

Australian Capital Territory

Children and Young People (Treatment of Convicted and Non-Convicted Young People) Policy and Procedures 2015 (No.1)

Notifiable instrument NI2015-399

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 (Treatment of Convicted and Non-Convicted Young People) Policy and Procedures 2015 (No.1)*.

2 Commencement

This instrument is to commence the day after notification.

3 Repeal

NI2008–390 is revoked.

4 Policies and operating procedures

Under section 143 of the *Children and Young People Act 2008*, I make the attached Treatment of Convicted and Non-Convicted Young People Policy and Procedures to facilitate the effective and efficient management of detention services for young people.

Sue Chapman
Acting Director-General
Community Services Directorate
8 July 2015

Treatment of Convicted and Non-Convicted Young People Policy and Procedures

1. Introduction and Purpose

This policy and procedures addresses the requirement at section 171 of the *Children and Young People Act 2008* for the Director-General to make a youth detention policy or operating procedure providing for different treatment of convicted young people and non-convicted young people.

The purpose of this policy and procedures is to promote understanding of the difference in legal status between convicted and non-convicted young people and provide for differential treatment and management of non-convicted young people at a detention place to reflect their legal status and ensure human rights law is upheld.

For this policy and procedures, a reference to a convicted young person means a young person whose detention is a consequence of a particular conviction or convictions. It is not to be interpreted as applying to a young person who has previously been convicted if the fact of their detention is not related to the previous conviction or convictions. A reference to a convicted young person includes a young person who is convicted or found guilty but not yet sentenced and a young person who is convicted or found guilty but is appealing their conviction or finding of guilt.

For this policy and procedures, a reference to a non-convicted young person means a young person who has not been tried, found guilty or convicted and may include a young remandee. A non-convicted young person is entitled to the legal presumption of innocence under section 22 of the *Human Rights Act 2004* that provides that everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. Unlike convicted young people, non-convicted young people are not detained at a detention place as a punishment.

This policy gives effect to human rights requirements that non-convicted young people must be treated and managed differently to young people who are convicted in reflection of their legal status.

Any entitlements outlined in this policy and procedures are taken to be an entitlement for the Behaviour Management Policy and Procedures and Discipline Policy and Procedures. This means that entitlements outlined in this policy and procedures must not be affected by disciplinary or behaviour management action taken against the young person.

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. Sections 138, 139 and 171 of the Act are particularly relevant to this policy and procedure. The provisions of the Act must be complied with at all times by staff exercising functions at a detention place.
- 2.2 The policy and procedures provide specific directions to implement the provisions of the *Children and Young People Act 2008* 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 22 Rights in criminal proceedings

- (1) Everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law.
- (2) Anyone charged with a criminal offence is entitled to the following minimum guarantees, equally with everyone else:
 - (a) to be told promptly and in detail, in a language that he or she understands, about the nature and reason for the charge
 - (b) to have adequate time and facilities to prepare his or her defence and to communicate with lawyers or advisors chosen by him or her
 - (c) to be tried without unreasonable delay
 - (d) to be tried in person, and to defend himself or herself personally through legal assistance chosen by him or her
 - (e) to be told, if he or she does not have legal assistance, about the right to legal assistance chosen by him or her
 - (f) to have legal assistance provided to him or her, if the interests of justice require that the assistance be provided, and to have the legal assistance provided without payment if he or she cannot afford to pay for the assistance

- (g) to examine prosecution witnesses, or have them examined, and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as prosecution witnesses
- (h) to have the free assistance of an interpreter if he or she cannot understand or speak the language used in court
- (i) not to be compelled to testify against himself or herself or to confess guilt/
- (3) A child who is charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation.
- (4) Anyone convicted of a criminal offence has the right to have the conviction and sentence reviewed by a higher court in accordance with law.

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 procedure
- (a) United Nations Convention on the Rights of the Child
 - (b) United Nations Standard Minimum Rules for the Administration of Juvenile Justice Rule 13
 - (c) United Nations Rules for the Protection of Juveniles Deprived of their Liberty Rule 17, 18, 28
 - (d) Standard Minimum Rules for the Treatment of Prisoners Rule 84, 85, 87, 88, 89, 90, 91, 92, 93
 - (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 This policy and procedures is to be applied by staff.

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

Admission means the reception of a young person into a detention place in accordance with a Court Order, Warrant or other legal authority for their detention.

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 (B), Senior Manager (C), Deputy Senior Manager (C), Operations Manager (D/1), Programs and Services Manager (D/2), Unit Managers (E/2), Team Leaders (F/1), Youth Workers (G/1), Family Engagement Officer (E/5).

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

Commissioner refers to one of the appointed Commissioners exercising functions under the *Human Rights Commission Act 2005*. The functions include the resolution of complaints between users and providers of services for children and young people and to promote improvements for service provision.

Conjoining rooms/ spaces refers to areas that allow young people in these places to have direct access to each other without youth worker assistance. An example is two rooms (or cabins) with a door between them that can be opened by staff between the two rooms.

Convicted young person means a young person whose detention is a consequence of a particular conviction or convictions. It is not to be interpreted as applying to a young person who has previously been convicted if the fact of their detention is not related to the previous conviction or convictions. A reference to a convicted young person includes a young person who is convicted or found guilty but not yet sentenced and a young person who is convicted or found guilty but is appealing their conviction or finding of guilt.

Detention place means a declared detention place.

Direction means 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 refers to 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.

Duty of care refers to the obligation by youth workers to take reasonable care to avoid injury or loss to a person whom it could be reasonably foreseen might be injured by an act or omission.

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.

Manager refers to the Senior Manager 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 in the event this person is unavailable, a Unit Manager. Outside normal business hours, this refers to the On-call Manager.

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.

Non-convicted young person means a young person who has not been tried, found guilty or convicted and may include a young remandee.

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.

Placement means the location of a young person in a residential unit at a detention place, and in a room/cabin within a residential unit, where the young person will reside.

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).

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.

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.

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*.

Young remandee is defined in section 137 of the *Children and Young People Act 2008* and the dictionary of the *Crimes (Sentence Administration) Act 2005* as a remandee who is under 18 years old; or a remandee who is over 18 years old but under 21 years old and is on remand in relation to an offence alleged to have been committed when he or she was under 18 years old and may be referred to as a non-convicted young person.

Youth Justice Case Management refers to the unit or team 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: Senior Manager (C/2), Deputy Senior Manager (D), Operations Manager (E/7), Programs and Services Manager (E/8), Unit Managers (F/6), Team Leaders (G/5), Youth Workers (H/4), casual Youth Workers (I/3), Family Engagement Officer (F/9). 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 procedures.

Section 8 Best interests of children and young people paramount consideration

- (1) In making a decision under this Act in relation to a particular young person, the decision-maker must regard the best interests of the young person as the paramount consideration.
- (2) In making a decision under this Act otherwise than in relation to a particular young person, the decision-maker must consider the best interests of children and young people.

Section 9 Principles apply to the Act

- (1) In making a decision under this Act in relation to a 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 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.

6. Policy and Procedures

Interaction with Non-Convicted Young People

- 6.1 Staff must interact with non-convicted young people in a manner consistent with their entitlement to the presumption of innocence. This includes an understanding of the following:
 - (a) a non-convicted young person may be remanded in custody for a number of reasons including, but not limited to, the nature and seriousness of the

- offence the person is charged with, a risk of the person failing to appear before a court in relation to the charge and a risk of the person committing an offence while on bail
- (b) a non-convicted young person is not in custody as punishment
 - (c) a non-convicted young person may present with issues affecting their health, safety and wellbeing including family or significant relationship difficulties, accommodation difficulties, drug or alcohol use, educational and literacy issues, and mental health issues
 - (d) the length of a non-convicted young person's detention will be determined by a Court or other authority and this may impact upon the services that can be provided to the young person at a detention place
 - (e) every effort should be made to ensure that a non-convicted young person's family and community relationships are supported and promoted and that the young person's education, employment, housing and other social integration needs are not detrimentally affected by the period of detention
 - (f) interventions with a non-convicted young person should address issues affecting the person's health, development, safety and wellbeing, but must not address any offence with which the person has been charged or risk of offending unless the person has been found guilty or convicted of an offence.

Admission and Classification

Information provided to non-convicted young people at admission

- 6.2 Staff must inform all young people, including non-convicted young people, about their right to apply for legal aid and right to legal representation.
- 6.3 Staff must ensure that all young people, including non-convicted young people, understand the reason for their detention. It is the responsibility of police to promptly inform a person of the nature of a charge laid against them in a manner that is understood by the person.

Contact with family members, significant people and accredited persons

- 6.4 Staff must inform all young people, including non-convicted young people, about their entitlement to make a telephone call to an accredited person (including a lawyer), a person with parental responsibility, a nominated person, a family member or a significant person at the time of their induction to inform the person of their detention. The telephone call to one of these persons may only be denied in the circumstances outlined in the Admission and Classification Policy and Procedures.
- 6.5 All young people, including non-convicted young people, have the right to communicate with their lawyer and certain oversight persons and agencies in private. Electronic communication (including telephone calls and emails) and communication at a visit between a young person and any of the following persons will not be monitored or recorded (refer to Safety and Security Policy and Procedures):
 - (a) lawyer representing the young person
 - (b) an Official Visitor
 - (c) a Commissioner
 - (d) the ACT Public Advocate
 - (e) the Ombudsman.

- 6.6 The Manager must ensure that maximum opportunities are provided for non-convicted young people to be able to remain in contact with family members and significant people by telephone calls, mail and visits.

Classification and placement in residential unit

- 6.7 Considerations in making decisions about placement of a young person at a detention place must be guided by section 166 of the *Children and Young People Act 2008* and Rule 28 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, that supports placement decisions that take account of individual young people's needs where these might be in conflict with other human rights principles relating to separation of young people. The principles provided in these rules will be applied to placement decisions at a detention place, including decisions about placement in conjoining spaces/rooms.
- 6.8 In determining the placement of a young person at a detention place, the Manager must ensure that:
- (a) non-convicted young people are separated from convicted young people
 - (b) male young people are separated from female young people
 - (c) young people who are under 18 are separated from young people who are 18 years and older.
- 6.9 A decision may be made by the Manager not to comply with the requirement at 6.8 if the Manager reasonably believes that the placement is in the best interests of the young person and all affected young people, after balancing the following considerations:
- (a) the best interests, needs and special requirements of the young person because of the young person's age, sex, emotional or psychological state, physical health, cultural background, vulnerability or any other relevant matter
 - (b) if it is proposed that a young person be isolated because of their placement at a detention place, whether the isolation is in the best interests of the young person
 - (c) the desirability of the care provided to a young person being suited to the particular needs of the young person to protect the young person's physical and emotional wellbeing
 - (d) that it is in the best interests of young people to be separated from co-offenders
 - (e) the best interests of all affected young people
 - (f) the safety and security of a detention place
 - (g) the health and safety needs of all young people at a detention place
 - (h) requests from Care and Protection Services, a Court or Tribunal, ACT Policing, the Director of Public Prosecutions or other justice agencies, to separate young people.
- 6.10 In determining the placement of an Aboriginal and/or Torres Strait Islander young person, the Manager must consider placing the young person in a conjoining room with another Aboriginal and/or Torres Strait Islander young person or in a room conjoined with that of another young person they know if the assessment of the young person indicates the young person is at high risk of self-harm or is otherwise highly vulnerable in an alternative placement. In deciding to place an Aboriginal and/or Torres Strait Islander young person in a conjoining room, the Manager must ensure:

- (a) each young person has consented to the placement
- (b) a comprehensive assessment of each young person has occurred, including an assessment of any risk posed by each young person to the other young person.

Clothing

- 6.11 All young people, including non-convicted young people, are required to wear detention place clothing while at a detention place. Clothing supplied to young people will meet the standard generally available to, and worn by, children and young people in the community.
- 6.12 Clothing provided to non-convicted young people must be different to that provided to convicted young people.
- 6.13 All young people, including non-convicted young people, may wear their own clothes to Court.
- 6.14 All young people, including non-convicted young people, may wear their own clothes while on approved leave, with the approval of the Manager (refer to Local and Interstate Leave Policy and Procedures).

Property

- 6.15 In making a decision about property that a young person is allowed to keep in their possession at the time of the young person's admission to a detention place, the Manager must consider the legal status of the young person.
- 6.16 As far as practicable, a non-convicted young person should be allowed to keep in their possession items of personal property which will not jeopardise safety and security at a detention place. Examples of property that a non-convicted young person may be allowed to keep in their possession by direction of the Manager include:
 - (a) photograph/s of family members
 - (b) book/s.

Minimum living conditions

- 6.17 The Minimum Living Conditions Policy and Procedures applies to all young people, including non-convicted young people.
- 6.18 For non-convicted young people, the Minimum Living Conditions Policy and Procedures must be applied in a way that has the objective of promoting continuity in the person's family and community relationships, education, employment, housing and other social integration needs (such as income support) during the period of detention, where this is in the person's best interests.

Health and Wellbeing

- 6.19 The Health and Wellbeing Policy and Procedures allows all young people to have access to a private or specialist health professional or service as approved by the Manager.

Case Management

- 6.20 A case management framework is provided to all young people, including non-convicted young people.

- 6.21 The development of a case management plan for a non-convicted young person is discretionary under the *Children and Young People Act 2008*. Youth Justice Case Management provide case management and support for all young people whether they are in detention or on community based order/s, convicted or non-convicted.
- 6.22 A Youth Justice Case Management case manager must consider the following for a non-convicted young person:
- (a) the period of remand
 - (b) the non-convicted young person's age and development
 - (c) the non-convicted young person's educational needs
 - (d) any special needs of the non-convicted young person, such as family or significant relationship difficulties, accommodation difficulties, drug or alcohol use, educational and literacy issues, and mental health issues.
- 6.23 A case management plan developed for a non-convicted young person should seek to address family, social, health, wellbeing and educational issues identified by the young person or case management staff.
- 6.24 A case management plan and interventions or strategies forming part of case management for a non-convicted young person must not seek to directly address an offence or offences if the young person has not been found guilty or convicted.

Separation of Non-Convicted Young People from Convicted Young People

- 6.25 In making a decision to allow a non-convicted young person to participate in a program or activity with a convicted young person, the decision-maker must believe that the participation is in the best interests of the non-convicted young person.
- 6.26 In determining whether it is in the best interests of the non-convicted young person to participate in a program or activity with a convicted young person, the decision-maker may take into account the following:
- (a) the availability of the program or activity and whether alternative arrangements may be made for the non-convicted young person's participation in the program or activity
 - (b) the benefit to the non-convicted young person of participating in the program or activity
 - (c) any risks associated with the non-convicted young person participating in the program or activity, including the risk of a negative influence from a convicted young person
 - (d) the availability and suitability of alternative programs or activities for the non-convicted young person to participate in.

Behaviour Management and Discipline

- 6.27 The Behaviour Management Policy and Procedures and Discipline Policy and Procedures apply to all young people, including non-convicted young people.
- 6.28 The incentive scheme established under the Behaviour Management Policy and Procedures allows all young people, including non-convicted young people, to make purchases with points accrued for displaying positive behaviour. Incentives that may be purchased include snack food and drink, TV hire, movie hire and other items such as posters and magazines, subject to an assessment of the suitability of the type of incentive for the young person (refer Behaviour Management Policy and Procedures).

Provision of Information, Review of Decisions and Complaints

- 6.29 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.
- 6.30 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 Office for Children, Youth and Family Support Decision Review Panel, or the Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989*.
- 6.31 Staff must ensure that the Complaints Management Policy and Procedures is followed.

Records and Reporting

- 6.32 Any actions taken under this policy and procedure must be recorded according to the requirements set out in the Records and Reporting Policy and Procedures.
- 6.33 All staff are mandated reporters under the *Children and Young People Act 2008*. A report must be made to Care and Protection Services if a staff member reasonably believes 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

NA

8. Related Policies and Procedures

Policies and Procedures under the *Children and Young People Act 2008*

Admission and Classification Policy and Procedures
Behaviour Management Policy and Procedures
Complaints Management Policy and Procedures
Discipline Policy and Procedures
Health and Wellbeing Policy and Procedures

Minimum Living Conditions Policy and Procedures
Property Policy and Procedures
Safety and Security Policy and Procedures

Policies and Procedures in the Office for Children, Youth and Family Support
Single Case Management Policy and Procedures

9. Further References

NA

10. Review

10.1 This policy and procedure will be reviewed at least once every 12 months.