

# Youth detention centre

## OPERATIONAL POLICY

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**Title:** YD-3-9 Youth detention – Identifying and reporting harm in a youth detention centre

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### Policy statement:

The department is committed to promoting and protecting the safety, wellbeing and rights of young people in youth detention.

The department will:

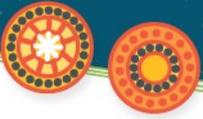
- provide clear guidelines, training and ongoing professional development to youth detention staff to ensure they are able to identify and report suspected harm to young people in youth detention and fulfil their obligations under section 268 of the *Youth Justice Act 1992*
- take appropriate action following an allegation of harm being reported, including any required treatment, support and assistance for the young person
- ensure the identification, reporting, notification and management of alleged harm is conducted in a trauma informed, culturally sensitive and safe way
- ensure processes supporting the identification, reporting and management of allegations of harm are transparent and accountable by providing the Office of the Public Guardian quarterly reports about this information, in accordance with section 39 of the *Youth Justice Regulation 2016*.

### Principles:

#### 1. Defining harm in a youth detention centre environment

- 1.1 Harm that has occurred to a young person in youth detention is defined as any detrimental effect of a significant nature on the young person's physical, psychological or emotional wellbeing.
- 1.2 What is significant is not minor or trivial and therefore may reasonably be expected to produce a substantial and demonstrable adverse impact on the young person.
- 1.3 Significance can result from:
  - a single act
  - an omission
  - an accumulation of factors.
- 1.4 It is immaterial how the harm has occurred, for example, harm may be caused by a variety of situations in a youth detention centre environment, including (but not limited to):
  - a self-harming incident
  - an accident resulting from a recreational activity – including anything occurring on a leave of absence
  - sustained verbal abuse
  - an assault on a young person by a staff member, young person or during a visit by a family member.

Refer to appendix A for examples of harm scenarios in a youth detention centre environment.



## 2. When to report a suspicion of harm

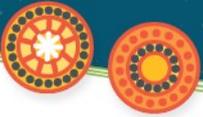
- 2.1 There is no definitive set of criteria in judging what constitutes harm – it is a case by case decision requiring professional judgement.
- 2.2 In deciding whether to report a suspicion of harm, youth detention staff should consider:
  - if the threshold of a significant nature has been reached by considering the effect on the young person's physical, psychological or emotional wellbeing – is it measurable and observable (what is the evidence) on the young person's body, in their functioning or behaviour?
  - is the impact significant enough that a reasonable person would expect that the chief executive (by way of the delegate) is informed immediately of the event?
- 2.3 In making this decision, youth detention staff can discuss their suspicion of harm with a member of detention centre management.
- 2.4 If still undecided about whether the suspicion is reasonable after consultation, youth detention centre staff should report the matter.

## 3. How to report a suspicion of harm

- 3.1 All staff members are required to identify and report suspected harm to young people in youth detention. This is a requirement of the *Youth Justice Act 1992*.
- 3.2 To report an allegation or suspicion of harm, youth detention staff have two options:
  - report their suspicion in an occurrence report when it relates to an incident
  - report their suspicion confidentially to the shift supervisor, manager client relations, practice support manager, deputy director or executive director verbally or via an email if the matter relates to an allegation of staff misconduct.
- 3.3 Harm that is not reported confidentially is reported through the normal incident reporting process on DCOIS.
- 3.4 Harm that is reported confidentially will be managed in a sensitive manner by the manager client relations, practice support manager, deputy director or executive director, who will evaluate the matter and action appropriately. This may involve a referral to the department's Professional Standards unit if it relates to alleged staff misconduct as the cause of harm.
- 3.5 The shift supervisor is responsible for reviewing all documentation relating to an incident to determine if harm is suspected.
- 3.6 If harm is suspected, the unit manager in conjunction with client services will consider what actions must be taken to ensure the young person's immediate safety and wellbeing.
- 3.7 Client services will review incidents on a daily basis and assist with the identification, response and management of harm (particularly psychological or emotional harm).

## 4. Confirmation of the suspicion

- 4.1 After suspicion of harm is reported, the deputy director or executive director in consultation with relevant management and/or client services will make a decision about whether the suspicion meets the threshold for reporting harm under Section 268 of the *Youth Justice Act*.
- 4.2 Relevant CCTV and body worn camera (BWC) footage may be reviewed to assist in the determination of whether harm was sustained.
- 4.3 The executive director or deputy director will state in the review tab in DCOIS that the suspicion of harm has been confirmed and will ensure that the harm box on the young person tab in the incident report is checked.
- 4.4 The deputy director or executive director will review all information and ensure the response to the harm has been adequate. The deputy director or executive director will determine if additional measures or actions need to be taken to support the young person following the suspected harm.



## 5. Actions to be taken following a report of harm

5.1 Following executive director or deputy director review, a decision must be made about what further action or response is required to:

- address the harm
- support the young person
- ensure any potential re-occurrences are prevented.

5.2 Actions and responses that can be taken include (but are not limited) to:

- determine the immediate safety needs of the young person
- ensure the young person's caseworker provides increased support for as long as the young person requires it
- notify the young person's parents, guardians, youth justice service centre or child safety service centre of the suspected harm
- assess ongoing risk to the young person (or other young people) and take appropriate measures to ensure no further harm occurs, including to:
  - implement behaviour development plans for any young people that may have caused the harm
  - consult with and assign cultural unit staff to visit/assess young people and provide additional support
  - relocate a young person/people to other accommodation units, or in extreme circumstances, transfer a young person to another youth detention centre
  - make adjustments to physical activities that may have led to the harm and update the related risk management strategy (e.g. if a young person injured themselves playing basketball)
  - undertake workplace health and safety assessments to confirm if any structural works/adjustments are required
- ensure that if further referrals or investigations are required this is completed, including:
  - supporting the young person to make a complaint to the Queensland Police Service
  - making a referral of suspected staff misconduct
- remind the young person of their right to make a complaint to the youth detention centre or an independent advocate such as the Office of the Public Guardian community visitors and advocacy services
- provide ongoing support to the young person throughout any resulting investigation.

5.3 All actions and responses to suspected harm are required to be recorded in DCOIS as part of the incident report.

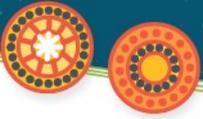
### Objectives:

This policy aims to ensure that the department fulfils its obligations under section 268 of the *Youth Justice Act 1992* and section 16 of the *Human Rights Act 2019*.

### Scope:

This policy refers to the obligation of all youth detention staff who become aware, or reasonably suspect that a young person has suffered harm while in youth detention, to report harm or suspected harm to the chief executive, in accordance with s268 of the *Youth Justice Act 1992*.

This policy does not refer to the reporting of harm as defined in s9 of the *Child Protection Act 1999*, which relates to harm alleged to have occurred in an intra or extra-familial context (that is, harm that is alleged to have occurred prior to a young person's admission to a youth detention centre).



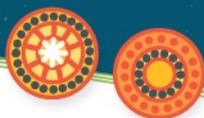
## Roles and responsibilities:

- Youth detention centre staff:
  - report and record any awareness or suspicions of harm of a young person
  - record actions taken to support young people following suspicion of harm.
- Practice support manager:
  - review relevant CCTV and/or BWC footage relating to suspected or confirmed harm
  - ensure that all suspected harm is reported to the deputy director and/or executive director.
- Manager client relations:
  - manage complaints and support young people to make complaints following instances of suspected harm
  - maintain accurate and comprehensive records of complaint matters, including those that are escalated to ensure the chief executive's obligations under section 277 of the *Youth Justice Act 1992* and sections 37 to 39 of the *Youth Justice Regulation 2016* are met.
- Client services:
  - review incidents on a daily basis and assist in the identification, response of management of harm
  - ensure appropriate actions are taken immediately to support the young person following an allegation or suspicion of harm and ensuring these actions are recorded
  - determine if the young person's parents, guardians, youth justice service centre or child safety service centre should be notified of the incident
  - if a notification is required, notify the young person's parents or guardians or, if more appropriate, request a member of the cultural unit, the young person's youth justice service centre caseworker or child safety service centre caseworker to perform this duty.
- Deputy director:
  - assess all suspicions of harm identified and reported by youth detention staff and liaise with relevant management and/or professional staff to confirm whether the suspicion meets the threshold for harm
  - ensure all suspected harm is reported as a reportable incident
  - identify additional measures or actions to be taken following an allegation of harm.
- Executive director:
  - ensure suspected harm is reported as a reportable incident
  - ensure that appropriate actions are taken following an allegation of harm
  - ensure there are arrangements in place for monitoring incidents of suspected harm and advice is provided to the youth detention forum about any emerging issues.
- Director, Secure Services Operations and Practice:
  - provide a quarterly report to the Public Guardian about confirmed suspicions of harm (in accordance with sections 37 to 39 of the *Youth Justice Regulation 2016*)
  - collect and analyse data for monitoring purposes about incidents of suspected harm and providing advice to the youth detention forum about any emerging issues
  - provide practice support and advice to youth detention operational staff and youth detention management about issues relating to compliance with this policy
  - review and update this policy as required.

## Authority:

*Youth Justice Act 1992*

*Youth Justice Regulation 2016*



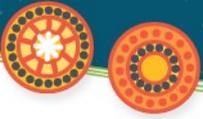
## Delegations:

Position	Delegation
Senior Executive Director, Youth Justice Executive director, youth detention centre Director, Secure Services Operations and Practice	<i>Youth Justice Act 1992</i> Section 263 (2) (5) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention. Comply with youth justice principles.

## Definitions:

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Client services	An overarching term for the on-centre cultural unit, casework, behaviour support and program teams.
Confidential report	Confidential incident report is part of DCOIS and can only be viewed by a select few youth detention management staff.
DCOIS	Detention Centre Operational Information System.
Delegate	The Senior Executive Director, Youth Justice Services, Department of Youth Justice
Detention centre management	A team comprised of the following managers – executive director, deputy director, unit manager accommodation, unit manager operations, manager human resources, practice support manager, manager client relations, team leader, programs coordinator, manager finance and administration.
Harm	Any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing ( <i>Youth Justice Act 1992</i> section 268(6)).
Occurrence report	Part of the DCOIS reporting suite and refers to a factual account of a staff member's version of events as part of an incident.
Psychological/emotional harm	The young person's social, emotional, cognitive or intellectual state is impaired or adversely affected. The harm is significant in nature and may have a cumulative effect and/or be observable behaviours such as anxiety, depression, fear, withdrawal, self-harm or aggression.
Physical harm	The young person has suffered significant physical injury as a result of self-infliction, accidental or non-accidental means requiring non-cursory medical treatment.
Professional standards unit	Formerly known as the ethical standards unit.
Youth detention forum	A committee including the Senior Executive Director, youth detention centre executive directors and Director, Secure Services Operations and Practice.




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1.1 Director, Practice, Program and Design (16 November 2017)

1.2 Youth Detention Governance Committee (06 August 2018)

1.3 Deputy Director-General (2 December 2019)

1.4 Director, Secure Services Operations and Practice (20 December 2019)

**Date of operation:** 18 February 2013

**Date to be reviewed:** 20 December 2022

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**Office:** Youth Justice Secure Services Operations and Practice

**Help contact:** Youth Detention Operations: [YJPracticeEnquiries@csyw.qld.gov.au](mailto:YJPracticeEnquiries@csyw.qld.gov.au)

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**Communication strategy:**

- publish on intranet
- publish on internet
- advise staff to read
- supervisors discuss with direct reports

**Links:**

[Australasian Youth Justice Administrators \(AYJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Human Rights Act 2019](#)

[Queensland Human Rights Commission](#)

Youth Detention Centre Operations Manual

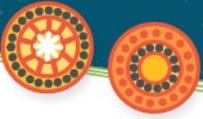
Youth Justice delegations

Youth Justice policies

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Bob Gee

Director-General



## Appendix A - Practice examples

The following examples describe cases of suspected harm that may occur in a youth detention centre environment.

### Scenario one – Physical harm

Two young people are involved in an altercation. Before youth detention staff are able to intervene, one of the young people is violently pushed into a wall.

Medical assessment and treatment provided immediately after the incident indicates that the young person may have fractured their ribs. This is confirmed by an x-ray at the local hospital later that day.

### Scenario two – Physical harm

A young person is participating in a game of football on the oval during recreational time. During a tackle, the young person falls awkwardly on the ground and does not get up.

An ambulance is called and x-rays at the local hospital later reveal that he has a cheekbone fracture and will need surgery to insert metal plates into his face.

### Scenario three – Emotional harm

Young person A and young person B reside in the same accommodation section and have not been getting along very well. Young person A has been verbally aggressive to young person B on an ongoing basis and has made derogatory comments about the young person's family.

Section staff have noticed that young person B, who was previously well behaved most of the time, has started to misbehave more frequently and has become withdrawn from his peers.

During a meeting with his caseworker, young person B becomes visibly upset and angry about young person A. Young person B states that he does not want to see young person A again and requests to be moved to another accommodation unit.

### Scenario 4 – Emotional and physical harm

Young person A discloses to the section supervisor that young person B pushed a cleaning implement into his genital area while clothed.

Young person A is taken to see the onsite Queensland Health nurse who notices that young person A is showing signs of distress when he sits down. Young person A is also visibly upset and shaking uncontrollably.