

## **Children and Young People (Admission and Classification) Policy and Procedures 2008 (No 1)**

Notifiable instrument NI2008–381

made under the

*Children and Young People Act 2008*, Section 143 Youth detention policies and operating procedures

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**1 Name of instrument**

This instrument is the *Children and Young People (Admission and Classification) Policy and Procedures 2008 (No 1)*.

**2 Commencement**

This instrument is to commence on 9 September 2008.

**3 Policies and operating procedures**

Under section 143 of the *Children and Young People Act 2008*, I make the attached Admission and Classification Policy and Procedures to facilitate the effective and efficient management of detention services for young detainees.

Martin Hehir  
Chief Executive

8 September 2008

# Admission and Classification Policy and Procedures

## 1. Introduction and Purpose

Admission occurs when a young detainee is received at, and inducted into, a detention place in accordance with a court order, warrant or other legal authority for their detention. A duty of care obligation is imposed on youth detention officers upon receiving young detainees into custody at a detention place.

Young detainees are particularly vulnerable when they first arrive at a detention place for admission. Many young detainees are already vulnerable having experienced high levels of early trauma and adversity. These early experiences may mean that young detainees being admitted to a detention place have difficulties in interpersonal functioning and understanding, and control of emotional states and impulses.

As a key transition period and because of the vulnerability of young detainees, admission is a time of high risk. Young detainees are particularly at risk of self-harm and suicide. Admission is also a time of high risk for safety and security at a detention place, with the potential for prohibited things to be brought into a detention place or for an escape to occur.

The objectives of these admission procedures are to establish rapport with the young detainee, minimise the young detainee's anxiety or distress and provide relevant information to the young detainee to assist their transition into custody. Information gathered at induction and assessment processes will determine each young detainee's needs and risks. A young detainee's immediate needs and risks must be addressed as soon as possible following their admission. Assessments undertaken following admission form the basis of decision-making in relation to the most appropriate placement for the young detainee and their classification level, observations and any special management needs.

## 2. Legal Authority and Obligations

2.1 The *Children and Young People Act 2008* is the primary source of authority for the operations of a detention place. The provisions of the *Children and Young People Act 2008* must be complied with at all times by staff exercising functions at a detention place. Part 6.4 of the *Children and Young People Act 2008* relates to the admission of a young detainee to a detention place. The following sections are also addressed in this policy and procedure: sections 185, 189, 190, 191.

2.2 The policies and procedures provide specific directions to implement the provisions of the *Children and Young People Act 2008* and other relevant legislation, including the *Human Rights Act 2004*.

2.3 Staff members are mandated reporters under the *Children and Young People Act 2008*. A report must be made to the Centralised Intake Service of Care and Protection Services if a staff member reasonably believes that a young detainee who is under 18 years has experienced or is experiencing sexual abuse or non-accidental physical injury by any person.

Human rights that are protected by the *Human Rights Act 2004* and that are relevant to this policy and procedure are:

Section 19 Humane treatment when deprived of liberty

- (1) Anyone deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.
- (2) An accused person must be segregated from convicted people, except in exceptional circumstances.
- (3) An accused person must be treated in a way that is appropriate for a person who has not been convicted.

Section 20 Children in the criminal process

- (1) An accused child must be segregated from accused adults.
- (2) An accused child must be treated in a way that is appropriate for a person of the child's age who has not been convicted.
- (3) A child must be brought to trial as quickly as possible.
- (4) A convicted child must be treated in a way that is appropriate for a person of the child's age who has been convicted.

The following international human rights standards apply in the ACT:

- Convention on the Rights of the Child;
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice;
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
- Standard Minimum Rules for the Treatment of Prisoners;
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

International human rights standards that are relevant to the Admission and Classification Policy and Procedure are:

United Nations Rules for the Protection of Juveniles Deprived of their Liberty:

Rule 20:

No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no such register.

Rule 22:

The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

Rules 24 and 25:

On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organisations which provide legal assistance. For those

juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

All juveniles should be helped to understand the regulations governing the internal organisation of the facility, the goals and methodology of the care provided, the disciplinary requirements and procedures, other authorised methods of seeking information and of making complaints and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.

**Rule 28:**

The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

**Rule 35:**

The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess effects and to have adequate storage facilities for them should be fully recognised and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorised to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

**Rule 50:**

Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

### **3. Authorisations and Delegations**

- 3.1 All youth detention officers are responsible for ensuring the admission procedures in this Policy and Procedure are followed.
- 3.2 The Senior Manager, Operations Manager and Unit Managers must ensure a register of young detainees is maintained and details of each young detainee admitted to a detention place are entered in the register. The register must include the information outlined at section 185 of the *Children and Young People Act 2008*.
- 3.3 The Senior Manager has responsibility and authority for decision-making in relation to determining a young detainee's placement,

classification, level of observations, and any special management requirements.

- 3.4 The Manager may approve interim changes to a young detainee's placement, classification, level of observations, and special management requirements.

#### 4. Definitions

**Aboriginal person** is defined in the dictionary of the *Children and Young People Act 2008* as a person who is a descendant of the indigenous inhabitants of Australia; who regards himself or herself as an Aboriginal or if the person is a child, is regarded as an Aboriginal by a parent or family member; and is accepted as an Aboriginal by an Aboriginal community.

**Admission** means the reception and induction of a young detainee into a detention place in accordance with a court order, warrant or other legal authority for their detention.

**Adult young detainee** is a young detainee who is 18 years or over, but under 21 years. An adult young detainee who is 21 years or older cannot be detained at a detention place.

**Conjoining Spaces** refers to spaces that allow young detainees in these places to have direct access to each other without youth detention officer 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.

**Duty of Care** refers to the obligation by youth detention officers 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.

**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 youth detention officer 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 youth detention officer assesses that a young detainee does not have a 'reasonable understanding' in relation to a matter about which informed consent is sought, the youth detention officer must seek consent from a parent or person with parental responsibility for the young detainee.

**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.

**Manager** refers to the Senior Manager of a detention place during normal business hours, or in the event this person is unavailable, the Operations Manager of a detention place, or in the event this person is unavailable, a Unit Manager or in the event a Unit Manager is unavailable the Programs and

Services Manager. Outside normal business hours, this refers to the on-call manager.

**Mandated reporter** under the *Children and Young People Act 2008* includes staff at a detention place. The Act requires a staff member to report a reasonable belief that a young detainee who is under 18 years has experienced or is experiencing non-accidental physical injury or sexual abuse.

**Nominated person**, for an adult young detainee, is a person nominated by the young detainee at the time of admission to whom the Chief Executive can give notifications under the *Children and Young People Act 2008*. The details of the nominated person must be entered in the register of young detainees.

**Non-treating doctor** is defined at section 246 of the *Children and Young People Act 2008* to mean a doctor who is authorised, orally or in writing, by the Chief Executive to exercise a non-treating health function under section 98 of the Act. Non-treating health functions are conducting and assisting at body searches, identification of transgender young detainees and alcohol and drug testing.

**Non-treating health professional** is defined at section 98 of the *Children and Young People Act 2008* to mean a health professional who is authorised, orally or in writing, by the Chief Executive to exercise a non-treating health function. Non-treating health functions are conducting and assisting at body searches, identification of transgender young detainees and alcohol and drug testing.

**Observations** occur to ensure the safety and engagement of a young detainee at a detention place. Further information about observations is in the Admission and Classification policy and procedure.

**Parental responsibility** is defined at section 15 of the *Children and Young People Act 2008* and means all the duties, powers, responsibilities and authority parents have by law in relation to their children, including daily care and long-term care responsibility for the child or young person. Each parent of a child or young person has parental responsibility for the child or young person. A person may have or share parental responsibility for a child or young person under a court order under the *Children and Young People Act 2008* or another law or in the circumstances outlined at sections 17 and 18 of the Act.

**Placement** means the placement location of a young detainee in a residential unit at a detention place, and in a room/cabin within a residential unit, where the young detainee will reside.

**Special management direction (SMD)** is a specific instruction given by the Senior Manager relating to the need to implement or maintain special conditions for the management of a young detainee.

**Staff** refers to youth detention officers and other authorised persons. An authorised person is a person who has been delegated a power under the

Children and Young People Act 2008 or another Territory law and is exercising a function under the criminal matters chapters of the Children and Young People Act 2008. The positions which have delegations as authorised persons for the policies and procedures are: Executive Director (A), Director (B), Senior Manager (C/3), Acting Senior Manager (C/4), Operations Manager (E/7), Programs and Services Manager (E/8), Unit Managers (F/7), Team Leaders (G/6), Youth Workers (I/4), Casual Youth Workers (J/3), Case Managers (F/8), Aboriginal Liaison Officer (G/5).

**Torres Strait Islander person** is defined in the dictionary of the *Children and Young People Act 2008* as a person who is a descendant of the indigenous inhabitants of the Torres Strait Islands; who regards himself or herself as a Torres Strait Islander or if the person is a child, is regarded as a Torres Strait Islander by a parent or family member; and is accepted as a Torres Strait Islander by a Torres Strait Islander community.

**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.

**Young detainee** is defined in section 95 of the *Children and Young People Act 2008* and means a child, young person or person aged 18 to 21 years who is required to be held in the Chief Executive's custody.

**Young remandee** is defined in section 137 of the *Children and Young People Act 2008* and the dictionary of the Crimes (Sentence Administration) Act 2005 as a remandee who is under 18 years old; or a remandee who is over 18 years old but under 21 years old and is on remand in relation to an offence alleged to have been committed when he or she was under 18 years old.

**Youth detention officer** is defined at section 96 of the *Children and Young People Act 2008* and means an authorised person to whom the Chief Executive has delegated functions of a youth detention officer under the criminal matters chapters. The positions which have delegations as youth detention officers for the policies and procedures are: Senior Manager (C/3), Acting Senior Manager (C/4), Operations Manager (E/7), Programs and Services Manager (E/8), Unit Managers (F/7), Team Leaders (G/6), Youth Workers (I/4), Casual Youth Workers (J/3).

## 5. Principles

### Legislative Principles

The *Children and Young People Act 2008* sets out the principles that must be considered by all decision-makers making decisions under the Act and this policy. These are:

Section 8, Best interests of children and young people paramount consideration

- (1) In making a decision under this Act in relation to a particular young detainee, the decision-maker must regard the best interests of the young detainee as the paramount consideration.
- (2) In making a decision under this Act otherwise than in relation to a particular young detainee, the decision-maker must consider the best interests of children and young people.

#### Section 9, Principles applying to Act

- (1) In making a decision under this Act in relation to a young detainee, a decision-maker must have regard to the following principles where relevant, except when it is, or would be, contrary to the best interests of a young detainee:
  - (a) the child's or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced;
  - (b) the child's or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption;
  - (c) the child's or young person's age, maturity, developmental capacity, sex, background and other relevant characteristics should be considered;
  - (d) delay in decision-making processes under the Act should be avoided because delay is likely to prejudice the child's or young person's wellbeing.
- (2) A decision-maker exercising a function under this Act must, where practicable and appropriate, have qualifications, experience or skills suitable to apply the principles in subsection (1) in making decisions under the Act in relation to children and young people.

#### Section 10, Aboriginal and Torres Strait Islander children and young people principle

- In making a decision under this Act in relation to an Aboriginal or Torres Strait Islander young detainee, in addition to the matters in section 8 and section 9, the decision-maker must take into account the following:
- (a) the need for the young detainee to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community;
  - (b) submissions about the young detainee made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the chief executive as providing ongoing support services to the young detainee or the child's or young person's family;
  - (c) Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by reference to the child's or young person's family and kinship relationships and the community with which the young detainee has the strongest affiliation.

#### Section 94, Youth justice principles

- (1) For the criminal matters chapters, in deciding what is in the best interests of a young detainee, a decision-maker must consider each of the following matters that is relevant:
  - (a) if a young detainee does something that is contrary to law, he or she should be encouraged to accept responsibility for the behaviour and be held accountable;



- (b) a young detainee should be dealt with in a way that acknowledges his or her needs and that will provide the opportunity to develop in socially responsible ways;
  - (c) a young detainee should be consulted about, and be given the opportunity to take part in making, decisions that affect the young detainee, to the maximum extent possible taking into consideration their age, maturity and developmental capacity;
  - (d) if practicable and appropriate, decisions about an Aboriginal and Torres Strait Islander young detainee should be made in a way that involves their community;
  - (e) if a young detainee is charged with an offence, he or she should have prompt access to legal assistance, and any legal proceeding relating to the offence should begin as soon as possible;
  - (f) a young detainee may only be detained in custody for an offence (whether on arrest, on remand or under sentence) as a last resort and for the minimum time necessary;
  - (g) children, young people and other young offenders should be dealt with in the criminal law system in a way consistent with their age, maturity and developmental capacity and have at least the same rights and protection before the law as would adults in similar circumstances;
  - (h) on and after conviction, it is a high priority to give a young offender the opportunity to re-enter the community;
  - (i) it is a high priority that intervention with young offenders must promote their rehabilitation, and must be balanced with the rights of any victim of the young offender's offence and the interests of the community.
- (2) The decision-maker may also consider any other relevant matter.
- (3) The youth justice principles are intended to be interpreted consistently with relevant human rights instruments and jurisprudence.

#### Example

#### Convention on the Rights of the Child

- (4) A reference in subsection (1) to a young detainee includes a reference to a person who is at least 18 years old but is being dealt with in relation to an offence committed, or alleged to have been committed, when he or she was under 18 years old.

### Operational principles

The operational principles underpinning this policy and procedure are:

- (a) Young detainees are particularly vulnerable when they first arrive at a detention place;
- (b) Admission procedures will be undertaken in compliance with all legislative requirements and with sensitivity to the needs of the young detainee;
- (c) Decisions in relation to placement and classification will be undertaken in compliance with human rights law requiring separation of different groups of young detainees where this is consistent with the provision of the type of care best suited to the particular needs of the young detainee.

## 6. Policy and Procedures

### Before Admitting a Young Detainee

- 6.1 Upon entry of the Police or Court Transport Unit vehicle to a detention place, a youth detention officer must observe the young detainee to determine whether they require urgent health care and check the documentation for the admission of the young detainee.
- 6.2 Any young detainee believed to require health care that is unlikely to be available at a detention place within an appropriate timeframe must not be admitted to a detention place and the escorting officer must be advised to take the young detainee to an appropriate health service. An example of such a health care need is a suspected broken arm or serious facial injury.
- 6.3 If a young detainee transported to a detention place is not able to be transported in accordance with section 6.2 above, an ambulance is to be called immediately, and first-aid administered.
- 6.4 If the incidents outlined in sections 6.2 or 6.3 above occur, the Manager is to be notified. The Manager must ensure reasonable attempts are made to inform a parent or person with parental responsibility for a young detainee under 18 years. These are reportable incidents and the Records and Reporting Policy and Procedures must be applied.
- 6.5 A young detainee must not be admitted to a detention place without relevant legal authority. The appropriate documentation of such legal authority will include one of the following:
- (a) **Bench Charge Sheet**, which provides the authority to detain a child or young person (or adult aged 18 to 21 years) at a detention place pending his/her appearance before the Court at the earliest opportunity;
  - (b) **First Instance Warrant**, which is the authority granted by the Court to detain a child or young person (or adult aged 18 to 21 years) at a detention place pending the finalising of charges before his/her appearance before the Court;
  - (c) **Remand Warrant**, which is issued by the Court and directs the Manager of a detention place to accept a child or young person (or adult aged 18 to 21 years) into custody at a detention place until their next appearance before the Court;
  - (d) **Institutional Order or Order for Imprisonment**, which is issued by the Court and commits a child or young person (or adult aged 18 to 21 years) to a detention place for the period specified on the Order;
  - (e) **Transfer Order**, which accepts the transfer of a young detainee to a detention place in the ACT from an interstate youth detention centre for the duration of their Order or as a temporary admission prior to transit to another youth detention centre in a different State or Territory; or
  - (f) Other relevant documentation authorising the lawful detention of a child or young person or young adult aged 18 to 21 years at a detention place.
- 6.6 No young detainee is to be held at a detention place for a period longer than that specified on the authorising documentation outlined above.
- 6.7 Prior to admission to a detention place, a youth detention officer must ensure that all accompanying documentation authorising a young detainee to be detained at a detention place is correctly worded and signed by a person authorised to sign the legal authority such as a police officer or

judicial officer. Copies of the documents are to be placed on the relevant files.

## Admission and Induction

### *Initial procedures*

6.8 On receiving a young detainee at a detention place, youth detention officers have a number of tasks. These include:

- (a) welcoming the young detainee, providing information to the young detainee about what will happen for their admission and ensuring any immediate issues are identified and if appropriate, addressed, whilst maintaining security and safety (refer to 'Welcoming Young Detainee and Addressing Immediate Issues');
- (b) providing to the young detainee initial information about the detention place (including the young detainee's rights and obligations) and the young detainee's legal circumstances (refer to 'Induction Interview – Provision of Information to Young Detainee');
- (c) obtaining information about the young detainee (refer to 'Induction Interview – Obtaining Information about the Young Detainee');
- (d) ensuring the young detainee hands over their personal property, showers and changes into detention place clothing (refer to 'Personal Property and Clothing');
- (e) notifying a person with parental responsibility or nominated person for an adult young detainee about the young detainee's admission to a detention place and if relevant, details of future Court appearance/s (refer to 'Notification of a person with parental responsibility or nominated person');
- (f) allowing a young detainee to make a telephone call (refer to 'Telephone Call at Admission');
- (g) arranging an initial assessment for the young detainee (refer to 'Initial assessment');
- (h) recording relevant information in the register of young detainees (refer to 'Recording Information in the Register of Young Detainees'); and
- (i) if required, undertaking a search of the young detainee (refer to the Search and Seizure Policy and Procedures regarding detailed procedures for undertaking searches). Decision making for a strip search of a young detainee for an initial assessment following admission to a detention place must be based on the criterion of a reasonable belief that a strip search is necessary for an initial assessment, having regard to the young detainee's age, maturity and known history. A strip search may be authorised if the decision-maker reasonably believes it is necessary for either the health or the safety/security parts of the initial assessment.

6.9 The order in which a youth detention officer should undertake the above procedures may vary, depending on a number of factors. These factors may include:

- (a) the number of young detainees who need to be inducted;
- (b) the presentation (including assessed level of anxiety or distress or risks) of the young detainee;
- (c) any information already known about the young detainee (for example, if the young detainee has previously been in the detention place, information about their background and general behaviour); and

- (d) the age and assessed maturity of the young detainee.
- 6.10 It is important that a youth detention officer takes all relevant factors into account in sequencing procedures.
- 6.11 Youth detention officers must also consider how best to balance the requirements of the induction process for new young detainees with any other operational requirements. This consideration is particularly important if a young detainee is received outside normal business hours.
- 6.12 In deciding how to sequence induction procedures, youth detention officers must also consider the time implications of requirements specified in the Search and Seizure Policy and Procedures, regarding seeking a person with parental responsibility or a support person to be present at a strip search of a young detainee, where considered necessary. Meeting this requirement may cause some delay to commencing a search of a young person, and consideration needs to be given to endeavouring to contact a person with parental responsibility or another support person soon after the arrival of a young detainee, if a decision is made to search the young detainee, to allow sufficient time for the person with parental responsibility or support person to arrive at the detention place. Youth detention officers must comply with the procedures in the Search and Seizure Policy and Procedures regarding this and all other matters in relation to searching and be aware that there is a clear interaction between that Policy and Procedures and these admission procedures.
- 6.13 Youth detention officers must manage all young detainees during and following induction in accordance with the section 'Placement, Classification, Observation and Special Management Directions' in this policy.

#### Welcoming Young Detainee and Addressing Immediate Issues

- 6.14 After completing the requirements of sections 6.1 to 6.7, a youth detention officer must move a new young detainee into a secure area at a detention place.
- 6.15 A youth detention officer must communicate with the young detainee and inform the young detainee of the officer's name and role and of the reason the young detainee is at a detention place. The youth detention officer must seek to establish rapport with the young detainee, and be mindful that the experience of custody may be distressing for the young detainee.
- 6.16 A youth detention officer must observe the young detainee and seek to elicit from them, whether there are any issues that are causing them particular distress or difficulty. If there are any issues, a youth detention officer must inform the young detainee of how these issues may be addressed, or, if it is possible and appropriate to address the issue immediately, a youth detention officer may do so.
- 6.17 A youth detention officer must advise the young detainee of what will happen for their admission and the support services available at the detention place and the means by which these can be accessed. This advice must include that there is a Case Management Unit which will coordinate support services for the young detainee whilst they are at a detention place and that the Case Management Unit will be advised and make contact with the young detainee on the same or next business day as the day the young detainee is admitted to the detention place.

6.18 At all times once a young detainee has been received and prior to the young detainee being classified, a youth detention officer must undertake observations of the young detainee at a maximum of 5 minute intervals. If a youth detention officer considers it necessary, the officer must observe the young detainee more frequently. Refer to 'Placement, Classification, Observation and Special Management Requirements' of this Policy and Procedure and 'Management of Health Needs' in the Health and Wellbeing Policy and Procedures.

#### Induction Interview – Provision of Information to Young Detainee

- 6.19 Provision of information to and gathering information from a young detainee at the time of reception are likely to occur during one interview. This interview is called an induction interview. The induction interview should be conducted in an area that allows for privacy and confidentiality.
- 6.20 Should any special needs be identified in the induction interview that require an immediate response, a youth detention officer must arrange for these needs to be met (including interpreter services, medical aids etc.) and, if the officer considers it necessary, notify the Manager.
- 6.21 All youth detention officers must communicate with the young detainee in a manner that the young detainee will understand (considering the young detainee's age and maturity and any other relevant factor).
- 6.22 If the young detainee does not appear to understand English, interpreter services must be accessed as soon as practicable. Youth detention officers must also be mindful of the confusion a young detainee who does not understand English may feel, and the difficulties that language barriers present, including misunderstanding directions and feelings of distress.
- 6.23 During the induction interview, a youth detention officer must provide the following information to a young detainee:
- (a) their rights (including to seek a review of a decision or to make a complaint);
  - (b) their obligations (including the requirement for young detainees to comply with reasonable directions);
  - (c) the case management arrangements;
  - (d) the role of official visitors;
  - (e) the areas of the detention place which are prohibited areas; and
  - (f) the intended use of any personal information about the young detainee.
- 6.24 If it is not possible or appropriate to provide this information to the young detainee during the induction interview, the information must be provided to the young detainee as soon as practicable thereafter.
- 6.25 A youth detention officer must seek the young detainee's informed consent to the sharing of their personal information where appropriate, and advise the young detainee about the circumstances in which personal information may be shared without the young detainee's consent. The Provision of Information, Review of Decisions and Complaints Policy and Procedures must be applied.
- 6.26 Induction is often a stressful time for young detainees and often occurs late in the evening or at night, when a young detainee may be tired. Youth detention officers need to be mindful that it may be most appropriate to give simple information about the above at this time, and follow up the next day with more detailed information.

6.27 A record must be made as part of the induction interview of the information provided to the young detainee, and any follow-up that is required. If follow-up is required in terms of provision of information to a young detainee, a youth detention officer who conducts an Induction Interview must ensure this fact is clearly communicated to youth detention officers on the next shift. If youth detention officers on the following shift are advised that further information needs to be communicated to a newly inducted young detainee, they must provide such information and make a record that this has occurred. This information must be included on a young detainee's personal records.

#### Induction Interview - Obtaining Information about the Young Detainee

6.28 The youth detention officer conducting the induction interview must gather and record the following information:

- (a) demographic information including full name, assumed name, age, date of birth and sex (special procedures apply in relation to the induction of a transgender or intersex young detainee, refer to 'Induction of transgender and intersex young detainees' below);
- (b) the names and contact details of persons with parental responsibility for a young detainee under 18 years;
- (c) the name and contact details of a person nominated by an adult young detainee who can receive notifications of significant events for the young detainee at a detention place;
- (d) the young detainee's cultural background, including whether the young detainee identifies as Aboriginal or Torres Strait Islander;
- (e) the young detainee's religion;
- (f) legal information including the authority for detention, period of authorised detention and details of any sentence including any combination sentence;
- (g) any other special needs or issues, including health history;
- (h) health information, including whether the young detainee is taking or is prescribed medication. If a young detainee informs an officer that they are prescribed or take medication, the officer must require the attendance of a nurse or doctor as soon as possible (refer to 6.50);
- (i) risks or alerts advised by Police, the Court Transport Unit or others; and
- (j) statutory history (e.g. previous and current contact with Youth Justice or Care and Protection Services).

6.29 The Manager may direct that a photograph or forensic material such as fingerprints be taken of or from the young detainee for identification purposes. Details of a photograph or forensic material taken of or from a young detainee must be entered in the register of young detainees. A photograph or forensic material taken of or from a young detainee for identification purposes must be destroyed if the young detainee is found not guilty of an offence to which the detention relates or a proceeding for an offence to which the detention relates is dismissed or discontinued.

6.30 Youth detention officers must never assume the nationality and/or cultural background of a young detainee based on their appearance. A young detainee should be asked to confirm their nationality during the induction interview. If a young detainee states they are a foreign national, a person with parental responsibility for the young detainee should be

asked to confirm this, where this is possible and in the best interests of the young detainee. A young detainee who is a foreign national may ask a youth detention officer to inform their diplomatic or consular representatives of their detention and the young detainee must be informed of this entitlement. A youth detention officer must inform a diplomatic or consular representative for the young detainee if requested by the young detainee or a person with parental responsibility or if the youth detention officer considers it to be in the best interests of the young detainee to do so, considering their age, legal circumstances and any other relevant information.

#### *Induction of transgender and intersex young detainees*

- 6.31 A transgender or intersex young detainee must be asked what sex the person chooses to be identified with.
- 6.32 If the young detainee does not nominate a sex, the Manager may make a decision based on the young detainee's presentation.
- 6.33 Before making a decision regarding the sex the young detainee is to be identified with, the Manager must obtain a report by a non-treating doctor or other non-treating health professional about the young detainee's sexual identity.
- 6.34 The Manager may also obtain a report as described in section 6.33 above for transgender or intersex young detainees who have chosen their sexual identity if it is believed on reasonable grounds that:
- (a) it is in the best interests of the young detainee; and
  - (b) is necessary to make a decision in relation to the young detainee's placement or case management.
- 6.35 The Manager must give written notice of a decision regarding the sex the young detainee is to be identified with to the young detainee and ensure that the sex chosen by the young detainee or the Manager is recorded in the register of young detainees.
- 6.36 In exercising functions under the policies and procedures, the sex of the young detainee is that entered in the register of young detainees.

#### *Induction of Aboriginal and Torres Strait Islander young detainees*

- 6.37 Youth detention officers must ensure that each young detainee receives a service that is sensitive to and respectful of his or her culture, linguistic background, and values (including the importance of preserving significant networks and/or relationships). Youth detention officers must be aware of, and work within, the Aboriginal and Torres Strait Islander Policy and Procedures to assist the young detainee to be inducted into the detention place.
- 6.38 If an Aboriginal and/or Torres Strait Islander young detainee gives informed consent, youth detention officers must actively seek to work in partnership with the Aboriginal and Torres Strait Islander community in the delivery of services and supports to Indigenous young detainees.
- 6.39 Principles for making decisions about the placement of Aboriginal and Torres Strait Islander young detainees are outlined at 6.80.
- 6.40 While all officers have a responsibility to maintain positive relationships with Aboriginal and Torres Strait Islander young detainees and family, the Case Management Unit will provide advice on program and case planning.

6.41 If a young detainee identifies as being Aboriginal and /or Torres Strait Islander during the initial assessment and gives informed consent, a youth detention officer must advise the young detainee that they will contact the Case Management Unit (where the Indigenous Support Worker will be located) and advise that a young detainee is at a detention place, and that Unit will contact the young detainee during business hours of the day of admission or the following normal working day.

#### Personal property and clothing

6.42 A youth detention officer must arrange for a newly received young detainee to shower and change into detention place clothing.

6.43 All young detainees must hand over their personal property, including all clothing and jewellery, to a youth detention officer for inspection upon admission.

6.44 The Manager may allow a young detainee's property to be brought into the detention place, where to do so is considered unlikely to jeopardise the safety of the young detainee, another person or security and good order at a detention place.

6.45 All property will be searched. Any item that is a prohibited thing or that jeopardises the security and good order of the detention place may be seized and forfeited in accordance with the Search and Seizure Policy and Procedures. If a thing that is seized belongs to a young detainee and is not forfeited, then it must be placed in the young detainee's property container and returned to them on their discharge.

6.46 A youth detention officer must arrange for property that is in the possession of the young detainee to be received and stored in accordance with the Property Policy and Procedures.

6.47 A youth detention officer must advise a young detainee of the procedures for storage of property.

6.48 A youth detention officer must, where possible, arrange for a young detainee's personal clothing to be washed and dried. This must be completed in time to allow a young detainee to wear their own clothing to Court, where necessary.

6.49 If a young detainee possesses medication at the time of admission, the youth detention officer must ensure that the medication is provided to the doctor or nurse undertaking the initial health assessment who will determine what should be done with the medication. Refer to Health and Wellbeing Policy and Procedures for the authority to issue and handle medication.

6.50 All young detainees will be issued with a set of clothing and personal hygiene items upon admission.

#### Notification of a person with parental responsibility or nominated person

6.51 As soon as practicable after a young detainee's admission, a youth detention officer must contact a person with parental responsibility for a young detainee who is under 18 years, or the nominated person for an adult young detainee, to notify them of the young detainee's admission to a detention place and if relevant, details of future Court appearance/s.



- 6.52 If a newly received young detainee is in the care of the Chief Executive, a youth detention officer must contact Care and Protection Services.
- 6.53 A youth detention officer will inform the above person/people of the date and time of a young detainee's next Court appearance and ask them if they will be attending. A youth detention officer must also seek to confirm the current contact details for all people with parental responsibility for a young detainee.
- 6.54 A youth detention officer will answer any questions asked by a person with parental responsibility or nominated person and inform them of visiting times and telephone contact arrangements.
- 6.55 If the person with parental responsibility or nominated person does not understand English, a youth detention officer must use interpreter services or other relevant support people to ensure the information is provided in a language that the person understands.

#### Telephone call at Admission

- 6.56 A young detainee may make a telephone call at the time of admission to an accredited person (including a lawyer), a person with parental responsibility, a nominated person for an adult young detainee, a family member or a significant person, however, a telephone call to one of these persons may be denied if the circumstances at 6.57 apply.
- 6.57 The Manager may make a direction that the young detainee is not to make a telephone call to a particular person, or not to make a telephone call at the time of admission, if the Manager reasonably suspects:
- (a) the call may undermine security and good order at a detention place;
  - (b) the call may revictimise a victim;
  - (c) the call may undermine a process for the investigation of a complaint or a review of a decision;
  - (d) the call has the purpose of causing harm or distress to a community member (including a victim); or
  - (e) it is necessary and reasonable to safeguard the best interests of the young detainee, such as protecting the young detainee from emotional harm likely to be caused by contact with the person due to the nature of their relationship.
- 6.58 If a direction is made that the young detainee is not to make a telephone call to a particular person under 6.57 above, the young detainee must be given the opportunity to nominate another person outlined at 6.56 above to make a telephone call to.
- 6.59 If a direction is made that the young detainee is not to make a telephone call at the time of admission under 6.57 above, the young detainee must be given the opportunity to make a telephone call as soon as practicable thereafter.

#### Initial Assessment

- 6.60 The Manager must ensure that each young detainee, as soon as practicable and not later than 24 hours after admission to a detention place, has an initial assessment involving:
- (a) a physical health assessment by a treating doctor or nurse and an assessment of the young detainee's risk of self harm and/or suicide

- and mental health status by a treating doctor, nurse or a health professional with expertise in the treatment of self harm, suicide and mental health issues; and
- (b) an assessment of the young detainee's safety or security needs or risks.
- 6.61 A treating doctor must review an assessment made by a nurse or health professional of the young detainee's risk of self harm and/or suicide and mental health status.
- 6.62 A treating doctor who makes an assessment or reviews an assessment under sections 6.60 or 6.61 above must provide a report of the assessment to the Manager.
- 6.63 The Manager must ensure that any immediate physical or mental health needs and risks identified by the assessments at section 6.60 and/or report provided by the treating doctor at section 6.62, and any immediate safety or security needs and risks, are addressed as soon as practicable.
- 6.64 The Manager must ensure that any physical or mental health needs and risks or safety and security needs and risks which are identified as ongoing are addressed in the young detainee's case management plan, where appropriate.
- 6.65 The Manager may direct a youth detention officer to undertake a strip search of the young detainee if the Manager reasonably believes the search is necessary for an initial assessment. A youth detention officer must comply with the Search and Seizure Policy and Procedures regarding detailed procedures for undertaking searches.

#### Recording Information in the Register of Young Detainees

- 6.66 The information gathered in the induction interview must be entered in the register of young detainees by a youth detention officer.

#### Case management

- 6.67 In accordance with 6.17, a youth detention officer must advise the young detainee that there is a Case Management Unit which will coordinate support services for the young detainee while they are at a detention place.
- 6.68 Following a young detainee's admission to a detention place, the Case Management Unit must make contact with the young detainee on the same or next business day as the day the young detainee is admitted to the detention place.
- 6.69 The Programs and Services Manager must arrange for a case management plan to be prepared for, and in consultation with, a sentenced young detainee as soon as practicable after their admission. The Programs and Services Manager may arrange for a case management plan for, and in consultation with, a young remandee. Refer to 'Case Management' in the Treatment of Convicted and Non-Convicted Young Detainees Policy and Procedures
- 6.70 Case management services provided to all young detainees will be in accordance with the Programs and Services Model.

## Placement, Classification, Observation and Special Management Directions

- 6.71 The use of placement, classification, observations and special management directions are utilised to ensure the safety and wellbeing of the subject young detainee and other young detainees and security and good order at a detention place.
- 6.72 The Senior Manager, in determining the placement, classification, observations and any special management directions for a young detainee, does so to ensure the young detainee is supported and managed in a way that meets their individual needs and ensures their physical, emotional and mental health and well-being.
- 6.73 The placement, classification, observations and special management directions to which a young detainee is subject must be proportionate to the assessed level of risk and the least restrictive necessary to ensure safe and secure detention of the young detainee.

### *Procedures after Admission*

- 6.74 Following a young detainee's admission, each young detainee must be placed in a room with a camera and be subject to 5 minute observations.
- 6.75 If a youth detention officer identifies a need for special management directions (eg. use of non-rippable linen and/or clothing), the officer must contact the Manager to seek authorisation for any of the following special management directions:
- (a) non-rippable linen and blanket;
  - (b) non-rippable clothing;
  - (c) a segregation direction in accordance with the Segregation Policy and Procedures; or
  - (d) higher level observations (ie. constant or staggered);
  - (e) any other special management directions (such as restrictions on contact or the use of restraints).
- 6.76 As soon as practicable following the young detainee's admission, the Manager must arrange for a classification assessment to be undertaken to assist in determining the young detainee's placement, classification, observations and special management directions.

### *Placement*

- 6.77 Considerations in making decisions about placement of a young detainee at a detention place must be guided by section 166 of the *Children and Young People Act 2008* and Rule 28 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (see above), which supports placement decisions that take account of individual young detainee needs where these might be in conflict with other human rights principles relating to separation of young detainees. The principles provided in these rules will be applied to placement decisions at a detention place, including decisions about placement in adjoining spaces/rooms.
- 6.78 In determining the placement of a young detainee at a detention place, the Senior Manager must ensure that:
- (a) Young remandees are separated from sentenced young detainees;

- (b) Male young detainees are separated from female young detainees;
  - (c) Young detainees who are under 18 are separated from adult young detainees.
- 6.79 A decision may be made by the Senior Manager not to comply with the requirement at 6.78 if the Senior Manager reasonably believes that the placement is in the best interests of the young detainee and all affected young detainees, after balancing the following considerations:
- (a) the best interests, needs and special requirements of the young detainee because of the young detainee's age, sex, emotional or psychological state, physical health, cultural background, vulnerability, relationships with other young detainees or any other relevant matter;
  - (b) if it is proposed that a young detainee be isolated because of their placement at a detention place, whether the isolation is in the best interests of the young detainee;
  - (c) the desirability of the care provided to a young detainee being suited to the particular needs of the young detainee in order to protect the young detainee's physical and emotional wellbeing;
  - (d) that it is in the best interests of young detainees to be separated from co-offenders;
  - (e) the best interests of all affected young detainees;
  - (f) the security and good order of a detention place;
  - (g) the health and safety needs of all young detainees at a detention place; and
  - (h) requests from Care and Protection Services, a Court or Tribunal, ACT Policing, the Director of Public Prosecutions or other justice agencies, to separate young detainees.
- 6.80 In determining the placement of an Aboriginal or Torres Strait Islander young detainee, the Senior Manager must consider placing the young detainee in a conjoining room with another Aboriginal or Torres Strait Islander young detainee or in a room conjoined with that of another young detainee they know if the assessment of the young detainee indicates the young detainee is at high risk of self-harm or is otherwise highly vulnerable in an alternative placement. In deciding to place an Aboriginal or Torres Strait Islander young detainee in a conjoining room, the Senior Manager must ensure:
- (a) each young detainee has consented to the placement; and
  - (b) a comprehensive assessment of each young detainee has occurred, including an assessment of any risk posed by each young detainee to the other young detainee.

### Classification Assessment and Re-Assessment

#### *Classification Assessment*

- 6.81 As soon as practicable after a young detainee's admission, a classification assessment must be undertaken to assist in determining the placement, classification, observations and any special management directions for the young detainee.
- 6.82 In undertaking a classification assessment, all relevant information must be obtained from internal and external sources to inform the assessment. This includes information known about:
- (a) The young detainee's legal status;

- (b) Risk alerts such as risk of self-harm or suicide, health issues, risk to others, escape risks and safety and security risks such as violence;
  - (c) The young detainee's co-offenders;
  - (d) The young detainee's offence/alleged offence; and
  - (e) All other relevant information, including information provided by a Court, police officer or escort officer in relation to any risk issues.
- 6.83 The information must be collected from the following internal and external sources:
- (a) Case Management Unit;
  - (b) Health (Nursing or Medical);
  - (c) Child and Adolescent Mental Health Service (CAMHS);
  - (d) Operations; and
  - (e) any other relevant person/service/agency (e.g. parent, Community Youth Justice, Care and Protection Service, Childrens Court).
- 6.84 The classification assessment report must make a recommendation in relation to the young detainee's placement, classification, observations and any special management directions. The report must be provided by the Programs and Services Manager, Operations Manager or Unit Manager to the Senior Manager.
- 6.85 After receiving the classification assessment report, the Senior Manager must endorse the classification assessment report recommendations or make another decision in relation to the young detainee's placement, classification, level of observations and/or special management directions in accordance with this policy and procedure.
- 6.86 The report must set a date for review and re-assessment of the classification assessment and this must not exceed one month from the date of the classification assessment report.
- 6.87 Placement, observations and the need for special management directions must be reviewed as required by the Senior Manager.

### *Classification*

- 6.88 The Senior Manager must arrange for a young detainee to be given a classification as soon as practicable after a young detainee's admission to a detention place.
- 6.89 In determining a young detainee's classification, the Senior Manager must consider the following:
- (a) the classification assessment report recommendations;
  - (b) the reason for the young detainee's detention, including the nature of any offence for which the young detainee is detained;
  - (c) the risk of the young detainee escaping;
  - (d) the risks posed by the young detainee if they were to escape;
  - (e) the risks posed by the young detainee while at a detention place;
  - (f) the risks to the young detainee of being placed with particular young detainees or in particular areas at a detention place;
  - (g) the young detainee's risk alerts (if any), as outlined at Table 1 Risk Alerts;
  - (h) the young detainee's attitude and behaviour;
  - (i) the young detainee's compliance with centre rules, requirements and expectations; and
  - (j) any other relevant information.

**Table 1 Risk alerts**

A	At risk	Young detainee is at risk of harm to self or at risk of harm from other young detainees (which may or may not require a protective custody segregation direction)
H	Health	Young detainee has health issues requiring special attention in custody, including illness, infectious conditions, mental health issues or disability
S	Safety and Security	Young detainee presents a risk to the safety of others or security and good order of a detention place
E	Escape	Young detainee has previously escaped, attempted to escape or conspired to escape lawful custody, from a detention place or elsewhere

6.90 The Senior Manager will determine a young detainee's classification by status, level of risk (low, medium, high) and risk alert (if any) in accordance with Table 2 Classification Levels.

6.91 Examples of classification levels include:

- (a) A young remandee displaying non-compliant behaviour and a history of a prior escape from custody may be classified as R/3/E;
- (b) A sentenced young detainee nearing completion of their sentence who has a record of positive behaviour and progress in custody may be classified as S/1;
- (c) A young remandee charged with an offence involving serious personal violence and displaying aggressive behaviour in custody may be classified as R/2/S.

**Table 2 Classification levels**

Status	Risk	Risk Alerts
Remand (R)	1 (Low)	A, H, S, E
Remand (R)	2 (Medium)	A, H, S, E
Remand (R)	3 (High)	A, H, S, E
Sentence (S)	1 (Low)	A, H, S, E
Sentence (S)	2 (Medium)	A, H, S, E
Sentence (S)	3 (High)	A, H, S, E

*Interim Changes to Classification*

6.92 The Manager may change the placement, classification, observations or special management directions at any time, with or without a classification re-assessment. If a change is made, the Manager must ensure the change is formally recorded on the observation board and in all relevant files.

6.93 If the Manager makes a decision to change the placement, classification, observations or special management directions of a young

detainee without a classification re-assessment, a re-assessment must be undertaken as soon as practicable thereafter to document and obtain further advice in relation to the decision.

- 6.94 If a youth detention officer considers there is reason to change a young detainee's level of observation, placement or special management directions, the youth detention officer must seek authorisation from the Manager unless section 6.95 applies.
- 6.95 If a youth detention officer believes that a change in a young detainee's level of observation, placement or special management directions is necessary because the young detainee has increased needs or risks (for example, that require an increase in the frequency of observation and/or placement in a room with a camera), the youth detention officer must increase the frequency of observations of the young detainee immediately or make another necessary change and contact the Manager as soon as practicable thereafter to seek authorisation for the change.
- 6.96 Upon receipt of information from a youth detention officer requesting consideration of a change to a young detainee's observation, placement and/or special management directions, the Manager must consider requesting a re-assessment and may approve interim arrangements.

#### *Re-Assessment of Classification*

- 6.97 A classification re-assessment must be undertaken in accordance with the date set for review in the classification assessment report.
- 6.98 In undertaking a classification re-assessment, all relevant information must be obtained from internal and external sources to inform the assessment. This includes information known about:
- (a) The young detainee's legal status;
  - (b) Risk alerts such as risk of self-harm or suicide, health issues, risk to others, escape risks, safety and security risks such as violence;
  - (c) The young detainee's co-offenders;
  - (d) The young detainee's offence/alleged offence; and
  - (e) All other relevant information, including information provided by a Court, police officer or escort officer in relation to any risk issues.
- 6.99 The information must be collected from the following internal and external sources:
- (a) Case Management Unit;
  - (b) Health (Nursing or Medical);
  - (c) Child and Adolescent Mental Health Service (CAMHS);
  - (d) Operations; and
  - (e) any other relevant person/service/agency (e.g. parent, Community Youth Justice, Care and Protection Service, Childrens Court).
- 6.100 The classification re-assessment report must make a recommendation in relation to the young detainee's placement, classification, level of observations, and any special management directions. The report must be provided by the Programs and Services Manager, Operations Manager or Unit Manager to the Senior Manager.
- 6.101 The classification re-assessment report must set a date for a further classification re-assessment. Any subsequent classification re-assessment must comply with these procedures and be provided to the Senior Manager by the set review date.

- 6.102 The Senior Manager must endorse the classification re-assessment report recommendations or make another decision in relation to the young detainee's placement, classification, level of observations and/or special management directions.
- 6.103 Placement, observations and the need for special management directions must be reviewed as required by the Senior Manager.

### *Observations*

- 6.104 All young detainees at a detention place will be subject to a level of observation appropriate to their assessed level of risk, special needs or vulnerability and their psychological, emotional and physical health.
- 6.105 Observations are the physical sighting and recording of a young person who has been secured within a room (ie. cabin, safe room, holding room) within the detention place. The frequency of observation assigned to each individual must be complied with at all times. 'Observations' means:
- (a) direct visual contact by a youth detention officer of a young detainee and does not mean observation through a camera image unless directed otherwise by the Manager; or
  - (b) the active engagement by the youth detention officer with the young detainee where appropriate, for example, activity based communications, for the purpose of normalisation, distraction and enhancing their understanding of the young detainee.
- 6.106 Youth detention officers undertaking observations must ensure they carry out direct visual observation and a written account contemporaneously where possible.
- 6.107 Normally observation intervals at a detention place are 5 minute, 15 minute and 30 minute intervals, depending on the assessed risk and placement of the young detainee. Thirty minute intervals are the minimum level of observation within the detention place.
- 6.108 On occasions, due to assessed level of risk, special needs or vulnerability, it may be determined that a special observation level be employed to ensure the safety of a young detainee at high or imminent risk. The alternative observations assigned may include:
- (a) Constant Observation occurs where it has been assessed that there is an imminent risk (of self harm or suicide) and a youth detention officer is required to maintain continuous visual contact with the young detainee and complete a running written record of observations. This will usually involve a youth detention officer standing/sitting at the open door of a young detainee's room. In addition, a camera will run continuously and take a record of a room in cases where a young detainee is under continuous observation; or
  - (b) Staggered Observation is an observation regime where observations are made at various intervals between the assigned observation level. The actual intervals between observations fluctuate to prevent the interval between observations being predicted. An example of a staggered observation for a young detainee on 15 minutes observations is: 5 min, 15 min, 10 min, 15 min between consecutive observations. Staggered observations are usually used when a young detainee's safety, or the security of a detention place is considered enhanced by preventing a young detainee from being able to predict



- the interval between consecutive observations. Examples of when this may be used are a young detainee considered at risk of self harm/suicide or escape; or
- (c) Split Observation is an observation regime where different observation intervals are used when a young detainee appears to be awake (the shorter interval) and when a young detainee appears to be asleep (when longer interval observations are used). Split observations are usually used to assist with the transition of a young detainee between different standard observation intervals, but when there is still some assessed risk preventing an immediate change of observation. Examples of split observation intervals are 5 minutes to 15 minutes (5/15 minute) and 15 minutes to 30 minutes (15/30 minute).

### *Special management directions*

- 6.109 To ensure the safety of a young detainee or other young detainees and to ensure the security and good order of the detention place, the Senior Manager may assign special management directions for a young detainee.
- 6.110 A special management direction is a specific instruction given by the Senior Manager relating to the need to implement or maintain special conditions for the management of a young detainee.
- 6.111 Special management directions may relate to special observations, movement (ie. restrictions), placement, interactions, restrictions or special provisions for visits or phone calls for a young detainee, at a detention place or whilst the young detainee is subject to a local or interstate leave permit, a transfer direction or under escort.

### *Segregation*

- 6.112 Segregation is the requirement for the management of a young detainee in a way that separates the young detainee from some or all other young detainees due to safety and security reasons, health reasons or for the young detainee's protection.
- 6.113 Segregation directions may only be used for these purposes where the criteria for making the segregation direction are met. Refer to Segregation Policy and Procedures.
- 6.114 Following the making of a segregation direction, decisions regarding placement and management of the young detainee will also be based on consideration of the relevant factors identified in section 6.79.

### *Communication of Decisions*

- 6.115 The Manager must ensure youth detention officers are aware of the assigned placement, classification, observations, and special management directions for each young detainee.
- 6.116 Youth detention officers must comply with placement, classification, observation, and special management directions for each young detainee.
- 6.117 After each shift, Unit Managers or Team Leaders must ensure that youth detention officers have complied with observation, placement and special management directions. This includes ensuring that youth detention officers have carried out observations, checked the observation

book and signed off that observations have been done, and relevant records have been accurately completed.

- 6.118 The Senior Manager must provide details of all young detainee placement, classification, observation, and special management directions to the Director.

### Records and Reporting

- 6.119 Any actions taken under this Policy and Procedure must be recorded according to the requirements set out in the Records and Reporting Policy and Procedures. All necessary forms are available on the Department's Intranet.

- 6.120 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 access to records without a legitimate reason). Records containing personal information must be kept up to date and accurate, access by young detainees to their records should be facilitated and if requested corrections/amendments made. Youth detention officers must be mindful therefore that information must be kept up to date at all times.

- 6.121 All required reports are the responsibility of youth detention officers and are to be fully completed before youth detention officers complete their shift, unless otherwise approved by the Manager.

- 6.122 Staff members are mandated reporters under the *Children and Young People Act 2008*. A report must be made to the Centralised Intake Service of Care and Protection Services if a staff member reasonably believes that a young detainee who is under 18 years has experienced or is experiencing sexual abuse or non-accidental physical injury by any person.

### Provision of Information, Review of Decisions and Complaints

- 6.123 If a young detainee or another person wishes to seek a review of a decision or make a complaint about a classification decision, staff must provide relevant assistance to the person and follow the procedures in the Provision of Information, Review of Decisions and Complaints Policy and Procedures.

- 6.124 Staff must ensure young detainees, 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.

- 6.125 A young detainee, 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 a detention place, to the detention place, the Public Advocate or the Official Visitor.

- 6.126 Staff must ensure that the Provision of Information, Review of Decisions and Complaints Policy and Procedures is followed in relation to the above.
- 6.127 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. Youth detention officers must assist fully in any complaint or review process.

## **7. Forms and Templates**

Induction interview form  
Register of young detainees

## **8. Related Policies and Procedures**

Policies and Procedures under the *Children and Young People Act 2008*

Property Policy and Procedures  
Search and Seizure Policy and Procedures  
Provision of Information, Review of Decisions and Complaints Policy and Procedures  
Records and Reporting Policy and Procedures  
Health and Wellbeing Policy and Procedures  
Segregation Policy and Procedures  
Aboriginal and Torres Strait Islander Young Detainees Policy and Procedures

## **9. Further References**

Dictionary for Policies and Procedures