

Children and Young People (Property) Policy and Procedures 2015 (No.1)

Notifiable instrument NI2015-394

made under the

***Children and Young People Act 2008*, section 143 youth detention policy and operating procedures**

1 Name of instrument

This instrument is the *Children and Young People (Property) Policy and Procedures 2015 (No.1)*.

2 Commencement

This instrument is to commence the day after notification.

3 Repeal

NI2008–382 is revoked.

4 Policies and operating procedures

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

Sue Chapman
Acting Director-General
Community Services Directorate
8 July 2015

Property Policy and Procedures

1 Introduction and Purpose

This policy and procedures address section 191 of the *Children and Young People Act 2008* that makes provision in relation to a young person's property including:

- (a) storage of property
- (b) access to, and use of, property
- (c) transfer of property
- (d) compensation for loss of, or damage to, property
- (e) return of property to the young person.

A young person's property does not include a prohibited thing. Prohibited things must be dealt with in accordance with the Search and Seizure Policy and Procedures.

Correct handling and documentation of young people's property during admission and induction and the period of their detention is essential.

2 Legal Authority and Obligations

- 2.1 The *Children and Young People Act 2008* (the Act) is the primary source of authority for the operations of a detention place. Section 191 (Property of young people) and section 194 (Trust accounts of young people) are particularly relevant to this policy and procedures. The provisions of the Act 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 Act and other relevant legislation, including the *Human Rights Act 2004*.
- 2.3 Human rights that are protected by the *Human Rights Act 2004* and that are relevant to this policy and procedure are:

Section 19 Humane treatment when deprived of liberty

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

Section 20 Children in the criminal process

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

- 2.4 The following international human rights standards apply in the ACT and are relevant to this policy and procedure:
- (a) United Nations Convention on the Rights of the Child
 - (b) United Nations Standard Minimum Rules for the Administration of Juvenile Justice
 - (c) United Nations Rules for the Protection of Juveniles Deprived of their Liberty Rule 18(c), 35, 46
 - (d) Standard Minimum Rules for the Treatment of Prisoners
 - (e) Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
 - (f) United Nations Declaration on the Rights of Indigenous People.

3 Authorisations and Delegations

- 3.1 Youth workers are responsible for accurately documenting, storing and returning the personal property of young people.
- 3.2 The Manager may allow a young person's property to be brought into the detention place if the Manager considers that the property is unlikely to jeopardise the safety and security of the young person or other people.
- 3.3 The Manager may give a direction imposing conditions in relation to the property including conditions in relation to:
- (a) the nature, amount and location of property that may be held by a young person at the detention place
 - (b) the use of the property.
- 3.4 The Minimum Living Conditions Policy and Procedures require the Manager to ensure, as far as practicable, that young people have reasonable access to books and other articles associated with their religious, spiritual or cultural beliefs or practices. Access to these items may be restricted by the Manager in accordance with the Minimum Living Conditions Policy and Procedures
- 3.5 The Manager must ensure that the Register of Young Detainees includes details in relation to the young person's property as recorded on the young person's property sheet.

4 Definitions

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

Accredited person is defined in section 137 of the *Children and Young People Act 2008* and means the young person's Care and Protection worker if the Director-General has parental responsibility for the young person, a representative approved by the Manager of an entity providing a service or program to the young person, a lawyer representing the young person, an Official Visitor, a Commissioner exercising functions under the *Human Rights Commission Act 2005*, the Public Advocate and the Ombudsman.

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

Approved property means a young person's property that the Senior Manager has allowed to be brought into the detention place.

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 that have delegations as authorised persons are: Executive Director, Senior Director (A), Director (B), Senior Manager (C), Deputy Senior Manager (C), Operations Manager (D/1), Programs and Services Manager (D/2), Unit Managers (E/2), Team Leaders (F/1), Youth Workers (G/1), casual Youth Workers (I/3), Family Engagement Officer (E/5).

Child means a person who is under 12 years of age (as defined under section 11 of the *Children and Young People Act*).

Detention place means a declared detention place.

Direction means an instruction that may be given by a youth worker under section 146 of the *Children and Young People Act 2008* to a young person about anything related to the criminal matters chapters. A young person must comply with any direction given to the young person by the Director-General or delegate under section 184 of the *Children and Young People Act 2008*. Non-compliance by a young person with a direction is a behaviour breach and may be dealt with through the Behaviour Management Policy and Procedures or Discipline Policy and Procedures.

Director refers to the responsible senior executive in the Community Services Directorate.

Director-General means the Director-General of the Community Services Directorate with administrative responsibility for the *Children and Young People Act 2008*, unless otherwise specified in this policy and procedure.

Duty of care refers to the obligation by youth workers to take reasonable care to avoid injury or loss to a person whom it could be reasonably foreseen might be injured by an act or omission.

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.

Induction officer is the youth worker responsible for undertaking the induction procedures for a young person.

Manager refers to the Senior Manager of a detention place during normal business hours, or in the event this person is unavailable, the Deputy Senior Manager, or in the event this person is unavailable, the Operations Manager, or in the event this person is unavailable, a Unit Manager. Outside normal business hours, this refers to the On-call Manager.

Nominated person is a person nominated by a young person aged 18-21 years at the time of admission to whom the Director-General can give notifications under the *Children and Young People Act 2008*. The details of the nominated person must be entered in the Register of Young Detainees.

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

Property sheet is the form used to record a young person's property.

Prohibited thing is a thing declared under section 148 of the *Children and Young People Act 2008* by the Director-General to be prohibited if the Director-General reasonably believes that the declaration is necessary or prudent to ensure safety and security of a young person or other people at a detention place. The Declaration of Prohibited Things is contained in the Search and Seizure Policy and Procedures

Register of Young Detainees means the register that must be kept by the Director-General under section 185 of the *Children and Young People Act 2008*. The details of every young person who is admitted to a detention place must be recorded on the register at induction. The register comprises of the young person's individual Bimberi Client residential file and information stored electronically on the Youth Justice Information System (YJIS).

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 Manager considers is significant in the child or young person's life.

Staff refers to youth workers and other authorised persons.

Torres Strait Islander person is defined in the dictionary of the *Children and Young People Act 2008* as a person who is a descendant of the Indigenous inhabitants of the Torres Strait Islands; who regards himself or herself as a Torres Strait Islander or if the person is a child, is regarded as a Torres Strait

Islander by a parent or family member; and is accepted as a Torres Strait Islander by a Torres Strait Islander community

Treating doctor is a doctor appointed under section 97 of the *Children and Young People Act 2008* for a detention place by the Director-General responsible for the administration of the *Health Act 1993*. The treating doctor's functions are to provide health services to young people and to protect the health of young people, including preventing the spread of disease at a detention place.

Young person is defined at section 12 of the *Children and Young People Act 2008* and means a person who is aged 12 years and older, but under 21 years, who is required to be held in the Director-General's custody. A young person who is 21 years or older cannot be detained at a detention place. Young person means the same thing as young detainee, and young person aged 18-21 years means the same things adult young detainee, in the *Children and Young People Act 2008*.

Youth Justice Case Management refers to the unit or team in the Community Services Directorate that is responsible for the supervision of young people who have been placed on a Court Order by the ACT Children's Court or the ACT Supreme Court.

Youth worker is defined at section 96 of the *Children and Young People Act 2008* and means an authorised person to whom the Director-General has delegated functions of a youth worker under the criminal matters chapters. The positions that have delegation as a youth worker for the policies and procedures are: Senior Manager (C/2), Deputy Senior Manager (D), Operations Manager (E/7), Programs and Services Manager (E/8), Unit Managers (F/6), Team Leaders (G/5), Youth Workers (H/4), casual Youth Workers (I/3), Family Engagement Officer (F/9). Youth worker means the same as youth detention officer in the *Children and Young People Act 2008*.

5. Principles

Legislative Principles

5.1 The Act sets out the principles that must be considered by all decision-makers making decisions under this policy and procedure.

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 the 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 or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced
 - (b) the child or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption
 - (c) the child 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 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 principle

- (1) 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 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 Director-General as providing ongoing support services to the child or young person or the child 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 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 and young people 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 child or young person the opportunity to re-enter the community
- (i) it is a high priority that intervention with children or young people must promote their rehabilitation, and must be balanced with the rights of any victim of the child or young person'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 (e.g. the *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

Bringing Property into a Detention Place

- 6.1 Property may be brought into a detention place in the following ways:
- (a) on the young person's admission and induction
 - (b) approved property brought back from leave
 - (c) approved property provided to/for a young person by a family member, significant person or accredited person
 - (d) property purchased under the Behaviour Management Policy and Procedures
 - (e) property made through approved programs.
- 6.2 All property is to be searched. Any item that is a prohibited thing or that jeopardises the safety and security of the young person or other people may be seized and forfeited in accordance with the Search and Seizure Policy and Procedures. If a thing that is seized belongs to a young person and is not forfeited, then it must be placed in the young person's property container and returned to them on their discharge.

Admission and Induction Procedures

- 6.3 All young people must hand over their personal property, including all clothing, to a youth worker for inspection at admission and induction.
- 6.4 In making a decision about property that a young person is allowed to keep in their possession at the time of admission and induction to a detention place, the Manager must consider the legal status of the young person. As far as practicable, a non-convicted young person should be allowed to keep in their possession items of personal

- property that will not jeopardise safety or security of the young person or other people (e.g. photograph/s of family members, book/s).
- 6.5 If a young person possesses medication at the time of admission and induction, the youth worker must ensure that the medication is provided to the treating doctor or nurse undertaking the initial health assessment who will determine what should be done with the medication (refer to the Admission and Classification Policy and Procedures for initial health assessment and the Health and Wellbeing Policy and Procedures for the authority to issue and handle medication).
 - 6.6 A youth worker must, where possible, arrange for a young person's personal clothing to be washed and dried. This must be completed in time to allow a young person to wear their own clothing to Court, where necessary.
 - 6.7 All young people are to be issued with a set of clothing and personal hygiene items at admission and induction.

Receipt of Property Procedures

- 6.8 The Induction Officer will ensure that all property is thoroughly searched and recorded on the property sheet.
- 6.9 The Induction Officer must also make a record of a decision by the Manager to allow a young person to keep any property in their possession.
- 6.10 The Induction Officer must advise a young person of the procedures for storage of property.
- 6.11 Property will be returned to a young person upon their release from custody, unless sections 6.12 or 6.13 apply.
- 6.12 If a youth worker considers any property in the possession of a young person is not suitable to be returned to the young person, a youth worker must deal with the property in accordance with the Search and Seizure Policy and Procedures.
- 6.13 If a youth worker considers any property, including a prohibited thing, in the possession of a young person is, or may be, connected with a criminal offence, a youth worker must apply the Search and Seizure Policy and Procedures.
- 6.14 The Induction Officer must ensure the description of all items of property is sufficient in determining the value and condition of any items allegedly lost or stolen. The description of the articles must include colour, brand, and type of article (e.g. dark blue sweatshirt with hood, Nike brand).
- 6.15 The following information must be entered on the young person's property sheet:
 - (a) a description of the article
 - (b) any serial numbers of all valuable items
 - (c) the number of articles
 - (d) the condition of the articles (e.g. as new, good, fair, poor)
 - (e) the security seal number.
- 6.16 A young person's property must be placed in a property bag and sealed using a security seal. The serial number displayed on the security seal must be entered onto the young person's property sheet.
- 6.17 The young person must sign and date the property sheet to acknowledge the condition and nature of their property, the sealing of

- the property bag with a security seal and the security seal reference number. If the young person refuses to sign the property sheet, the Induction Officer must record this on the property sheet.
- 6.18 The Induction Officer must also sign and date the property sheet.
- 6.19 All property of young people must be stored in the property store in the Admissions Building, to be returned on the young person's discharge from a detention place, unless the property is otherwise dealt with under the Search and Seizure Policy and Procedures.
- 6.20 The Induction Officer must ensure that all details in relation to property have been recorded on the property sheet, including the location of the property. The Induction Officer must ensure that the Register of Young Detainees includes details in relation to the young person's property as recorded on the property sheet.

Receiving Money

| Step | Action | Responsibility |
|------|---|---|
| 1 | Money counted and placed in named envelope | Induction Officer |
| 2 | Envelope sealed and security seal number entered on the trust account receipt and on the property sheet | Induction Officer |
| 3 | Receipt for money issued to young person and placed in property bag and recorded on property sheet | Induction Officer |
| 4 | Information entered in Trust Account Ledger | Induction Officer |
| 5 | Trust Account Ledger entry signed | Induction Officer and young person or, if the young person refuses to sign Induction Officer and another youth worker |
| 6 | Envelope placed in Trust Account Safe Deposit Box | Induction Officer |

- 6.21 Money in the possession of a young person being inducted must be counted by the Induction Officer and placed in an envelope.
- 6.22 The Induction Officer must record the name of the young person on the outside of the envelope.
- 6.23 The Induction Officer must ensure the envelope containing the young person's money is sealed with a numbered security seal.
- 6.24 The Induction Officer must enter the security seal number on the trust account receipt and on the property sheet.
- 6.25 The Induction Officer must issue the young person with a trust account receipt for the money placed in the envelope and retain a copy of the receipt in the trust account receipt book.
- 6.26 The Induction Officer must ensure that the trust account receipt is placed in the young person's property bag and recorded on the property sheet.

- 6.27 The Induction Officer must enter the following information into the Trust Account Ledger:
- name of the young person
 - date and time of induction
 - amount of money received
 - receipt number
 - number of the security seal used to seal the envelope.
- 6.28 The Induction Officer and the young person must sign the ledger to confirm the entry is accurate.
- 6.29 If the young person refuses to sign the ledger, a second youth worker must count the money and sign the ledger to confirm that the entry is accurate.
- 6.30 The Induction Officer must place the sealed envelope in the Trust Account Safe Deposit Box.
- 6.31 The Senior Manager, Deputy Senior Manager, Operations Manager and Business Manager are the only staff authorised to open the Trust Account Safe Deposit Box.
- 6.32 The Business Manager or Operations Manager must reconcile the contents of the Trust Account Safe Deposit Box with the Trust Account Ledger on a weekly basis.
- 6.33 The Trust Account Ledger is subject to audit procedures.

Receiving and Storing Valuables

| Step | Action | Responsibility |
|------|---|------------------------------------|
| 1 | Valuables received | Induction Officer |
| 2 | Valuables searched | Induction Officer |
| 3 | Valuables entered on the young person's property sheet | Induction Officer |
| 4 | Valuables placed in valuables property bag and sealed | Induction Officer |
| 5 | Security seal number entered into young person's property sheet | Induction Officer |
| 6 | Property sheet signed and dated | Induction Officer and young person |
| 7 | Valuables secured in Valuable Property Store in Admissions Building | Team Leader or Unit Manager |

- 6.34 Valuables include:
- jewellery
 - wallet/purse
 - key or credit cards
 - other cards (e.g. drivers licence, proof of age, Centrelink cards)
 - mobile phones and smartphones)
 - keys
 - e-book device, music players, gaming devices or other handheld electronic devices
- 6.35 All property must be thoroughly searched in accordance with the Search and Seizure Policy and Procedures.
- 6.36 The Induction Officer must ensure that the description of all valuables is sufficient to assist in determining the value and condition of any

- items allegedly lost or stolen. The description must include the colour, brand and type of article.
- 6.37 Jewellery must be described in the following way: if an item appears to be made of gold or silver, the property sheet must read yellow or white metal. Where an item contains a stone, the colour of the stone must be recorded. The property sheet in this instance must read transparent cut stone rather than diamond.
- 6.38 The following information must be entered into the young person's property sheet:
- a description of the article
 - any serial numbers of all valuable items
 - the condition of the articles
 - the seal number
 - the valuables locker number.
- 6.39 Valuable property must be placed in a valuables property bag and sealed using a security seal.
- 6.40 The serial number displayed on the security seal must be entered onto the young person's property sheet.
- 6.41 The young person must sign and date the property sheet to acknowledge the condition and nature of the property, the sealing of the property bag with a security seal and the security seal reference number. If the young person refuses to sign the property sheet, a youth worker must record this on the property sheet.
- 6.42 The Induction Officer must also sign and date the property sheet.
- 6.43 The Induction Officer must ensure that all details in relation to property have been recorded on the property sheet. The Induction Officer must ensure that the register of young detainees includes details in relation to the young person's valuables property as recorded on the property sheet.
- 6.44 Valuables must be stored in the Valuable Property Store in the Admissions Building by the Team Leader or Unit Manager.

Opening a Property or Valuables Bag

| Step | Action | Responsibility |
|------|--|---|
| 1 | Break seal | Youth worker |
| 2 | Check contents | Youth worker |
| 3 | Note any changes on property sheet | Youth worker |
| 4 | New security seal number entered on property sheet | Youth worker |
| 5 | Property sheet signed and dated | Youth worker and young person |
| 6 | Reseal with new security seal | Youth worker |
| 7 | Return to property or Valuable Property Store | Youth worker or Team Leader or Unit Manager for Valuable Property Store |

- 6.45 Circumstances in which a property or valuables bag may be opened include:

- (a) where a young person has made a request for access to an item/s of property which has been approved by the Manager
 - (b) where further property of the young person is to be added to the property bag (e.g. correspondence declined to be received by the young person)
 - (c) to access property for court or approved leave.
- 6.46 The seal of a property or valuables bag should, where practicable, be broken in front of the young person whose property is contained in the bag. If this is not possible, two youth workers must be present.
- 6.47 The contents of the property or valuables bag must be checked each time a seal is broken.
- 6.48 Any discrepancies, including any changes made at the time of the seal being broken, must be noted on the property sheet. Should any discrepancies be discovered, the youth worker must submit a report to the Operations Manager as soon as practicable. The Operations Manager will investigate all discrepancies.
- 6.49 The new security seal number must be entered on the property sheet.
- 6.50 The youth worker and young person must sign and date the property sheet.
- 6.51 The property bag must be resealed by the youth worker with the new security seal and returned to the property or Valuable Property Store. Valuables must be stored in the Valuable Property Store in the Admissions Building by the Team Leader or Unit Manager.

Return of Property to a Young Person on Discharge

- 6.52 A young person's property, whether ordinary property, valuables and/or money, is to be returned to the young person at the time of the young person's discharge from a detention place due to:
- (a) the legal authority for the young person's detention lapsing or otherwise terminating
 - (b) another reason for discharge.

| Step | Action | Responsibility |
|------|--|---|
| 1 | Remove young person's trust account envelope from Trust Account Safe Deposit Box | Senior Manager, Deputy Senior Manager, Operations Manager, Business Manager |
| 2 | Break seal of property and/or valuables bag and/or trust account envelope | Youth worker |
| 3 | Check and confirm contents | Youth worker |
| 4 | Property sheet signed and dated | Youth worker and young person |
| 5 | Trust Account Ledger signed | Youth worker and young person |
| 6 | Copy of signed property sheet included on young person's file | Youth worker |

- 6.53 Procedures in relation to opening a property or valuables bag must be followed as listed at section 6.45-6.51.

- 6.54 The youth worker must check and confirm the contents of the property and/or valuables bag and/or trust account envelope.
- 6.55 The young person must sign and date the property sheet for all returned property at the time of their discharge. The youth worker must also sign and date the property sheet.
- 6.56 The young person must sign the Trust Account Ledger for the money returned to them at the time of their discharge. The youth worker must also sign the Trust Account Ledger.
- 6.57 The youth worker must place a copy of the signed property sheet on the young person's file.

Transfer of Property with a Young Person

- 6.58 A young person's property, whether ordinary property, valuables and/or money, is to be transferred with a young person to:
 - (a) an interstate detention place
 - (b) a correctional centre
 - (c) another place.

| Step | Action | Responsibility |
|------|--|---|
| 1 | Remove young person's trust account envelope from Trust Account Safe Deposit Box | Senior Manager, Deputy Senior Manager, Operations Manager or Business Manager |
| 2 | Break seal of property and/or valuables bag and/or of trust account envelope | Youth worker |
| 3 | Check and confirm contents | Youth worker |
| 4 | Note any changes | Youth worker |
| 5 | Update security seal number | Youth worker |
| 6 | Property sheet signed | Youth worker and young person |
| 7 | Reseal property bag | Youth worker |
| 8 | Sign property over to escort officer | Youth worker |
| 9 | Copy of signed property sheet included on young person's transfer file | Youth worker |

- 6.59 Procedures in relation to opening a property or valuables bag must be followed as listed at 6.45-6.51.
- 6.60 The youth worker must check and confirm the contents and note any changes.
- 6.61 The youth worker must update the security seal number.
- 6.62 The young person and youth worker must sign the property sheet. If the young person refuses to sign the property sheet, a youth worker must record this on the property sheet.
- 6.63 The youth worker must reseal the property bag and sign the property over to the escort officer.
- 6.64 The youth worker must place a copy of the signed property sheet on the young person's transfer file.

Reporting and Investigation of Invalid Seals

| Step | Action | Responsibility |
|------|-----------------------------|-----------------------|
| 1 | Seal found to be invalid | Youth worker |
| 2 | Report submitted | Youth worker |
| 3 | Investigation conducted | Operations Manager |
| 4 | Report to Senior Manager | Operations Manager |
| 5 | Further action as necessary | Senior Manager |

- 6.65 An invalid seal is one in which the seal is broken or where the seal number does not match that recorded on the property sheet.
- 6.66 Upon finding or becoming aware of an invalid seal or any alleged lost or damaged property, a youth worker must submit a written report to the Operations Manager immediately.
- 6.67 The Operations Manager will investigate all reports of invalid seals. Where a discrepancy in the property contents is confirmed, the Operations Manager must investigate the discrepancy. Upon completion of the investigation, the Operations Manager must provide the Senior Manager with an investigation report including finding/s and recommendation/s.
- 6.68 The Senior Manager may endorse the recommendation/s of the investigation report and take any of the following action in relation to the invalid seal and/or any alleged lost or damaged property:
- request further investigation
 - arrange replacement of any lost or damaged property
 - commence disciplinary action against a staff member under the *Public Sector Management Act 1994* or the Directorate's Enterprise Agreement
 - refer to police for a criminal investigation.

Disposal of Property

- 6.69 Property may be disposed of if a young person does not collect an item following discharge.
- 6.70 All property will be disposed of in accordance with the *Uncollected Goods Act 1996*, or prior agreement with the young person.
- 6.71 A youth worker must make a record of the disposal of any property.

Release of Property Following the Death of a Young Person

| Step | Action | Responsibility |
|------|--|--|
| 1 | Contact with next of kin or nominated person regarding arrangements for collection of property | Senior Manager, Deputy Senior Manager or Operations Manager |
| 2 | Register of property compiled | Operations Manager |
| 3 | Property collected and signed for | Operations Manager |
| 4 | Property sheet placed on young person's file | Operations Manager |

- 6.72 The Senior Manager, Deputy Senior Manager or Operations Manager will contact the young person's next of kin or nominated person to make arrangements for the collection of the young person's property held at a detention place.
- 6.73 The Operations Manager will compile a complete list of the young person's property, including all personal articles in their room, items stored on admission, and any valuables or money.
- 6.74 The Operations Manager must ensure all property being collected is signed for by the person collecting the property.
- 6.75 The signed property list must be placed on the young person's file to ensure evidence is maintained of the collection of the property.

Provision of Information, Review of Decisions and Complaints

- 6.76 Staff must ensure young people, people with parental responsibility, nominated persons, family and visitors are provided with information about matters that affect them in a timely manner and in a manner that is likely to be understood.
- 6.77 A young person, person with parental responsibility, nominated person, family and visitors are able to request a review of a decision or make a complaint about something that happens at a detention place to a youth worker, Manager, the ACT Public Advocate, the Official Visitor, the Office for Children, Youth and Family Support Decision Review Panel, or the Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989*.
- 6.78 Staff must ensure that the Complaints Management Policy and Procedures is followed.

Records and Reporting

- 6.79 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.
- 6.80 All staff are mandated reporters under the *Children and Young People Act 2008*. A report must be made to Care and Protection Services if a staff member reasonably believes that a young person who is aged under 18 years has experienced or is experiencing sexual abuse or non-accidental physical injury by any person.

7. Forms and Templates

Incident report form
Induction interview form
Property sheet
Register of Young Detainees
Trust Account Ledger

8. Related Policies and Procedures

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

Admission and Classification Policy and Procedures
Complaints Management Policy and Procedures
Death in Custody Policy and Procedures
Minimum Living Conditions Policy and Procedures

Records and Reporting Policy and Procedures
Safety and Security Policy and Procedures
Search and Seizure Policy and Procedures
Treatment of Convicted and Non-Convicted Young People Policy and
Procedures

Policies and Procedures in the Office for Children, Youth and Family Support
Single Case Management Policy and Procedures

9. Further References

NA

10. Review

10.1 This policy and procedure will be reviewed at least once every 12 months.