



# Youth detention centre

## OPERATIONAL POLICY

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

### Policy statement:

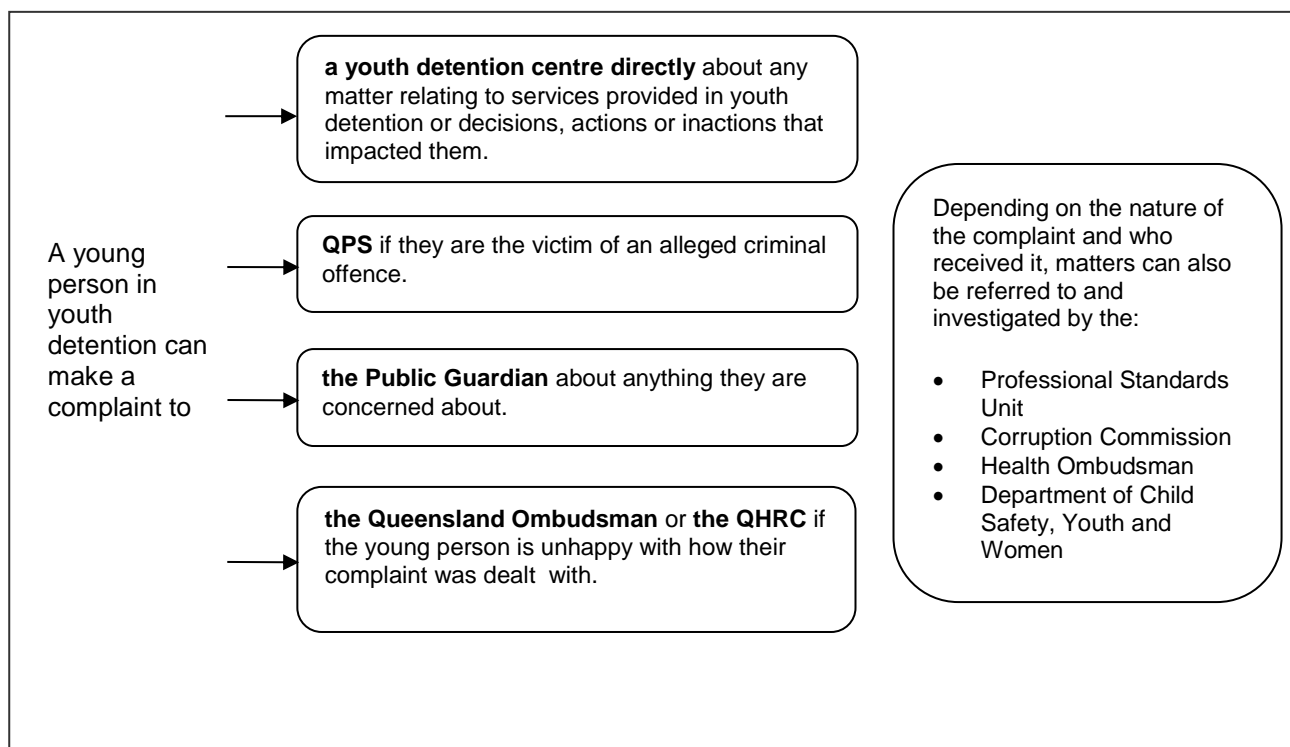
The department fully supports and actively facilitates young people's access to external complaints mechanisms, in particular, those administered by the Queensland Police Service (QPS) and Office of the Public Guardian (the Public Guardian), Office of the Queensland Ombudsman (the Queensland Ombudsman) and the 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

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.





## 2. Complaints by young people to QPS

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 youth detention
- if they are subject to a reasonable threat by a young person in youth detention 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 youth detention.

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 detention centre 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 the 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).

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

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

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

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 detention centre
- local procedures are in place between community visitors and detention centre management to facilitate the timely resolution of locally-resolvable complaints
- the role of the Public Guardian is promoted to young people in youth detention
- 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 detention centre 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.

Procedural details of how the department facilitates the resolution of these matters can be found in the Youth Detention Centre Operations Manual.



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

As part of the department's complaints management process for young people in youth detention, the department will ensure that complainants understand their right to external review options, such as the Office of the Queensland Ombudsman and the QHRA. For more information about external review options, please see Chapter 1 of the Youth Detention Centre Operations Manual.

##### Objectives:

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

##### Scope:

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

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, Youth Detention Centre Operations Manual
- Chapter 3: Incident management, Youth Detention Centre Operations Manual.
- 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:

- Youth detention centre 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.
- Manager, client relations:
  - refer complaints to the QPS
  - facilitate visits by community visitors
  - provide advice to the unit manager/executive director 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 executive director 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 manager and/or Senior intelligence officer:
  - assist the manager, client relations as required by reviewing relevant incidents
  - provide CCTV and BWC footage, as required.
- Manager, client services:
  - 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).
- Executive director:
  - ensure young people in youth detention centres 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 youth detention centre 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:****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 youth detention centre to engage with young people, listen to their concerns and raise complaints on their behalf.
Complainant	The person or entity who makes a complaint.
Executive director	The executive director of the youth detention centre.
Subject officer	The person the complaint is made about. This could include a youth detention staff member or a young person.

**Records file number:** nil

**Version number:** 1.5

**Date of approval:** 25 May 2020

**Approved by:** 1.0 Director-General (23 September 2013)

1.1 Assistant Director-General (2 December 2014)

1.2 Director, Youth Justice Practice, Program and Design (16 November 2017)

1.3 Acting Senior Executive Director (6 June 2018)

1.4 Deputy Director-General (2 December 2019)

1.5 Executive Director (25 May 2020)

**Date of operation:** 6 June 2018

**Date to be reviewed:** 25 May 2023

---

**Office:** Youth Justice Operations, Youth Detention Operations and Support

---

**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 \(COM 3\)](#)

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

[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 Justice policies](#)

---

Bob Gee

Director-General