

Australian Capital Territory

Children and Young People (Behaviour Management) Policy and Procedures 2018 (No.1)

Notifiable instrument NI2018-432
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 (Behaviour Management) Policy and Procedures 2018 (No.1)*.
- 2 Commencement**
This instrument is to commence the day after notification.
- 3 Repeal**
NI2015-368 is revoked.
- 4 Policies and operating procedures**
Under section 143 of the *Children and Young People Act 2008*, I make the attached Behaviour Management Policy and Procedures to facilitate the effective and efficient management of detention services for young people.

Bernadette Mitcherson
Director-General
Community Services Directorate
7 August 2018

Behaviour Management Policy and Procedures

1. Introduction and Purpose

This policy and procedures address the requirement at section 297 of the Act for the Director-General to establish a behaviour management framework for responding to minor behaviour breaches and must be read and understood in conjunction with the Discipline Policy and Procedures and Reporting and Investigation Policy and Procedures.

The purpose of this policy and procedures is to:

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

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

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. Chapters 8 and 9 of the Act address behaviour management and discipline procedures at a detention place and 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.

Section 27 Rights of minorities

- (1) Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practise his or her religion, or to use his or her language.

2.4 The following international human rights standards apply in the ACT and are relevant to this policy and procedures:

- (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 66, 67, 68, 69, 70, 71
- (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 The delegates of the Director-General who may make decisions or take action under chapters 8 and 9 of the Act in response to minor behaviour breaches or behaviour breaches are identified in Column 4 of Table 3A. Column 5 addresses the requirements in the Act 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 a decision or take action	Who the decision-maker must not be
Section 293 Youth worker	6.71 Behaviour Management Policy and Procedures	Youth worker may: a) give the young person feedback about their behaviour b) give the young person a warning; c) reprimand	Youth worker, Team Leader, Unit Manager, Operations Manager, Programs and Services Manager,	Initial decision-maker can be a youth worker as described, but there are rules about later decision-

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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 a decision or take action	Who the decision-maker must not be
		the young person d) refer the alleged behaviour breach to the Administrator in a behaviour breach report form	Operations Manager, Deputy Senior Manager, Director, Bimberi	makers not being the same person (see below)
Sections 291 and 295(2)(b) Investigator	6.81 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, Operations Manager, Deputy Senior Manager, Director, Bimberi	The investigator must be a different person to the youth worker 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	6.85-6.90 Behaviour Management Policy and Procedures	An Administrator may: a) arrange for an investigator to investigate the alleged behaviour breach b) take no further action c) give the young person feedback about their behaviour d) give the young person a warning e) reprimand the young person	Unit Manager (may take any action except referring an alleged behaviour breach to police), Operations Manager, Programs and Services Manager, Operations Manager, Deputy	The Administrator must be a different person to the youth worker who refers the alleged behaviour breach in a behaviour breach report form and a different person to the investigator

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 a decision or take action	Who the decision-maker must not be
		f) for a minor behaviour breach-impose behaviour management consequences g) refer the alleged behaviour breach to police h) charge the young person in a charge notice	Senior Manager, Director, Bimberi	
Section 302 Administrator	6.10, 6.15 Discipline policy and procedure	An 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, Operations Manager, Deputy Senior Manager, Director, Bimberi, Director, Child and Youth Protection Services Operations	The review officer must be a different person to the youth worker who made the allegation report, who investigated the behaviour breach and the Administrator
Section 307 Review officer	6.32-6.35 Discipline policy and procedure	Review officer may take disciplinary action, refer the charge to the police or DPP or must dismiss the charge	As above	As above

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 a decision or take action	Who the decision-maker must not be
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

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 Child and Youth Protection Services worker if the Director-General has parental responsibility for the young person, a representative approved by the Senior 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.

Administrator is defined at section 286 of the *Children and Young People Act 2008* and means an authorised person to whom the Director-General 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, Deputy Senior Manager and Director, Bimberi.

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.

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, Child and Youth Protection Services Operations (B), Director, Bimberi (B), Deputy Senior Manager (C), Operations Manager (D), Programs and

Services Manager (D), Unit Managers (E), Team Leaders (F), Youth Workers (G), Family Engagement Officer (F), Sports and Recreation Officer (F).

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.

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

Behaviour management means any intervention or strategy implemented by staff designed or intended to influence or manage the behaviour of young people. Behaviour management interventions and strategies are divided into proactive and responsive strategies.

Behaviour management consequence means an action/s that may be imposed in response to a minor behaviour breach. Behaviour management consequences under this policy and procedure are prescribed by section 298 of the *Children and Young People Act 2008* and 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 and Procedures are prescribed by section 318 of the *Children and Young People Act 2008* and 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 this Behaviour Management Policy and Procedures.

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

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

Charge notice is a notice given to a young person to commence disciplinary action against the young person.

Child means a person who is under 12 years of age (as defined under section 11 of the *Children and Young People Act 2008*).

Child and Youth Protection Service refers to the branch in the Community Services Directorate that is responsible for the Child Protection and Youth Justice functions of the *Children and Young People Act 2008* and related legislation.

Detention place means a declared detention place.

Direction refers to 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, Child and Youth Protection Services Operations refers to the responsible senior executive in the Community Services Directorate.

Director, Bimberi refers to the Director of a detention place and 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.

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.

Incentive scheme means is a system of a 'token economy' of rewards where young people can earn points for demonstrating positive behaviours and achievements. These points can then be exchanged for different rewards and privileges. The scheme is designed to recognise and reinforce socially acceptable and positive behaviours by young people within a detention place and actively participation in programs and their case plan.

Investigator is defined at section 291 of the *Children and Young People Act 2008* and means an authorised person to whom the Director-General 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, Deputy Senior Manager or Director, Bimberi.

Lock down refers to the operational response that is an interruption to daily routine whereby young people and other people are asked to remain in a particular place for a period of time in order to manage a risk to safety and security of young people or other people at a detention place (e.g. to manage a serious or life threatening injury or health complaint, a lock down may be required to prevent the entry to, or exit from, a detention place by any person other than emergency response services). Lock down does not involve segregation.

Manager refers to the Director 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 Program and Services Manager in the event this person is unavailable, a Unit 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* and 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 safety and security of a young person or other people at a detention place.

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.

Police refers to ACT Policing.

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

Responsive strategies are responses to behaviour that include the development of a behaviour management plan, de-escalation practices, 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.

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).

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

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.

Support person is defined at section 286 of the *Children and Young People Act 2008* and means a person can be a support person if:

- (a) the young person chooses the person to assist the young person or represent the young person's interests; and
- (b) the Manager considers:
 - i. the person is capable of assisting the young person or representing the young person's interests and
 - ii. it is in the young person's best interests for the person to be the young person's support person.

Time out is a behaviour management strategy that has a purpose to restore socially appropriate pro-social behaviour by withdrawing a young person from a situation in which they are demonstrating inappropriate behaviour.

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.

Withdrawal of privilege is a behaviour management strategy that has a purpose to restore socially appropriate pro-social behaviour by withdrawing a young person's privileges when they are demonstrating inappropriate behaviour.

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*.

Child and Youth Protection Services Case Management refers to the branch 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: Director, Bimberi (B), Deputy Senior Manager (C), Operations Manager (D), Programs and Services Manager (D), Unit Managers (E), Team Leaders (F), Youth Workers (G), Family Engagement Officer (F), Sports and Recreation Officer (F). 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 their 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 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.

Operational Principles

5.2 The following considerations inform this policy and procedure:

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

- (b) environmental strategies emphasise a normalised environment in which there is predictability, consistency and boundaries for young people. Reinforcement strategies include the use of incentives and rewards to recognise and affirm socially acceptable behaviour by young people
- (c) responsive strategies may be implemented to respond to negative behaviour by young people, including behaviour that constitutes a minor behaviour breach or behaviour breach
- (d) a minor behaviour breach may be responded to under this policy and procedure and may involve the young person receiving behaviour management consequences such as a fine or withdrawal of privileges. Disciplinary action against a young person for a behaviour breach may be commenced by charging the young person. The procedure for charging a young person and taking disciplinary action are addressed in the Discipline Policy and Procedures
- (e) an operational response to a young person may also follow a minor behaviour breach or behaviour breach committed by the young person. An operational response following a minor behaviour breach or behaviour breach by a young person involves an assessment of the risk posed to safety and security by a young person because of their behaviour and the implementation of directions to address this assessed level of risk
- (f) proactive strategies promote positive and pro-social behaviour by young people and minimise reliance on reactive strategies to respond to negative or challenging behaviour
- (g) negative behaviour displayed by young people should be considered in the context of the circumstances surrounding the behaviour and the characteristics of the young person, including their age, maturity, developmental stage and rehabilitation needs, where appropriate. Any response to negative behaviour must be prompt and timely and must ensure the young person understands which behaviour is being identified as negative, the nature of, and reasons for, the response and what action the young person can take to modify their behaviour
- (h) negative behaviour should be managed in the least restrictive manner possible and sanctions or consequences for negative behaviour should be graduated
- (i) time out is a strategy used after a range of other strategies, such as distraction, verbal reminders and ignoring, have proved ineffective in changing the inappropriate behaviour and when or where behaviour escalates very quickly and in the judgement of the youth worker there is an immediate risk of harm to people or property. Time out may be used in combination with other behaviour management responses. Time out is always enacted immediately at the time of inappropriate behaviour. It is not to be used as a threat or as a punishment and it is to be enacted in a way that assists the young person to learn to regulate their behaviour. Time out might occur anywhere in the detention place including in a young person's room. Time out may be directed by staff or requested by the young person.

6. Policy and Procedure

The Behaviour Management System sets the standard of behaviour for young people in Bimberi Youth Justice Centre. The Behaviour Management System encompasses a professional practice guide for staff with procedures, strategies and interventions to respond to young people's behaviours whilst maintaining a safe and secure environment.

- 6.1 aims to provide an environment that fosters the social, emotional, intellectual, and physical development of young people while in custody. An effective behaviour management system is one tool to accomplish these objectives by:
- (a) procedures that provide and maintain safety and security in Bimberi Youth Justice Centre
 - (b) promoting respect, fairness and the protection of the rights of young people and staff
 - (c) providing a mechanism that assesses the needs and supports for young people with an understanding of normative adolescent development and behaviour;
 - (d) providing staff with constructive methods, that are predictable and consistent, to address young people's behaviour
 - (e) meeting the needs of the young person, ensuring that the approach is developmentally, intellectually, emotionally, age, gender and culturally appropriate
 - (f) providing a learning culture for young people that assists them in understanding and self managing their behaviours
 - (g) providing opportunities for young people to make positive changes in their lives and actively participate in their rehabilitation
 - (h) providing staff with evidence based skills, interventions and resources to respond to the individual needs and behaviours of young people
 - (i) providing a system that monitors and maps a young person's progress with the flexibility to respond to change as appropriate.
- 6.2 The Director, Bimberi is responsible for ensuring staff receive training in the following areas relevant to working with children and young people in custody through:
- (a) understanding the needs of children and young people 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
 - (h) giving feedback.

Behaviour Management Strategies

- 6.3 Behaviour Management strategies draw on a variety of techniques and strategies to assist staff to support young people to change their actions, behaviours and responses. The Behaviour Management System is a collective approach that incorporates consistency of practice by staff in the Centre.
- (a) proactive and responsive strategies
 - (b) measures for maintaining a safe and secure environment
 - (c) a classification system to manage risk
 - (d) an environment that fosters the social, emotional, intellectual, cultural and physical development of young people while in custody
 - (e) trauma informed practice
 - (f) a system that promotes, and assists young people with rehabilitation.

The Behaviour Management System principles:

- 6.4 The Behaviour Management System is supported by the following principles:
- (a) based on structure: Behaviour Management System has written rules and instructions that are clearly understood by all young people and staff. Staff are

- provided with the relevant training and the young people are provided information from staff regarding the code of conduct, Centre rules and routines and the incentive scheme;
- (b) is well planned: Staff must know exactly what to do every day on every shift by access to morning briefs, unit meetings, shift notes, risk assessments and Director, Bimberi Instructions. Young people are informed as to what is expected of them and the daily routine by staff;
 - (c) Promote respect: Respect must be shown to young people and staff through behaviour, actions and words. This includes staff modelling respect by their interactions with their colleagues and others;
 - (d) Be proactive: Staff must prepare for the day and identify any potential risks or alerts. Staff must advise the young people about any change in process or routine and consider any possible outcome or reaction by the young people. The policy and procedures contain proactive strategies for managing young people to reduce the need for responsive or restrictive strategies;
 - (e) Provide good instructions: Staff must provide instructions, rather than orders, that are clear, consistent and specific when interacting with young people;
 - (f) Incorporate a high level of involvement: All young people should be provided the opportunity and encouraged to participate in any suitable activity unless they are subject to restrictions for safety and security reasons;
 - (g) Engage the young people: Staff should interact with young people and not isolate themselves;
 - (h) Address good social skills: Staff should encourage and support good social skills demonstrated by young people. Staff should immediately address any inappropriate/disrespectful language or behaviour including derogatory remarks made by young people towards others.
 - (i) Focus on the positives: Staff should praise small improvements in behaviour to encourage further good behaviour and achievements;
 - (j) Embrace tolerance: Working effectively with young people and colleagues means that one must be tolerant of the beliefs and personalities of others: Staff should model tolerance at all times;
 - (k) Concentrate on pro social modelling: Staff should be mindful that young people learn appropriate behaviours by watching adults and others. Staff should be model appropriate behaviour with all their interactions with young people;
 - (l) Provide training: A significant component of maintaining the Behaviour Management System structure is to provide ongoing training to staff and to provide orientation to the Behaviour Management System for young people;
 - (m) Predictable consequences: Positive and negative consequences must be fair and consistent and should be clearly articulated to the young people. It is important to understand that the Behaviour Management System embraces discipline and not punishment. The consequences must be predictable, consistent and issued in an objective process;
 - (n) Provide leadership: Young people respond positively to effective leadership from staff. Leadership is a key component in guiding young people to learn Centre rules and routines, positive social skills and behavioural change. Staff should apply balanced control that is not aggressive or too passive;
 - (o) Trauma Informed Practice: Studies into trauma, attachment and child development provide a fuller understanding of the underlying attachment and developmental impairments young people live with. Primarily, traumatised young people are unable to regulate their emotional states and lack a sense of cause and effect and their own contribution to what happens to them. All staff

are provided training regarding the effects of childhood trauma on young people and must apply these principles appropriately

- (p) Communication: Effective communication is essential for working with young people and encouraging them to build positive relationships, seek advice and use services. Staff should be mindful that an important part of effective communication is the ability to listen and understand others. Young people who feel they are not being heard are more likely to rebel and display difficult behaviours;
- (q) Motivational Interviewing: Motivational interviewing is a collaborative communication method that involves the use of specialised language and techniques to strengthen a person's own motivation for and commitment to change. By using these techniques staff can be an active agent in addressing the common problem of ambivalence to change by evoking a person to argue for change themselves.

The practice guidelines provide a comprehensive explanation and outline of the above strategies.

Staff

6.5 Staff are to:

- (a) interact with young people in a respectful manner, communicating warmth, genuine positive regard, and interest in the young person and their views and opinions
- (b) demonstrate empathy by accepting and understanding a young person's feelings and views
- (c) listen actively to a young person's views, ask clarifying questions and offer reflective feedback
- (d) maximise opportunities for young people 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 person understands expectation and directions, for example, by asking the young person their understanding of what the expectation or direction is
- (h) set appropriate professional boundaries in interactions with young people.

The use of Feedback to young people

6.6 A young person who engages in negative behaviour do so for two general types of reasons:

- (a) because they have not yet learned how to behave appropriately in the situation
- (b) because the inappropriate behaviour is generating more reinforcement to them than appropriate behaviour.

6.7 Staff are to provide feedback regularly to a young person and as soon as possible after positive or negative behaviour in order for a young person 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 person 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.

- 6.8 Staff should ensure that feedback is understood by the young person by checking the young person's understanding of the feedback provided to them.

Behaviour Management Strategies

The Behaviour Management System employs both proactive and responsive strategies to manage, respond and change a young person's behaviour and to develop positive life skills.

Proactive Strategies

- 6.9 Proactive strategies are preventative measures that staff use on an ongoing basis to reduce the future probability of a young person displaying negative or challenging behaviour. Positive strategies:
- (a) do not refer to a single strategy or intervention, but rather a suite of measures that should be imbedded into the daily practice of staff to encourage the young person's ongoing positive behavioural change.
 - (b) used effectively reduces the need to use responsive and restrictive strategies.
 - (c) are varied and embedded in Centre processes and the interaction between staff and the young person.

Proactive strategy - Communicating behavioural expectations

- 6.10 The effectiveness of the Behaviour Management System relies on the clear communication of the Centre rules, routines and behavioural expectations to the young person. Staff are to communicate this information to the young person in the following ways:
- (a) providing an explanation of the Centre rules, routines and behavioural expectations at the time of admission
 - (b) providing an initial orientation to the Centre, including an explanation of the Code of Conduct
 - (c) explaining the consequences for positive and negative behaviours in the Centre
 - (d) explaining the young person's rights while in the Centre
 - (e) providing each young person with a copy of the resident's handbook
 - (f) ensuring that their communication style is appropriate to the young person's developmental stage and cultural needs
 - (g) providing guidance around behavioural standards by correcting, coaching and reinforcing rules and expectations
 - (h) providing timely feedback for non-compliant or negative behaviour
 - (i) posting information on behavioural expectations throughout the Centre
 - (j) providing weekly feedback of the young person's behaviour and progress through the incentive scheme

Proactive strategy - Classification

- 6.11 A classification assessment is completed for each young person remanded in custody by the court. The classification process objectively assesses the young person's level of risk and informs program participation and level of supervision. For example, a young person with a high risk classification would be assessed as suitable for low risk programs and a young person with a low risk classification would be assessed as suitable for high risk programs. The classification level is an essential consideration when approving leave or privileges for a young person.

The classification system provides an incentive for some young people to improve their classification through more positive behaviour, achieving case

plan goals and program participation. Improving their classification will improve a young person's access to additional programs and leave and guides the young person's access to privileges and privileged items. The young person's classification is either reviewed at a scheduled review time or a review can be triggered by an event. (Admission and classification NI)

Proactive strategy - Client Services Meeting

6.12 The Client Services Meeting is conducted on a weekly basis and formally reviews each young person. It is chaired by the Programs and Services Manager. The meeting is attended by:

- (a) Programs and Services Manager (chair)
- (b) Director, Bimberi/ Deputy Senior Manager
- (c) Operations Manager
- (d) Child and Youth Protections Services Case Managers
- (e) Family Engagement Officer/Classification Officer
- (f) Unit Managers
- (g) Murrumbidgee Education and Training Centre staff
- (h) Justice Health Services staff
- (i) Forensic Mental Health Services staff

6.13 The purpose of the meeting is to review:

- (a) present initial classifications and adjustment to the Centre;
- (b) present classification reviews;
- (c) movement between incentive levels;
- (d) the individual progress for young people in the Centre including their behaviour, incentive reports and progress with their case plan;
- (e) discuss and sanction any proposed leave for the young person or participation in external programs or work experience;
- (f) a young person's behavioural issues, including involvement in incidents
- (g) changes in a young person's mental health and/or medical health concerns or needs;
- (h) an upcoming court date for a young person with possible release
- (i) an upcoming scheduled release date for a young person and transition plans
- (j) changes in a young person's placement, observation and classification considerations;
- (k) any other issue related to the young people in custody.

6.14 The relevant Unit Manager is responsible for completing a report for each young person who is scheduled to be discussed. Reports are also tabled from Child and Protection Services Case Management, Forensic Mental Health Service, Murrumbidgee Education and Training Centre and Justice Health Services to provide a holistic assessment of the young person's progress.

6.15 At the review, the attending professionals will evaluate the young person's behaviours and progress and provide recommendation if required.

6.16 The outcomes of the Client Services meeting are recorded and all changes to the young person's classification, alerts, incentive level or status are updated on the young person's electronic record.

6.17 The Unit Manager must explain the outcome of the client services meeting to the young person, including the decision-making process and what was considered in making decisions. The Unit Manager is to take all reasonable steps to assist the young person to understand the reasons for all decisions made.

Proactive strategy - The Environment

- 6.18 The environment of the detention place can have a positive or negative impact on the behaviour of a young person. The objective is to promote a positive and normalised setting that promotes positive behaviour and reduces the likelihood of negative behaviour by young people.
- 6.19 The principle of a normalised environment is that the detention place aligns as closely as possible with community life and that restrictions for young people are kept to the minimum necessary level to ensure safety and security of the young person or other people. It aims to ensure that young people have some degree of autonomy to facilitate responsible decision-making.
- 6.20 A normalised environment should be promoted by staff in the following ways:
- (a) providing structure for young people in daily routines and activities. The daily structure for a young person should reflect as closely as possible that of a child or young person not in detention who is undertaking schooling or vocational training and recreation activities
 - (b) facilitating opportunities for young people to take responsibility and make meaningful decisions
 - (c) allowing young people to express their identity consistent with policies and procedures, such as personalising their rooms
 - (d) promoting socialisation of young people with peers in a range of settings, such as recreational activities
 - (e) supporting young people to express their cultural identity and practice religious beliefs
 - (f) encouraging young people to take pride in and responsibility for their environment;
 - (g) respecting the privacy and personal space of young people as far as possible
 - (h) modelling pro-social behaviour at all times, including respectful communication between staff
 - (i) ensuring consistency in communication and approach with young people across all staff members
 - (j) not labelling young people
 - (k) minimising periods of 'lock down' time and other restrictions on movement within the detention place.

Proactive strategy - Individual Assessment

- 6.21 An Individual Assessment is conducted by the Unit Manager for each young person who is in custody for more than two weeks. The assessment is conducted for young people on remand or sentenced. The purpose of the Individual Assessment is to collate information about the young person from relevant sources to assist with the management of the young person whilst in custody and use in the development of an Individual Progress Plan.

Proactive strategy - Individual Progress Plan

- 6.22 The Individual Progress Plan is a plan that is developed from the information contained in the Individual Assessment that:
- (a) informs staff if there are any special needs identified for the young person;
 - (b) identifies known management strategies for the young person;
 - (c) patterns of behaviours and effective responses;
 - (d) alerts, and triggers for the young person;
 - (e) case plan goals;
 - (f) young person's strengths;
 - (g) identified needs including therapeutic and care plans .

- (h) the plan for the young person while they are in custody.
- (i) the Individual Progress plan is linked to the young person's case plan and may also be linked to their individual goals in their incentive scheme. The progress of the Individual Progress Plan is monitored through the Weekly Incentive Feedback Report and reviews conducted at the Client Services Meeting;
- (j) can be updated when goals and or strategies to address problematic behaviours in the plan have been achieved.

Proactive Strategies and Case Management and Case Planning

- 6.23 Case management provides the structure in which interventions address a young person's criminogenic needs, non-criminogenic needs and/or other assessed needs.
- 6.24 Interventions being implemented under a case plan to address a young person's assessed needs may have a positive effect on the young person's behaviour in custody. This is because negative or challenging behaviour displayed by a young person in custody may relate to the young person's offending behaviour. However, the primary objective of case management is to address a young person's assessed needs related to the reason for their detention, and not to manage the young person's behaviour in custody.
- 6.25 Child and Youth Protection Services Case Management work in partnership with Bimberi staff and other agencies and services in a single case management model in the rehabilitation of young people in custody.

Proactive strategy – The Incentive Scheme

- 6.26 Bimberi operates an incentive scheme based on a 'token economy'. The incentive scheme is a system of rewards where young people can earn points for demonstrating positive behaviours and achievements; these points can then be exchanged for different rewards and privileges.

Aims of the Incentive Scheme

- 6.27 The Incentive scheme aims to:
- (a) establish behavioural standards for young people in Bimberi
 - (b) ensure that young people are aware of the behavioural expectations while in Bimberi
 - (c) increase the likelihood of positive behaviour and decrease the likelihood of negative behaviour
 - (d) improve the relationships and rapport between young people and Bimberi Youth Justice Centre staff
 - (e) support the young person in achieving their case plan goals
 - (f) provide all young people with an opportunity to identify personal goals and earn rewards and privileges for achieving these goals
 - (g) provide young people with the opportunity to learn strategies and to reflect on choices
 - (h) provide young people with the opportunity to discuss constructive feedback and advice in a supportive environment
 - (i) map the progress of young people
 - (j) allow staff to actively participate in the change process with young people.
- 6.28 The incentive scheme has four levels with an identified standard of behaviour and achievement for each level. The standard expected increases with each level from one to four. The choice of rewards and privileged items available for the young person to earn also increases as they progress through the levels.

- 6.29 Young people will enter the incentive scheme on Level one following their induction into Bimberi. The focus of Level one is for the young person to settle into the Centre routine and learn the rules and procedures. In order to progress to the next level or remain in their current level, the young person must meet the targets specified for each level.
- 6.30 To ensure the implementation of the incentive scheme is fair and objective, staff are guided by the criteria set out on the respective Daily Incentive Records when allocating incentive points.
- 6.31 The assessment criteria for the Incentive Scheme are underpinned by four domains: Belonging, Mastery, Independence and Generosity, that are outlined in The Circle of Courage, Response Ability Pathways. The standard for each domain in each level is outlined on the Daily Incentive Record.
- 6.32 The Incentive Scheme is linked to the young person's Case Plan and Individual Progress Plan. All staff must be familiar with these documents for each young person under their care.

Allocation of Incentive points

- 6.33 As young people earn incentive points by achieving, or making efforts to achieve, the behavioural and achievement standards for the relevant level of the Incentive Scheme.
- 6.34 To determine a young person's incentive point earnings, the Youth Worker conducts an assessments using the Daily Incentive Record three times per day, in the morning, afternoon and evening. This provides the young person with an opportunity to improve his or her behaviour throughout the day.
- 6.35 In each session the Youth Worker scores the young person incentive point earnings for each of the four domains. The young person may earn the following incentive points for each domain:
 - (a) did not achieve -0
 - (b) made an effort with prompting or encouragement/partially achieved at a satisfactory level - 2
 - (c) completed/achieved at a good standard with prompting and encouragement - 3
 - (d) achieved – self initiated and achieved - 5.
- 6.36 The incentive points are converted into monetary value for the purpose of the young person making purchases or accessing privileges
- 6.37 Young people can also earn additional incentive points for the week by achieving their weekly personal and unit goals.

Incentive Personal goals

- 6.38 Personal goals are goals that are achievable and relate directly to the young person's personal development, case plan and behaviour in the Centre. The aim of personal goals is to individualise and target areas for the young person to change or develop. Personal goals are identified and reviewed by the Unit Manager with the young person during the Weekly Incentive Feedback Meeting. Personal goals should be linked to the young person's:
 - (a) case plan and Individual Progress Plan
 - (b) need for behavioural change in a specific area
 - (c) participation in programs and services
 - (d) compliance with Centre rules and Unit routines
 - (e) development of skills to manage personal stressors and conflict with others;
 - (f) development of pro social attitudes and beliefs
 - (g) developing and/or maintaining meaningful relationships with family and supports
 - (h) personal development.

Incentive Unit Goals

6.39 The Unit Goal is a weekly goal for young people in their respective units and identified by the Unit Manager, in consultation with the unit staff team. The Unit Manager informs the young person of the Unit goal during the Weekly Incentive Feedback Meeting. Unit goals aim to:

- (a) promote team work
- (b) encourage harmony within the Unit
- (c) provide staff with the opportunity to assist young people in developing positive relationships and interpersonal skills
- (d) promote a sense of belonging
- (e) promote responsibility towards ones environment
- (f) promotes pro social skills and interactions with others.

6.40 The contributions of each young person towards the achievement of the unit goal are considered individually. This ensures that young people who make a concerted effort to achieve the goal are not negatively affected by the poor performance of others.

Progression through the Incentive Scheme levels

6.41 Young people can progress through the levels of the Incentive Scheme by achieving the relevant criteria for the relevant level.

6.42 The Unit Manager:

- (a) determines if the young person has met the criteria during regular the Weekly Incentive Feedback Meetings
- (b) makes a recommendation and provides evidence in relation to the young person to change incentive levels, either up or down at the Client Services Meeting
- (c) Client Services panel will make a decision about the young person changing incentive levels based on the information
- (d) The Unit Manager will advise the young person of the outcome of the recommendations and update the young person's records if required.

Access to television

6.43 Young people earn access to the television in their room

- (a) on a daily basis by earning fifty percent of total daily incentive points
- (b) the Team Leader must assess the young person's access to their television at the end of the shift for the day based on their earned incentive points
- (c) Staff should provide feedback to the young person if they are at risk of not earning sufficient points to access their television
- (d) the Team Leader is responsible for advising the young person if they have not earned their television.

Incentive Scheme - Roles and Responsibilities

Young person

6.44 The young person is responsible for working to the best of their ability towards achieving behavioural standards and personal and unit goals. The young person is also responsible for discussing daily and weekly assessments with staff in an appropriate manner.

Youth Worker

6.45 The Youth Worker should:

- (a) guide young people to achieve daily, personal, and unit goals and encouraging them to remain focused during challenging times
- (b) conduct an assessment and allocation of daily incentive points
- (c) advise the young person of their progress so the young person is aware of the likelihood of points earned or not earned. This provides the young person with an opportunity to improve their behaviour or attitude and earn incentive points in the next section of the day
- (d) ensure that their assessment of the young person's behaviours, efforts and achievements is fair and objective. The assessment should not be used as a punishment and the emphasis should be on the young person earning or not earning incentive points
- (e) if the Youth Worker works in more than one unit over the shift, they must discuss with the Team Leader if who is the most appropriate person to complete the daily assessment.

Team Leader

6.46 The Team Leader must oversee the allocation of points for each young person at the end of each day to ensure that the incentive point earnings are a true reflection of their behaviours and achievements.

Unit Manager

6.47 The Unit Manager must complete the Weekly Incentive Feedback Report for each young person in their respective units: The Unit Manager must:

- (a) review the individual young person's behaviour, progress and achievement and collates their daily assessment incentive point earnings for the week.
- (b) meet with the young person for a Weekly Incentive Feedback Meeting to discuss the young person's behaviour and achievements for the week and identify areas for further development including case plan goals
- (c) consult with the young person to identify three personal goals for the following week.
- (d) advise the young person of the unit goal for the week.
- (e) approve purchases and privileges for the young person based on their incentive point earnings. The Unit Manager must record all privileges and privileged items approved for the young person on the Approved Items and Privileges Record
- (f) attend the Client Services Meeting and report on each young person's progress and provide a summary of their Weekly Incentive Feedback Reports for the month. The Unit Manager is also to make recommendations at the meeting for any changes to a young person's classification or incentive level.

Types of incentives

6.48 This policy and procedure and/or the Discipline Policy and Procedures must not affect a young person's minimum entitlements.

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

6.50 Non compliance and negative behaviours demonstrated by the young person should be reflected in their daily incentive points. In addition, staff should provide an explanation to the young person and encouragement to change or improve their behaviour. Action taken under the incentive scheme, in this policy and Procedure and the Discipline Policy and Procedure must not affect the young person's minimum entitlement.

Table 6B Minimum Entitlements

Minimum living conditions	Young people are entitled to statutory minimum living conditions consistent with the Minimum Living Conditions Policy and Procedures 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 people are entitled to make a telephone call on admission and a minimum of four telephone calls each week to approved family members and significant people. Telephone calls in addition to this are an incentive which may be purchased. Young people are entitled to unlimited access to telephone contact with accredited people.
Visits	Young people are entitled to receive a visit from a family member or significant person for at least one hour each week.
Mail	Young people are entitled to send and receive mail consistent with the Visits, Phone Calls and Correspondence Policy and Procedures.
Contact with accredited people	Young people 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 people are entitled to health services consistent with the Minimum Living Conditions Policy and Procedures and Health and Wellbeing Policy and Procedures. Young people are entitled to transfer to a health facility where this is necessary for the young person to receive health services at the facility.
Education and vocational training	Young people are entitled to participate in education. Young people are entitled to participate in vocational training approved as part of a case management plan.
Programs	Young people are entitled to participate in programs. The nature of the program or programs that a young person may participate in is subject to the young person's case plan and security classification.
Leave	Young people may be granted leave in accordance with the Local and Interstate Leave Policy and Procedures.

Proactive Strategies and Rewards

- 6.51 Rewards are another proactive strategy for reinforcing positive behaviour by young people:
- 6.52 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
- 6.53 Rewards are not cumulative and cannot be withdrawn as a consequence of a minor behaviour breach or behaviour breach
- 6.54 The Unit Manager may determine appropriate rewards for young people in consultation with relevant staff such as the young person's case manager. A decision to give a reward to a young person can be made by a Unit Manager
- 6.55 All youth workers are responsible for identifying positive behaviours and/or achievements by young people which may be considered for a reward
- 6.56 A youth worker should inform a Unit Manager of identified positive behaviours and/or achievements by a young person;
- 6.57 The Unit Manager must record the giving of a reward on the young person's file;
- 6.58 Rewards should not be items that available to be earned through the Incentive Scheme.

Responsive Strategies

- 6.59 Responsive strategies are measures and interventions that are used by staff as a direct response to a young person's negative or challenging behaviour. Responsive strategies are used to de-escalate situations and to discontinue a negative behaviour to minimise damage.
- 6.60 Responsive strategies include both the immediate interventions employed by staff in response to a young person's negative or challenging behaviour and also the proceeding consequences that are implemented as a direct result of the behaviour.
- 6.61 Negative behaviour displayed by young people should be viewed in context of the behaviour being displayed and the characteristics of the young person, including their age, maturity, developmental stage and rehabilitation needs, where appropriate. In responding to a young person's negative or challenging behaviour staff must ensure that:
 - (a) the behaviour is managed in the least restrictive manner possible
 - (b) the sanctions or consequences enacted are graduated
 - (c) the response is prompt and timely
 - (d) the young person understands the behaviour identified as negative
 - (e) the young person understands the nature of, and reasons for, the response
 - (f) the young person understands actions they can take to modify their behaviour

Responsive Strategies for Negative Behaviour

6.62. 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 safety and security to a young person or other people at the detention centre to behaviour that causes minor, moderate or serious risk or harm to a person, property or safety and security to a young person or other people at a detention centre.

No risk or harm to a person or property or	Minor risk or harm to a person or	Moderate risk or harm to a person or property or safety	Serious risk or harm to a person or property or safety and security
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safety and security	property or safety and security	and security	
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Negative Behaviour → Minor Behaviour Breach → Behaviour Breach

Behaviour Management Plans

6.63 For young people 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. The development and implementation of the plan is a pro active responsive strategy to assist young people to address their negative or challenging behaviour and to avoid the use of disciplinary actions to manage the young person's behaviours.

6.64 A Behaviour Management Plan must always be subordinate to, and consistent with, the overall case plan for the young person.

The purpose of a behaviour management plan is:

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

6.65 A Behaviour Management Plan should be developed for, and with a young person who:

- (a) is identified as displaying negative or challenging behaviour, or persistent negative or challenging behaviour;
- (b) is identified as having a mental health issue, a disability or trauma experiences which requires a behaviour management plan;
- (c) is identified as representing a risk to the safety of a person or safety and security at a detention place, including following a minor behaviour breach or behaviour breach;

6.66 A Behaviour Management Plan should be developed by a Unit Manager with the young person, case manager and relevant staff, including professionals working with the young person.

Assessment of behaviour and needs

6.67 The Unit Manager must gather information from relevant sources such as:

- a) the young person's Individual Progress Plan
- b) the Child and Youth Protection Service Case Manager
- c) Bimberi staff
- d) Murrumbidgee Education and Training Centre staff
- e) Forensic Mental Health Services staff
- f) Justice Health
- g) Staff and other professionals working with the young person.

6.68 The information received from the relevant sources guides an assessment of the young person's behaviour and needs. Information gathered must include plans developed for the young person by other professionals working with the young person.

6.69 The Unit Manager must include the identification of factors contributing to the young person's negative behaviour and the young person's needs related to the implementation of targeted strategies to address their negative behaviour.

Development of a Behaviour Management Plan

- 6.70 After an assessment of the young person's behaviour and needs, the Unit Manager must develop a Behaviour Management Plan that:
- (a) has a clearly defined objective with identified goals and timeframes
 - (b) incorporates proactive strategies such as additional incentives and reactive strategies (such as identified consequences) to be implemented with the young person
 - (c) clearly articulates the expectations of all staff in working with the young person and responding to negative behaviour displayed by the young person.
- 6.71 The Unit Manager must consult with relevant professionals working with the young person in developing the plan. The plan must be agreed to and signed by the young person and Unit Manager and a copy provided to the Case Manager.
- 6.72 If the young person 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 and Programs and Services Manager for endorsement.

Implementation of a behaviour management plan

- 6.73 The Unit Manager must ensure the plan is effectively implemented by:
- (a) distributing the plan to all staff working with the young person;
 - (b) explaining the plan to all staff working with the young person;
 - (c) a copy is placed on the young person's file;
 - (d) ensuring that the plan has identified timeframes for review and is reviewed in accordance with these timeframes.

Review and adaptation of a Behaviour Management Plan

- 6.73 The Unit Manager is responsible for ensuring the plan is reviewed at a meeting involving the young person, Case Manager and other relevant staff at least once per fortnight. The review should assess the young person'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.

De-escalation practices

- 6.74 De-escalation practices should generally be the first method used by staff in responding to a young person's challenging or negative behaviour. The effective use of de-escalation practices reduces the need for staff to draw on more restrictive interventions in response to a young person's negative or challenging behaviour.
- 6.75 De-escalation practices involve the use of skills and techniques to identify escalating negative behaviours, minimise the escalation of negative behaviour, and respond appropriately in a critical situation. De-escalation practices include:
- a) the identification of the physical and behavioural signs which indicate that a young person's behaviour is escalating
 - b) verbal communication techniques such as negotiation and conflict resolution
 - c) non-verbal communication techniques such as body positioning
 - d) safety measures such as removing dangerous objects and calling on others for assistance.

Use of force

- 6.76 Responsive 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.

- 6.77 Use of force is a responsive intervention which involves physical effort applied by one person to another person to reduce an immediate risk to the safety and/or security of the person to which force is being applied or another person. Use of force includes body contact and the use of instruments of physical restraint.

Initial use of responsive strategies

- 6.78 The use of initial responsive strategies may result in the young person being issued with:
- (a) Verbal feedback and an explanation
 - (b) A verbal warning
 - (c) Reflected in the incentive points earned that day
 - (d) Time out.

Verbal feedback

- 6.79 Verbal feedback should be provided regularly to young people and as soon as practicable after positive or negative behaviour. Providing feedback to the young person assists them to understand the nature of the negative behaviour displayed and provides strategies for positively changing their behaviour. In providing feedback to a young person, staff should:
- (a) identify the negative behaviour and when it occurred
 - (b) explain why the behaviour is negative
 - (c) discuss strategies for the young person to modify the behaviour in the future
 - (d) write a case note with details of the feedback
- 6.80 Once feedback has been provided to the young person staff should complete a case note recording the feedback. Explaining behavioural expectations and social norms provides the young person with a learning opportunity about behaviour standards and consequences for continued negative behaviour.

Verbal Warning

- 8.81 A verbal warning provides the young person with an opportunity to change their behaviour before it escalates to a more serious incident. Staff should explain the consequences for continued non compliance or negative behaviour. Staff should complete a case note recording the verbal warning.

Behaviour reflected in incentive points earned for the day

- 6.82 Non compliance and negative behaviours demonstrated by the young person should be reflected in their daily incentive points. Refer to Incentive Scheme Behaviour Management Policy and Procedures 6.27. Action taken under the incentive scheme, in this policy and Procedure and the Discipline Policy and Procedure must not affect the young person's minimum entitlement Table 6b. In addition, staff should provide an explanation to the young person and encouragement to change or improve their behaviour.

Context of Negative behaviour

- 6.83 Negative behaviour displayed by a young person must be viewed in the context of:
- (a) the characteristics of the young person, including their age, maturity, developmental stage, rehabilitation needs, known history such as a history of

- abuse or neglect, and whether the young person has a disability or mental illness or disorder
- (b) the circumstances of the behaviour being displayed by the young person, such as a negative event experienced by the young person 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 person in custody
- (d) the rehabilitative needs and goals of the young person as identified through the young person's case plan.

6.84 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 person 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 safety and security
- (e) assist the young person to understand why the behaviour is negative, the nature of, and reasons for, the response and what action the young person can take to modify their behaviour.

Time out

6.85 Time Out is an operational behaviour management response. Its purpose is to restore socially appropriate pro-social behaviour by withdrawing a young person from the situation in which they are demonstrating inappropriate behaviour. It may be used in combination with other behaviour management responses.

6.86 Time Out is a strategy used after a range of other strategies, such as distraction, verbal reminders and ignoring, have proved ineffective in changing the inappropriate behaviour when or where behaviour escalates very quickly and in the judgement of the youth worker there is an immediate risk of harm to people or property.

Responsive Strategies and Segregation including Safe Room Segregation

6.87 A young person may be placed in a safe room under a Safe Room Segregation Direction to prevent an imminent risk of the young person 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.

6.88 Safety and security segregation is a requirement for the management of a young person in a way that separates them from some or all other young people due to significant safety and security reasons, including behaviour which causes serious risk or harm to a person, property or safety and security. 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.

Responsive Strategies and Behaviour Management Response to Minor Behaviour Breaches

6.89 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 person.

6.90 A minor behaviour breach, as defined by the *Children and Young People Act 2008*, section 288, is behaviour breach 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
- (c) does not involve a serious risk, or serious or persistent disruption, to the safety and security of a young person or other people at a detention place.

6.91 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 and procedures or the Discipline Policy and Procedures. It may occur while the young person is under escort, on approved leave or otherwise lawfully absent from a detention place.

6.92 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 person as outlined at 6.62
- (b) where the behaviour fits on the continuum of negative behaviour from causing no risk or harm to a person, property or safety and security of a young person or other people to behaviour that causes minor, moderate or serious risk or harm to a person, property or safety and security and whether the young person has previously displayed negative behaviour of the same or a similar nature and whether it is forming a pattern of behaviour b

Minor Behaviour Breach and Behaviour Breach

6.93 There are times when a young person's negative or challenging behaviour requires a formal response. To determine if a behaviour breach is a minor behaviour breach, consideration must be given to:

- (a) the characteristics of the young person including their age, maturity, developmental stage, rehabilitation stage, whether they have a disability, mental illness or disorder and known history such as a history of abuse or neglect
- (b) the circumstances of the behaviour, such as a negative event experienced by the young person preceding the behaviour
- (c) the overall behavioural record of the young person whilst in the Centre
- (d) whether the young person has previously displayed negative behaviour of the same or a similar nature
- (e) the young person's rehabilitation needs and case plan goals
- (f) where the behaviour fits on a 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.

Minor Behaviour Breach

6.94 A minor behaviour breach may consist of, but is not limited to, the following:

- (a) non-compliant behaviour;
- (b) being deliberately slow to follow directions, routines or movements;
- (c) displaying rude or disrespectful attitude and language;
- (d) making derogatory remarks to or about another person;
- (e) verbally abusing another person;
- (f) spreading rumours or gossip and instigating conflict with or between others;
- (g) play fighting, wrestling, inappropriate touching and teasing;

- (h) persistently engaging in anti social conversations, for example conversations about criminal or antisocial behaviour;
- (i) spitting or other socially offensive behaviours;
- (j) interfering with or damaging another person's property;
- (k) minor property damage, including accidental and/or avoidable damage, for example damage to surface areas and graffiti;
- (l) accessing other young people's telephone accounts;
- (m) dishonest conduct such as deception, concealing, or misuse of phone accounts;
- (n) obtaining someone else's purchases through swapping, gambling or any other means;
- (o) possession of non approved or prohibited items such as clothing, food, pens and letters between young people in the Centre;
- (p) running away from staff;
- (q) refusing programs;
- (r) lying with intent;
- (s) engaging in activities or actions aimed at unsettling others.

Behaviour Breach

6.95 A Behaviour Breach is of a more serious or persistent nature than a Minor Behaviour Breach and may consist of, but is not limited to, the following:

- (a) persistent non compliance with directions, routines or movements;
- (b) stealing/theft;
- (c) threatening or intimidating others;
- (d) making sexualised comments, actions or gestures towards another person;
- (e) engaging in sexual acts;
- (f) committing, planning or participating in an assault on another person;
- (g) involvement in a serious altercation such as a fight or assault on another person;
- (h) conduct that is likely to endanger the health or safety of others;
- (i) conduct that is likely to disrupt the security and good order of the Centre;
- (j) deliberate damage caused to any item or structure, for example: buildings, windows, furniture, equipment, flooding of rooms, televisions and cameras,
- (k) entering a prohibited area or exiting an area without approval;
- (l) being non compliant or obstructive during an emergency code;
- (m) gambling or sharing medication;
- (n) offering, giving or taking a bribe to or from another person;
- (o) knowingly accepting and bringing contraband or non approved items into the Centre;
- (p) possession of prohibited or illegal items such as cigarettes, lighters, illicit drugs, tools or weapons;
- (q) not abiding by the conditions of a leave permit;
- (r) attempting or planning to escape from custody.

Action by Youth Worker

6.96 A youth worker may take one or more of the following actions if they believe that a young person has committed a Minor Behaviour Breach or Behaviour Breach:

- (a) give the young person feedback about their behaviour
- (b) give the young person a verbal warning
- (c) give the young person a time out
- (d) reprimand the young person

- (e) refer the alleged Behaviour Breach to the Administrator for further investigation and/or a decision regarding what further action will be taken, if any.

Action by a staff member in regards to an alleged Minor Behaviour Breach and Behaviour Breach

6.97 If staff other than a youth worker believes that a young person has committed a Minor Behaviour Breach or Behaviour Breach, the staff may report the young person's behaviour to a youth worker in writing. The youth worker receiving the report of a minor behaviour breach or behaviour breach from a staff member may take action under 6.96.

Giving Verbal feedback

- 6.98 The purpose of providing feedback to a young person is to assist the young person to understand the nature of the negative behaviour displayed and provide strategies for assisting the young person to positively change their behaviour.
- 6.99 Feedback in relation to negative behaviour should be provided to the young person by identifying the behaviour and explaining why the behaviour is negative. Strategies should be discussed regarding action that can be taken by the young person to modify their behaviour.
- 6.100 The Youth Worker should complete a case note to record the context of the feedback.

Giving a Verbal warning/ reprimand

- 6.101 The purpose of giving a warning/reprimand to a young person following a minor behaviour breach or behaviour breach is to reflect that a behaviour breach has occurred and to give the young person an opportunity to learn from their behaviour and change their future behaviour.
- 6.102 Feedback must always be provided prior to or at the same time as warning a young person. This ensures the young person understands the nature of the negative behaviour and is aware of strategies to positively change their behaviour.
- 6.103 The Youth Worker should complete a case note to record the context of the warning.

Referring the Minor Behaviour Breach or Behaviour Breach to an Administrator

- 6.104 The purpose of a youth worker 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.
- 6.105 The youth worker must complete the Behaviour Breach report form and give the completed form to the Administrator. The Reporting and Investigation Policy and Procedures must be referred to.
- 6.106 If the youth worker taking action under 6.96 is a youth worker, and the youth worker is referring the Behaviour Breach to an Administrator under 6.96(e), the youth worker must give the Behaviour Breach report form to a Unit Manager who will act as Administrator. If the youth worker taking action under 6.96 is a Unit Manager or other delegate in Table 3A column 4, the officer must give the behaviour breach report form to the next most senior youth worker who will act as Administrator.

6.107 The Discipline Policy and Procedure intersects with the Behaviour Management Policy and Procedures as a response to a Behaviour Breach. Disciplinary action involves a young person being charged with a Behaviour Breach and this may result in higher management consequences.

Commencing disciplinary action

6.108 The Administrator may commence disciplinary action against the young person by charging the young person in a charge notice. The procedures for charging a young person and taking disciplinary action are addressed in the Discipline Policy and Procedures.

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

Responsive Strategies and Operational Response to a Young Person following a Minor Behaviour Breach or Behaviour Breach

6.110 An operational response following a minor behaviour breach or behaviour breach by a young person involves an assessment of the risk posed to safety or security of a young person or other people by the young person because of the Minor Behaviour Breach or Behaviour Breach.

6.111 An operational response is designed exclusively to manage the young person in custody and ensure safety and security of the young person or other people. It is not implemented for punishment or disciplinary purposes.

6.112 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).

6.113 A change in the level of risk posed by the young person's behaviour may be addressed by directions given by the Operations Manager, Deputy Senior Manager or Director, Bimberi to:

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

Provision of Information, Review of Decisions and Complaints

6.114 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.

6.115 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 Children, Youth and Families Complaints Unit, or the Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989*.

6.116 Staff must ensure that the Complaints Management Policy and Procedure is followed.

Records and Reporting

- 6.117 Any actions taken under this policy and procedure must be recorded according to the requirements set out in the Records and Reporting Policy and Procedure.
- 6.118 All staff are mandated reporters under the *Children and Young People Act 2008*. A report must be made to Child and Youth Protection Services if staff reasonably believe 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

Forms

Behaviour Breach charge notice
Behaviour Management feedback form
Behaviour Management Plan
Behaviour breach report form
Charge notice
Case note form
Daily assessment sheets
Health assessment for safe room segregation
Notice of disciplinary action to young person
Notice of review officer's decision
Notice of segregation direction
Record of health segregation directions
Record of protective custody segregation direction
Record of safe room segregation directions
Record of segregation of young person transferred from interstate
Warning reprimand
Weekly report

Incentives assessment record
Incentives, rewards and consequences record

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
Discipline Policy and Procedures
Health and Wellbeing Policy and Procedures
Local and Interstate Leave Policy and Procedures
Minimum Living Conditions Policy and Procedures
Reporting and Investigation Procedures
Segregation Policy and Procedures
Use of Force Policy and Procedures
Visits, Phone Calls and Correspondence Policy and Procedures

Policies and Procedures in Child and Youth Protection Services

Single Case Management Policy and Procedures
Behaviour Management Procedure

9. Further References

Child and Youth Protection Services Case Management Framework

10. Review

10.1 This policy and procedure will be reviewed at least once every two years.