

Australian Capital Territory

Children and Young People (Places of Detention) Safety and Security Standing Order 2007 (No 2)

Disallowable instrument DI2007– 263

made under the

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

1 Name of instrument

This instrument is the *Children and Young People (Places of Detention) Safety and Security Standing Order 2007 (No 2)*.

2 Commencement

This instrument is to commence the day after notification.

3 Standing Order

I make the attached Standing Order:
Standing Order – Safety and Security.

4 Revoke

I revoke the *Children and Young People (Places of Detention) Safety and Security Standing Order 2007 (No 1) DI2007-7*.

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 the 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 carers handbook and will be supported by ongoing training.

STANDING ORDER SAFETY AND SECURITY

All staff have a responsibility/role to play in both safety and security and therapeutic interventions. Staff must promote psychosocial development in their interactions with residents in an Institution, through encouraging self-esteem, emotional understanding, positive interpersonal functioning and recognising and supporting identified skills and strengths.

1 Chain of Authority

- 1.1 The Senior Manager holds overall responsibility and authority for all decision-making regarding the management of an Institution. The management of an Institution includes both Operational and Program matters.
- 1.2 Operations are primarily responsible for the maintenance of the safety, security and good order of an Institution and providing advice on these matters to the Senior Manager.
- 1.3 Programs are responsible for the coordination and delivery of a range of services (therapeutic, rehabilitative, case management, educational and health services) to residents and advice on these issues to the Senior Manager.
- 1.4 The chain of authority for operational management of an Institution occurs from the Senior Manager through:

For operational matters

- Operations Manager;
- Unit Manager;
- Team Leader; and/or
- Youth Worker.

For program matters

- Program and Services Manager; and/or
- Case Manager.

- 1.5 All decisions regarding the entry, access and movement of people within an Institution including, staff, residents and visitors (either professional or non-professional), are made under the authority of the Senior Manager through Operations. The operational staff are responsible for the overall safety and security of all persons (staff, residents and visitors) and good order of an Institution. Operational staff have the authority to

provide lawful directions to anyone within the Institution. Anyone who fails to comply with a lawful direction by an Operational staff member may be asked to leave the Institution, may be refused future access to an Institution, or may be reported to the police.

2 Resident Safety

- 2.1 At all times staff must manage residents in a manner that is consistent with this and all other Standing Orders, including providing appropriate placement and levels of supervision and observation.

3 Safety, Security and Good Order of an Institution

3.1 Perimeter

- 3.1.1 The Manager must ensure that the perimeter of an Institution is secure at all times. The perimeter of an institution is all physical structures (eg fences or buildings) that form the secure outside boundary of that institution.
- 3.1.2 Staff must ensure that no one approaches (from within or outside), touches, climbs, alters or damages the perimeter of an Institution without the authority of the Manager.
- 3.1.3 All occasions of unauthorised contact with, tampering or breaching of the perimeter must be reported to the Manager immediately.
- 3.1.4 The Manager must ensure regular checks of the perimeter are conducted. The details regarding the conduct (eg. who, when and where) and results of these checks are to be recorded in the Search Register.
- 3.1.5 The Manager must ensure that all required maintenance and repairs to the perimeter are undertaken and completed in the shortest time possible.

3.2 Buildings

- 3.2.1 The Manager must ensure that all buildings within an Institution are safe and secure at all times.
- 3.2.2 The Manager must ensure that all buildings are in a safe and functional condition and that security requirements are met.
- 3.2.3 The Manager must ensure regular safety and security checks of all buildings and operational areas surrounding buildings are conducted regularly. The details regarding the conduct (eg. who, when and where) and results of these checks are to be recorded in the Search Register.

3.3 Control of Access to and Movement of People within an Institution

3.3.1 The Manager has the authority to refuse entry to, and control movement within, an Institution by any person when the Manager reasonably considers it necessary to do so. Such occasions may include -

3.3.2 in relation to potential residents:

- (a) where the appropriate paperwork is not provided by the Police, Court Transport Unit, Court or person transporting the young person; and/or
- (b) where the resident appears to require immediate health assessment or treatment; and

3.3.3 in relation to staff and visitors:

- (a) for operational reasons (e.g. Lock-Down);
- (b) where a parent, guardian or person with parental responsibility has requested that a visitor not have access to a resident (given appropriate consideration to the view, age and maturity of the resident);
- (c) where the resident has refused to see the visitor;
- (d) a legal reason (e.g. Personal Protection Order);
- (e) during a serious incident or emergency;
- (f) where there is insufficient staff to provide the necessary supervision or escort of the visitor(s);
- (g) where there is a reasonable suspicion that the visitor poses a threat to the safety, security or good order of an Institution;
- (h) where the visitor has not arranged for a visit; or
- (i) any other reason relating to the maintenance of security, safety and good order of an Institution.

3.3.4 The Manager must make reasonable attempts to ensure that all people entering an Institution (staff, residents and visitors) do so for a legitimate reason, for example, by asking visitors to declare the nature or purpose of the visit.

3.4 Things

3.4.1 The only things that may be brought into an Institution are things that are not Prohibited Things. A 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 on the ACT Legislation Register.

3.5 Staff Things

- 3.5.1 Staff at an Institution may only bring into the operational area of the Institution things that are required for the performance of their duties and that are not prohibited things.
- 3.5.2 Things in the possession of staff within an Institution may be searched according to Standing Order – Search.
- 3.5.3 If a staff member is found to have in their possession in an operational area of an Institution a prohibited thing, this is a reportable incident. The staff member may be investigated by the Police, which may result in charges being laid. Disciplinary procedures under the *Public Sector Management Act 1994* may also be commenced.

3.6 Equipment and Maintenance

- 3.6.1 The Senior Manager must ensure that all equipment, buildings and grounds within an Institution are kept in a safe and usable condition.
- 3.6.2 The Senior Manager must ensure all equipment is routinely maintained and/serviced and where necessary audited to ensure compliance with appropriate standards, requirements or legislation.
- 3.6.3 The Senior Manager must ensure all staff are trained in the use of all equipment required to perform their duties, including:
 - (a) keys and passes;
 - (b) radios;
 - (c) utility belts;
 - (d) gloves;
 - (e) first-aid equipment;
 - (f) breathing apparatus;
 - (g) fire extinguishers;
 - (h) instruments of restraint (restraint belt, flexicuffs, shields, helmets, and handcuffs); and/or
 - (i) electronic equipment (computers, DVR systems, surveillance and alarms).
- 3.6.4 If a staff member becomes aware of a breakage, breakdown, malfunction or damage to equipment it must be reported to a relevant person, to ensure all necessary repairs can be carried out.

3.7 Surveillance

- 3.7.1 The Senior Manager may authorise the use of surveillance equipment, including video (CCTV) or audio surveillance to ensure the health and safety of residents, staff and visitors and the security and good order of an Institution.
- 3.7.2 When using surveillance staff will act in accordance with the Standing Order – Records and Reporting.
- 3.7.3 Monitoring records must be stored as official records in accordance with the Department's Records Management Program (RMP), a departmental program required under the *Territory Records Act 2002* and includes the arrangements for the appropriate capture, creation, identification, storage, security, access to and destruction of, all departmental records as required by this Act.

3.8 Key and Pass Security

- 3.8.1 The Manager must ensure all keys and passes are to be securely stored within the Institution (eg. Keykeeper Key Safe).
- 3.8.2 The Manager must ensure all staff (including seconded staff e.g. Education, Health) are issued an official Identification and Security Pass, Personal Identification Number (PIN) for access to the key safe and keys.
- 3.8.3 Upon the commencement of shift, staff must 'sign out' their pass and use their PIN to access only those keys they are allocated for their shift.
- 3.8.4 Upon completion of a shift, staff must 'sign in' their passes and use their PIN to return their keys to the key safe.
- 3.8.5 Staff are not permitted to give their keys or passes to any other person or to access keys they do not require for their shift.
- 3.8.6 Staff may only remove keys from an Institution if given prior approval by the Manager.
- 3.8.7 In the event of unauthorised removal of keys by staff from an Institution, staff must return the keys to the Institution immediately.
- 3.8.8 The Manager must ensure regular audit checks of all Institution keys and passes.

3.9 Vehicles

- 3.9.1 The Manager must ensure that all vehicles at an Institution are maintained and serviced in accordance with the manufacturer's guidelines.

- 3.9.2 Prior to using any vehicle, staff must check that it is roadworthy in accordance with Departmental vehicle use policy. Any damage or defects should be reported immediately to the Manager.
- 3.9.3 Prior to using a vehicle for any purpose, staff should be aware of the guidelines for use of vehicles by ACT Public Service employees, available on the DHCS Intranet. In general, drivers of Institution vehicles are required to:
- (a) be appropriately licensed;
 - (b) obey all traffic laws and parking restrictions;
 - (c) behave in a courteous way at all times;
 - (d) ensure the safe and efficient operation of the vehicle, and that any cargo is properly secured;
 - (e) record accurate and timely information on business use,
 - (f) report vehicle accidents and defects;
 - (g) ensure that due care and security is afforded to the vehicle;
 - (h) drivers should note that they are liable for any infringements and fines occurred whilst utilising a ACT Government vehicle; and
 - (i) complete appropriate paperwork when travelling interstate.

3.10 Vehicles on Escort

- 3.10.1 Staff must ensure that all vehicles to be used for escorts are appropriate and roadworthy in accordance with Departmental vehicle use policy and ensure that the vehicle is fitted with an operational fire extinguisher and first aid kit.
- 3.10.2 Whenever possible, the Institution designated escort vehicle should be used for escorts.
- 3.10.3 Staff conducting an escort must ensure they have appropriate authority and paperwork to conduct the escort.
- 3.10.4 Access to an Institution mobile phone to ensure that communication with the Institution can be maintained.
- 3.10.5 Escorts will be conducted by two staff unless otherwise authorised by the Manager.
- 3.10.6 The escort staff are to use the most direct route to the destination and make no unauthorised stops.
- 3.10.7 The resident should be placed in the rear of the vehicle behind the passenger seat while under escort, and accompanied in the rear by the second staff member.

- 3.10.8 When conducting an escort in a vehicle other than the designated escort vehicle, staff must ensure that both rear child door locks are in the locked position.
- 3.10.9 Staff will not remove residents from an escort vehicle unless the circumstances warrant evacuation.
- 3.10.10 In the event of a vehicle breakdown during an escort, escorting staff must:
- (a) secure all residents with consideration to their continued security and safety;
 - (b) notify the Institution of the exact location and request a back up vehicle;
 - (c) upon arrival of the back up vehicle, supervise the transfer of residents and their property/documentation to the replacement vehicle;
 - (d) take charge of the replacement vehicle and continue with the escort unless otherwise directed;
 - (e) ensure a staff member is to remain with the broken-down vehicle unless directed otherwise; and
 - (f) notify the Institution once the escort has resumed.
- 3.10.11 In the event of an accident in which there are no injuries to staff or residents, the senior staff member(s) shall:
- (a) secure all residents with consideration to their continued security and safety;
 - (b) notify the Institution of the exact location, request assistance which may include a back up vehicle and a tow truck if necessary;
 - (c) upon arrival of the back up vehicle, supervise the transfer of residents and their property/documentation to the replacement vehicle;
 - (d) take charge of the replacement vehicle and continue with the escort unless otherwise directed;
 - (e) a staff member is to remain with the damaged vehicle unless directed otherwise; and
 - (f) notify the Institution once the escort has resumed.
- 3.10.12 In the event of an accident in which there is an injury to a resident or staff member, the escorting staff member(s) shall:
- (a) assess the seriousness of any injury or health complaint;
 - (b) if necessary, call an ambulance, police and/or fire brigade and if required remain in communication with the relevant emergency service;
 - (c) notify the Control Room, advise of the situation and request assistance;

- (d) as soon as it is safe to do so, one or both escorting staff must immediately commence first aid and if required continue until the arrival of a health professional (e.g. Ambulance officer or Paramedic);
- (e) the escorting staff member must, wherever possible, maintain the safe and secure custody of all residents on escort; and
- (f) as soon as it is appropriate and safe to do so, the escorting staff and resident(s) should return to the Institution.

3.10.13 Following notification of an accident involving an injury to a resident or staff member, the Control Room staff should respond in accordance with the Standing Order – Health and Wellbeing.

3.10.14 The Manager shall, in the event of an injury or hospitalisation of a resident, make arrangement for at least one staff member to accompany the resident to hospital.

3.11 Vehicles Entering or leaving an Institution

3.11.1 Vehicles entering or leaving the perimeter of an Institution can be subjected to a search to ensure:

- (a) they do not contain materials that are likely to constitute a threat to the good order, safety or security of an Institution;
- (b) they are not being used, either deliberately or opportunistically, to aid in the escape of a resident;
- (c) that equipment and items brought into the Institution are accounted for prior to exit; and
- (d) that they do not contain any prohibited items, or items that are unnecessary to complete the work to be undertaken.

3.11.2 Prior to a vehicle being admitted to an Institution, staff must advise the owner of the above search requirements. Failure to agree to the search requirements will result in the vehicle not being admitted to an Institution. Failure to comply after being admitted may result in the Police being notified and requested to attend.

3.11.3 Staff will ensure that no resident has access to any vehicle within the perimeter of an Institution without the authority of the Manager.

3.11.4 Any resident who has unauthorised access to a vehicle may be searched according to Standing Order - Search before being allowed to have access to other residents or buildings.

3.12 Control Room

- 3.12.1 Access to the Control Room is restricted to authorised staff.
- 3.12.2 Permission to enter the Control Room may be granted by the Manager, having regard to operational requirements at the time.
- 3.12.3 Staff must comply with the following security control measures at all times:
- (a) the entry door to the Control Room must be kept closed at all times;
 - (b) the adjacent Unit Manager's office door is to be kept closed at all times; and
 - (c) after hours, one or both doors are to be locked.
- 3.12.4 The control room is to be staffed at all times unless authorised by the Manager.
- 3.12.5 If the staff member on duty leaves the Control Room, a request must be made for a temporary replacement prior to this occurring. The staff member is not to leave the Control Room until replaced.
- 3.12.6 The Department will seek to employ the appropriate numbers of male and female staff and ensure wherever possible mixed gender staff in rostering practices. Staffing of the Control Room may be altered to allow for the monitoring of residents by staff of the same sex. This may be managed through swapping staff members or through adding additional staff members as required. Where there is only one female or male staff member rostered onto a shift, and an incident involving a female or male resident arises, the night shift team leader or, during the day, the Unit Manager, must ensure that staff member is utilised most appropriately. The Team Leader or Unit Manager must consult with the Manager, if necessary, in relation to this issue.

4 **Breaches of Safety and Security**

4.1 What is a Breach?

- 4.1.1 For the purposes of this Standing Order, a breach of the safety or security in an Institution is any action that directly contravenes the requirements or directions given under this or any other Standing Order, legislation, policy or instruction that relate to the safe and secure operation of an Institution.

4.2 Escapes

- 4.2.1 All staff in an Institution must make every effort to prevent the escape or attempted escape of a resident, unless staff consider that to do so would threaten their own or others safety. If a resident attempts to escape, staff may use such force as necessary

to prevent the escape. Any use of force must be consistent with the Standing Order – Use of Force.

- 4.2.2 If staff become aware of a resident attempting to or having escaped from an Institution, they must respond in accordance with the appropriate emergency response procedures at section 5 below.

4.3 Absconding

- 4.3.1 For the purposes of this Standing Order, a resident is considered to have absconded, if he/she fails to return to an Institution following a period of lawful leave. Lawful leave includes both supervised and unsupervised leave.

- 4.3.2 If a resident fails to return from unsupervised leave by the required date and time the Unit Manager must do the following:

- (a) attempt to contact the resident by telephone at the location of the approved leave and determine if there is a reason why the resident has been delayed. If the resident is contacted, the Unit Manager will arrange for the resident to be picked up and escorted back to the Institution immediately;
- (b) if unable to contact the resident, the Unit Manager will contact the identified contact person with whom the resident is on leave (e.g. parent, school or service provider) and determine if there is a reason why the resident has been delayed in returning to the Institution. If the Unit Manager identifies the resident is still at the leave location and has been delayed, the Unit Manager must arrange for the resident to be picked up and escorted back to the Institution immediately;
- (c) if the Unit Manager is unable to contact either the resident, the contact person or another suitable person, the Unit Manager must notify the Senior Manager and then call the Police to advise them that a resident has absconded and provide all necessary details to assist the Police in locating the resident;
- (d) the Unit Manager must continue to attempt to contact the resident or contact person until either they make contact, return or are located by the Police; and
- (e) the Unit Manager will continue to keep the Senior Manager informed of the situation and any progress or changes.

- 4.3.3 If a resident absconds from supervised leave the escorting officer must do the following:

- (a) make all attempts to prevent the resident from absconding, including using such force as is necessary to prevent the resident absconding. Any use of force must be consistent with the Standing Order – Use of Force;
- (b) if the resident successfully absconds, contact the Institution (Control Room) and notify the Unit Manager or if unavailable, the most senior staff member of the situation and where appropriate seek and/or follow further direction;
- (c) where possible and safe to do so (without risk of harm to either the resident, staff member or any other person) attempt to follow the resident and persuade them to stop and return to the Institution;
- (d) notify the Police of the resident absconding from leave and provide all necessary details to assist the Police in locating the resident; and
- (e) provide regular updates to the Police and the Institution on the situation including any changes or progress.

4.3.4 Upon receiving notification from an escorting officer that a resident has absconded from supervised leave the Unit Manager must:

- (a) notify the Senior Manager immediately;
- (b) maintain regular contact with the escorting officer and provide directions with respect to further actions undertaken;
- (c) arrange for the notification of the residents person with parental responsibility; and
- (d) continue to keep the Senior Manager and person with parental responsibility informed of the situation and any progress or changes.

4.3.5 The Senior Manager upon receiving notification of a resident absconding from leave must immediately notify the Director. The Senior Manager must also, if the Chief Executive has parental responsibility for the resident, notify the Director, Care and Protection.

4.3.6 The Senior Manager must produce a brief and provide it to the Director.

4.4 Responding to Safety or Security System Failures

4.4.1 For the purposes of this Standing Order, a safety or security system is any of the following:

- (a) the perimeter fence, part of the fence or the 'sterile zone' within the perimeter fence;

- (b) a door, including an internal door of a unit or building within the operational area of an Institution or a perimeter door;
- (c) an electronic system that operates a door, door lock, intercom system, camera or surveillance system, communication device (e.g. radio);
- (d) lock, key, operational equipment or instrument of force (e.g. utility belt, handcuffs, helmet, shield);
- (e) safety or first aid equipment (e.g. first aid kit, breathing apparatus, fire extinguisher etc); or
- (f) any other thing that may affect the safety, security or good order of an Institution.

4.4.2 If a staff member at an Institution either suspects or becomes aware that there has been a failure to a safety or security system they must do the following:

- (a) immediately assess the situation with respect to the safety of residents, staff or others and the security of the Institution;
- (b) immediately notify the Unit Manager or if unavailable, the most senior staff member on duty;
- (c) make all attempts to keep residents, staff or visitors away from the area affected; and
- (d) if appropriate or necessary, call the appropriate code and seek assistance, or direct the locking down of all residents and/or the securing of the Institution.

4.4.3 If a Unit Manager or senior staff member, in the absence of a Unit Manager, receives a notification of a potential safety or system failure, the senior staff member/Unit Manager must assess the level of risk associated with the system failure, and based on that risk do one or more of the following:

- (a) arrange replacement or recovery of the item; and/or
- (b) arrange for the continued appropriate management of residents and ongoing safety and security of the Institution.

5 Emergency Responses

5.1 Preservation of life is the paramount consideration in an emergency situation. Staff must take all reasonable and necessary steps to ensure risk of death or injury to residents, staff and visitors is minimised and that residents remain in safe custody for the duration of an emergency.

- 5.2 The Senior Manager must ensure that an Institution has a current Emergency Response Plan that provides clear directions to all staff on how to respond to the following Emergency Situations:
- (a) escape;
 - (b) fire;
 - (c) bomb threat;
 - (d) hostage situations;
 - (e) riots and major disturbances;
 - (f) chemical spills;
 - (g) evacuations; and/or
 - (h) major health issue such as contagious disease potentially requiring quarantining of residents or staff (eg Bird Flu).
- 5.3 Where the emergency situation requires an evacuation that involves possible overnight relocation of any or all residents, residents must be evacuated to a temporary Institution.
- 5.4 Every precaution must be taken by staff to support existing separation and placement decisions during an evacuation or other emergency situation. Additional staff members may be required to assist during such a situation to minimise any risk to the safety and security of residents and staff.
- 5.5 In an emergency situation all non-operational staff must remain in, or return to, a designated secured area until directed otherwise by the Manager.

6 Training

- 6.1 The Senior Manager must ensure all staff receive regular training in all areas covered by this Standing Order.
- 6.2 The Senior Manager must ensure residents are appropriately trained in the emergency response procedures for the Institution.
- 6.3 Staff must undertake all necessary training to perform their duties as provided for by this Standing Order.

7 Media

- 7.1 Staff must not respond to any media inquiries concerning matters at an Institution unless approved by the Chief Executive.

7.2 Unless otherwise authorised by the Chief Executive, staff must refer all media inquiries to the Manager, Media and Communications, Department of Disability, Housing and Community Services.

8 Provision of Information, Review of Decisions and Complaints

8.1 Staff must ensure residents, their parents and those with parental responsibility, family and visitors are provided with information about things that affect them in a timely manner and in a manner that is likely to be understood.

8.2 A resident, their parents and those with parental responsibility, 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 Records and Reporting

9.1 Any actions taken under this Standing Order must be recorded according to the requirements set out in the Standing Order – Records and Reporting. All necessary forms are available on the Department's Intranet.

9.2 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.

STANDING ORDERS GLOSSARY – MEANING OF COMMONLY USED TERMS

Aboriginal means a person who is a descendant of the Indigenous inhabitants of Australia and regards himself or herself as an Aboriginal.

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

Adult means an individual 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 a record of all children and young people admitted to an Institution by the Australian Federal Police or removed by ACT Ambulance Services. The Body Receipt Register is kept in the Control Room.

Care and Protection Services within the Department of Disability, Housing and Community Services is the government agency 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*, 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. The Department may respond to this information in a number of ways including an appraisal (investigation) of the safety of a child or young person or through referral to community support services. Where children and young people are found to be at risk of abuse and/or neglect in their home, the Department initiates legal action in the ACT Children's Court to secure their safety in alternative care. Where this has occurred, the Department provides case management support to these children, in a manner directed by the legislation.

Care of the Chief Executive The Chief Executive (CE) of the Department of Disability, Housing and Community Services has delegated Parental Responsibility for children and young people at high risk of abuse and/or neglect by virtue of Care and Protection Orders issued in the ACT Children's Court. In these situations, the Children's Court Magistrate may

choose to delegate 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 child or young person including parents/guardians and the child or young person. The purpose of such meetings is to ensure that all parties are working towards a common goal and in the best interest of the child or young person.

Case Management Plan Residents are supported through a coordinated and holistic case management approach which focuses on the individual needs, strengths and positive engagement of the individual, their family and appropriate supports. Part of case management involves the development of a case management plan that outlines the goals and strategies for intervention with the resident. Residents are actively engaged in the development of this individualised plan that focuses strongly on their developmental, educational and emotional needs.

Case Manager is the position responsible for assisting children and young people to set goals for their future, both while in custody and on return to the community, and monitoring their progress towards achieving those goals through an Individual Planning process. The Case Manager will liaise with a number of agencies on the child or young person's behalf and coordinate meetings to ensure a consistent and planned approach is developed (see Case Conference).

Child and Young Person is defined in the *Legislation Act 2001* as 'an individual who is under 18 years old, if age rather than descendancy is relevant'.

Classification Advisory Group (CAG) provides advice to the Senior Manager in relation to decisions about the classification, placement, management and observations of residents of an Institution. The CAG will:

- usually meet 3 times per week (each Monday, Wednesday and Friday);
- be convened outside these designated times if the need arises;
- be chaired by the Senior Manager, and attended by the Operations Manager;
- Manager Professional Services; and
- consider all available information (including information received from Child and

- Adolescent Mental Health Service and ACT Health and Department of Education and Training).

Conjoining Spaces refers to the spaces that allow for direct access to each other by residents, without the need for staff assistance.

Contraband refers to any unauthorised items found within an Institution, eg. drugs, alcohol, cigarettes.

Control Room is the operational hub of an Institution and is directly concerned with maintaining security, and the safety of all persons within the centre. No entry, exit or internal movement (outside of the units) occurs without authorisation by the Control Room Operator. The control room is where the key performance indicators are recorded.

Co offender is a person who has, or is alleged to have, assisted another person completing, or attempting, a criminal act or who has jointly undertaken such an act. Residents at an Institution refer to their co offenders as “Co ‘ies”

Crisis Assessment Treatment Team (CATT) provides a 24-hour, seven days per week service used 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 single-session 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. Its purpose is to review the impressions and reactions of participants shortly after a traumatic incident. The focus of debriefing is on the present reactions of those involved. Psychiatric ‘labelling’ is avoided, and emphasis is placed on normalisation. Participants are assured that they are normal people who have experienced an abnormal event.

Departmental Identification means the Department of Disability, Housing and Community Services photographic identification tag, which must be worn while on duty.

Director means the person undertaking the duties of the Director responsible 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 SES.

Exhibit Book is an official record that is kept and maintained at an Institution for the purpose of registering any contraband (such as drugs, weapons or other prohibited item) 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 will ensure all operational staff are fully trained and hold a current recognised minimum level of Senior First Aid or equivalent.

Fully Stocked First Aid Kit is a First Aid Kit stocked to a level that is appropriate for the environment of an Institution. As a minimum, there must be available a minimum of one basic First Aid Kit which is applicable to their workplace. The contents of first aid kits should be determined by the nature of the hazards in the workplace. It may be necessary to have additional supplies/modules to meet the needs of individual workplaces. A fully stocked first aid kit must also be available during 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 official documents of the Territory, other than a medical record as defined under the *Health Records (Privacy and Access) Act 1997*.

Health Professional refers to persons with a recognised health qualification such as a Medical Practitioner, Nurse, Dentist, Psychologist etc.

Health Records (Access and Privacy) 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 is a report about an incident which:

- significantly affects the operations or the routine of an Institution;
- disrupts or threatens to disrupt the safety or good order of an Institution;
- harms or threatens to harm the personal safety of any individual at an Institution, or a member of the public;
- has the potential to attract media attention; or
- involves drugs or violence.

Incident Reports are separated into two categories as follows:

- Category 1 Report - all incidents where the Manager must inform the Director, Client and Adolescent Services; and
- Category 2 Reports- all the rest (ie. not requiring immediate notification to Director).

Indigenous means a person who identifies him or herself as being native to Australia.

Informed Consent is where a child or young person has been given enough information to form a 'reasonable understanding' of the situation for which consent is being sought, including all possible consequences for when consent is, or is not provided. A staff member determining what constitutes a 'reasonable understanding' must consider the assessed level of maturity of the child or young person. Where the level of maturity is such that it would be unreasonable to expect the child or young person to have grasped a 'reasonable understanding' of what is being asked of them, consent should be sought from a parent or person with parental responsibility for that child or young person.

Institution means (i) a place that is declared to be an institution under the *Children and Young People Act*; and (ii) a place that is declared to be a shelter under the *Children and Young People Act*, 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 residents. They work closely with Case Managers to monitor the daily implementation of a resident's Individual Plan.

Line of Accountability The Operations Manager, or person acting in that capacity, is responsible and accountable directly to the Senior Manager of an Institution or the person acting in that capacity. The Professional Services Manager, or person acting in that capacity, is responsible and accountable directly to the Senior Manager or person acting in that capacity.

Manager during normal business hours this 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 includes staff at an Institution and requires them to report any suspected abuse or neglect 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.

Observations means (a) direct visual contact by a staff member of a resident and does not mean observation through a camera image unless directed by the Manager, (b) the active engagement by the staff member of the resident where appropriate, for example, activity based communications, for the purpose of normalisation, distraction and enhancing their understanding of the resident.

Observation involves the youth worker carrying out direct visual observation and a written account contemporaneously.

A staff member undertaking an observation will view the resident through the window in their door. If the youth worker loses sight of the resident, he or she will call out to them to see if they come back into sight. If the resident does not respond, the staff member will contact the Control Room to check the camera image of the room. If there is no line of sight from the camera, the staff member will contact his or her supervisor to arrange for another staff member to enter the room of the resident with them. The staff member will ascertain the safety of the resident and remove any obstacles preventing the required observations from occurring.

Observations take place whenever a child or young person is being admitted to an institution; when a resident is secured in their bedroom, visitor's room, holding room, search room or the safe room on their own. On other occasions the youth worker, working with the child or young person should be supervising them at all times.

Normally observation intervals at an institution are 5 minute, 15 minute and 30 minute intervals, depending on the assessed risk and placement of the resident.

However, there are also other observations schedules. These are:

Constant Observation occurs where it has been assessed that there is an absolute imminent risk (of self harm/ suicide) a staff member is required to maintain continuous visual contact with the resident and complete a running written record of observations. This will usually involve a staff member standing/sitting at the open door of the resident's room. This will only occur in the 6-bed unit or in the safe room. In addition, a camera will run continuously and take a record of a room in cases where a resident is under continuous observation.

Staggered Observation is an observation regime where the observations are made at various intervals that average (over a given period) to the required interval. The actual intervals between observations fluctuate to prevent the interval between the observations to be predicted. An example of a staggered observation for a resident on 15 minutes observations is: 20 minutes, 15 minutes, 10 minutes, 15 minutes between consecutive observations. Staggered observations are usually used when a resident's safety, or the security of an Institution is considered enhanced by preventing a resident from being able to predict the interval between

consecutive observations. Examples of when this may be used are a resident considered at risk of self harm or escape.

Split Observation is an observation regime where different observation intervals are used when a resident appears to be awake (the shorter interval) and when a resident appears to be asleep (when longer interval observations are used). Split observations are usually used when a resident is considered ready for transition between different standard observation intervals. Examples of split observation intervals are 5 minutes to 10 minutes and 15 minutes to 30 minutes.

The authority for all changes to observations and placement sits with the Senior Manager.

If staff have concerns about changes in behaviour and/or the emotional state of a resident they must respond appropriately to the resident and increase observations. They are required to notify the Senior Manager and seek authorisation as soon as practicable.

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 their function as prescribed by the *Children and Young People Act*. These functions are to:

- visit and inspect shelters and institutions;
- hear complaints by children and children and young people in a shelter or institution;
- or any other person about the child or young person's care, detention or treatment;
- investigate these complaints; and
- provide reports about complaints or on his own initiative to the Minister for Children, Youth and Family Support.

Operations Manager of an Institution is an assistant manager of an Institution. He/she is responsible for the day to day operational requirements of an Institution and reports directly to the Senior Manager of an Institution.

Parental Responsibility means all the duties, powers and responsibilities parents ordinarily have by law in relation to their children; 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.

Pro Social Modeling is the demonstration and acknowledgment, when displayed by clients, of behaviors or language that is reflective of positive community values and expectations, including punctuality, courtesy, empathy and understanding shown to others.

Public Advocate means the Public Advocate 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*. 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 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 www.legislation.act.gov.au

Re-Integration refers to a residents return to the community in a manner that will enable them to become a valued member of society. It includes negotiation of accommodation, schooling 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.

Residents Handbook is a document to provide residents and their carers with information to enable them to be fully informed of their rights and responsibilities during detention.

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.

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.

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.

Search Register is a record of all personal and area searches carried out in an Institution. All searches are logged in the Control Room Search Register.

Senior Manager of an Institution is the person who manages an Institution. The occupant of this position reports directly to the Director Client and Adolescent Services (OCYFS).

Special Management Direction (SMD) is a specific instruction relating to specific issues or requirements for the management of a resident.

Staff means operational employees of the Department working in an Institution. Staff includes all employees at an Institution who directly or indirectly report to the Operations Manager.

Staffing Positions The terms **Senior Manager, Operations Manager, Professional Services Manager, Unit Manager, Team Leader**, including persons acting in these roles refer to the staff member on duty to whom subordinate staff are line accountable, and are interchangeable.

The Senior Manager/Operations Manager for the purposes of the Standing Orders is the most senior of those officers on duty at the time.

Staff - Senior Manager

- manages the day to day operations of an Institution;
- reports directly to Director Client and Adolescent Services (OCYFS);
- ensures the safe care and custody of residents while in custody;
- ensures compliance with Standing Orders; and
- performs other duties as listed in duty statement.

Staff - Operations Manager

- as assistant manager of an Institution, provides operational leadership and guidance to enable an Institution to meet all statutory requirements;
- develops and implements policies, practices and procedures to ensure the provision of a consistent and security conscious framework of management;
- develops and implements training programs for youth workers relation to security, safe custody and a safe, healthy work environment;
- implements regular operational meetings and staff appraisal systems;
- liaises and communicates with the courts, police and legal personnel, suppliers, families community groups and stakeholders; and
- performs other duties as listed in duty statement.

Staff - Professional Services Manager

- ensures the effective coordination and management of the provision of educational, recreational, vocational and therapeutic programs;
- develops and oversees the case management system;
- establishes and maintains collaborative relationships with government and non government;
- oversees the provision of medical and mental health providers; and
- performs other duties as listed in duty statement.

Staff - Unit Manager

- manages, supervises and leads staff in the operations of a shift;
- manages the secure elements of a number of units during a shift;
- provides leadership and promotes commitment to the delivery of services and support systems for residents;
- manages the allocation, implementation, evaluation and review of cases;

- undertakes, leads and reviews team development, strategic planning, performance review and quality assurance;
- ensures compliance with relevant legislation, policy and senior management instructions and where appropriate the safety and security of the units; and
- performs other duties as listed in duty statement.

Staff - Team Leader

- as part of a team, assists in the management of day to day operations of an Institution;
- provides supervision and guidance to youth workers for the safe care and custody of children and young people at risk;
- manages the case plan, evaluation, liaison and review of cases;
- trains and mentors staff working in potentially stressful situations;
- assists with the development and delivery of programs, services and activities of residents; and
- performs other duties as listed in duty statement.

Staff - Youth Worker

- through positive relationships with residents, ensures their care, supervision and safe custody;
- as the key worker, engages residents in case plans and liaises with families, carers and government and community agencies involved in case management;
- encourages and supports residents to participate in a range of program activities;
- provides and maintains written records;
- attends and participates in a range of meetings relating to residents and operation of an Institution (including briefings, debriefings, staff meetings and staff training); and
- performs other duties as listed in duty statement.

A Youth Worker, shall in performing their duties, take reasonable steps to:

- be aware of, comply with and prevent breaches of the provisions of the Standing Orders;
- prevent the escape of residents in an Institution;
- supervise, guard and ensure the safety of residents in an Institution;
- prevent an unauthorised person from communicating with or remaining in the vicinity of residents in custody;
- report any illness or injury to a resident in an Institution; and

- comply with any lawful and reasonable directions given by the Manager or other person having authority to give the direction.

Staff - Indigenous Liaison Officer (ISO) or Aboriginal Support Worker

- provides additional support, mentoring and guidance to indigenous residents by establishing meaningful relationships with the resident and making every effort to engage them with culturally significant community based persons, programs and supports; and
- plans, implements and delivers culturally appropriate programs for indigenous residents.

Staff Handbook is a document that provides staff with an accessible reference of all policies and procedures relating to an Institution and enables staff to achieve the best outcomes for residents in an Institution. This document is supplemented by the Induction Handbook, the Standing Orders and through departmental training.

Standing Orders set out the minimum permanent standard to be met by staff at an Institution in the daily carriage of their duties

Sterile Area is an area that has been declared out of bounds and is kept as clear as possible of loose material (i.e. the area between the two perimeter fences or cleared security area behind units and the perimeter fence). A 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.

Supervision refers to the duty of care exercised by Youth Workers to ensure they are aware of the whereabouts of residents at all times and that the young persons are engaged in safe and appropriate activities.

Time out is an option for de-escalating residents who are displaying inappropriate behaviour and after being warned and given an opportunity to modify their behaviour, may be directed to take time out in 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.

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 the entry foyer of the centre.

Young Person is defined as being 12 years of age but not yet an adult.