

Australian Capital Territory

**Children and Young People (Places of Detention) Use of a Safe Room Standing Order
2007 (No 1)***

Disallowable instrument DI2007-8

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) Use of a Safe Room Standing Order 2007 (No 1)*.

2 Commencement

This instrument is to commence on 8 January 2007.

3 Standing Order

I make the attached Standing Order:
Standing Order – Use of a Safe Room.

Katy Gallagher, MLA
Minister for Disability and Community Services
23 November 2006

*Name amended under Legislation Act, s 60

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 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 Health and Welfare Standing Order 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 USE OF A SAFE ROOM

The use of a Safe Room occurs within the context of an over-arching therapeutic approach to resident management.

Placement of a resident in a Safe Room can, in certain circumstances, contribute to the safety and wellbeing of the resident. However, as placement in a Safe Room involves isolation of the resident so placed, use of a Safe Room needs to occur only with strict safeguards after other interventions have failed to make an impact. Isolation can cause harm to a young person's psychological wellbeing, therefore placement of a resident in a Safe Room is a practice of last resort.

A Safe Room is a room with characteristics designed to minimise the likelihood of people being able to injure themselves whilst in it, and to allow for observation of and communication with people in the room from another location. A Safe Room also needs adequate ventilation and to be of an appropriate size. For example, a safe room may have padded walls and floor, contain no ligature points and no sharp edges, and be fitted with an audio intercom system and video surveillance and recording equipment.

A resident may be placed in the Safe Room as a protective measure, when it is considered that it would be dangerous for the resident to be held elsewhere. Further information on the criteria for placement of a resident in a Safe Room is at Section 2 below.

A Safe Room must not be used routinely or as a component of disciplinary interventions (eg timeout). It must also not be used as a component of managing a resident with suicidal or self-harming behaviour or considered at risk of suicide, unless the resident also meets the criteria at Section 2 below.

Procedures for use of a Safe Room and for reporting on its use are outlined in this Standing Order.

1 Definitions

- 1.1 For the purpose of this Standing Order, a Safe Room is a designated room in an Institution that has a number of characteristics designed to minimise damage a person can do to him or herself whilst in the room, and which allows for monitoring and communication from a remote location.
- 1.2 Placement in a Safe Room is different from the use of segregation and/or isolation as a classification or management and/or disciplinary strategy. Segregation and isolation generally involve the separation of one or more residents from each other, either at separate locations within an Institution or by placing a resident in their room for a brief period. Segregation and isolation may occur for a variety of reasons including, but not limited to, protection of one or more residents or maintenance of the good order of the Institution. The Standing Order – Admission and Classification provides information on segregation as a classification strategy (ie. non-disciplinary segregation). The use of segregation or isolation as a management or disciplinary strategy occurs within the context of the therapeutic framework of resident management.

2 Criteria for the Use of a Safe Room

- 2.1 A resident is placed in a Safe Room for the protection, safety and well being of him or herself, and must only occur if there are no alternative actions that can be taken to afford equal protection.
- 2.2 A resident may be placed in a Safe Room only if the resident's actual or reasonably suspected imminent behaviour is considered likely to cause physical harm to him or herself; and
One or more of the following exist:
- (a) alternative strategies to manage the situation (see list of examples at 3.2 below) have been attempted with no success or without creating the desired outcome;
 - (b) previous experience with the resident in similar situations has indicated that placement in a Safe Room is considered the most protective option; and/or
 - (c) the circumstances of the situation are such that use of alternative strategies is not considered appropriate; and
 - (d) appropriate authorisation from the Manager has been received for the placement of the resident in a Safe Room (see 3.1 below).
- 2.3 A resident must not be placed in a Safe Room:
- (a) as a form of punishment, containment or isolation;
 - (b) for the sole purpose of upholding the good order of the Institution;
 - (c) as part of a treatment program; or
 - (d) due to a shortage of staff.

3 Processes for Instigating Placement of a Resident in a Safe Room

- 3.1 If staff consider use of a Safe Room appropriate, they must seek approval of the Manager for its use, unless it is not possible to do so. If it is not possible to seek the Manager's approval prior to use of a Safe Room, staff must seek the approval of the most senior operational officer on duty, and must contact the Manager as soon as possible, to seek approval for ongoing use of the Safe Room.
- 3.2 Alternative interventions that should be considered for use prior to use of the Safe Room include:
- (a) responding to cues indicating the potential for escalation of threatening or disruptive behaviour;

- (b) discussing the concerns/problems/issues with the resident;
 - (c) reflective listening and feedback to demonstrate to the resident that their concerns have been heard and understood;
 - (d) attempts to de-escalate the situation by facilitating a conflict resolution process and/or meeting with the people concerned;
 - (e) involving other staff members;
 - (f) involving a health professional or other suitable person;
 - (g) being clear with instructions while remaining calm and respectful; and/or
 - (h) the use of the resident's cabin or an alternative space or room.
- 3.3 Staff must make every effort to ensure that other residents do not observe the placement of a resident in the Safe Room. Other residents are not permitted to observe any child or young person while they are in the Safe Room.
- 3.4 If a resident fails to comply with a direction to go to the Safe Room, staff may use force to place the resident in the Safe Room.
- 3.5 If force is used, staff must ensure compliance with the directions outlined in the Standing Order – Use of Force.

4 Using a Safe Room

- 4.1 If a resident is placed in a Safe Room, the Manager must, as soon as possible, request the attendance and assistance of appropriate health professionals, to provide a health assessment and if necessary, treatment. (See Standing Order - Health and Wellbeing for more information on health assessments and treatment).
- 4.2 The Manager must consider any recommendations made by the health professional together with any other considerations in order to determine an appropriate response.
- 4.3 Once a resident is placed in a Safe Room, the door must be locked.
- 4.4 Any resident placed in a Safe Room must be observed at five-minute intervals or more often. The level of observation provided should be determined by the nature of the resident's behaviour (for example, self damaging behaviour may require constant observation and/or contact by staff or medical professionals).
- 4.5 Constant video surveillance and recording of a resident in a Safe Room must be undertaken by the Control Room.
- 4.6 If a resident suffers an injury prior to entering or while in a Safe Room, they must receive immediate medical attention, at the earliest time that is safe for the resident, staff and/or the health professional.
- 4.7 The period a resident is placed in a Safe Room must be the minimum possible time and consideration must be given to the age, maturity, cultural identity, and emotional or mental wellbeing of the resident.
- 4.8 A resident must be released from a Safe Room when it is determined that it is safe to do so. As a guide, when a resident shows de-escalated behaviour (eg the resident is calm and their behaviour appears to have returned to normal) for a period of five to ten minutes, they must be released.
- 4.9 If a resident remains in a Safe Room for a period of an hour, the Manager must review the resident's ongoing placement in the Safe Room. The Manager must review the ongoing placement of a resident in a Safe Room at least hourly for every hour a resident is held there. The Manager must consult with any person, including a relevant health professional, the Manager thinks may be able to assist the Manager determine whether it is appropriate for a resident to continue to be placed in a Safe Room.

5 Procedures After a Resident Leaves a Safe Room

- 5.1 After leaving a Safe Room, a resident must be assessed to determine any particular needs the resident may have. Where considered appropriate, staff must seek further health assessment and treatment in relation to the resident's health and wellbeing.
- 5.2 The Manager will give directions about whether and when a resident exiting from a Safe Room should return to their regular daily program. The emphasis should be on the normalisation of routine as soon as possible.
- 5.3 The Manager must:
 - (a) download the video record of the resident whilst he or she was in a Safe Room; and
 - (b) keep it as a record, in accordance with the Standing Order – Records and Reporting.

6 Reporting

- 6.1 Placement of a resident in a Safe Room is a Reportable Incident and must be reported on in accordance with requirements of the Standing Order– Records and Reporting. All necessary forms are available on the Department's Intranet.
- 6.2 The Unit Manager must ensure staff complete all necessary reports before they complete their shift, unless otherwise approved by the Manager.
- 6.3 If a resident is placed in a Safe Room, the Manager must advise the following people by electronic mail, as soon as possible, and in any case, no later than 24 hours after the incident:
 - (a) the Director;
 - (b) the Office of the Public Advocate (OPA), using the Public Advocate reporting form, which is located on the 'Forms' folder located in Departments Intranet; and
 - (c) the parent or parents of the resident and if the resident is in the care of the Chief Executive.

7 Provision Of Information, Review Of Decisions And Complaints

- 7.1 Staff must ensure residents, their parents and all 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.
- 7.2 A resident, their parents and all 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 or in relation to an Institution, to the Institution, the Public Advocate or the Official Visitor.
- 7.3 Staff must ensure that the Standing Order – Provision of Information, Review of Decisions and Complaints is followed in relation to the above.
- 7.4 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.

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>

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/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.