



# Youth detention centre

## OPERATIONAL POLICY

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**Title:** YD-1-10 Youth detention – Complaints to external agencies

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### Policy statement

The department fully supports and actively facilitates young people's access to external complaints mechanisms, in particular, those administered by the:

- Queensland Police Service (QPS)
- Office of the Public Guardian (the Public Guardian)
- Office of the Queensland Ombudsman (the Queensland Ombudsman)
- Queensland Human Rights Commission (QHRC).

The department will also take all reasonable steps to facilitate and participate in the resolution process (where relevant).

### Principles

#### 1. Overview of complaints processes available to young people in youth detention

1.1 A young person in youth detention can make a complaint or raise an issue or concern through many different avenues. The diagram below outlines the agencies and their complaints jurisdiction in relation to young people in youth detention.

1.2 Young people can make a complaint to:

- a **youth detention centre** (YDC) directly about any matter relating to services provided in youth detention or about decisions, actions or inactions that impact them
- **QPS** if they are the victim of an alleged criminal offence
- the **Public Guardian** about anything they are concerned about
- the **Queensland Ombudsman** or **QHRC** if they are unhappy with how their complaint was dealt with.

1.3 Depending on the nature of the complaint and who received it, matters can also be referred to and investigated by:

- Professional Standards Unit
- Crime and Corruption Commission
- Health Ombudsman
- Child Safety.

#### 2. Complaints by young people to QPS

2.1 The department will support a young person who chooses to make a complaint to QPS:

- following an alleged assault by a young person or staff member in a YDC
- if they are subject to a reasonable threat by a young person in a YDC to harm them or a member of their family
- any other circumstance where a young person is the victim of a potential criminal offence perpetrated by a young person, staff member or other person in a YDC.



2.2 The department is committed to supporting young people's right to make a complaint to QPS and will facilitate this by ensuring that:

- young people are aware of their right to make a complaint to QPS
- young people know what they can make a complaint about
- local procedures are in place to facilitate young people's access to QPS complaints processes
- young people are supported through the process
- in the event a complaint is made about a staff member or another young person, steps are taken by YDC management to prevent (as far as reasonably possible) the victimisation of either party, while the matter is being investigated
- reasonable steps are taken for all CaPE category 3 complaints to ensure as far as practically possible and appropriate that contact is restricted between the complainant and subject officer (this principle will be considered where appropriate for other complaints)
- if a young person wishes to make a complaint to QPS that may be vexatious, the complaint is referred regardless (if QPS find the complaint to be without merit and vexatious in nature, consequences may be applied to the young person through the behaviour support framework).

2.3 Procedural details of how the department facilitates the resolution of these matters are in the Youth Detention Centre Operations Manual (YDCOM).

### **3. Complaints by young people to the Public Guardian**

3.1 The department will support a young person who chooses to make a complaint or raise an issue with the Public Guardian.

3.2 The department is committed to supporting and facilitating young people's access to the Public Guardian by ensuring:

- young people are aware of their right to make a complaint to the Public Guardian
- young people are aware of how they can make a complaint to the Public Guardian
- young people know what they can make a complaint about
- local procedures are in place to facilitate the Public Guardian's access (via community visitors) to the YDC
- local procedures are in place between community visitors and YDC management to facilitate the timely resolution of locally-resolvable complaints
- the role of the Public Guardian is promoted to young people in YDCs
- young people who make a complaint to the Public Guardian are supported through the process in the event a complaint is made about a staff member or another young person, and steps are taken by YDC management to prevent (as far as reasonably possible) the victimisation of either party, while the matter is being investigated
- reasonable steps are taken for all CaPE category 3 complaints to ensure as far as practically possible and appropriate that contact is restricted between the complainant and subject officer. This principle will be considered where appropriate for other complaints.

3.3 Procedural details of how the department facilitates the resolution of these matters can be found in YDCOM.

### **4. Complaints by young people to other external complaints agencies**

4.1 As part of the department's complaints management process for young people in YDCs, the department will ensure that complainants understand their right to external review options, such as the Office of the Queensland Ombudsman and the QHRC.

4.2 For more information about external review options, please see Chapter 1 of YDCOM.



## Objectives

This policy has been developed to outline the commitment by the department to facilitate and promote the right of young people in Queensland YDCs to access complaints mechanisms external to the department.

## Scope

This policy applies to young people in, or who have previously been in, a Queensland YDC.

This policy is part of a suite of policies and procedures developed to support young people's access to internal and external complaint mechanisms. This policy is to be read in conjunction with:

- Policy YD-1-2: Behaviour development
- Policy YD-1-9: Complaints management
- Policy YD-3-9: Identifying and reporting harm in a youth detention centre
- Chapter 1: Care and management of young people, YDCOM
- Chapter 3: Incident management, YDCOM
- Appendix 02: Philosophy of youth detention services
- Appendix 1-7: Promoting and protecting human rights in youth detention

For guidance in relation to staff complaints to the QPS, refer to policy YD-3-10: Complaints by staff about young people to the Queensland Police Service.

## Roles and responsibilities

- YDC staff:
  - maintain an awareness of external complaints management processes available to young people and promote their access to these mechanisms, where relevant
  - assist young people to make a complaint to an external complaints agency if they wish
  - receive complaints verbally and in writing
  - ensure complaints received are referred to the manager, client relations no later than one business day after receipt
  - record complete and accurate information around decisions made that may restrict or impact on a young person's human rights (this includes providing appropriate justification and detail within occurrence reports, case notes and individual management plans, depending on the circumstances and significance of the issue/decision and/or the extent to which it limits one or more human rights).
- Unit manager:
  - liaise with the manager, client relations (as required) on behalf of young people who wish to make a complaint to an external agency
  - maintain accurate and comprehensive records of complaint matters
  - ensure community visitor communication boxes are in working order and report any issues to the operations manager
  - ensure reasonable steps are taken for all CaPE category 3 complaints to ensure as far as practically possible and appropriate that contact is restricted between the complainant and subject officer. This principle will be considered where appropriate for other complaints
  - liaise with the manager, client services to ensure they are aware of the complaint and to ensure any young person making a complaint is safe and provided with the appropriate support.



- Client relations manager:
  - refer complaints to QPS
  - facilitate visits by community visitors
  - provide advice to the unit manager/executive director (ED) about when contact restrictions should be considered
  - assist and respond to complaints enquiries from community visitors and QPS
  - ensure the correct processes are followed, and information is recorded, when handling complaints in scope of the *Human Rights Act 2019*
  - provide recommendations to the ED about complaints matters raised by external complaints agencies
  - maintain accurate, timely and comprehensive records of complaint matters, including those that are escalated to ensure the chief executive’s complaints management and reporting obligations under section 277 of the *Youth Justice Act 1992*, sections 38 and 39 of the *Youth Justice Regulation 2016* and section 97 of the *Human Rights Act 2019* are met.
- Practice support and/or senior intelligence officer:
  - assist the manager, client relations as required by reviewing relevant incidents
  - provide CCTV and BWC footage, as required.
- Client services manager and/or team leader:
  - identify and action further support for any young person making a complaint, as required (including from the young person’s caseworker, the behavioural support team and/or the cultural unit)
  - arrange interventions and referrals as appropriate
  - assist with identification, response and management of harm (particularly psychological and emotional harm).
- ED:
  - ensure young people in YDCs understand their right to make a complaint, how they can make a complaint and what they can complain about
  - ensure that young people who choose to make a complaint to an external agency are provided support to do so
  - ensure (as far as reasonably possible) that the complainant and the person subject to the complaint are not subject to any retribution or victimisation
  - provide access to specialised complaints management training (including refresher training) to relevant YDC staff
  - ensure accurate and comprehensive records of complaints are kept, including for those matters that are escalated.

## Authority

*Youth Justice Act 1992*

*Youth Justice Regulation 2016*

## Delegations

Position	Delegation
Deputy Director-General Senior Executive Director Executive Director, Youth Detention Centre Director, Youth Detention Operations and Support Director, Youth Justice 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.



Deputy Director-General Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Director, Youth Detention Operations and Support Director, Youth Justice Practice	<i>Youth Justice Act 1992</i> Section 263 (5) – Comply with youth justice principles.
Deputy Director-General Senior Executive Director Executive Director, Youth Detention Centre Director, Youth Detention Operations and Support Director, Youth Justice Practice Manager, Client Relations, Youth Detention Centre	<i>Youth Justice Act 1992</i> Section 277 (2) – Issue written instructions on how a complaint may be made or dealt with.
Deputy Director-General Senior Executive Director Executive Director, Youth Detention Centre Director, Youth Detention Operations and Support Director, Youth Justice Practice Deputy Director, Youth Detention Centre Manager, Client Relations Unit manager (Accommodation) Unit Manager (Operations) Unit Manager, Youth Detention Centre Shift Supervisor, Youth Detention Centre Section Supervisor, Youth Detention Centre Visits Coordinator, Youth Detention Centre Detention Youth Worker	<i>Youth Justice Act 1992</i> Section 277 (5) – Inform child how complaint will be dealt with.

## Definitions

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

Term	Definition
Advocate	A young person's family, care providers or other type of guardian or professional advocates, such as their legal representation who provide advocacy services or speak on the young person's behalf.  It does not refer to community visitors, as they are part of the Office of the Public Guardian. Complaints made by community visitors use the Public Guardian's complaints management system.
Community visitor	A person appointed under the <i>Public Guardian Act 2014</i> . They are responsible for regularly visiting a YDC to engage with young people, listen to their concerns and raise complaints on their behalf.
Complainant	The person or entity who makes a complaint.
Subject officer	The person the complaint is made about. This could include a YDC staff member or a young person.

## Human rights compatibility statement

Youth Justice is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), Youth Justice has an obligation to act and make decisions in a way that is compatible with and properly considers human rights. When making a decision about the care and management of young people, decision-makers must comply with that obligation.

## Multicultural Queensland Charter

Youth Justice supports the [Multicultural Queensland Charter](#), established under the *Multicultural Recognition Act 2016* (Qld). The Charter seeks to promote Queensland as a unified, harmonious and inclusive community.



## Child safe standards

The Royal Commission into Institutionalised Responses to Child Sexual Abuse developed several national [child safe standards](#) for institutions and organisations working with children. Youth Justice is cognisant of these standards when considering operational practice guidelines and service delivery in community and youth detention centres.

## State disability plan

Youth Justice will work with our partners to build a fairer, more inclusive Queensland where people with a disability, their families and carers are able to access the same opportunities, on the same basis as everyone else. We will take actions to progress the priorities of the [All Abilities Queensland: opportunities for all](#) state disability plan and support improved access to services for Queenslanders with disability.

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<b>Office:</b>	Statewide Intel and Secure Services Support
<b>Help contact:</b>	Secure Services Support: <a href="mailto:YDCPracticeEnquiries@cyjma.qld.gov.au">YDCPracticeEnquiries@cyjma.qld.gov.au</a>

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## Communication strategy

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

## Links

Complaint form – Young person (COM1)  
[Complaint form - Complaint made by an external person to the youth detention centre \(COM 2\)](#)  
 Complaint form – Resolution or withdrawal of complaint (COM 3)



Youth detention centre induction booklet

[How to comply with the Human Rights Act](#)

Appendix 3-7: Practice Guide – Referring potential criminal offences to the QPS

Appendix 1-7: Promoting and protecting human rights in youth detention

[Office of the Queensland Ombudsman's Good Decision-Making Guide](#)

[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](#)

Youth Detention Centre Operations Manual

Youth Justice delegations

Youth Justice policies

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Bob Gee

Director-General