

Australian Capital Territory

## **Children and Young People (Provision of Information, Review of Decisions and Complaints) Policy and Procedures 2008 (No 1)**

Notifiable instrument NI2008- 391

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 (Provision of Information, Review of Decisions and Complaints) 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 Provision of Information, Review of Decisions and Complaints Policy and Procedure to facilitate the effective and efficient management of detention services for young detainees.

Martin Hehir  
Chief Executive

8 September 2008

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

## 1. Introduction and Purpose

This policy and procedure addresses requirements to provide information to young detainees, their family members and significant people. The provision of information to young detainees, their family members and significant people is an important component of the rehabilitation process, facilitating their capacity to make sense of their experiences and empowering them to be fully engaged in the change process. A restriction on the provision of information may include factors relating to safety and security, privacy, or legal prohibitions.

The views of a young detainee and their family members and significant people are important. Persons affected by decisions made at a detention place have the right to request a review of the decision. They can expect that the issues raised will be handled in a fair, confidential and responsive manner.

The Department of Disability, Housing and Community Services aims to ensure complaints management is an integral part of quality service. The Departmental Feedback and Complaint Handling Guide promotes the right of clients to provide feedback. Through listening and learning from clients' complaints, comments and concerns, programs and policies will improve.

This policy and procedure also addresses inspections and oversight at a detention place.

## 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. The following sections of the *Children and Young People Act 2008* are relevant to this policy and procedure: sections 94, 144, 145, 157, 159, 182, 185 and parts 2.3 and 6.3.
- 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*.

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 this policy and procedure are:

**United Nations Rules for the Protection of Juveniles Deprived of their Liberty -**

72. Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

73. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

74. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.

76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

77. Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

### 3. Authorisations and Delegations

3.1 All staff are responsible for ensuring the provision of information to young detainees and their family members and significant people.

### 4. Definitions

**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.

**Commissioner exercising functions under the *Human Rights Commission Act 2005*** refers to one of the three appointed Commissioners: the Human Rights and Discrimination Commissioner, the Health Services Commissioner and the Disability and Community Services and Children and Young People Commissioner. The functions of the Human Rights Commission include the resolution of complaints between users and providers of services for children and young people and to promote improvements for service provision.

**Complainant** is any person who submits a complaint. For example, a complainant may be a child, young person, parent, family member, significant person, carer, advocate, community organisation or any person including visitors and staff.

**Complaint** is an expression of dissatisfaction with policies and procedures, staff or the service provided to a young detainee, family member or visitor. Complaints can be lodged in person or in writing (letter or email) with any staff member, the Official Visitor or the Public Advocate.

**External reviewer** is a magistrate appointed by the Minister under section 309 of the *Children and Young People Act 2008*. The external reviewer is an independent and external person who has the function of reviewing, upon application by the affected young detainee, decisions made by a review officer to find a behaviour breach charge proven and to take disciplinary action against the young detainee. The external reviewer also has functions under the segregation policy to review, upon application by the affected young detainee, segregation directions related to safety and security, protective custody and health.

**Family member** is defined in section 13 of the *Children and Young People Act 2008* and means the child's or young person's parent, grandparent or step-parent; or son, daughter, stepson or stepdaughter; or sibling; or uncle or aunt; or nephew, niece or cousin. For an Aboriginal or Torres Strait Islander child or young person, a family member includes a person who has responsibility for the child or young person in accordance with the traditions and customs of the child's or young person's Aboriginal or Torres Strait Islander community.

**Official Visitor** is a person appointed by the Minister under the *Children and Young People Act 2008*. Official Visitors have the following functions:

- inspecting detention places, places outside of the detention place where detainees are, or have been, directed to work or participate in an activity, places of care and therapeutic protection places;
- reporting to the Minister and Chief Executive;
- receiving and considering complaints from young detainees and others on their behalf.

**Ombudsman** is the person appointed to the office of ACT Ombudsman created by the *Ombudsman Act 1989*. Under an arrangement between the ACT Government and the Australian Government the Commonwealth Ombudsman is also the ACT Ombudsman. The Act provides that the Ombudsman is to investigate the administrative actions of ACT Government departments and agencies.

**Register of young detainees** is a register that the Senior Manager, Operations Manager and Unit Managers are obliged to keep under section 185 of the *Children and Young People Act 2008*.

**Review of a decision** is a re-examination or reassessment of an administrative decision-making process or outcome.

**Significant person** for a child or young person is defined in section 14 of the *Children and Young People Act 2008* and means a person (other than a family member) who the child or young person, a family member of the child or young person or the Chief Executive considers is significant in the child's or young person's life.

## 5. 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

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| <p>(1) In making a decision under this Act in relation to a particular child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration.</p> <p>(2) In making a decision under this Act otherwise than in relation to a particular child or young person, the decision-maker must consider the best interests of children and young people.</p> |
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### Section 9, Principles applying to Act

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| <p>(1) In making a decision under this Act in relation to a child or young person, 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 child or young person:</p> <p>(a) the child's or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced;</p> <p>(b) the child's or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption;</p> |
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- (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 child or young person, 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 child or young person 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 child or young person 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 child or young person 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 child or young person 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 child or young person, a decision-maker must consider each of the following matters that is relevant:
- (a) if a child or young person 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 child or young person 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 child or young person should be consulted about, and be given the opportunity to take part in making, decisions that affect the child or young person, 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 child or young person should be made in a way that involves their community;
  - (e) if a child or young person 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 child or young person 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 child or young person 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.

## **6. Policy and Procedures**

### Provision of Information

#### *Information provided verbally*

- 6.1 As soon as practicable after a young detainee is admitted to a detention place, and throughout the young detainee's period of detention, the Manager must ensure that staff communicate to the young detainee, and where appropriate and as far as practicable, their family members and significant people, the following information:
- (a) the policies and operating procedures that apply at and in relation to a detention place;
  - (b) the young detainee's entitlements and obligations (including the requirements to comply with reasonable directions) under the *Children and Young People Act 2008*;
  - (c) information about the young detainee's legal circumstances;
  - (d) the case management arrangements;
  - (e) the role of Official Visitors and the Public Advocate;
  - (f) the process for seeking information and making complaints, including to Official Visitors;
  - (g) arrangements regarding informed consent;
  - (h) which areas of the detention place are prohibited areas;
  - (i) reasons for disclosure of personal information without consent when it relates to a person's safety, welfare and well being under the provisions of the *Children and Young People Act 2008* or intended use of any personal information about the young detainee;
  - (j) support services available to the young detainee and/or their family;
  - (k) how to access and amend their own information through the *Freedom of Information Act 1989* and the *Health Records (Privacy and Access) Act 1997*;
  - (l) if the young detainee is a national of a foreign country - that the young detainee may ask a staff member to tell their diplomatic or consular representatives about the detention; and

- (m) how to access publicly available documentation governing the operation of a detention place, including a copy of the *Children and Young People Act 2008* and publicly available policies and procedures.
- 6.2 These explanations must be communicated in a language that the young detainee, their family members and significant people can readily understand. This may require the use of an interpreting service.
- 6.3 Staff must seek to establish rapport with the young detainee, their family members and significant people and be mindful that the experience of custody may be distressing for all concerned. Staff must ensure that they make themselves available to answer questions and support the young detainee, their family members and significant people at all stages in the process.

#### *Information provided in writing*

- 6.4 A staff member admitting a young detainee must ensure the young detainee receives a copy of the residents handbook at the time of their admission or as soon as practicable thereafter.
- 6.5 The Senior Manager must ensure that copies of the following are available for inspection by young detainees, family members, significant people and visitors at a detention place:
  - (a) the *Children and Young People Act 2008*; and
  - (b) publicly available youth detention policies and operating procedures.
- 6.6 The Senior Manager must ensure that any restricted content of policies and procedures is available for inspection on request by the persons listed at 6.35.

#### *Notifications of people responsible for or nominated by young detainees*

- 6.7 In addition to the requirements to provide information about a detention place above, the Senior Manager must ensure that all necessary notifications under the *Children and Young People Act 2008* are made of persons with parental responsibility for under 18 year old young detainees or nominated people for adult young detainees and recorded in the register of young detainees.
- 6.8 Details of persons with parental responsibility for under 18 year old young detainees and nominated people for adult young detainees must be recorded in the register of young detainees at the time of the young detainee's admission. Refer to Admissions and Classification Policy and Procedures.
- 6.9 Certain notifications must be made in writing and these are outlined below. All other notifications may be made verbally.
- 6.10 Notifications that must be to persons with parental responsibility for an under 18 year old young detainee or nominated person for an adult young detainee are:
  - (a) Under the Transfers Policy and Procedures, notification of the transfer of the young detainee to a health facility and for an adult young detainee, transfer to a correctional centre;
  - (b) Under the Admission and Classification Policy and Procedures, notification of the admission of the young detainee to a detention place and where relevant, details of requirements for the young detainee to appear before a court or tribunal;



- (c) Under the Health and Wellbeing Policy and Procedures, notification of a young detainee's health condition requiring clinical care for 24 hours or more or requiring transfer to a health facility;
  - (d) Under the Segregation Policy and Procedures, written notification of the making of a segregation direction in relation to the young detainee;
  - (e) Under the Search and Seizure Policy and Procedures, notification of strip and body searches of the young detainee;
  - (f) Under the Local and Interstate Leave Policy and Procedures, notification of a decision to issue a local leave permit or interstate leave permit for a young detainee;
  - (g) Under section 237 of the *Children and Young People Act 2008*, notification of the results of any tests conducted on a sample taken from the young detainee for alcohol and drug testing.
- 6.11 The Public Advocate must also be given written notice of the making of a segregation direction for a young detainee.

### Reviews of Decisions – Internal Review

#### *Review of a Decision on Own Initiative*

- 6.12 The Senior Manager may review any administrative decision made at or in relation to a detention place on the Senior Manager's own initiative.
- 6.13 Following a review, the Senior Manager may confirm and uphold the decision, change all or part of the decision or revoke the decision and make a new decision.
- 6.14 The Senior Manager must ensure the young detainee and persons affected by the review and/or decision are notified of the review and the outcome of the review and decision.
- 6.15 The Director may review, or arrange for the review of, an administrative decision made at or in relation to a detention place by the Senior Manager on the Director's own initiative.

#### *Request for Review of a Decision by a Young Detainee, Family Member, Significant Person or Visitor*

- 6.16 The Manager must ensure that young detainees, family members, significant people and visitors are aware that if they are unhappy with an administrative decision that affects them at or in relation to a detention place, they are able to have the decision making process and/or outcome reviewed.
- 6.17 A young detainee, family member, significant person or visitor may make a request for such a review to staff of a detention place, the Public Advocate or the Official Visitor.
- 6.18 The processes for handling requests for a review of a decision within a detention place are:
- (a) on receipt of a request for review, the Programs and Services Manager will coordinate the investigation of the review, the gaining of information and the preparing and approval of the response;
  - (b) the young detainee, family member, significant person or visitor will be kept informed of the progress of the review and the outcome;
  - (c) the review will be a staged process, with the appropriate manager reviewing the matter about which the review is sought, seeking approval of the Senior Manager of the review process and outcome and giving feedback to the young detainee, family member, significant person or visitor, as approved by the Senior Manager; and

- (d) the process will take into account the outcomes sought, which may include a change in the decision or further explanation.
- 6.19 If a young detainee, family member, significant person or visitor requests assistance from the Public Advocate or Official Visitor to seek a review of a decision made by staff of a detention place, the youth detention officer should provide assistance by arranging for the young detainee to call the Public Advocate or Official Visitor. The youth detention officer should provide assistance to a family member, significant person or visitor by providing the phone number of the Office of the Public Advocate and/or providing complaint forms available on the Department's Intranet.
- 6.20 The Manager will ensure that the young detainee and/or person seeking a review are treated with respect and sensitivity. Reviews will be fair and consistent with relevant legislation, policy and procedures.

### Reviews of Decisions – External Review

#### *External review of discipline and segregation decisions*

- 6.21 Certain decisions made by the Chief Executive or a delegate under the discipline and segregation policies and procedures are reviewable by an external reviewer. An external reviewer is a magistrate appointed by the Minister under section 309 of the *Children and Young People Act 2008*.
- 6.22 The decisions which may be reviewed by an external reviewer are:
- (a) To review, upon application by an affected young detainee, decisions made by a review officer to find a behaviour breach charge proven and to take disciplinary action against the young detainee; and
  - (b) To review, upon application by an affected young detainee, segregation directions related to safety and security, protective custody and health.
- 6.23 Staff must provide all reasonable assistance to a young detainee who wishes to seek an external review, including assistance in preparing a written application if requested.
- 6.24 An external reviewer must apply the procedures outlined at chapter 9 of the *Children and Young People Act 2008* in conducting the review.
- 6.25 An external reviewer must notify certain people of the outcome of an external review, including the young detainee and the Senior Manager.

#### *External review of all other decisions*

- 6.26 A person, including a young detainee, who is adversely affected by an administrative decision made under a Territory law may apply to the Supreme Court for a review of the decision under the *Administrative Decisions (Judicial Review) Act 1989*.
- 6.27 Staff must provide all reasonable assistance to a young detainee who wishes to apply for an external review of a decision, including assistance in preparing a written application if requested.
- 6.28 From 27 February 2009, for a young detainee who is serving a remissions-eligible sentence (that is, a sentence of committal made prior to 27 February 2009), the Senior Manager must ensure that prompt written notice of a decision in relation to the remission of the young detainee's sentence is given to them, including a statement that a person aggrieved by the decision may apply for a review of the decision under the *Administrative Decisions (Judicial Review) Act 1989*.

## Complaints

### *Overview of the Complaints Process*

6.29 There are 4 levels of complaints. These are:

Level 1 Complaint	A level 1 complaint is a complaint to be managed and resolved by a detention place. This includes complaints received by the Official Visitor or Public Advocate in the course of their official duties that can be resolved by staff at a detention place.
Level 2 Complaint	A level 2 complaint is a complaint received as a Level 1 complaint that could not be resolved at a detention place due to: (a) the complexity of the issue; (b) the complainant was not satisfied with the outcome provided by a detention place; (c) it involves more than one business unit (eg. Care and Protection); (d) was referred directly to the Executive Director of the OCYFS; (e) was requested to be handled outside a detention place; or (f) was referred by the Chief Executive.
Level 3 Complaint	A level 3 complaint is a complaint that cannot be resolved as a Level 1 or 2 complaint such as: (a) a complaint forwarded from an external scrutiny body eg, the Ombudsman's Office; (b) the complainant has requested an external review of their complaint independent of the OCYFS; (c) was made direct to the Chief Executive; or (d) is made direct to ARQ (Advocacy, Review and Quality Branch) within the Department of Disability, Housing and Community Services.
Level 4 Complaint	A level 4 complaint is a vexatious complaint made in order to pursue aims, or satisfy needs, unrelated to the actual issues raised in the complaint. The Executive Director, Office for Children, Youth and Family Support is the only person who can determine that a complaint is considered vexatious.

*Complaints by a Young detainee, Family Member, Significant Person or Visitor (Level 1 Complaint)*

6.30 The complaint handling stages are:

- (a) a young detainee or a family member, significant person or visitor makes contact with a staff member;
- (b) the staff member will address general concerns – the young detainee, family member, significant person or visitor indicate they are satisfied;
- (c) if the young detainee, family member, significant person or visitor are not satisfied, a staff member will assist and support the young detainee or family member to complete a complaint form. This form is located on the Department's Intranet;
- (d) the young detainee or the other complainant will be kept informed of the progress of their complaint and will be advised of the process to be followed and by whom and when they can expect a response;
- (e) the Program and Services Manager is responsible for maintaining a Level 1 complaint data base and must give every completed complaint form a reference number;
- (f) the Program and Services Manager assesses the complaint, taking into account any indication by the complainant of the outcomes sought by the complaint. These may include: an explanation, a wish to express their concern, seeking an apology, changes to decisions taken, including any view expressed about what the decision should have been. If the Program and Services Manager considers it is more appropriate for the Operations Manager to undertake these tasks, the Program and Services Manager must refer the complaint to the Operations Manager;
- (g) all level 1 complaints are to be acknowledged formally within 3 working days of receipt of the complaint and a response provided within 5 working days;
- (h) feedback will be provided to the complainant on the progress and outcome of their complaint;
- (i) the review will be a staged process, with the appropriate manager reviewing the process and response, seeking approval of both by the Senior Manager and giving feedback to the young detainee/family or visitor as approved by the Senior Manager;
- (j) the young detainee /family/visitor indicate that they are satisfied;
- (k) if the young detainee/family/visitor are not satisfied the matter will be referred to the Director for review as a Level 2 complaint; and
- (l) the manager will ensure that the young detainee, family and visitors are treated with respect and sensitivity and that the complainant is not stigmatised during this process. Decision-making will be fair and consistent with relevant legislation, policy and procedures.

*Complaints to Oversight Persons and Agencies*

6.31 If a young detainee requests to see an Official Visitor, the Manager must ensure that an Official Visitor is informed of the request as soon as practicable, but in any event within 12 hours of the request being made. The young detainee does not need to explain to staff why they have requested to see an Official Visitor and staff must not ask the young detainee about the reason for their request.

- 6.32 If a young detainee requests to talk with an Official Visitor with no-one else present, the Manager must ensure that reasonably private facilities are provided for an Official Visitor to talk with the young detainee.
- 6.33 Youth detention officers must ensure that communication at a visit between a young detainee and any of the following persons is not subject to audio monitoring or recording: a lawyer representing the young detainee, an Official Visitor, a Commissioner exercising functions under the *Human Rights Commission Act 2005*, the Public Advocate and the Ombudsman.
- 6.34 If a young detainee, family member, significant person or visitor requests assistance from the Public Advocate or Official Visitor to seek a review of a decision made by staff of a detention place, the youth detention officer should provide assistance by arranging for the young detainee to call the Public Advocate or Official Visitor. The youth detention officer should provide assistance to a family member, significant person or visitor by providing the phone number of the Office of the Public Advocate and/or providing complaint forms available on the Department's Intranet.

#### Inspections and oversight at a detention place

- 6.35 The following persons acting in their official capacity may, at any reasonable time, enter and inspect a detention place or a place outside a detention place where a young detainee is, or has been, directed to work or participate in an activity:
- (a) a Judge;
  - (b) a Magistrate;
  - (c) a Member of the Legislative Assembly;
  - (d) a Commissioner exercising functions under the *Human Rights Commission Act 2005*;
  - (e) the Public Advocate;
  - (f) an Official Visitor; and
  - (g) the Ombudsman.
- 6.36 A decision to refuse entry to one of the above persons may only be made by the Senior Manager if satisfied that their entry would significantly jeopardise the safety of a person or security and good order at the time entry is being sought. If a decision is made to refuse entry, an arrangement must be made with the person to allow them to enter a detention place or other place at the earliest possible time when entry would not significantly jeopardise the safety of a person or security and good order.
- 6.37 The registers of segregation directions and searches and uses of force must be available for inspection by the persons listed at 6.35. The Public Advocate is required to inspect the register of searches and uses of force on a quarterly basis.
- 6.38 Entry to and inspection of a detention place may also be undertaken by a person ('an inspector') who is authorised under a Territory law to do so. This includes:
- (a) An authorised officer or the Chief Health Officer under the *Public Health Act 1997*;
  - (b) A police officer under the *Crimes Act 1900*;
  - (c) A Chief Officer of an emergency service under the *Emergencies Act 2004* such as the Chief Officer of the fire brigade or ambulance service;
  - (d) An authorised officer under the *Food Act 2001*.

- 6.39 An inspector who is authorised under a Territory law to enter and inspect a place must be allowed entry to a detention place, subject to 6.40.
- 6.40 The Manager may give reasonable directions to an inspector prior to their entry to a detention place to ensure the safety of the inspector or another person or security and good order. The inspector is required to comply with any reasonable direction given by the Manager in these circumstances.

#### Records and Reporting

- 6.41 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.
- 6.42 All required reports are the responsibility of staff and are to be fully completed before staff members complete their shift, unless otherwise approved by the Manager.

### **7. Forms and Templates**

Register of young detainees

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

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

Records and Reporting Policy and Procedures  
Transfers Policy and Procedures  
Admission and classification Policy and Procedures  
Health and wellbeing Policy and Procedures  
Segregation Policy and Procedures  
Search and Seizure Policy and Procedures  
Discipline Policy and Procedures

DHCS policies and procedures

DHCS Feedback and Complaint Handling Guide, 2005

### **9. Further References**

Dictionary for policies and procedures