

Youth detention centre OPERATIONAL POLICY

Title: YD-2-2 Youth detention – Leave of absence

Policy statement

Youth detention centres will facilitate a young person's access to services and activities external to the centre where it is assessed that this access:

- will assist the young person's reintegration process
- will assist the young person to foster, maintain and promote positive connections with their family and other people of significance
- is necessary for their care and wellbeing
- facilitates the protection and promotion of the young person's rights in accordance with the *Human Rights Act 2019* (including access to medical care, educational opportunities or family).

All leaves of absence must be managed in a manner that balances the needs of the young person, their safety and the safety of the community.

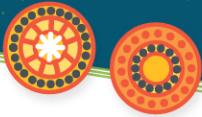
Principles

1. Definition of a leave of absence

- 1.1 A leave of absence is when a young person temporarily leaves a youth detention centre (i.e. there is an expectation of their return) and where their custody has not been transferred to another party.
- 1.2 In accordance with section 269 of the *Youth Justice Act 1992*, the leave of absence must be:
 - for a specified time period
 - for a specified purpose, as set out in section 269(3) of the *Youth Justice Act 1992*, and
 - subject to specified conditions.

2. Purpose of a leave of absence

- 2.1 In accordance with section 269(3) of the *Youth Justice Act 1992*, the leave of absence can be considered for a young person for one of the following reasons:
 - to seek or engage in paid or unpaid employment
 - to attend any place for educational or training purposes
 - to visit family, relatives or friends
 - to attend any place for medical examination or treatment
 - to attend a funeral (including Sorry Business), and
 - any other purpose that the Executive Director considers will assist in the young person's reintegration into the community.



3. Risk assessment

- 3.1 All leaves of absence must be subject to a security risk assessment. The leave of absence proposal must include details of the potential security risks and the recommended strategies and actions to manage these risks.
- 3.2 Factors to be considered as part of the risk assessment include:
- the young person's current behaviour and disposition including - any current or prior suicide risk, incident involvement, special interest young person (SIYP) rating and anything else that may be relevant
 - previous abscond or escape history (including attempted)
 - previous leave of absence history
 - issues identified as part of previous reviews of leaves of absence for the young person including any recommendations made as a result of that leave
 - previous SIYP records
 - nature of the activity or service – and risks associated with it
 - location of activity or service and supervision by responsible adults and/or other Queensland Government staff (e.g. Corrective Services staff) whether it is individually risk assessed and deemed appropriate to utilise body worn cameras during the leave of absence, subject to approval from the Executive Director, Deputy Director or Assistant Director.
 - whether inability to attend the leave of absence would infringe upon the young person's rights as defined in the *Human Rights Act 2019*, and if so, whether appropriate justification exists to refuse the LOA. Specific human rights that must be considered include:
 - right to culture and religion
 - for Aboriginal and/or Torres Strait Islander young people - right to cultural identity, kinship ties and relationship with land, waters, seas and environment
 - right to education, training and vocational education
 - right to health services
 - any other factor that may be relevant.

3.3 A young person's medical and health care and needs must also be considered.

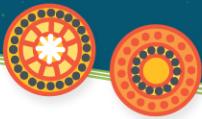
3.4 In recommending strategies to reduce the assessed risks, the use of restraints can be considered in accordance with section 19 of the *Youth Justice Regulation 2016*.

4. Supervision levels

4.1 Supervision levels fall into three categories: escorted, accompanied or unescorted:

- **Escorted leave** refers to a young person being escorted to an off centre activity by youth detention staff, at least one of whom must be suitably trained in escorting procedures.
- **Accompanied leave** refers to a young person being accompanied to a venue or activity by a youth detention staff member who may not be trained in escort procedures. This may be a Caseworker, program or medical staff member.
- **Unescorted leave** refers to a young person travelling unescorted to an approved activity and a responsible adult other than a youth detention staff member supervising the young person for the duration of the activity. The adult supervisor may be a relative, respected community member, prospective employer, vocational trainer or other approved person.

4.2 The default supervision level for all leaves of absence is escorted. Accompanied or unescorted leave can also be approved in exceptional circumstances where the young person and the activity pose almost no security risk to the community or safety risk to themselves.



5. Approval of a leave of absence

- 5.1 Approval must be sought from the Executive Director, Deputy Director or Assistant Director for all leaves of absence.
- 5.2 Where an unescorted leave of absence is proposed, the Senior Executive Director must be advised of the proposal and relevant risk assessment prior to the leave of absence taking place.
- 5.3 If after hours and an emergency, verbal approval from the Executive Director, Deputy Director or Assistant Director is acceptable, however the Executive Director, Deputy Director or Assistant Director must endorse the leave of absence the next business day.
- 5.4 If the Executive Director, Deputy Director or Assistant Director cannot be contacted, the on-call manager must contact the Senior Executive Director and seek approval for emergency leave.
- 5.5 Before a leave of absence can be approved by the Executive Director, Deputy Director or Assistant Director, appropriate casework and security risk assessments must be conducted. The leave of absence proposal must include these, as well as the risk management actions chosen.
- 5.6 Any decision for staff attending the leave of absence to wear a body worn camera outside of the youth detention centre must be approved by the Executive Director, Deputy Director or Assistant Director.

6. Breach of leave of absence conditions

- 6.1 If a young person breaches a leave of absence condition the Executive Director, Deputy Director or Assistant Director must in writing either vary the conditions of the leave and advise the young person, or cancel the leave of absence.
- 6.2 When a young person fails to comply with the leave of absence conditions without an authorised variation to the conditions, the incident must be treated as an abscond from custody.
- 6.3 When a leave of absence is cancelled and a young person does not comply with arrangements to immediately return to the centre, they should be regarded as an absconder.

Objectives

This policy refers to the provision of a leave of absence for a young person in a youth detention centre in accordance with section 269 of the *Youth Justice Act 1992*, which outlines specific requirements in regards to:

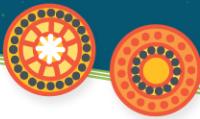
- conditions for granting leave
- purposes for granting leave
- custodial responsibility, and
- managing a breach of leave conditions.

Scope

This policy applies to young people sentenced or remanded in a youth detention centre. It is to be read in conjunction with Chapter 2: Admission, external movement, transfer and release, Youth Detention Centre Operations Manual.

Roles and responsibilities

- Caseworker:
 - liaise with relevant stakeholders to assist with the collation of information required to complete leave of absence application and risk assessment process
 - conduct risk assessments for leave of absence applications.
- Deputy Director or Assistant Director:

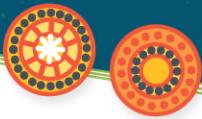


- review and approve leave of absence applications
- authorise the use of body worn cameras outside of youth detention centres on leaves of absence.
- Director, Learning and Development:
 - ensure training content complies with relevant policies and procedures.
- Director, Statewide Intel and Secure Services Support:
 - review and update policy as required
 - provide practice advice to support compliance with this policy.
- Escort Officer:
 - complete leave of absence training
 - comply with security requirements
 - ensure the safety of the young person while on escort.
- Executive Director:
 - approve leaves of absence
 - ensure that relevant youth detention operational staff are trained in escort procedures
 - authorise the use of body worn cameras outside of youth detention centres for leaves of absence
 - ensure practice, training and learning resources comply with this policy
 - contribute to policy reviews.
- Operations Manager (BYDC and CYDC) or Unit Manager (WMYDC):
 - oversee leave of absence process
 - determine security requirements, including whether the use of body worn cameras outside of the youth detention centre is recommended.
- Senior Intelligence Officer and Intelligence Officer:
 - provide advice to the Executive Director, Deputy Director or Assistant Director to inform planned leave of absence applications.
- Team Leader:
 - review and endorse leave of absence applications.
- Training Team:
 - contribute to policy and procedure reviews as required.
- Unit Manager (BYDC and CYDC):
 - review and endorse leave of absence applications.

Authority

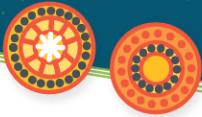
Youth Justice Act 1992

Youth Justice Regulation 2016



Delegations

Position	Delegation
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Director, Statewide Intel and Secure Services Support	<i>Youth Justice Act 1992 Section 263(2)</i> – May issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Director, Statewide Intel and Secure Services Support	<i>Youth Justice Act 1992 Section 263(5)</i> – Must ensure principles are complied with in relation to each child detained in a detention centre
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre	<i>Youth Justice Act 1992 Section 263A(2)</i> – May authorise a detention centre employee to use a body-worn camera to record images or sounds while the employee is acting in the performance of the employee's duties – including during a leave of absence
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre	<i>Youth Justice Act 1992 Section 269(1)</i> – May be written notice given to a child detained in a detention centre and subject to conditions that the chief executive determines grant the child leave of absence
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre	<i>Youth Justice Act 1992 Section 269(6)</i> – If the child contravenes a condition imposed in relation to a grant of leave of absence, the chief executive may, in writing, vary the conditions of or cancel the leave of absence
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Unit Manager, Youth Detention Centre Shift Supervisor, Youth Detention Centre Section Supervisor, Youth Detention Centre Structured Day Coordinator, Youth Detention Centre Visits Coordinator, Youth Detention Centre Senior Detention Youth Worker, Youth Detention Centre Detention Youth Worker, Youth Detention Centre	Youth Justice Regulation 2016 Section 19(2) - If approved restraints are used to restrain a child in the chief executive's custody, the chief executive must ensure all restraints are used in a way that respects the child's dignity and are used for no longer than is reasonably necessary in the circumstances



Definitions

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

Term	Definition
Escort officer	A youth detention operational staff member who has received specific training in escort procedures.
Leave of absence	When a young person temporarily leaves a youth detention centre (i.e. there is an expectation of their return) and their custody has not been transferred to another party. Leave of absence is often abbreviated to LOA.
SIYP	Special interest young person.

Human rights compatibility statement

The Department of Children, Youth Justice and Multicultural Affairs is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), Youth Justice (YJ) 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

YJ 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.

Feedback and reflective practice

Youth Justice recognise that best practice is a constantly evolving process. The Youth Justice Framework for Practice posits that our values guide us in all aspects of our work, including a departmental commitment to continuous improvement and effectiveness. To that end, all Youth Justice staff are encouraged to provide feedback about operational policy and procedure to inform routine review of our work to maintain a high standard of service delivery. Please make your views known through your management team or by emailing

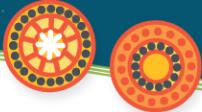
YDCPracticeEnquiries@youthjustice.qld.gov.au.

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- 1.1 Director, Practice, Program and Design (16 November 2017)
- 1.2 Deputy Director-General (2 December 2019)
- 1.3 Director, Secure Services Operations and Practice (20 December 2019)
- 1.4 Director, Statewide Intel and Secure Services Support (11 February 2022)
- 1.5 Director, Statewide Intel and Secure Services Support (19 July 2022)

Date of operation: 19 July 2022

Date to be reviewed: 3 years from the date of approval

Office: Statewide Intel and Secure Services Support

Help contact: Secure Services Support
YDCPracticeEnquiries@cyjma.qld.gov.au

Communication strategy

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

Links

[Policy YD-3-7- Use of mechanical restraints](#)

[Leave of Absence Training \(for Officers in Charge and Escort Staff\)](#)

[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

Deidre Mulkerin

Director-General