touched by someone else. For example, passing a portable electronic device over a resident, or requiring a resident to pass by or through an electronic or other device.
- 1.2 **Frisk search** is a search of a resident conducted by quickly running the hands over the resident's outer clothing and an examination of anything worn or carried by the resident that is conveniently and voluntarily removed by the resident.
- 1.3 **Ordinary search** is a search of a resident, or of anything in the resident's possession, and may include requiring a resident to remove only the resident's overcoat, coat, jacket or a similar article of clothing and any footwear, gloves, or headwear and an examination of any thing removed. It also includes asking a resident to empty their pockets.
- 1.4 **Strip search** is a search of a resident, or of any thing in the resident's possession and it includes requiring the resident to remove part or all of the resident's clothing (but only either those covering the resident's upper or lower half of the body at any given time) and a visual inspection of the resident's body and clothing. A strip search does not include examination of the resident's body orifices or cavities with the exception of visual inspection of ears, nose and mouth which does not involve touching the resident.
- 1.5 **Body search** is a search of a resident's body, including an examination of an orifice or cavity of the resident's body.
- 1.6 **Searches of premises, property and vehicles** are searches of any part of an institution, anything in an institution (including anything in the custody or possession of anyone at an institution and including any vehicle in an institution) or of any vehicle used for transporting a resident (whether that vehicle is in or outside of an Institution). There are some limitations regarding searching privileged information and protected mail. (See sections 1.9 and 1.10)
- 1.7 **Personal search** is a search of a person, as opposed to of a place. Personal searches include scanning, frisk, ordinary, strip and body searches.
- 1.8 **Prohibited thing** is a thing declared, under section 401AD of the *Children and Young People Act 1999* by the Chief Executive to be prohibited if the Chief Executive reasonably believes that the declaration is necessary or prudent to ensure security or good order at an Institution. A list of prohibited things is contained in the staff and resident and carer handbooks and is on the ACT Legislation Register.

- 1.9 **Protected mail** is any mail between a resident and any of the following:
- A lawyer representing the resident;
  - The official visitor;
  - The director of public prosecutions;
  - The human rights commissioner;
  - The privacy commissioner;
  - The public advocate;
  - The ombudsman;
  - Anyone else prescribed by regulation. If another person is prescribed by regulation, information about this will be included in the staff and resident and carer handbooks.
- 1.10 **Privileged information** is information to which client legal privilege attaches, such as, for example, confidential information provided by a resident to their legal representative, or by a resident's legal representative to a resident, or between two or more legal representatives. It is also information that is a protected confidence under the *Evidence (Miscellaneous Provisions) Act 1991*, division 4.5 (Protection of counselling communications). This means a counselling communication made by, to or about a person against whom a sexual offence was or is alleged have been committed.

## 2 **Types of searches, decision makers, decision making criteria, and search rules**

### Introduction

- 2.1 The following search types may, under certain circumstances, be conducted at an institution:
- Scanning search
  - Frisk search
  - Ordinary search
  - Strip search
  - Body search
  - Search of premises, property and vehicles
- 2.2 The criteria that must be followed in deciding whether one of the above searches may and should occur varies, depending on (i) the type of search under consideration, (ii) the context or circumstances in which a search is being considered, and (ii) who is

making a decision regarding a search. All criteria listed in column 4 for a search must be considered, and all rules listed in column 5 for a search, must be followed.

2.3 The Table – **Types of Searches, Decision Makers, Decision Making Criteria and Search Rules** below provides a reference to the legislative authority for different searches (Column 1), indicates who has authority to make a decision for a search (Column 3), and provides a summary guide and reference to further information regarding the criteria for such decisions (Column 4) and rules for conducting different searches (Column 5). More information about who is authorised to make a decision to conduct a search (Column 3) is provided at section 2.4 below. More information about decision-making criteria for searches (Column 4) is provided in sections 2.5 to 2.8 below. More information about rules for conducting different searches (column 5) is provided in section 3.

**Table – Types of Searches, Decision Makers, Decision Making Criteria and Search Rules**

Column 1	Column 2	Column 3	Column 4	Column 5
Legislative Authority	Search Type	Decision Maker	Criteria for Decision to Search	Rules for conducting this Search
401AJ(1)	Scanning, frisk or ordinary	Manager	<ul style="list-style-type: none"> <li>Search is prudent* to ensure security or good order; and</li> <li>Section 2.5</li> </ul> <p>*Prudent in this context means wise, judicious or wisely cautious (Macquarie Dictionary, 3<sup>rd</sup> Edition)</p>	<ul style="list-style-type: none"> <li>3 - General Rules for all Searches;</li> <li>4 - General Rules for personal searches; and</li> <li>5.C –Rules for Frisk and Ordinary Searches (for frisk and ordinary searches only)</li> </ul>
401AJ(2)	Scanning, frisk or ordinary	Manager, Unit Manager, Team Leader, Youth Worker	<ul style="list-style-type: none"> <li>Reasonable suspicion that resident is carrying a prohibited thing, something that may be used by the detainee in a</li> </ul>	<ul style="list-style-type: none"> <li>3 - General Rules for all Searches; and</li> <li>4 - General Rules for personal searches</li> <li>5.C – Rules for Frisk or Ordinary Searches (for frisk and ordinary</li> </ul>

			<p>way that may involve an offence or something that is a risk to the safety of the resident or others or is a risk to the security or good order of an Institution; and</p> <ul style="list-style-type: none"> <li>• Section 2.5</li> </ul>	<p>searches only)</p>
401AM	Strip search for initial assessment on admission	Manager, Unit Manager	<ul style="list-style-type: none"> <li>• Section 2.5; and</li> <li>• Section 2.6</li> </ul>	<ul style="list-style-type: none"> <li>• 3 - General Rules for all Searches;</li> <li>• 4 - General Rules for personal searches;</li> <li>• 5.A – Search Register;</li> <li>• 5.B – Notice to person with parental responsibility for a resident prior to search;</li> <li>• 5.D – Rules regarding presence of person with parental responsibility or support person at searches; and</li> <li>• 5.E – Rules for Strip Searches</li> </ul>
401AQ	Strip search for reasons other than for an initial	Manager, Unit Manager	<ul style="list-style-type: none"> <li>• Section 2.5; and</li> <li>• Section 2.7</li> </ul>	<ul style="list-style-type: none"> <li>• 3 - General Rules for all Searches;</li> <li>• 4 - General Rules for personal searches;</li> <li>• 5.A – Search Register;</li> <li>• 5.B – Notice to person</li> </ul>



	assessment			<p>with parental responsibility for a resident prior to search; and</p> <ul style="list-style-type: none"> <li>• 5.E – Rules for Strip Searches</li> </ul>
401AW	Body Search	Manager	<ul style="list-style-type: none"> <li>• Section 2.5; and</li> <li>• Section 2.8</li> </ul>	<ul style="list-style-type: none"> <li>• 3 - General Rules for all Searches;</li> <li>• 4 - General Rules for personal searches;</li> <li>• 5.A – Search Register;</li> <li>• 5.B – Notice to person with parental responsibility for a resident prior to search;</li> <li>• 5.D – Rules regarding presence of person with parental responsibility or support person at searches; and</li> <li>• 5.F – Rules for Body Searches</li> </ul>
401AZG	Search of premises and property	Manager, Unit Manager, Team Leader	The decision maker may, at any time, direct a staff member to undertake a search of any part of an institution; or anything at an institution, including anything in the custody or possession of anyone	<ul style="list-style-type: none"> <li>• 3 - General Rules for all Searches;</li> <li>• 5.A – Search Register; and</li> <li>• 5.G – Rules for searches of premises, property and vehicles</li> </ul>

			at an institution.	
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2.4 Decision Makers for Searches (refers to Column 3 of Table)

- 2.4.1 The decision maker for different searches is specified in Column 3 of the Table.
- 2.4.2 If the decision maker for a Search is the Manager and the Manager is not available and a decision about whether to conduct a search is required, and a delay in making the decision could be harmful for the resident or someone else, or would significantly disrupt the management or operation of an Institution, the next most senior operational staff member may act in place of the Manager.
- 2.4.3 If a Unit Manager or other operational staff member makes a decision under section 2.4.2, the staff member must notify the Manager as soon as possible.

Criteria for Decision Making Regarding Whether to Conduct a Search (refers to Column 4 of Table)

2.5 Decision Making Rule for all Personal Searches

- 2.5.1 In addition to the specific criteria that must be followed in relation to whether or not to authorise a particular category of personal search, there are also a number of other factors that must be considered by a person making a decision about whether or not to conduct a personal search. These are:
- (a) the best interest of the child or young person ;
  - (b) information known about the resident's individual characteristics such as age and maturity, impairment and experience of abuse so as to minimise adverse psychological impact on the resident; and
  - (c) in relation to personal searches, the least intrusive search necessary and reasonable in the circumstances must be undertaken.

2.6 Decision Making Rule for a Strip Search for an Initial Assessment on Admission

- 2.6.1 Decision making for a strip search of a resident for an initial assessment following admission to an Institution must be based on the criterion of a reasonable belief that a strip search is necessary for an initial assessment, having regard to the resident's age, maturity and any known history.
- 2.6.2 An initial assessment following admission has two components – an assessment of the resident's physical and mental health needs and risks, and an assessment of any safety or security needs and risks of the resident. A strip search may be authorised if the decision-maker reasonably believes it is necessary for either the health or the

safety/security assessment. Refer to Standing Order Health and Wellbeing for more information about the health assessment.

2.6.3 Staff must consider, and if necessary, give appropriate weight to, all relevant information available in relation to making a decision about whether or not to conduct a strip search of a child or young person for the purpose of a health and/or safety/security assessment. Sections 2.6.4 and 2.6.5 below provide examples of information about a child or young person, which, if available, staff would need to take into consideration when making a decision about a strip search for an initial assessment on admission. Information in each of these examples is a potentially relevant consideration in determining the best interests of the resident in relation to a decision to conduct a strip search.

2.6.4 Examples of information that would support a decision to conduct a strip search include:

- a) there is some information to suggest the child or young person has a history of self harming (eg marks on arms or knowledge of young person) and staff believe it is possible that the young person may have something hidden on their body that they could use to self harm;
- b) a child or young person is unknown to staff, information received from Police indicates that he/she has been engaged in drug taking, and that there is a suspicion that they may have concealed prohibited things in their clothes or on their body; and
- c) a child or young person is unknown to staff, is highly agitated, is denying drug use and is aggressive to staff.

2.6.5 Examples of information that would support a decision not to conduct a strip search include:

- a) a child or young person is previously known to staff and there is no history of drug use or violence, the child or young person has an excellent behavioural record in custody and has advised staff that they are not using drugs;
- b) a child or young person has been assaulted recently and is displaying signs of stress and anxiety;
- c) staff suspect the child or young person may have been sexually abused; and
- d) the child or young person discloses religious beliefs which would mean a strip search is likely to be particularly traumatic from a religious perspective.

2.7 Decision Making Rule for Strip Search other than for an Initial Assessment on Admission

- 2.7.1 Decision making for strip searches other than for an initial assessment on admission must be based on two criteria being met (along with the general criteria outlined at section 2.5). These criteria are:
- (a) The decision-maker reasonably suspects that the resident has something concealed on them that is a prohibited thing or may be used by the resident in a way that may involve an offence, a risk to the safety of a person or a risk to security or good order at an Institution; and
  - (b) a scanning, frisk or ordinary search of the resident has failed to detect the thing.

## 2.8 Decision Making Rule for a Body Search

- 2.8.1 Decision making for body searches must be based on a reasonable suspicion that:
- a) the resident has ingested or inserted an item that may jeopardise the resident's health or well being; or
  - b) the resident has concealed a prohibited thing in their body that may potentially be used in away that poses a risk to the resident, another person, or may pose a risk to security and good order at an Institution.

## 3 **General Rules for all Searches (refers to Column 5 of Table)**

### 3.1 Introduction

- 3.1.1 Once a decision to conduct a search has been made, the search can proceed. All searches are subject to a number of rules, and may only be conducted in accordance with these rules. This Section (Section 3) outlines rules that apply to all searches. Section 4 outlines further rules that apply to all personal searches and Section 5 outlines additional rules that apply to some searches. Column 5 on **Table – Types of Searches, Decision Makers, Decision Making Criteria and Search Rules** above specifies which rules apply to the conduct of different searches and must be referred to.

### 3.2 Use of Force

- 3.2.1 If force is required to be used in relation to a search, staff must comply with the Standing Order - Use of Force.
- 3.2.2 If force is used during or in relation to a search, including on a resident or to remove a person with parental responsibility or a support person from a search situation, details of any force used and the circumstances of its use must be documented in the Search Register.

### 3.3 Seizing Property

#### 3.3.1 General

If staff conducting a search discover one of the following things during a search:

- a) a prohibited thing on a resident or in a resident's custody or possession, unless the resident has written permission from the Manager to possess the thing; or
- b) anything at an Institution, including any vehicle or in a vehicle used for transporting a resident (whether or not the vehicle is at an Institution), whether or not in a person's custody or possession, that the staff member suspects on reasonable grounds:
  - (i) is being used, or is intended to be used, for the commission of an offence; or
  - (ii) jeopardises or is likely to jeopardise security or good order at an Institution or the safety of a person at an Institution or elsewhere;

the staff member must seize the thing.

#### 3.3.2 Mail

If staff conducting a search discover anything in:

- (a) a resident's protected mail that staff reasonably believe may physically harm the addressee or anyone else or is a prohibited thing; or
- (b) any other resident's mail that staff reasonably suspect contains a prohibited thing, or anything that could be used in a way that may involve an offence, or is a risk to the personal safety of others, or that is a risk to security or good order at an Institution; or
- (c) any other resident's mail that is threatening or inappropriate for example; correspondence which re victimises a victim or pornography, or could be used by the resident to obtain or buy goods without the Manager's approval,

the staff member must seize the thing or, for non-protected mail, the mail. Staff may only seize a document if staff reasonably believe it is not privileged. If a staff member inadvertently seizes a document that contains privileged information, the staff member is prohibited from reading the contents of the document and must return the document to the resident immediately.

#### 3.3.3 Preserving and Record Keeping of Things Seized

If a staff member seizes something under section 3.3.1 or 3.3.2 or is given something seized by a doctor undertaking a body search of a resident, the thing must be placed in

a contraband container and an entry made in the Exhibit Book. The entry must include the following information:

- a) date and time of seizure
- b) the name of the staff member who seized (or received from a doctor conducting a body search) the thing;
- c) the location where the thing was found;
- d) details of any resident believed to be connected with the thing – and if so, how the resident is believed to be connected with the thing; and
- e) whether the Australian Federal Police has been contacted in relation to the thing.

3.3.4 If the thing seized is or appears to be, illegal (eg drugs), staff must notify the Police to initiate necessary action and record this as a Notifiable Incident in accordance with the Standing Order-Records and Reporting.

3.3.5 If the Australian Federal Police remove a thing that was seized during a search, staff must direct the police officer to sign the Exhibit Book before taking possession of the thing.

3.3.6 Notice of Seizure, Forfeiting or Returning Things Seized

Not later than 7 days after a thing is seized, a written notice must be given to the owner, or if they cannot be located to the person from whom the thing was seized to;

- (a) identify the thing seized;
- (b) outline the grounds for seizure;
- (c) inform what will happen to the thing.

3.3.7 A seized thing may be forfeited to the Territory for disposal if one of the following grounds exist:

- (a) after making reasonable inquiries (given the thing's apparent value), the owner of the thing cannot be found; or
- (b) after making reasonable efforts (given the thing's apparent value), the thing cannot be returned to the owner; or
- (c) possession of the thing by a resident is an offence; or
- (d) it is necessary to keep the thing to stop it being used for the commission of an offence; or
- (e) the thing is inherently unsafe.

3.3.8 The Manager may deal with a thing forfeited to the Territory as they consider appropriate and subject to any order under the *Crimes Act 1900*, section 249 (Seizure

of forfeited articles). The staff member must record this as a Notifiable Incident in accordance with the Standing Order-Records and Reporting.

- 3.3.9 If the thing seized belongs to a resident and is not forfeited, then it must be placed in the resident's property container and returned to them on their release. If a seized thing is not owned by a resident and is not forfeited to the Territory it must be returned to its owner at the end of 6 months if there is no proceeding for an offence. If the thing was being kept as evidence and the Manager believes that its retention is no longer necessary, the thing must be returned immediately to its owner.

#### 3.4 Communication with Residents About Searches

- 3.4.1 For all personal searches and premises and property searches where appropriate (for example when searching a resident's cabin), staff undertaking the search must explain to the resident the process and the purpose of the search in a manner that staff reasonably consider the resident will understand (considering the resident's age and maturity and any other relevant factor). The staff member must ask for the resident's cooperation.

#### 3.5 Residents Objecting to Search

- 3.5.1 For all personal searches and when searching a resident's room or a resident's property, a resident can object to a search and their objection must be acknowledged and recorded in the search register.
- 3.5.2 If a resident objects to a search because they are not comfortable with the staff member delegated to carry out the search, and it is a requirement that a staff member of the same sex as the resident conduct the search, then, where practicable, consideration should be given as to whether another staff member of the same sex should be delegated carry out the search.
- 3.5.3 An objection will not necessarily result in the search being suspended or cancelled. The decision will be made after considering the level of risk to the safety and well being of the resident and/or the safety and well being of others within an Institution and/or the risk to overall, safety, security and good order in an Institution.
- 3.5.4 The Manager must authorise a search that is objected to by a resident. This decision must be documented in the Search Register.

### 3.6 Mandated Reporters Response

- 3.6.1 Staff of an Institution are mandated reporters under the *Children and Young People Act 1999*. Please refer to Standing Order - Admission and Classification for details of staff's obligations in the case of forming a reasonable suspicion that a resident has suffered sexual abuse or non-accidental physical injury.

### 3.7 Manager Not Available

- 3.7.1 If the Manager is the Decision Maker and is not available and a decision about how to conduct a search is required, and a delay in making the decision could be harmful for the resident or someone else, or would significantly disrupt the management or operation of an Institution, the next most senior operational staff member may act in place of the Manager.
- 3.7.2 If a staff member makes a decision under section 3.7.1, the staff member must notify the Manager as soon as possible.

### 3.8 Training

- 3.8.1 The Senior Manager is responsible for ensuring staff receive appropriate training in and have access to appropriate equipment before undertaking searches.

## 4 **General Rules for Personal Searches (Refers to Column 5)**

- 4.1 In addition to the general requirements for conducting all searches covered at section 3 above, staff conducting a personal search of a resident must comply with the rules of this section (section 4) and any additional requirements listed in column 5 for the particular search.
- 4.2 Staff must ensure, as far as practicable, that the search is conducted in the least intrusive way that is necessary and reasonable in the circumstances.
- 4.3 If a resident is transgender or intersex, the resident may require that either a male or female person conduct the search:
- (a) If the resident requires a male conduct the search, the resident is taken to be a male for the purposes of this Standing Order;
  - (b) If the resident requires a female conduct the search, the resident is taken to be a female for the purposes of this Standing Order.
- 4.4 Except for scanning searches, the Searching Officer must ensure that searches take place in a private area and with decency and sensitivity and in a manner that affords the resident being searched the greatest degree of privacy consistent with the purpose



of the search.

- 4.5 The Searching Officer must ensure that the resident is left with or given suitable clothing, if a clothing item is seized during a search

## 5 **Specific Rules for Searches (Refers to Column 5)**

- 5.1 In addition to general rules for all searches, at section 3 and for personal searches and general rules for personal searches, at section 4, there are seven sets of specific rules and requirements outlined in this section below. Some of these relate to most searches; others only to a small number. Each requirement is identified by number 5 followed by a capital letter, A to G. Where a requirement applies to a particular kind of search, the section reference is listed in Column 5 of **Table – Types of Searches, Decision Makers, Decision Making Criteria and Search Rules** above.

- 5.2 Staff undertaking a search must apply all rules listed in Column 5 as relevant for the kind of search being conducted.

### 5.A Search Register

- 5.A.1 Staff who undertake or assist with the following searches must enter details of the search into the Search Register:

- a) Strip Search
- b) Body Search
- c) Search of premises, property or vehicles used to transport residents.

- 5.A.2 For each of the above searches, the following information must be recorded in the Search Register:

- a) the name of the resident;
- b) the reason for search (that is what factors led to a decision to search being made);
- c) the name and position of the person who made a decision to undertake the search;
- d) when a person with parental responsibility for the resident was notified about the search (for strip and body searches);
- e) whether a person with parental responsibility or a support person was considered appropriate to attend the search (for strip searches for initial assessment of a resident and body searches) and the reasons for this decision;
- f) the date, time and location of search;
- g) the name of Searching Officer and any other persons present during the search
- h) details of anything seized during the search and the location where it was seized;

- i) any unusual discoveries such as evidence of bolts, locks or other fittings being tampered with;
- j) details of any conversation that occurred with a resident during the search, including any requests made by a resident about a search and the Searching Officer's response;
- k) reasons for a decision to ask a person with parental responsibility or a support person to leave;
- l) details of any force used for conducting the search or removing a person with parental responsibility or support person, and why force was used;
- m) any complaint raised by a resident regarding the conduct of the search.

5.A.3 The Search Register must be available for inspection by:

- a) a judge or magistrate;
- b) the official visitor;
- c) the human rights commissioner;
- d) the privacy commissioner;
- e) the public advocate ( the public advocate must inspect the Register every 3 months)
- f) the ombudsman;
- g) the resident and a person with parental responsibility for the resident with the resident's agreement and if it is in the best interests of the child or young person. Inspection of the register by the resident and the person with parental responsibility for the resident is to be limited to references to that resident.

5.B Notice to person with parental responsibility for a resident prior to a strip search and body searches

5.B.1 As far as practicable, the Manager or Unit Manager must ensure that a person with parental responsibility is informed about a strip or body search before the search is conducted. If it is not practicable to tell a person with parental responsibility about a strip or body search before it is conducted, for example, if there is an imminent or serious threat to the safety of the resident, staff or others or to the safety and security of an Institution, the Manager or Unit Manager must ensure the person with parental responsibility is informed about the search as soon as practicable after it has been conducted.

5.B.2 Note, this rule is in addition to rule 5.D (where applicable).

5.C Additional Rules for Frisk or Ordinary Searches

- 5.C.1 A frisk search or an ordinary search must not be conducted in the presence of another resident or anyone else whose presence is not necessary for the search.
- 5.C.2 A frisk search must be done by an officer of the same sex as a resident unless there is an imminent threat to the personal safety of the resident or someone else and the search has to be performed without delay.

5.D Rules regarding presence of person with parental responsibility or support person at a strip search for an initial assessment on admission or a body search

- 5.D.1 Admission to an Institution can be a stressful time for any child or young person. The role of parents is most crucial on admission. Children and young people will be most vulnerable during this period and parents may play an important role in assisting the resident to cope. In addition, the conduct of a body search may also reflect a stressful time for a resident, and in these circumstances also, a parent or person with parental responsibility for a resident may be able to provide appropriate support for the resident.
- 5.D.2 A strip search on admission or a body search must be conducted in the presence of a person with parental responsibility for the resident if the decision maker for the search believes on reasonable grounds that it is necessary and prudent for the person to be present and the resident agrees to the person being present. To make this decision, the decision-maker must have regard to the resident's age, maturity and any known history (eg previous reactions to strip searches, any known history of abuse, any known mental illness or impairment). The best interest of the child principle should be a guiding factor in decision-making. Prudent in this context includes whether the decision-maker considers the person with parental responsibility to be acceptable to attend the search. (For example, if the person with parental responsibility has previously posed a risk to security and good order of an institution, by attempting to bring contraband into the institution, then the person may not be considered acceptable to attend a search.)
- 5.D.3 There are time implications regarding seeking a person with parental responsibility to be present at a search of a resident. Meeting this requirement may cause some delay to the ability to search a resident, and consideration needs to be given to endeavouring to contact a person with parental responsibility soon after a decision to conduct a strip search is made, to allow sufficient time for the person with parental responsibility to arrive at an Institution.

- 5.D.4 If delaying the search in order for the person with parental responsibility to arrive is likely to compromise the safety of the resident, other persons or the safety, security or good order of the Institution, the decision-maker may decide to conduct the search without the presence of a person with parental responsibility. The resident must be informed of the reasons for this.
- 5.D.5 If a decision is made that it is necessary and prudent for a person with parental responsibility to attend the search, but a person with parental responsibility cannot be contacted or is unavailable to attend the search, or the resident does not agree with their presence, then the search can be conducted in the presence of someone else who can support the resident's interests (a 'support person') and is acceptable to the resident. This may be another staff member who is capable of fulfilling this function.
- 5.D.6 It is preferable for different people to undertake the roles of Observing Officer and Support Person. However, in some circumstances, either dictated by operational requirements or by a resident not wishing a third person to be present during the search, one staff member may undertake the dual roles of Observing Officer and Support Person.
- 5.D.7 If a person with parental responsibility or a support person is present for a search, the resident must be asked whether they would prefer that person to stand near the Searching Office (in line of sight of the resident) or to stand near the Observing Officer (outside line of sight of the resident but near enough to allow verbal communication).
- 5.D.8 The Searching Officer must document in the Search Register the decision about whether it is necessary and prudent for a person with parental responsibility (or a Support Person) to be present at a strip search on admission or a body search.

#### 5.E Additional Rules for Strip Searches

- 5.E.1 The structured decision making processes outlined in this section are to be employed in making decisions about how a strip search takes place.
- 5.E.2 The strip search has to be conducted by a minimum of two staff members, the Searching Officer and the Observing Officer. The number of staff present during the search must be no more than is necessary and reasonable to ensure the search is carried out as safely and effectively as possible.
- 5.E.3 Except in the case of a search with the use of force, the strip search must not involve touching the resident's body.
- 5.E.4 If a strip search is deemed necessary but is not possible, for example if the resident is violent and attempting to search him or her could place the resident or staff at

significant risk, or the resident is refusing a search, or the resident presents as completely overwhelmed by the possibility of a strip search, delaying or ceasing a strip search may be considered. If this occurs, the resident must be segregated and placed in a sterile location, their movement restricted and the decision to strip search is to be reviewed when the resident is less distressed or is calmer. In these circumstances, the resident must be placed on the appropriate observation. See Standing Order - Admissions and Classification.

- 5.E.5 The Searching Officer must document the reason to complete or not to complete a strip search in the Search Register.
- 5.E.6 Staff must consider how best to balance the requirements of the search process with any other operational requirements. This consideration is particularly important in cases of strip searches performed outside normal business hours. Refer to Section 2 of the Standing Order – Admission and Classification (in particular parts 2.1.2 to 2.1.5).
- 5.E.7 The Searching Officer must ensure that there is no more visual inspection of a resident's body especially the genital area, buttocks and female residents' breasts, than is reasonable and necessary to conduct the search.
- 5.E.8 The Searching officer and Observing officer must be the same sex as the resident unless the Manager reasonably believes that there is an imminent and serious threat to personal safety and that compliance would exacerbate the threat.

#### 5.F Additional Rules for Body Searches

- 5.F.1 If the Manager decides a body search should occur the Manager must arrange for a request to be made for its conduct by a doctor and a nurse who are not the resident's treating doctor or nurse wherever possible. (This is so as not to compromise any therapeutic relationship). At least one staff member must be present at the search.
- 5.F.2 Staff must request wherever possible that the doctor and nurse be of the same sex as the resident.
- 5.F.3 If required Standing Order- Safety and Security and Health and Well Being must be followed in regards to the transport of the resident to and management of a resident at a medical facility.
- 5.F.4 The Manager may direct one or more staff member/s to remain with the resident during the search. The staff member/s must be positioned in such a way as to ensure the safety of all parties during the search, whilst maintaining the privacy and dignity of the resident.

- 5.F.5 If the doctor or nurse requests assistance from a staff member whilst carrying out a body search the staff member must assist.
- 5.F.6 The staff member/s must be the same sex as the resident unless the Manager reasonably believes that there is an imminent and serious threat to personal safety and that compliance would exacerbate the threat.
- 5.F.7 Any thing seized through the body search must be handed over to a staff member for storage and documented in the Exhibit Book.
- 5.G Additional Rules for searches of Premises (including residents' rooms), Property and Vehicles
- 5.G.1 A Manager, Unit Manager or Team Leader may direct staff to undertake a search of:
- (a) any area within an Institution;
  - (b) any vehicle in an Institution; or
  - (c) any other thing in an Institution, including anything in the custody or possession of anyone at an Institution (but not of anyone or any clothing being worn at the time of the search by anyone at an Institution); or
  - (d) any vehicle used for transporting residents (whether at an Institution or elsewhere).
- 5.G.2 Staff undertaking area, premises, property and vehicle searches must show the highest regard for the dignity of and respect for residents or other people and their belongings when conducting a search.
- 5.G.3 The Searching Officer conducting an area search must return the searched area to the condition it was in prior to the search and shall be responsible for the safety and security of the items therein.
- 5.G.4 If staff suspect on reasonable grounds that a resident's room may contain privileged material, staff may only search the resident's room whilst the resident is present. (However, if a staff member reasonably believes that urgent circumstances exist, and that the resident's room may contain privileged material, but that complying with the requirement that the resident be present if their room is to be searched would create a risk of injury to a person, staff do not need to require the resident to be present during the search of their room.)
- 5.G.5 If staff find privileged material or protected material whilst searching a resident's room, staff may examine the material and anything containing or contained in the material (eg an envelope), but staff must not read the material.

- 5.G.6 When searching a resident's room, the Searching Officer must:
- (a) inform the resident of a search taking place and the reasons for this;
  - (b) request that the resident handover any prohibited things they may have in their possession;
  - (c) instruct the resident to stand in the doorway of his/her room; and
  - (d) undertake the search in accordance with training instructions and this Standing Order.
- 5.G.7 If staff discover a thing they are empowered to seize, they must
- (a) tell the resident about finding the thing (if it is found in the resident's room) and follow directions under section 3.3-Seizing Property;
  - (b) report the finding as a reportable incident ( See Standing Order - Records and Reporting).
- 5.G.8 If, following an area search, a Searching Officer forms a reasonable suspicion that a resident may be in a possession of a prohibited thing, the Searching Officer will inform the resident that further searches may be conducted.
- 5.G.9 If a Searching Officer undertakes actions described at section 5.G.8, a scanning, frisk or ordinary search of the resident may be conducted.

## 6 Removing People from the Search Area

- 6.1 If a person with parental responsibility or a support person who is present during a strip or body search is preventing or hindering the search, wherever possible, a Searching Officer must give the person with parental responsibility or the support person a warning prior to asking them to leave.
- 6.2 If a person with parental responsibility or a support person refuses to leave, staff may use necessary force to remove the person.
- 6.3 If staff use force, staff must comply with section 3.2 of this Standing Order and the Standing Order – Use of Force.

## 7. Records and Reporting

- 7.1 Any actions taken under this Standing Order must be recorded according to the requirements set out in this Standing Order and the Standing Order- Records and Reporting. All necessary forms are available on the Department's Intranet.
- 7.2 All information collected must be placed on the relevant files and should be securely stored in compliance with both the *Privacy Act 1988* and the *Health Records (Privacy and Access) Act 1997*. Under these Acts, personal client records must be stored in a

manner that will minimise the risk to damage, inappropriate or illegal access, movement or modification (including staff accessing records without a legitimate reason). Records containing personal information must be kept up to date and accurate, access by children and young people to their records should be facilitated and if requested corrections/amendments made. Staff must be mindful therefore that information must be kept up to date at all times.

- 7.3 All required reports are the responsibility of staff and are to be fully completed before staff members complete their shift, unless otherwise approved by the Manager.

## 8. Provision of Information and Complaints

- 8.1 Staff must ensure residents, their parents and all those with parental responsibility, family and visitors are provided with information about matters that affect them in a timely manner and in a manner that is likely to be understood.
- 8.2 A resident, person/s with parental responsibility for the resident, family and visitors are able to request a review of a decision or make a complaint about something that happens at an Institution, to the Institution, the Public Advocate or the Official Visitor.
- 8.3 Staff must ensure that the Standing Order – Provision of Information, Review of Decisions and Complaints is followed in relation to the above.
- 8.4 Staff must engage with the person seeking a review of a decision or making a complaint in a respectful manner and ensure sufficient information is provided on the process of review or investigation. Staff must assist fully in any complaint or review process.

## 9. Debriefing of Staff and Access to Support and Counselling for Residents

- 9.1 Staff and residents should be offered debriefing and support as soon as possible after a difficult search situation has occurred. This includes any search related situations in which the resident is upset and/or force is used.



## STANDING ORDERS GLOSSARY – MEANING OF COMMONLY USED TERMS

**Aboriginal or Torres Strait Islander** is a person who has identified as Aboriginal and/or Torres Strait Islander.

**Aboriginal and Torres Strait Islander Services Unit** refers to the Branch of the same name within OCYFS.

**Adult** means a person who is at least 18 years old.

**Audio Record** is a record created through the use of a listening device and may be a written transcript resulting from the use of such a device.

**Body Receipt Register** is an official record of all children and young people admitted to an Institution by the ACT Policing, or from interstate or removed by the ACT Ambulance Service. The Body Receipt Register is kept in the Control Room.

**Complaint** is an expression of dissatisfaction with an Institution's policies and procedures, staff or the service provided to a resident, family member or visitor as per Section 1 of the Children and Young People, (Places of Detention) Standing Order-Provision of Information, Review of Decisions and Complaints 2006 (No1).

**Care and Protection Services** within the Office for Children, Youth and Family Support (OCYFS), Department of Disability, Housing and Community Services, is the government entity charged with statutory responsibility for protecting and promoting the safety and wellbeing of all children and young people in the ACT. Pursuant to the *Children and Young People Act 1999*, the Chief Executive is responsible for receiving and responding to any information which may indicate that a child or young person has been abused, neglected or is in need of care and protection.

**Care of the Chief Executive** The Chief Executive (CE) of the Department of Disability, Housing and Community Services has parental responsibility for children and young people by virtue of Care and Protection Orders issued in the ACT Childrens Court. In these situations, the Childrens Court Magistrate may choose to give either day-to-day or long-term parental responsibility to the CE. Children and young people who are on such Orders are said to be 'in the care of the CE'.

**Case Conference/ Case Management Conference** refers to a meeting of all parties involved with a resident including parents/guardians, agencies and the resident. The purpose of such meetings is to ensure that all parties are working towards common goals for the resident in a coordinated and collaborative way.

**Case Management Plan** is a plan that is developed for residents as part of case management of residents. A case management plan sets goals and strategies for intervention with a resident, including the resident's developmental, educational and emotional needs. Residents are actively engaged in the development of their individualised plan.

**Case Manager** is a staff member responsible for assisting residents to set goals for their future, both whilst in custody and on return to the community, and supporting and monitoring their progress towards achieving those goals through an individual planning and support process. The Case Manager will liaise with agencies with the resident and coordinate meetings to ensure a consistent and planned approach is developed (see also Case Management Plan and Case Conference).

**Case Management Unit** is part of the administration of an Institution. It is responsible for supporting a resident through a coordinated and holistic case management approach, focusing on the individual needs, strengths and positive engagement of the individual, their family and appropriate supports.

**Child**, when used to indicate a person's age, refers to a person under 12 years of age.

**Conjoining Spaces** refers to spaces that allow residents in these places to have direct access to each other without staff assistance. An example of conjoining spaces is two rooms with a door between them that can be opened by the people in the two rooms.

**Contraband** refers to any unauthorised item within an Institution, eg. drugs, weapons, alcohol, cigarettes.

**Control Room** is the central point of information exchange within an Institution and is directly concerned with maintaining security, and the safety of all persons within the centre. No entry to or exit from an Institution, or movement within an Institution (outside of the units) occurs without authorisation by the Control Room Operator.

**Co offender** is a person who has, or is alleged to have, assisted another person to attempt or complete a criminal act or who has jointly undertaken such an act.

**Crisis Assessment and Treatment Team (CATT)** is part of ACT Mental Health Services, that provides a 24-hour, seven days per week, service for assessment and treatment of people showing signs of mental illness or severe emotional distress, particularly in crisis situations.

**Custodial Escort** means an escort under the *Custodial Escorts Act 1998* by an escort other than a Police Officer.

**Debriefing** is a semi structured crisis intervention designed to reduce and prevent unwanted psychological stress following traumatic events by promoting emotional processing through the ventilation and normalisation of reactions and preparation for possible future experiences.

**Departmental Identification** means OCYFS, Department of Disability, Housing and Community Services photographic identification, which must be worn by staff while on duty.

**Director** means the person undertaking the duties of the Director with responsibility for an Institution. The Senior Manager is subordinate to this position.

**Disposal Schedule (*Territory Records Act 2002*)** The OCYFS disposal schedule has been approved by the Territory Records Office and is, for the present, available on the Territory Records Office website at

<http://www.territoryrecords.act.gov.au/index><http://www.territoryrecords.act.gov.au/index>

**Duty of Care** refers to the obligation by staff to take reasonable care to avoid injury or loss to a person whom it could be reasonably foreseen might be injured by an act or omission.

**Emergency Service** means the ambulance service, the fire brigade, the rural fire service or the State Emergency Services.

**Emergency Response Plan** refers to an Institution's emergency response plan as described in the Children and Young People (Places of Detention) Standing Order – Safety and Security 2006 (No 1).

**Exhibit Book** is an official record that is kept and maintained at an Institution for the purpose of registering any contraband located on a resident or within the Institution.

**First Aid Training for Staff** relates to approved training for First Aid Officers, as recommended in the ACT Workcover Code of Practice: ACT First Aid in the Workplace. The Senior Manager is responsible for ensuring that all operational staff are fully trained and hold a current recognised qualification of Senior First Aid certificate or equivalent, or a relevant higher qualification.

**Fully Stocked First Aid Kit** is a First Aid Kit stocked to a level that is appropriate for the environment of an Institution. Sufficient numbers of fully stocked first aid kits must be available at an Institution at all times and a fully stocked first aid kit must be available during any escort of a child or young person to or from the Institution.

**Freedom of Information Act 1989** is the legislation permitting members of the public to access certain official documents of the Territory.

**Health Professional** refers to persons with a recognised health qualification such as a Medical Practitioner, Nurse, Dentist, Psychologist etc. A full list of these persons is provided in the *Health Professionals Act 2004*.

**Health Records (Privacy and Access) Act 1997** is the legislation governing the recording and management of any record deemed to be a health record to protect the privacy and integrity of, and access to, personal health information and related purposes.

**Incident Report** refers to a report about an incident at or in relation to an Institution as required by the Children and Young People (Places of Detention) Standing Order – Records and Reporting 2006 (No 1).

**Informed Consent** is an indication of consent by a person who has been given enough information to form a 'reasonable understanding' of the situation for which consent is being sought, including all reasonably possible consequences arising from the giving or withholding of consent. A staff member seeking to determine whether a person has or can form a 'reasonable understanding' must consider the age, the assessed level of maturity and intellectual ability and mental health of the person. Where a staff member assesses that a resident does not have a 'reasonable understanding' in relation to a matter about which informed consent is sought, the staff member must seek consent from a parent or person with parental responsibility for the resident.

**Institution means** (i) a place that is declared to be an institution under the *Children and Young People Act 1999*; and (ii) a place that is declared to be a shelter under the *Children and Young People Act 1999*, if the place is also declared as an institution.

**Intersex** means a person who, because of a genetic condition, was born with reproductive organs or sex chromosomes that are not exclusively male or female.

**Key Worker** is a member of staff who is allocated the responsibility of providing additional day to day support to a resident. They work closely with Case Managers to monitor and support the daily implementation of a resident's Case Management Plan.

**Manager** during normal business hours this term refers to the Operations Manager of an Institution, or, in the event this person is unavailable, the Senior Manager of an Institution. Outside normal business hours, this refers to the on-call manager.

**Mandated Reporter** under the *Children and Young People Act 1999* includes staff at an Institution and requires them to report any suspected non accidental physical injury or sexual abuse to a child or young person.

**Medical Practitioner** means a doctor.

**Observations** occur to ensure the safety and engagement (where appropriate) of a resident within an Institution. Further information about observations is in the Children and Young People (Places of Detention) Standing Order –Admissions and Classification 2006 (No 1).

**OCYFS-Office for Children, Youth and Family Support** is part of the Department of Disability, Housing and Community Services. An Institution is administered through the OCYFS.

**Official Vehicle** refers to a government vehicle and the guidelines that govern the use of such vehicles, specifically, that they are for the purpose of government related business only. Persons who are not government employees can only be transported in official vehicles for purposes related to government business.

**Official Visitors** carry out functions as prescribed by the *Children and Young People Act 1999*.

**On-Call Manager** refers to the person undertaking the duties of 'on-call manager' outside normal business hours.

**Operations Manager** is an assistant manager of an Institution or a person acting in this position. He/she is responsible for the day to day operational and security requirements of an Institution and reports directly to the Senior Manager of an Institution. Section 1 of the Children and Young People, (Places of Detention) Standing Order, Safety and Security 2006 (No1) provides information regarding the lines of authority for staff at an Institution.

**Parental Responsibility** means all the duties, powers and responsibilities parents ordinarily have by law in relation to their children; it includes responsibility for the day to day or long term care, welfare and development of the child or young person. A person has parental responsibility for a child if: the person is the child's parent; a court order is in force in favour of the person; or the person has parental responsibility following emergency action.

**Privacy Act 1988** is legislation making provision to protect the privacy of individuals and for related purposes.

**Program and Services Manager** is responsible for overseeing the coordination and delivery of case management, programs and services to residents.

**Pro Social Modeling** is the demonstration by staff of behaviour and/or language that reflect positive community values and expectations, including punctuality, courtesy, empathy and consideration of others.

**Public Advocate** means the person appointed under the *Public Advocate Act 2005*. The Public Advocate advocates for the best interests of children and young people. The Public Advocate has monitoring responsibilities under the *Children and Young People Act 1999*. Residents are able to make complaints to, or seek assistance from the Public Advocate.

**Public Sector Management Act 1994** is legislation to regulate the administration of the public sector of the Territory, and for related purposes. Staff working in an Institution must comply with the requirements of this Act.

**Record** is a document in paper or electronic format that provides evidence of a business activity performed by staff. A record may include a written report, photograph, video footage or audio recording (or transcript from audio recording).

**Records Management Plan** is a departmental program required under the *Territory Records Act 2002* that includes the arrangements for the appropriate capture, creation, identification, storage, security, access to and destruction of, all Department Records as required by this Act. It can be found at <http://www.legislation.act.gov.au>

**Reportable Incident** is an incident or event at or in relation to an Institution that must be reported in as required by the Children and Young People (Places of Detention) Standing Order – Records and Reporting 2006 (No 1).

**Re-Integration** refers to a resident's return to the community. It includes provision of accommodation, education or employment, support programs and counselling services.

**Resident** means a child or young person who has been admitted to an Institution and is detained there.

**Resident and Carers Handbook** is a document to provide residents and their carers with information about an Institution and their rights and responsibilities.

**Remandee** is a child or young person who has been charged but not yet sentenced for an offence, is not admitted to bail and has been taken to an Institution and detained there.

**Review of a Decision** is a re-examination or reassessment of an administrative decision making process or outcome as per Section 1 of the Children and Young People, (Places of Detention) Standing Order-Provision of Information, Review of Decisions and Complaints 2006 (No1).

**Senior Manager** is the Senior Manager of an Institution, or the person acting in that position. If the Senior Manager or person acting in that position is not available, the Senior Manager refers to a person nominated by the Director. The Senior Manager reports to the Director. Section 1 of the Children and Young People, (Places of Detention) Standing Order-Safety and Security 2006 (No1) provides information regarding the lines of authority for decision-making in an Institution.

**South Eastern Aboriginal Legal Service (SEALS)** is an indigenous organisation that provides culturally appropriate legal advocacy and/or representation in legal proceedings, particularly for Aboriginal people in the criminal justice system. Local Courts serviced by the Canberra office are Queanbeyan, Canberra, Goulburn, Yass and Cooma.

**Safe Room** is a place described and used in accordance with the Children and Young People, (Places of Detention) Standing Order- Use of a Safe Room 2006 (No1)

**Search Register** is a record of all personal and area searches carried out in an Institution. All searches are logged in this register.

**Special Management Direction (SMD)** is a specific instruction given by the Senior Manager relating to the need to implement or maintain a special condition for the management of a resident.

**Staff** means operational employees of the OCYFS working in an Institution who directly or indirectly report to the Senior Manager. Section 1 of the Children and Young People, (Places of Detention) Standing Order, Safety and Security 2006 (No1) provides information regarding the lines of authority for staff at an Institution.

**Staff Handbook** is a document that provides staff with accessible information about policies and procedures relating to an Institution. The Staff Handbook supplements the Standing Orders and staff training as a form of guidance for and information to staff.

**Standing Orders** supplement legislative requirements of staff and, together with relevant legislation, set out the minimum permanent standards to be met by staff at an Institution in undertaking their duties.

**Sterile Area** may include a cabin or other area (eg. unit recreation area), which has been emptied of any item that may be used by a resident to harm themselves, other residents or staff. The term 'sterile cabin' denotes a cabin devoid of any item other than fixtures and fittings or other authorised items

**Sterile Zone** is an area between the two perimeter fences or a cleared area that forms a secure zone of an Institutions perimeter. The area may not be accessed by anyone without authorisation by the Manager.

**Supervision** refers to the duty of staff to monitor the whereabouts and safety of residents and, where relevant, visitors.

**Time out** is an option for de-escalating residents who are displaying inappropriate behaviour. It refers to a direction to a resident, which would occur after a warning or an opportunity to modify their behaviour, to remove themselves to an appropriate area, for example in their unit.

**Transgender Person** means a person who identifies as a member of a different sex by living, or seeking to live, as a member of that sex; or has identified as a member of a different sex by living as a member of that sex whether or not that person is a recognised transgender person.

**Unit Manager** this position reports to the Operations Manager and is responsible for managing the security and leading staff during the operation of a shift. The Children and Young People (Places of Detention) Standing Order – Safety and Security 2006 (No 1) provides more information about the chain of authority for decision making in an Institution.

**Use of Force Register** records any incident where force or restraint has been used. The Use of Force Register is kept in the Control Room.

**Visitors Register** records all visits in an Institution. The Visitors Register is kept in the Control Room. All visitors also sign a visitor sheet and a visitor entry log, located in a public area of an Institution.

**Young Person** refers to a person who is 12 years of age but not yet an adult or a person who has been dealt with by a court as though he or she was a young person.