

Australian Capital Territory

Children and Young People (Behaviour Management Framework) Policy and Procedures 2008 (No 1)

Notifiable instrument NI2008–392

made under the

Children and Young People Act 2008, Section 297 Behaviour Management Framework

1 Name of instrument

This instrument is the *Children and Young People (Behaviour Management Framework) Policy and Procedures 2008 (No 1)*.

2 Commencement

This instrument is to commence on 9 September 2008.

3 Policy and Procedures

Under section 297 of the *Children and Young People Act 2008*, I make the attached Behaviour Management Policy and Procedures.

Martin Hehir
Chief Executive

8 September 2008

Behaviour Management Policy and Procedures

1. Introduction and Purpose

The Behaviour Management Policy and Procedures address the requirement at section 297 of the *Children and Young People Act 2008* for the Chief Executive to establish a behaviour management framework for responding to minor behaviour breaches.

The purposes of this behaviour management policy are:

- a) To promote self-understanding, self-esteem, emotional regulation and positive and pro-social behaviours by young detainees;
- b) To provide an environment at a detention place which promotes social and emotional development and psychological resilience in young detainees; and
- c) To respond to negative or challenging behaviour displayed by young detainees including behaviour which constitutes a minor behaviour breach or behaviour breach.

The emphasis of this behaviour management policy is to implement proactive or preventative strategies within the detention place and in working with young detainees which promote positive and pro-social behaviours by young detainees. This includes strategies in working with young detainees, environmental strategies and reinforcement strategies. The effective use of proactive strategies in working with young detainees will result in less reliance on reactive strategies that are designed as a response to negative behaviour.

Strategies in working with young detainees focus on the relationship between staff and young detainees in promoting positive behaviour by young detainees. Environmental strategies emphasise a normalised environment in which there is predictability, consistency and boundaries for young detainees. Reinforcement strategies include the use of incentives and rewards to recognise and affirm socially acceptable behaviour by young detainees.

Reactive strategies may be implemented to respond to negative behaviour by young detainees, including behaviour which constitutes a minor behaviour breach or behaviour breach. Reactive strategies include the development of a behaviour management plan, de-escalation practices, the use of force as a last resort and in accordance with the Use of Force Policy and Procedures, the making of a segregation direction, a behaviour management response to a minor behaviour breach or a disciplinary response to a behaviour breach and an operational response to a minor behaviour breach or behaviour breach.

A minor behaviour breach may be responded to under this policy and may involve the young detainee receiving behaviour management consequences such as a fine or withdrawal of privileges. Disciplinary action against a young detainee for a behaviour breach may be commenced by charging the young detainee. The procedures for charging a young detainee and taking disciplinary action are addressed in the Discipline Policy and Procedures.

An operational response to a young detainee may also follow a minor behaviour breach or behaviour breach committed by the young detainee. An operational response following a minor behaviour breach or behaviour breach by a young detainee involves an assessment of the risk posed to safety, security and good order by a young detainee because of their behaviour and the implementation of directions to address this assessed level of risk.

Behaviour management or disciplinary action taken under this policy or the Discipline Policy and Procedures must not affect a young detainee's minimum entitlements outlined at Table 6B.

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.
- 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 Chapters 8 and 9 of the *Children and Young People Act 2008* address behaviour management and discipline procedures at a detention place. The Behaviour Management Policy and Procedures address the requirement at section 297 of the *Children and Young People Act 2008* for the Chief Executive to establish a behaviour management framework for responding to minor behaviour breaches. The Reporting and Investigation Procedures address the requirement at section 294 of the *Children and Young People Act 2008* for the Chief Executive to make procedures about the making, recording and investigation of behaviour breach reports.

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 behaviour management and discipline are:

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

66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

- (a) Conduct constituting a disciplinary offence;
- (b) Type and duration of disciplinary sanctions that may be inflicted;
- (c) The authority competent to impose such sanctions;
- (d) The authority competent to consider appeals.

69. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

70. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.

71. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

3. Authorisations and Delegations

- 3.1 The Senior Manager is responsible for ensuring staff receive training in this Policy and Procedure, including training in the implementation of proactive strategies to promote positive behaviour.
- 3.2 The delegates of the Chief Executive who may make decisions or take action under chapters 8 and 9 of the *Children and Young People Act 2008* in response to minor behaviour breaches or behaviour breaches are outlined in Column 4 of Table 3A. Column 5 addresses the requirements in the *Children and Young People Act 2008* for different decision-makers at key decision-making points.

Table 3A Decision-makers for Reactive Strategies - Behaviour Management or Discipline Response to Minor Behaviour Breaches or Behaviour Breaches

Column 1	Column 2	Column 3	Column 4	Column 5
Legislative Authority under <i>Children and Young People Act 2008</i> and term used to describe decision-maker	Reference/s in Behaviour Management Policy and Procedures or Discipline Policy and Procedures	Action	Delegates who may make decision or take action	Who the decision-maker must not be
Section 293 Youth detention officer	6.71 Behaviour Management Policy and Procedures	Youth detention officer may: a) Give the young detainee feedback about their behaviour; b) Give the young detainee a warning; c) Reprimand the young detainee; d) Refer the alleged behaviour breach to the administrator in a behaviour breach report form	Youth worker, Team Leader, Unit Manager, Operations Manager, Programs and Services Manager, Senior Manager	Initial decision-maker can be a youth detention officer as described, but there are rules about later decision-makers not being the same person (see below).
Sections 291 and 295(2)(b) Investigator	6.87 Behaviour Management Policy and Procedures	To investigate an alleged behaviour breach in accordance with the reporting and investigation procedures	Team Leader, Unit Manager, Operations Manager, Programs and Services Manager, Senior Manager	The investigator must be a different person to the youth detention officer who refers the alleged behaviour breach in a behaviour breach report form (above) and a different person to the administrator (below).
Section 295(4) Administrator	6.87-6.90 Behaviour Management	Administrator may: a) Arrange for an investigator to	Unit Manager (may take any action except	The administrator must be a

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Legislative Authority under <i>Children and Young People Act 2008</i> and term used to describe decision-maker	Reference/s in Behaviour Management Policy and Procedures or Discipline Policy and Procedures	Action	Delegates who may make decision or take action	Who the decision-maker must not be
	Policy and Procedures	<ul style="list-style-type: none"> investigate the alleged behaviour breach; b) take no further action; c) Give the young detainee feedback about their behaviour; d) Give the young detainee a warning; e) Reprimand the young detainee; f) for a minor behaviour breach—impose behaviour management consequences; g) refer the alleged behaviour breach to police; h) charge the young detainee in a charge notice 	referring an alleged behaviour breach to police), Operations Manager, Programs and Services Manager, Senior Manager	different person to the youth detention officer who refers the alleged behaviour breach in a behaviour breach report form and a different person to the investigator.
Section 302 Administrator	6.10, 6.15 Discipline policy and procedure	Administrator may take the disciplinary action stated in the charge notice	As above	As above
Section 306 Review Officer	6.29 Discipline policy and procedure	Administrator must arrange for a review officer to conduct an internal review into the behaviour breach charged	Operations Manager, Programs and Services Manager, Senior Manager, Director	The review officer must be a different person to the youth detention officer who made the allegation report, who investigated the behaviour breach and the

Column 1	Column 2	Column 3	Column 4	Column 5
Legislative Authority under <i>Children and Young People Act 2008</i> and term used to describe decision-maker	Reference/s in Behaviour Management Policy and Procedures or Discipline Policy and Procedures	Action	Delegates who may make decision or take action	Who the decision-maker must not be
				administrator.
Section 307 Review Officer	6.32-6.35 Discipline policy and procedure	Review officer may take disciplinary action, may refer the charge to the police or DPP or must dismiss the charge	As above	As above
Section 312 External reviewer	6.51 Discipline Policy and procedures	External reviewer must review decision made by review officer or refuse to review decision	Appointed external reviewer (magistrate)	Anyone other than appointed external reviewer

4. Definitions

Accredited person for a young detainee is defined in section 137 of the *Children and Young People Act 2008* and means the young detainee's care and protection worker if the Chief Executive has parental responsibility for the young detainee, a representative approved by the Manager of an entity providing a service or program to the young detainee, 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.

Administrator is defined at section 286 of the *Children and Young People Act 2008* and means an authorised person to whom the Chief Executive has delegated functions of an administrator under Chapter 8 Criminal matters – discipline at detention places. The delegates who may act as administrators are Unit Managers (who may take any action except referring an alleged behaviour breach to police), Operations Manager, Programs and Services Manager and Senior Manager.

All staff refers to youth detention officers, authorised persons, other Departmental staff providing services at or visiting a detention place in a work-related capacity and staff of ACT Government agencies providing services to young detainees at a detention place.

Behaviour breach is defined at section 287 of the *Children and Young People Act 2008*. A list of behaviours that constitute a behaviour breach is at Schedule 1 of the Behaviour Management policy.

Behaviour breach report form is the form used to report a young detainee's alleged behaviour breach to an administrator under section 293(2)(d) of the *Children and Young People Act 2008*.

Behaviour management is defined broadly to mean any intervention or strategy implemented by staff designed or intended to influence or manage the behaviour of young detainees. Behaviour management interventions and strategies are divided into proactive and reactive strategies.

Behaviour management consequences may be imposed in response to a minor behaviour breach under the behaviour management policy or in response to a behaviour breach under the discipline policy. Behaviour management consequences under the behaviour management policy are prescribed by section 298 of the *Children and Young People Act 2008*. These consequences are a fine up to \$25, a withdrawal of privileges for not longer than 6 days, a requirement to make an apology to a person affected by the minor behaviour breach and a requirement to perform extra chores for not longer than 2 hours. Behaviour management consequences under the discipline policy are prescribed by section 318 of the *Children and Young People Act 2008*. These consequences are a fine up to \$250, a withdrawal of privileges for not longer than 60 days, a requirement to make an apology to a person affected by the behaviour breach and a requirement to perform extra chores for not longer than 20 hours.

Behaviour management framework is referred to at section 297 of the *Children and Young People Act 2008* and is the Behaviour Management Policy and Procedures.

Behaviour management plan is a plan developed in consultation with a young detainee which has the objective of addressing negative and challenging behaviours displayed by the young detainee at a detention place.

Behaviour management strategy includes proactive or preventative strategies to promote positive and pro-social behaviour by young detainees and reactive strategies to respond to negative or challenging behaviour by young detainees.

Charge notice is a notice given to a young detainee to commence disciplinary action against the young detainee. The form at schedule 6 of the Behaviour Management Policy and Procedure must be used.

Incentive scheme is designed to recognise and reinforce socially acceptable and positive behaviours by young detainees within a detention place.

Investigator is defined in section 291 of the *Children and Young People Act 2008* and means an authorised person to whom the Chief Executive has delegated functions of an investigator under part 8.2 of the Act or a person appointed to be an investigator under section 292 of the Act. The delegates who may act as investigators are Team Leaders, Unit Managers, Operations Manager, Programs and Services Manager or Senior Manager.

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.

Minor behaviour breach is defined at section 288 of the *Children and Young People Act 2008*. A minor behaviour breach is a behaviour breach that is not of a serious or persistent nature; does not involve a serious risk to the health or safety of someone else at a detention place; and does not involve a serious risk, or serious or persistent disruption, to the security or good order at a detention place.

Privilege is defined at section 289 of the *Children and Young People Act 2008* as any amenity, facility or opportunity the young detainee may have the benefit of at a detention place, but does not include anything that is an entitlement for the young detainee.

Reward is an object, activity or type of special recognition given to a young detainee immediately following a young detainee displaying positive behaviour or achievement. Rewards are not cumulative and cannot be withdrawn as a consequence of a minor behaviour breach or behaviour breach.

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).

Withdrawal of privileges is a behaviour management consequence that may be imposed in response to a minor behaviour breach under the behaviour management policy or in response to a behaviour breach under the discipline policy.

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

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 child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration.
- (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.

Section 9, Principles applying to Act

- (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:
 - (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 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.

Behaviour Management and Discipline Principles

The following operational principles underpin the behaviour management and discipline policies and procedures:

- (a) proactive strategies promote positive and pro-social behaviour by young detainees and minimise reliance on reactive strategies to respond to negative or challenging behaviour;
- (b) negative behaviour displayed by young detainees should be considered in the context of the circumstances surrounding the behaviour and the characteristics of the young detainee, including their age, maturity, developmental stage and rehabilitation needs, where appropriate;

- (c) any response to negative behaviour must be prompt and timely and must ensure the young detainee understands which behaviour is identified as negative, the nature of, and reasons for, the response and what action the young detainee can take to modify their behaviour;
- (d) negative behaviour should be managed in the least restrictive manner possible and sanctions or consequences for negative behaviour should be graduated.

6. Policy and Procedure

Proactive Strategies - Working with Children, Young People and Young Adults in custody

6.1 The development of a positive and therapeutic relationship between staff and young people is a key factor in promoting positive behaviour. All staff are part of the therapeutic team and need to respond consistently with young detainees. Research indicates that staff who spend significant amounts of time with young people will be more influential in shaping a young person's behaviour than workers who have limited contact with young people and they are also more likely to have a significant impact on the young person's adjustment and progress.

6.2 The Senior Manager is responsible for ensuring staff receive training in the following areas relevant to working with children, young people and young adults in custody:

- (a) Understanding the needs of children, young people and young adults in custody;
- (b) Cultural awareness;
- (c) Adolescent development and behaviour;
- (d) Communication and relationship building;
- (e) Behaviour management strategies;
- (f) Pro-social modelling;
- (g) Conflict resolution; and
- (h) Giving feedback.

6.3 The following strategies are to be implemented by staff working with young detainees.

Communication and relationship building

6.4 Effective communication and relationship-building skills are necessary for staff to build therapeutic relationships with young detainees. A key to promoting positive behaviour by a young detainee and facilitating behavioural change is the development of a positive, honest and respectful relationship between a staff member and young detainee.

6.5 Staff must:

- (a) interact with young detainees in a respectful manner, communicating warmth, genuine positive regard, and interest in the young detainee and their views and opinions;
- (b) demonstrate empathy by accepting and understanding a young detainee's feelings and views;
- (c) listen actively to a young detainee's views, ask clarifying questions and offer reflective feedback;
- (d) maximise opportunities for young detainees to participate in decision-making processes, whether directly or indirectly, such as expressing their views in writing or another form;
- (e) use positive and non-threatening body language, such as using an open body posture, maintaining appropriate eye contact and respecting personal space;

- (f) use clear and simple language and concrete, rather than abstract, statements;
- (g) ensure the young detainee understands expectation and directions, for example, by asking the young detainee their understanding of what the expectation or direction is; and
- (h) set appropriate professional boundaries in interactions with young detainees.

Pro Social Modelling

6.6 Pro-social modelling recognises that learning from significant adult role models influences the development of children and young people and shapes their behaviour. Pro-social modelling is the demonstration by staff of behaviour and/or language that reflect positive community values and expectations, including punctuality, courtesy, empathy and consideration of others.

Feedback

6.7 Young people who engage in negative behaviour do so for two general types of reasons:

- Because they have not yet learned how to behave appropriately in the situation;
- Because the inappropriate behaviour is generating more reinforcement to them than appropriate behaviour.

6.8 Feedback should be provided regularly to young detainees and as soon as possible after positive or negative behaviour in order for a young detainee to learn more appropriate behaviour and be positively reinforced for displaying more appropriate behaviour. Feedback must:

- (a) be specific and concrete by telling the young detainee what is positive or negative about the behaviour;
- (b) be delivered in an age and developmentally appropriate way;
- (c) take into account cultural differences in communication.

6.9 Staff should ensure that feedback is understood by the young detainee by checking the young detainee's understanding of the feedback provided to them.

Proactive Strategies – Environment

6.10 The environment of the detention place can have a positive or negative impact on the behaviour of a young detainee. The objective is to promote a positive and normalised setting that promotes positive behaviour and reduces the likelihood of negative behaviour by young detainees. This procedure provides staff with strategies to implement environmental strategies to promote pro-social behaviour by young detainees.

6.11 The principle of a normalised environment is that the detention place aligns as closely as possible with community life and that restrictions for young detainees are kept to the minimum necessary level to ensure security and good order. It aims to ensure that young detainees have some degree of autonomy to facilitate responsible decision-making.

6.12 A normalised environment should be promoted by staff in the following ways:

- (a) Providing structure for young detainees in daily routines and activities. The daily structure for a young detainee should reflect as closely as possible that of a child, young person or young adult not in detention who is undertaking schooling or vocational training and recreation activities.
- (b) Facilitating opportunities for young detainees to take responsibility and make meaningful decisions.

- (c) Allowing young detainees to express their identity consistent with policies and procedures, such as through personalising their rooms.
- (d) Promoting socialisation of young detainees with peers in a range of settings, such as recreational activities.
- (e) Supporting young detainees to express their cultural identity and practice religious beliefs.
- (f) Respecting the privacy and personal space of young detainees as far as possible.
- (g) Modelling pro-social behaviour at all times, including respectful communication between staff.
- (h) Ensuring consistency in communication and approach with young detainees across all staff members.
- (i) Minimising labelling of young detainees.
- (j) Minimising periods of 'lock down' time and other restrictions on movement within the detention place.

Proactive Strategies - Case Management and Case Planning

- 6.13 Case management provides the structure in which interventions address a young detainee's criminogenic needs, non-criminogenic needs and/or other assessed needs.
- 6.14 Interventions being implemented under a case plan to address a young detainee's assessed needs may have a positive effect on the young detainee's behaviour in custody. This is because negative or challenging behaviour displayed by a young detainee in custody may relate to the young detainee's offending behaviour. However, the primary objective of case management is to address a young detainee's assessed needs related to the reason for their detention, and not to manage the young detainee's behaviour in custody.
- 6.15 A behaviour management plan provides the structure in which a young detainee's negative or challenging behaviour in custody is responded to and managed (refer to 'Reactive Strategies – Behaviour Management Plans'). A behaviour management plan does not have the objective of addressing a young detainee's assessed needs related to the reason for their detention and will not be required for all young detainees.
- 6.16 A behaviour management plan developed for a young detainee under this policy must always be subordinate to, and consistent with, the overall case plan for the young detainee.

Proactive Strategies - Incentive scheme

- 6.17 Incentive schemes are designed to recognise and reinforce pro-social and positive behaviours by young detainees.
- 6.18 A centre wide incentive scheme is implemented through this policy. All young detainees will be eligible for token economy earnings (points) for displaying desirable behaviour which can be used to purchase incentives consistent with this scheme.

Desirable Behaviour

- 6.19 A successful incentive scheme requires clear identification of desirable behaviour expected from young detainees. The behaviour of a young detainee will be assessed on a five point scale (0 to 4) against the following nine domains:

- i. Nightshift behaviour in room;
- ii. Personal hygiene;
- iii. Respect for others and centre property;
- iv. Attitude/cooperation with directions;
- v. Centre movements;
- vi. Bedroom standards;
- vii. Chores and tasks;
- viii. Participating in centre activities; and
- ix. Extra Initiative.

6.20 The assessment form at Schedule 2 outlines the criteria for each of the nine domains against which a young detainee’s behaviour is assessed.

Types of incentives

6.21 Action taken under the incentive scheme, this Policy and Procedure and the Discipline Policy and Procedures must not affect a young detainee’s minimum entitlements.

6.22 Table 6B outlines minimum entitlements for each young detainee. Certain minimum entitlements are higher than the statutory minimum entitlement (for example, telephone calls).

Table 6B Minimum Entitlements

Minimum living conditions	Young detainees are entitled to statutory minimum living conditions consistent with the Minimum Living Conditions Policy and Procedures. This policy addresses entitlements in relation to: a) Food and drink; b) Clothing; c) Hygiene facilities; d) Sleeping areas; e) Open air and exercise; f) Religious, spiritual and cultural needs.
Telephone calls	Young detainees are entitled to make a telephone call on admission and a minimum of 4 telephone calls each week to approved family members and significant people. These telephone calls will be paid for by the centre. Telephone calls in addition to this are an incentive which may be purchased. Young detainees are entitled to unlimited access to telephone contact with accredited people. All telephone calls of this nature are paid for by the centre.
Visits	Young detainees are entitled to receive a visit from a family member or significant person for at least one hour each week.

Mail	Young detainees are entitled to send and receive mail consistent with the Visits, Phone Calls and Correspondence policy.
Contact with Accredited People	Young detainees are entitled to adequate opportunities for contact with an accredited person, whether by telephone or mail or by a visit with an accredited person.
Health Services	Young detainees are entitled to health services consistent with the Minimum Living Conditions Policy and Procedures and Health and Wellbeing Policy and Procedures. Young detainees are entitled to transfers to a health facility where this is necessary for the young detainee to receive health services at the facility.
Education and vocational training	Young detainees are entitled to participate in education. Young detainees are entitled to participate in vocational training approved as part of a case management plan.
Programs	Young detainees are entitled to participate in programs. The nature of the program or programs that a young detainee may participate in is subject to the young detainee's case plan and security classification.
Leave	Young detainees may be granted leave in accordance with the Leave Policy and Procedure.

6.23 The following are the types of incentives that may be purchased by a young detainee with accrued points:

Table 6C Types of Incentives that may be purchased

Incentive type
Additional telephone calls (above minimum entitlement)
Snack food and drinks
Posters
Magazines
TV hire – one week
TV hire – three days
Movie hire
Approved special purchases (eg. clothing, movie tickets to be used on approved leave)

6.24 The Senior Manager must ensure that a guide outlining the purchase cost in points for each type of incentive is provided to young detainees. For types of incentives with a monetary value, the cost must be calculated at the rate of 1 point per 10 cents.

6.25 The nature of incentives that may be purchased by a young detainee will be subject to an assessment by the Unit Manager of the suitability of the incentive for purchase by the young detainee, in consultation with relevant staff (such as case management staff).

6.26 The Unit Manager may refuse a request for the purchase of an incentive if it is considered not suitable for the young detainee (such as a magazine containing adult content).

Calculation of points

6.27 Points will be assessed for each young detainee on a daily basis by a Unit Manager and accrued on a weekly basis, using the assessment form at Schedule 2.

6.28 The Unit Manager will seek feedback from relevant staff working with the young detainee (eg. Case Manager, teaching staff, Team Leaders, Youth Workers) in assessing the young detainee's behaviour.

6.29 A feedback report will be provided to each young detainee on a weekly basis with a calculation of their weekly points earnings. The feedback report must also be explained verbally to the young detainee. Feedback provided should assist the young detainee to understand what positive behaviours they have demonstrated over the week and what behaviours need to be improved or worked on. Examples should be provided to the young detainee of action they can take to improve their behaviour.

Purchase of Incentives

6.30 A young detainee may make a weekly request for the purchase of incentives. This request may be made after the weekly feedback report is provided to the young detainee and may be made verbally.

6.31 The request for purchase of incentives must be approved by the Unit Manager and must be recorded on the Incentives, Rewards and Consequences Record at Schedule 3.

6.32 A request for purchases must not put the young detainee's points balance below zero. If the young detainee's request for the purchase of incentives will put the young detainee's points balance below zero, the young detainee must be allowed to make a different request for purchases.

6.33 All points accrued by a young detainee each week which are not used for purchases or deducted for payment of a fine as a behaviour management consequence will accumulate. There is no upper limit on the accrual of points. If a young detainee has accrued points at the time of their discharge from a detention place, the Senior Manager may decide to convert some or all accrued points into a non-currency incentive or reward, for example, a clothing voucher to assist the young detainee's transition into the community.

6.34 Points may be deducted for payment of a fine as a behaviour management consequence for a minor behaviour breach under this policy or behaviour breach under the Discipline Policy and Procedures. The imposition of a behaviour management consequence does not affect a young detainee's entitlement to continue being assessed for the accrual of points.

6.35 If a young detainee's points balance falls below zero through the imposition of a fine as a behaviour management consequence, the young detainee is required to bring the balance into credit by repayment at the rate of 75% of the young detainee's weekly points earnings. The remaining 25% of the young detainee's weekly points earnings may be used for purchases.

Review of decisions under incentives scheme

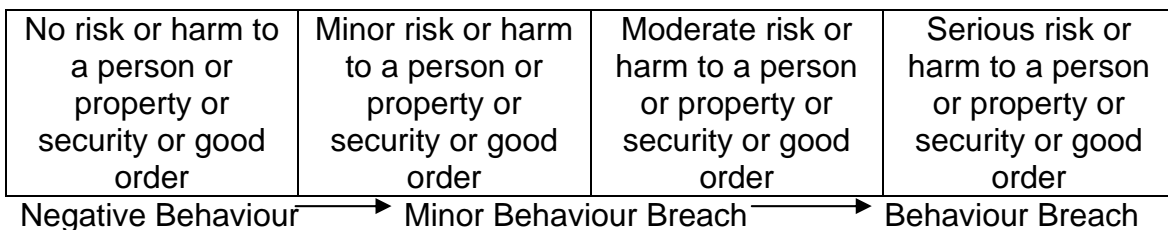
- 6.36 A young detainee may apply for a review of a decision made by a Unit Manager regarding the assessment of their behaviour and allocation of points.
- 6.37 Following application by a young detainee for a review, the Operations Manager or Senior Manager may decide to review the decision. If the decision is reviewed, the Operations Manager or Senior Manager may decide to either confirm the decision or change the decision regarding the assessment of behaviour and allocation of points.
- 6.38 The outcome of the review must be communicated to the young detainee and be recorded on the Incentives, Rewards and Consequences Record at Schedule 3.

Proactive Strategies - Rewards

- 6.39 Rewards are another proactive strategy for reinforcing positive behaviour by young detainees. A reward is an object, activity or type of special recognition given to a young detainee immediately following a young detainee displaying positive behaviour or achievement. Examples of rewards are access to an activity, the giving of an item as a reward (such as a magazine) or a certificate of achievement.
- 6.40 Rewards are not cumulative and cannot be withdrawn as a consequence of a minor behaviour breach or behaviour breach.
- 6.41 The Unit Manager may determine appropriate rewards for young detainees in consultation with relevant staff (such as case management staff). A decision to give a reward to a young detainee can be made by a Unit Manager.
- 6.42 All youth detention officers are responsible for identifying positive behaviours and/or achievements by young detainees which may be considered for a reward.
- 6.43 A youth detention officer should inform a Unit Manager of identified positive behaviours and/or achievements by a young detainee.
- 6.44 The Unit Manager must record the giving of a reward on the Incentives, Rewards and Consequences Record at Schedule 3.

Reactive Strategies - Responding to Negative Behaviour

- 6.45 Negative and challenging behaviour means behaviour that is undesirable, socially unacceptable and/or inappropriate. It includes non-compliant behaviour, aggressive and violent behaviour, oppositional behaviour, minor behaviour breaches, behaviour breaches and behaviour which may constitute a criminal offence. Negative behaviour should be seen on a continuum from behaviour that does not cause risk or harm to a person, property or security or good order to behaviour that causes minor, moderate or serious risk or harm to a person, property or security or good order.



6.46 Negative behaviour displayed by a young detainee must be viewed in the context of:

- (a) the characteristics of the young detainee, including their age, maturity, developmental stage, rehabilitation needs, known history such as a history of abuse or neglect, and whether the young detainee has a disability or mental illness or disorder;
- (b) the circumstances of the behaviour being displayed by the young detainee, such as a negative event experienced by the young detainee preceding the behaviour which assists in understanding the behaviour or aggravating circumstances which escalate the behaviour on the continuum of negative behaviour;
- (c) the overall behavioural record of the young detainee in custody; and
- (d) the rehabilitative needs and goals of the young detainee as identified through the young detainee's case plan.

6.47 The nature of the response to negative behaviour must:

- (a) be prompt and timely;
- (b) be managed in the least restrictive manner possible and ensure that sanctions or consequences for negative behaviour are graduated;
- (c) be individualised to the young detainee taking into account the contextual factors outlined above;
- (d) be reasonable and proportionate to the circumstances and seriousness of the behaviour as identified on the continuum of causing no harm to causing serious harm to a person, property or security or good order; and
- (e) assist the young detainee to understand why the behaviour is negative, the nature of, and reasons for, the response and what action the young detainee can take to modify their behaviour.

Reactive Strategies – Behaviour Management Plans

6.48 Young detainees may display negative and challenging behaviours in custody. These behaviours may be pre-existing or may arise in a custodial setting. Young detainees may display persistent low-level negative and challenging behaviour or negative behaviour which is more serious, including a minor behaviour breach or behaviour breach that places the safety of others at risk.

6.49 For young detainees who display negative and challenging behaviour, a more individualised approach is needed to focus on addressing the negative and challenging behaviour through a behaviour management plan.

6.50 A behaviour management plan must always be subordinate to, and consistent with, the overall case plan for the young detainee.

6.51 The purpose of a behaviour management plan is:

- (a) to assist the young detainee to identify their negative or challenging behaviour;
- (b) to work with the young detainee on identified goals to change their negative behaviour; and
- (c) to provide a consistent management plan for responding to the young detainee by staff.

6.52 A behaviour management plan should be developed for, and with, young detainees who:

- (a) are identified as displaying negative or challenging behaviour, or persistent negative or challenging behaviour; or
- (b) are identified as having a mental health issue or a disability which requires a behaviour management plan; or

- (c) are identified as representing a risk to the safety of a person or security and good order at a detention place, including following a minor behaviour breach or behaviour breach.

6.53 A behaviour management plan should be developed by a Unit Manager with the young detainee, Case Manager and relevant staff, including professionals working with the young detainee.

Assessment of behaviour and needs

6.54 The Unit Manager must gather information from relevant sources (Case Manager, youth workers, staff, other professionals working with the young detainee) to inform an assessment of the young detainee's behaviour and needs. Information gathered must include plans developed for the young detainee by other professionals working with the young detainee.

6.55 The Unit Manager must undertake an assessment of the young detainee's negative behaviour, including identification of factors contributing to the negative behaviour and the young detainee's needs for the implementation of targeted strategies to address their negative behaviour.

Development of behaviour management plan

6.56 After an assessment of the young detainee's behaviour and needs, the Unit Manager must develop a behaviour management plan. The plan must:

- (a) have a clearly defined objective with identified goals and timeframes;
- (b) incorporate proactive strategies (such as additional incentives) and reactive strategies (such as identified consequences) to be implemented with the young detainee; and
- (c) clearly articulate the expectations of all staff in working with the young detainee and responding to negative behaviour displayed by the young detainee.

6.57 The Unit Manager must consult with relevant professionals working with the young detainee in developing the plan. The plan must be agreed to and signed by the young detainee, Unit Manager and Case Manager. If the young detainee does not agree to the plan or agree to sign the plan, the Unit Manager must record this on the plan. The Unit Manager must forward the plan to the Operations Manager for endorsement. The Operations Manager must provide a copy of the plan to the Senior Manager who endorses the plan.

Implementation of behaviour management plan

6.58 The Unit Manager must ensure the plan is effectively implemented through:

- (a) distributing the plan to all staff working with the young detainee;
- (b) explaining the plan to all staff working with the young detainee;
- (c) ensuring that the plan has identified timeframes for review and is reviewed in accordance with these timeframes.

Review and adaptation of behaviour management plan

6.59 The Unit Manager is responsible for ensuring the plan is reviewed at a meeting involving the young detainee, Case Manager and other relevant staff at least once per fortnight.

6.60 The review should assess the young detainee's progress against the objective and goals outlined in the plan. The strategies outlined in the plan should be re-assessed and adapted as necessary to meet the objective and goals of the plan.

Reactive Strategies - De-escalation practices

6.61 De-escalation practices involve skills in identifying escalating negative behaviour, techniques to minimise escalation of negative behaviour and skills to respond in a critical situation.

6.62 The Senior Manager is responsible for ensuring training is provided to all youth detention officers on de-escalation practices including:

- (a) Identification of the physical and behavioural signs which indicate that a young detainee's behaviour is escalating;
- (b) Strategies for intervening to de-escalate a situation including verbal communication techniques such as negotiation and conflict resolution, non-verbal communication techniques such as positioning and safety measures such as removing dangerous objects and calling for assistance.

Reactive Strategies - Use of Force

6.63 Restrictive interventions such as the use of force are employed as an option of last resort to de-escalate an incident after all other de-escalation strategies have been implemented without success, or considered not appropriate to implement, for example, due to the urgency and seriousness of the situation.

6.64 In using force, including the use of an instrument of restraint, all youth detention officers must apply the Use of Force Policy and Procedures.

Reactive Strategies - Segregation including Safe Room Segregation

6.65 A young detainee may be placed in a safe room under a safe room segregation direction to prevent an imminent risk of the young detainee harming himself or herself. A safe room segregation direction may only be made by the Manager if the criteria for making the direction outlined in the Segregation Policy and Procedures is satisfied.

6.66 Safety and security segregation is a requirement for the management of a young detainee in a way that separates them from some or all other young detainees due to significant safety and security reasons, including behaviour which causes serious risk or harm to a person, property or security and good order. A safety and security segregation direction may only be made by the Manager in accordance with the criteria outlined in the Segregation Policy and Procedures.

Reactive Strategies - Behaviour Management Response to Minor Behaviour Breaches

6.67 Chapter 8 of the *Children and Young People Act 2008* outlines the action that can be taken in response to a minor behaviour breach or behaviour breach by a young detainee. A list of behaviour breaches is at Schedule 1 of this policy.

6.68 A minor behaviour breach is a behaviour breach (at Schedule 1) by a young detainee that:

- (a) is not of a serious or persistent nature;
- (b) does not involve a serious risk to the health or safety of another person at a detention place; and

- (c) does not involve a serious risk, or serious or persistent disruption, to the security or good order at a detention place.
- 6.69 Behaviour constituting a behaviour breach or minor behaviour breach does not need to be displayed at a detention place for it to be responded to under this policy or the Discipline Policy and Procedures. It may occur while the young detainee is under escort, on approved leave or otherwise lawfully absent from a detention place.
- 6.70 In determining whether a behaviour breach is a minor behaviour breach, the decision-maker must consider:
 - (a) the context of the negative behaviour displayed by a young detainee as outlined at 6.46;
 - (b) where the behaviour fits on the continuum of negative behaviour from causing no risk or harm to a person, property or security or good order to behaviour that causes minor, moderate or serious risk or harm to a person, property or security or good order;
 - (c) whether the young detainee has previously displayed negative behaviour of the same or a similar nature and whether it is forming a pattern of behaviour by the young detainee.

Action by youth detention officer

- 6.71 A youth detention officer may take one or more of the following actions if they believe that a young detainee has committed a minor behaviour breach or behaviour breach:
 - (a) Give the young detainee feedback about their behaviour;
 - (b) Give the young detainee a warning;
 - (c) Reprimand the young detainee; and/or
 - (d) Refer the alleged behaviour breach to the Administrator in a behaviour breach report form at schedule 5 for further investigation and/or a decision regarding what further action will be taken, if any.
- 6.72 If a staff member other than a youth detention officer believes that a young detainee has committed a minor behaviour breach or behaviour breach, the staff member may report the young detainee's behaviour to a youth detention officer in writing. The youth detention officer receiving the report of a minor behaviour breach or behaviour breach from a staff member may take action under 6.71.

Giving Feedback

- 6.73 The purpose of providing feedback to a young detainee is to assist the young detainee to understand the nature of the negative behaviour displayed and provide strategies for assisting the young detainee to positively change their behaviour.
- 6.74 Feedback in relation to negative behaviour should be provided to the young detainee by identifying the behaviour and explaining why the behaviour is negative. Strategies should be discussed regarding action that can be taken by the young detainee to modify their behaviour.
- 6.75 A feedback form must be completed by the youth detention officer who gives the feedback to a young detainee. The form must be forwarded to the Unit Manager. The Unit Manager must ensure a copy of the feedback form is given to the young detainee and a copy placed on the young detainee's file.

Giving a Warning

- 6.76 The purpose of warning a young detainee following a minor behaviour breach or behaviour breach is to reflect that a behaviour breach has occurred and to give the young detainee an opportunity to learn from their behaviour and change their future behaviour.
- 6.77 Feedback must always be provided prior to or at the same time as warning a young detainee. This ensures the young detainee understands the nature of the negative behaviour and is aware of strategies to positively change their behaviour.
- 6.78 A warning/reprimand form must be completed by the youth detention officer who gives the warning to a young detainee. The form must be forwarded to the Unit Manager. The Unit Manager must ensure a copy of the form is given to the young detainee and a copy placed on the young detainee's file.

Reprimanding

- 6.79 The purpose of reprimanding a young detainee is to formally caution the young detainee for a minor behaviour breach or behaviour breach and reflect that repetition of the behaviour may lead to a more serious sanction or consequence.
- 6.80 Feedback must always be provided prior to or at the same time as reprimanding a young detainee. This ensures the young detainee understands the nature of the negative behaviour and is aware of strategies to positively change their behaviour.
- 6.81 A warning/reprimand form must be completed by the youth detention officer who gives the reprimand to a young detainee. The form must be forwarded to the Unit Manager. The Unit Manager must ensure a copy of the form is given to the young detainee and a copy placed on the young detainee's file.

Referring the minor behaviour breach or behaviour breach to an Administrator

- 6.82 The purpose of a youth detention officer referring a minor behaviour breach or behaviour breach to an administrator is to escalate the breach for consideration of a behaviour management response or discipline response.
- 6.83 The youth detention officer must complete the behaviour breach report form at schedule 5 and give the completed form to the youth detention officer acting as administrator. The Reporting and Investigation Procedures must be referred to.
- 6.84 If the youth detention officer taking action under 6.71 is a youth worker, and the youth worker is referring the behaviour breach to an administrator under 6.71(d), the youth worker must give the behaviour breach report form to a Unit Manager who will act as administrator. If the youth detention officer taking action under 6.71 is a Unit Manager or other delegate in column 4 of table 3A, the officer must give the behaviour breach report form to the next most senior youth detention officer who will act as administrator.

Action by Administrator

- 6.85 After receiving a behaviour breach report form, the administrator must consider the report and determine the most appropriate response.

- 6.86 The administrator must inform the young detainee that a behaviour breach report has been made. The young detainee must be informed of the breach in a way he or she can understand. The administrator must also inform the young detainee that they may contact a support person or persons for assistance in responding to an alleged behaviour breach. Refer to Reporting and Investigation Procedures.
- 6.87 If the administrator considers that further investigation is necessary, the administrator may arrange for an investigator to investigate the alleged behaviour breach in accordance with the Reporting and Investigation Procedures. The Reporting and Investigation Procedures must be referred to for procedures in relation to further investigation.
- 6.88 The administrator may take no further action in relation to the report if it is considered appropriate.
- 6.89 The administrator may take 1 or more of the following actions:
- (a) Give the young detainee feedback about their behaviour (refer to 'Giving Feedback' above);
 - (b) Give the young detainee a warning (refer to 'Giving a Warning' above);
 - (c) Reprimand the young detainee (refer to 'Reprimanding' above);
 - (d) If it is a minor behaviour breach – impose behaviour management consequences (refer to 'Imposing behaviour management consequences for minor behaviour breaches');
 - (e) Refer the behaviour breach to the police for criminal investigation, subject to 6.90 below (see also 'Referring to police'); and
 - (f) Charge the young detainee in a charge notice form (refer to 'Commencing disciplinary action').
- 6.90 If the administrator is a Unit Manager and the administrator believes the behaviour breach should be referred to the police, the Unit Manager must refer the behaviour breach report form to the Operations Manager or Senior Manager. The Operations Manager or Senior Manager is responsible for deciding whether to refer the behaviour breach to the police

Imposing behaviour management consequences for minor behaviour breaches

- 6.91 In deciding what action to take in relation to a minor behaviour breach, the administrator must review any previous minor behaviour breaches and consequences imposed on the young detainee. Refer to 'Limits on behaviour management consequences for minor behaviour breaches' below.
- 6.92 The administrator may impose one or more of the following behaviour management consequences:
- (a) a fine, not exceeding \$25;
 - (b) a withdrawal of privileges, for not longer than 6 days;
 - (c) a requirement to perform extra chores, for not longer than 2 hours;
 - (d) a requirement to make an apology to a person affected by the minor behaviour breach.
- 6.93 In making a decision about the nature of behaviour management consequences to impose for a minor behaviour breach, the administrator must balance the following considerations:
- (a) the desirability of consistent consequences for minor behaviour breaches of similar nature and seriousness by young detainees;
 - (b) the desirability of young detainees understanding the monetary value of repair and replacement of property damaged through a minor behaviour breach;

- (c) the importance of restorative principles in repairing and improving relationships between the young detainee and a person affected by their behaviour, such as a requirement to make an apology to a person affected by the behaviour breach.
- 6.94 If the administrator imposes a fine, the dollar amount of the fine must be converted to points at the rate of 1 point per 10 cents and the points must be deducted from the young detainee's points balance as recorded on the Incentives, Rewards and Consequences Record.
- 6.95 If the administrator imposes a withdrawal of privileges, the administrator must specify which of the following privileges are being withdrawn:
 - (a) television access;
 - (b) access to the gym or pool outside program times;
 - (c) access to purchases;
 - (d) any other privilege that does not affect a young detainee's minimum entitlements outlined at Table 6B.
- 6.96 If the administrator imposes a requirement to perform extra chores, the administrator must arrange for the young detainee to perform the extra chores within their residential unit or within the centre.
- 6.97 If the administrator imposes a requirement to make an apology to a person affected by the minor behaviour breach, the administrator must arrange for a Case Manager or Unit Manager to facilitate the making of a verbal or written apology by the young detainee to the affected person/s.
- 6.98 The administrator must explain the nature of the consequence/s being imposed to the young detainee and provide written notice to the young detainee of the consequence/s imposed. A copy of the notice given to the young detainee must be placed on the young detainee's file.

Limits on behaviour management consequences for minor behaviour breaches

- 6.99 There are limits on the behaviour management consequences that a young detainee may receive under this policy for repetitive minor behaviour breaches. A behaviour management plan should be developed for young detainees displaying persistent negative or challenging behaviour which incorporates proactive and reactive strategies to be implemented with the young detainee in accordance with 6.56.
- 6.100 Prior to imposing behaviour management consequences for a minor behaviour breach, the administrator must review any previous behaviour management consequences imposed on the young detainee for minor behaviour breaches. The review must consider the cumulative total of behaviour management consequences imposed previously through fines (in dollar value), withdrawal of privileges (in number of days) and requirement to perform extra chores (in number of hours).
- 6.101 Sections 6.102, 6.103 and 6.104 of this policy apply if a young detainee has previously received behaviour management consequences for a minor behaviour breach under this policy during their current period of detention totalling any of the following:
 - (a) Fines of \$125 or more;
 - (b) Withdrawal of privileges of 30 days or more;
 - (c) Extra chores of 10 hours or more.
- 6.102 The administrator must not respond to the young detainee's minor behaviour breach or subsequent minor behaviour breaches during their period of detention by imposing behaviour management consequences under this behaviour management policy.

- 6.103 In responding to a minor behaviour breach by a young detainee who has previously received behaviour management consequences for a minor behaviour breach which total any of those outlined in 6.101, the administrator may take no further action or may take one of the following actions:
- (a) Give the young detainee feedback about their behaviour (refer to 'Giving Feedback');
 - (b) Give the young detainee a warning (refer to 'Giving a Warning');
 - (c) Reprimand the young detainee (refer to 'Reprimanding');
 - (d) Refer to the police for criminal investigation, subject to 6.104 below (see 'Referring to police'); and
 - (e) Commence disciplinary action by charging the young detainee in a charge notice (refer to 'Commencing disciplinary action').
- 6.104 If the administrator is a Unit Manager and the administrator believes the minor behaviour breach should be referred to the police, the Unit Manager must refer the behaviour breach report form to the Operations Manager or Senior Manager. The Operations Manager or Senior Manager is responsible for deciding whether to refer the alleged behaviour breach to the police.

Review of decisions to impose behaviour management consequences

- 6.105 A young detainee may apply in writing for a review of a decision made by an administrator to impose behaviour management consequences for a minor behaviour breach.
- 6.106 Following an application by a young detainee for a review under this section, the Operations Manager, Programs and Services Manager or Senior Manager must review a decision to impose behaviour management consequences. The officer reviewing the decision must not be the same person as the administrator who imposed the behaviour management consequences.
- 6.107 After completing a review, the Operations Manager, Programs and Services Manager or Senior Manager may set aside the decision to impose behaviour management consequences or vary the nature of the behaviour management consequences imposed.

Referring to police

- 6.108 Certain decision-makers may refer a report of a behaviour breach by a young detainee to the police if:
- (a) the report reveals information about the commission of an offence; and
 - (b) the decision-maker considers it appropriate to refer the report to police for criminal investigation because the behaviour has caused or is causing serious harm or risk to a person or property.
- 6.109 The decision-making points when this may occur are:
- (a) in response to a behaviour breach report form by the administrator (see 6.89(e) and 6.90); or
 - (b) after a review officer has completed an internal review (refer to 'Internal Review' in Discipline policy and procedures).
- 6.110 The referral must be in writing and accompanied by the behaviour breach report form and any investigation reports completed.
- 6.111 The 'Responding to Behaviour which is a Behaviour Breach and Criminal Offence' section in the Discipline Policy and Procedures must be referred to before the decision-maker refers to police.

Commencing disciplinary action

6.112 The administrator may commence disciplinary action against the young detainee by charging the young detainee in a charge notice form at schedule 6. The procedures for charging a young detainee and taking disciplinary action are addressed in the Discipline Policy and Procedures.

6.113 The Discipline Policy and Procedures must be referred to for proceeding with disciplinary action against a young detainee.

Reactive Strategies - Operational Response to Young Detainee following Minor Behaviour Breach or Behaviour Breach

6.114 An operational response following a minor behaviour breach or behaviour breach by a young detainee involves an assessment of the risk posed to safety, security and good order by the young detainee because of the minor behaviour breach or behaviour breach.

6.115 An operational response is designed exclusively to manage the young detainee in custody and ensure safety, security and good order. It is not implemented for punishment or disciplinary purposes.

6.116 A classification re-assessment may also occur in response to a minor behaviour breach or behaviour breach. Refer to the Admission and Classification Policy and Procedures.

6.117 A change in the level of risk posed by the young detainee's behaviour may be addressed by directions given by the Operations Manager or Senior Manager to:

- (a) change the young detainee's placement within the detention place from one residential unit to another;
- (b) restrict the young detainee's movement within the detention place;
- (c) segregate the young detainee in accordance with the Segregation Policy and Procedures;
- (d) change the level of observations required for the young detainee;
- (e) implement safety measures for the young detainee, such as non-rippable clothing;
- (f) implement security measures, such as directions regarding the use of restraining devices to escort the young detainee.

7. Forms and Templates

Schedule 2 Incentives Assessment Record

Schedule 3 Incentives, Rewards and Consequences Record

Schedule 4 Behaviour Management Plan form

Schedule 5 Behaviour breach report form (pursuant to section 293 of the *Children and Young People Act 2008*)

Schedule 6 Charge notice (pursuant to section 296 of the *Children and Young People Act 2008*)

8. Related Policies and Procedures

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

Admission and Classification Policy and Procedures

Discipline Policy and Procedures

Reporting and Investigation Procedures

Minimum Living Conditions Policy and Procedures

Leave Policy and Procedures

Visits, Phone Calls and Correspondence Policy and Procedures

Health and Wellbeing Policy and Procedures

Segregation Policy and Procedures

Use of Force Policy and Procedures

9. Further References

OCYFS Case Management Framework

Dictionary for Policies and Procedures

Schedule 1
Behaviour Breaches

The following behaviours constitute a behaviour breach under section 287 of the *Children and Young People Act 2008*:

(a)	Contravening a direction by a youth detention officer under this Act
(b)	Being in a prohibited area without the Senior Manager's approval
(c)	Smoking
(d)	Taking (in any way) alcohol, a prohibited substance or an unauthorised medicine into the young detainee's body
(e)	Providing a positive test sample for alcohol or a drug when directed, under this Act, to provide a test sample
(f)	Making, possessing, concealing, knowingly consuming or dealing with a prohibited thing, without the Senior Manager's approval
(g)	Gambling
(h)	Being disrespectful or abusive towards a youth detention officer in a way that undermines the officer's authority
(i)	Being disrespectful or abusive towards another person
(j)	Intentionally or recklessly engaging in conduct that endangers, or may endanger, the health or safety of the young detainee or anyone else
(k)	Fighting
(l)	Assaulting someone else
(m)	Theft
(n)	Possessing stolen property
(o)	Possessing or dealing in things without the Manager's approval
(p)	Intentionally or recklessly damaging or destroying property belonging to someone else
(q)	Interfering with property belonging to someone else, without approval by the owner of the property
(r)	Creating or participating in a disturbance, or other activity, likely to endanger security or good order at a detention place
(s)	Contravening a condition of a leave permit under section 241 or an interstate leave permit under section 242
(t)	Doing anything for the purpose of escaping, or assisting a young detainee to escape, from detention
(u)	Offering, giving or taking a bribe
(v)	Planning, conspiring or attempting, or assisting anyone else planning, conspiring or attempting, to commit a behaviour breach
(w)	Threatening to do anything mentioned in paragraphs (j), (k), (l), (p) or (r).



INCENTIVES ASSESSMENT RECORD

Name :	Week Commencing:						
Weekly Average:							
	F	S	S	M	T	W	T
1. NIGHTSHIFT BEHAVIOUR IN ROOM							
Disruptive, abusive, inciting, kicking, banging, yelling, non compliant, sleeping on floor	0	0	0	0	0	0	0
Needs prompting to follow directions/rules, slow to go to bed	1	1	1	1	1	1	1
Needs constant requests to turn television or radio volume down to an acceptable level	2	2	2	2	2	2	2
Follow directions/rules/compliant, goes to bed without disturbing others	3	3	3	3	3	3	3
Pro-active in supporting staff directions/rules, in room at bedtime	4	4	4	4	4	4	4
2. PERSONAL HYGIENE							
Fails to shower, clean teeth, spitting, poor table manners	0	0	0	0	0	0	0
Continually prompted to shower, clean teeth, wear clean clothes, places hands down front of pants	1	1	1	1	1	1	1
Needs prompting to clean teeth, shower, clean, wear clean clothes, does not spit	2	2	2	2	2	2	2
Takes pride in personal and section appearance and participates in section routines	3	3	3	3	3	3	3
Personal attire and section maintained at a High standard all day.	4	4	4	4	4	4	4
3. RESPECT FOR OTHERS & CENTRE PROPERTY							
Rude, abusive, displays sexually harassing behaviour, other inappropriate behaviour, graffiti, damages Centres property	0	0	0	0	0	0	0
Some arguing, continual non-directed swearing, constant questioning of request/directions, complies only after direction, needs prompting to collect centre clothing	1	1	1	1	1	1	1
Needs prompting to not swear, show respect and non harassing behaviour, no aggressive language or behaviour, no stealing, collects centre issued clothing prior to exiting program locations.	2	2	2	2	2	2	2
Communicates appropriately helps others and staff, needs no direction, encourages peers to collect centre issued clothing prior to exiting program locations.	3	3	3	3	3	3	3
Displays a high standard of respect towards all peers and staff on centre. Collects and appropriately disposes of peers centre issued clothing prior to exiting program locations	4	4	4	4	4	4	4
4. ATTITUDE/COOPERATIONS WITH DIRECTIONS							
Refuses to follow directions, section, centre rules or co-operate with others, incites and encourages others to be unco-operative	0	0	0	0	0	0	0
Reluctant to follow requests/directions, section and/or centre rules or to co-operate with others and does so when prompted	1	1	1	1	1	1	1
Needs prompting to follow requests/directions, section and/or centre rules, co-operates with others	2	2	2	2	2	2	2

Demonstrates a willingness to co-operate with staff and peers. Appropriate role model	3	3	3	3	3	3	3
Demonstrates a high standard of co-operation and self manages behaviour by making appropriate choices.	4	4	4	4	4	4	4
5. CENTRE MOVEMENTS							
Does not move as requested by staff or follow staff direction in relation to centre movements	0	0	0	0	0	0	0
Needs continual prompting to move as required and needs constant direction from staff in relation to centre movements	1	1	1	1	1	1	1
Requires several directions to move as required	2	2	2	2	2	2	2
Moves as required, with minimum direction from staff	3	3	3	3	3	3	3
Moves as required without direction and encourages other young detainees to do so	4	4	4	4	4	4	4
6. BEDROOM STANDARDS							
Refuses to keep bed, floor, shower, toilet, hand basin, desk, desk shelf, clothing and posters maintained to the nominated bedroom standard	0	0	0	0	0	0	0
Reluctant in keeping bed, floor, shower, toilet, hand basin, desk, desk shelf, clothing and posters maintained to the nominated bedroom standard	1	1	1	1	1	1	1
Needs continual prompting to keep bed, floor, shower, toilet, hand basin, desk, desk shelf, clothing and posters maintained to the nominated bedroom standard	2	2	2	2	2	2	2
Without staff direction, keeps bed, floor, shower, toilet, hand basin, desk, desk shelf, clothing and posters maintained throughout the day to the nominated bedroom standard	3	3	3	3	3	3	3
Proactively ensures that bed, floor, shower, toilet, hand basin, desk, desk shelf, clothing and posters maintained to the nominated bedroom standard	4	4	4	4	4	4	4
7. CHORES AND TASKS							
Refuses to do chores or follow section rules and disrupts others by their non participation and non cooperation in maintaining the good order of the section	0	0	0	0	0	0	0
Does not participate in maintaining the good order of the section, slow in doing chores, following section rules or to co-operate with others, unless prompted	1	1	1	1	1	1	1
Needs continual prompting to follow section rules and participate in maintaining the good order of the section and perform chores	2	2	2	2	2	2	2
Promotes the rules of the section and maintains the good order of the section by being a positive role model, does chores/tasks without being asked	3	3	3	3	3	3	3
Pro-actively identifies and completes extra chores	4	4	4	4	4	4	4
8. PARTICIPATING IN CENTRE ACTIVITIES							
Refuses to attend or participate in allocated programs	0	0	0	0	0	0	0
Attends and participates in allocated programs with prompting	1	1	1	1	1	1	1
Attends allocated program and actively participates	2	2	2	2	2	2	2
Attends allocated program, actively participates, supports and encourages others to actively participate and does not remove items from allocated programs	3	3	3	3	3	3	3
Attends allocated program, actively participates, supports and encourages others to actively participate, does not remove items from allocated programs, displays extra initiative during program	4	4	4	4	4	4	4
9. EXTRA INITIATIVE							
Refuses to do extra initiative/duties and/or disrupts others by their non participation and non cooperation.	0	0	0	0	0	0	0
Does not participate in extra initiative/duties, slow in doing extra initiative/duties, or fails to co-operate with others, unless prompted.	1	1	1	1	1	1	1
Needs continual prompting to undertake extra initiative/duties and/or co-operate with others.	2	2	2	2	2	2	2
Completes extra initiatives/duties without prompting and co-operates positively with	3	3	3	3	3	3	3

others. Provides a positive role model to others.							
Displays exceptional positive behaviour. Pro-actively identifies and completes extra chores. Provides very positive role modelling to others.	4	4	4	4	4	4	4
TOTALS							
DAILY POINTS TOTAL							
WEEKLY POINTS TOTAL							

Expectations of Staff:

Operational Response:

SIGNATURES

Young Detainee: _____

Unit Manager: _____

Case Manager: _____

Date:



BEHAVIOUR BREACH REPORT FORM

(Pursuant to section 293 of the *Children and Young People Act 2008*)

Young Detainee’s Name: _____ DOB: _____

Name and Designation of Officer Submitting Report: _____

Details of the alleged behaviour breach and when it occurred:

Action taken by Officer:

Signature: _____ Date: _____

Form to be given to Officer Acting as Administrator



CHARGE NOTICE

(Pursuant to section 296 of the *Children and Young People Act 2008*)

Young Detainee's Name: _____	DOB: _____
Name and Designation of Charging Officer: _____	
Behaviour Breach Charged: _____	
Details of the behaviour constituting the charge and when it occurred: _____ _____ _____ _____	
Proposed disciplinary action: _____ _____ _____ _____	
Signature: _____	Date: _____
Form to be given to Young Detainee	

<p style="text-align: center;">Notice to Young Detainee</p> <p>You have been charged with a behaviour breach of _____.</p> <p>You may:</p> <ul style="list-style-type: none"><input type="checkbox"/> Admit to the breach you have been charged with and agree with the proposed disciplinary action as outlined above; or<input type="checkbox"/> Apply for internal review of the charge. You have the right to the help of a support person to assist you do this. <p>Place a tick in the box next to what action you want to take and sign and date below. If you do not understand this form or have a question, talk to a youth worker. Return this form to a Unit Manager as soon as you have completed it. The signed form must be returned within 48 hours. If you do not sign and return the form, disciplinary action may be taken against you. You can ask for more time to make a decision by talking to a youth worker.</p> <p>Signature: _____</p> <p>Date: _____</p>
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