

## **Children and Young People (Records and Reporting) Policy and Procedures 2018 (No.1)**

**Notifiable instrument NI2018-436**

made under the

***Children and Young People Act 2008*, section 143 youth detention policy and operating procedures**

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**1 Name of instrument**

This instrument is the *Children and Young People (Records and Reporting) Policy and Procedures 2018 (No.1)*.

**2 Commencement**

This instrument is to commence the day after notification.

**3 Repeal**

NI2015-381 is revoked.

**4 Policies and operating procedures**

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

Bernadette Mitcherson  
Director-General  
Community Services Directorate  
7 August 2018

# Records and Reporting Policy and Procedures

## 1. Introduction and Purpose

This policy and procedures address requirements for the recording of information related to operations at a detention place, including statutory requirements to record information in registers and to report certain incidents affecting safety and security to higher administrative authorities and oversight persons and agencies.

This policy and procedures also addresses inspections and oversight at a detention place.

## 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. The provisions of the Act must be complied with at all times by staff exercising functions at a detention place.
- 2.2 The policies and procedures provide specific directions to implement the provisions of the Act and other relevant legislation, including the *Human Rights Act 2004*, *Territory Records Act 2002*, *Public Sector Management Act 1994*, *Information Privacy Act 2014*, *Health Records (Privacy and Access) Act 1997*.
- 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.

- 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
  - (c) United Nations Rules for the Protection of Juveniles Deprived of their Liberty Rule 72, 73, 74, 75, 76, 77, 78
  - (d) Standard Minimum Rules for the Treatment of Prisoners
  - (e) Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment
  - (f) United Nations Declarations on the Rights of Indigenous People.

### 3. Authorisations and Delegations

- 3.1 All staff are responsible for ensuring that complete, accurate and contemporaneous records are maintained for activities at a detention place.
- 3.2 The Manager must ensure that a Register of Segregation Directions is maintained and includes all the information listed in the Segregation Policy and Procedures.
- 3.3 The Manager, must ensure that a Register of Young Detainees is maintained and includes all the information listed in section 185(2) of the *Children and Young People Act 2008*.
- 3.4 The Manager, must ensure that a Register of Searches and Uses of Force is maintained.
- 3.5 Youth workers must ensure that the details of each young person are entered in the register of young people on their admission and induction to a detention place.

### 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 Child and Youth Protection Services 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.

**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, Child and Youth Protection Services Operations (B), Director, Bimberi (B), Deputy Senior Manager (C), Operations Manager (D), Programs and Services Manager (D), Unit Managers (E), Team Leaders (F), Youth Workers (G), Family Engagement Officer (F), Sport and Recreation Officer (F).

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

**Child and Youth Protection Service** refers to the branch in the Community Services Directorate that is responsible for the Child Protection and Youth Justice functions of the *Children and Young People Act 2008* and related legislation.

**Client file** means the individual classified file of a young person in custody.

**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.

**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, Child and Youth Protection Services Operations** refers to the responsible senior executive in the Community Services Directorate.

**Director, Bimberi** refers to the Director of a detention place and 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.

**Executive Director** means the responsible senior executive in the Community Services Directorate.

**Inspector** means a person who is authorised under a Territory law to enter and inspect a detention place.

**Manager** refers to the Director 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.

**Mandated reporter** under the *Children and Young People Act 2008* includes staff at a detention place. The Act requires a staff member to report a reasonable belief that a young person who is under 18 years has experienced or is experiencing non-accidental physical injury or sexual abuse.

**Monitoring record** means record created by a visual or audio recording and includes audio and video records/CCTV footage.

**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.

**Official Visitor** is a person appointed by the Minister under the *Children and Young People Act 2008*. Official Visitors have the following functions:

- inspecting detention places, places outside of the detention place where people are, or have been, directed to work or participate in an activity, places of care and therapeutic protection places
- reporting to the Minister and Director-General
- receiving and considering complaints from young people and others on their behalf.

**Ombudsman** is the person appointed to the office of ACT Ombudsman created by the *Ombudsman Act 1989*. Under an arrangement between the ACT Government and the Australian Government the Commonwealth Ombudsman is also the ACT Ombudsman. The Act provides that the Ombudsman is to investigate the administrative actions of ACT Government directorates and agencies.

**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.

**Prohibited thing** is a thing declared under section 148 of the *Children and Young People Act 2008* by the Director-General to be prohibited if the Director-General reasonably believes that the declaration is necessary or prudent to ensure safety and security of a young person or other people at a detention place. The declaration of prohibited things is contained in the Search and Seizure Policy and Procedures.

**Public Advocate** means the person appointed under the *Public Advocate Act 2005*. The ACT Public Advocate advocates for the best interests of children and young people. Young people are able to make complaints to, or seek assistance from the Public Advocate.

**Register of Searches and Uses of Force** means the register that must be kept by the Director-General under section 195 of the *Children and Young People Act 2008*.

**Register of Segregation Directions** means the register that must be kept by the Director-General under section 222 of the *Children and Young People Act 2008*.

**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).

**Reportable incident** means an incident or event that:

- (a) significantly affects the security, operations or the routine of a detention place
- (b) disrupts or threatens to disrupt or harms or threatens to harm the personal safety of any individual at a detention place including young people, youth workers, staff or visitors
- (d) has the potential to attract media attention
- (e) involves drugs or violence.

**Staff** refers to youth workers and other authorised persons.

**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*.

**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: Director (B), Deputy Senior Manager (C), Operations Manager (D), Programs and Services Manager (D), Unit Managers (E), Team Leaders (F), Youth Workers (G), Family Engagement Officer (F), Sports and Recreation Officer (F). 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 procedure.

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 applying to Act

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

### Records Generally

- 6.1 All records relating to the safety, security and management of young people at a detention place will be captured, identified and stored as a record in a manner that is consistent with the Community Services Directorate's Records Management Program. Documents relating directly to a young person must be filed on their individual file/s.
- 6.2 Staff must ensure all records are protected from inappropriate disclosure.
- 6.3 Staff must only give or receive personal information with the informed consent of the person or when required or permitted by law.

### Health Records

- 6.4 The confidentiality of each young person's health information must be maintained to preserve each young person's privacy. Staff must not disclose a young person's health information without the consent of the young person unless required or allowed by law to do so and the disclosure is in the best interests of the young person.
- 6.5 In accordance with the Health and Wellbeing Policy and Procedures, a young person's health report and health schedule are to be placed on the young person's securely stored client file. Access by a staff member to the young person's health report and health schedule must be authorised by the Manager.
- 6.6 In making a decision to provide a staff member with access to the young person's health report and health schedule, the Manager must balance the following considerations:
  - (a) the young person's privacy
  - (b) the best interests of the young person and other young people
  - (c) the Director-General's duty of care to the young person, including the need to ensure the young person's health needs and risks are appropriately responded to
  - (d) safety and security of a young person or other people at a detention place.

### Registers and Inspection of Registers

- 6.7 The Manager is required to keep the following registers at a detention place:
  - (a) Register of Segregation Directions (refer to Segregation Directions Policy and Procedures)
  - (b) Register of Young Detainees
  - (c) Register of Searches and Uses of Force (refer to Search and Seizure Policy and Procedures and Use of Force Policy and Procedures).



- 6.8 Each register must include information prescribed by the *Children and Young People Act 2008*.
- 6.9 When requested, the Manager must make the Register of Searches and Uses of Force and the Register of Segregation Directions available for inspection by:
- (a) a Judge
  - (b) a Magistrate
  - (c) an Official Visitor
  - (d) a Commissioner
  - (e) the ACT Public Advocate
  - (f) the Ombudsman.
- 6.10 The ACT Public Advocate is required to inspect the Register of Searches and Uses of Force at least once every 3 months.
- 6.11 The Director, Bimberi must provide a quarterly summary report to the Executive Director on information contained in the registers, reportable incidents and mandatory reports of threats to security under section 193 of the *Children and Young People Act 2008*.

#### Monitoring Records

- 6.12 Monitoring records must be stored as official records in accordance with the Directorate's Records Management Program.
- 6.13 The Manager may download visual or audio recordings for a number of purposes, including:
- (a) to review an incident or decision or to assist as an information source for the purpose of decision-making
  - (b) to review actions undertaken by youth workers
  - (c) to inform a response to an incident
  - (d) to inform debriefing
  - (e) to provide to police as evidence of a crime
  - (f) to conduct training.
- 6.14 If a monitoring record is to be used for the purpose of conducting training of youth workers, all reasonable attempts must be made to de-identify any young person that may be otherwise identified on the record.
- 6.15 On completion of any review of video or audio records, access to a record must be authorised by the Manager, unless otherwise required by law.

#### General Reporting Requirements

- 6.16 The Manager must ensure that the following reporting requirements are complied with:
- (a) as soon as practicable after the end of each month, a report is provided to the Director-General which summarises any incidents involving the use of force in relation to young people during the month
  - (b) as soon as practicable after a reportable incident outlined in Schedule 1, the Manager must notify the Director, Child and Youth Protection Services Operations the incident and what response has been provided
  - (c) staff are aware of their statutory responsibilities as mandated reporters under the *Children and Young People Act 2008*
  - (d) a quarterly summary report is provided to the Executive Director on information contained in the registers, reportable incidents and mandatory reports of threats to security under section 193 of the *Children and Young People Act 2008*
  - (e) ACT Insurance Authority incident forms are completed by staff and provided to the Director, Child and Youth Protection Services Operations not later than 10 working days after the incident which requires reporting.

- 6.17 All information collected must be placed on the relevant files and should be securely stored in compliance with both the *Information Privacy Act 2014* and the *Health Records (Privacy and Access) Act 1997*. Under these Acts, personal client records must be stored in a manner that will minimise the risk to damage, inappropriate or illegal access, movement or modification (including access to records without a legitimate reason). Records containing personal information must be kept up to date and accurate, access by young people to their records should be facilitated and if requested corrections/ amendments made. Youth workers must be mindful therefore that information must be kept up to date at all times.
- 6.18 All required reports are the responsibility of youth workers and are to be fully completed before a youth worker completes their shift, unless otherwise approved by the Manager.

#### Mandatory Reporting of Threats to Security at Detention Place

- 6.19 Section 193 of the *Children and Young People Act 2008* requires adults who work at, or provide services at, a detention place (whether paid or unpaid) to report to the Director-General their suspicion that a young person or anyone else at a detention place poses a significant threat to security, including by concealing a prohibited or dangerous thing.
- 6.20 Any person who makes a report under 6.17 must immediately report the information to the Manager.
- 6.21 A youth worker who receives a report from another person under 6.17 must immediately report the information to the Manager.
- 6.22 The Manager is responsible for recording reports received and deciding what action to take, if any, in response to the report.

#### Mandatory and Voluntary Reporting of Abuse and Neglect

- 6.23 All staff are mandated reporters under the *Children and Young People Act 2008* and are required by law to make a report to Child and Youth Protection Services if they reasonably believe 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.
- 6.24 If staff form a belief in accordance with 6.21, staff must immediately report the information to the Manager and report the information to Child and Youth Protection Services.
- 6.25 If staff suspects or believes that a young person who is under 18 years has experienced or is experiencing emotional abuse or neglect (for example, through the supervision of a contact visit with a family member), staff must report the information to the Manager. Staff may also make a voluntary report to Child and Youth Protection Services.

#### Reportable Incidents

- 6.26 There are two categories of Reportable Incidents and these are outlined in Schedule 1.
- 6.27 Staff must make a report of all Schedule 1, Reportable Incidents, accurately documenting and recording the incident, where relevant including the young person's views and any medical opinions, the parties involved and all actions and decisions undertaken.
- 6.28 On receiving a report about a Reportable Incident, the Manager must notify a person with parental responsibility for the young person or a nominated person, of the report. If relevant, the Manager must also notify the following people:
- (a) carer, significant person and/or next of kin

- (b) emergency services (police, fire brigade or ambulance)
  - (c) any other services relevant in response to the incident
  - (d) a detention place or the Court (e.g. vehicle breakdown).
- 6.29 The Manager must ensure where appropriate all staff, young people and visitors, who are witnesses to, or a party to, a reportable incident (either within or external to a detention place), provide, or acknowledge, a full report on their involvement in, or observations of the incident. The reports are required to be completed prior to the end of their shift unless otherwise authorised by the Manager.
- 6.30 On receiving a report about a Reportable Incident, the Manager is to download and save the relevant monitoring records (audio and video records/CCTV footage) of the incident.
- 6.31 As soon as practicable after a reportable incident has occurred, and when it is safe to do so, youth workers must inform the Manager of the incident. All relevant details and background information are to be provided.
- 6.32 The Manager must notify the Director, Child and Youth Protection Services Operations of the incident and what response has been provided.
- 6.33 When a Reportable Incident such as an emergency situation, serious assault, serious health incident, escape or attempted escape, use of force or a death in custody occurs, the requirements stipulated in the relevant policy and procedures must be applied.

#### Reporting of incidents to the ACT Insurance Authority (ACTIA)

- 6.34 In addition to Reportable Incidents, certain incidents occurring at a detention place or in relation to a young person lawfully absent from a detention place require the completion of an ACTIA report to ensure that the ACT Government is informed where a claim may be made against the Territory as a result of the incident.
- 6.35 The following incidents require reporting in these circumstances:
- (a) an injury to a young person (however caused) requiring medical treatment at a detention place or at a health facility
  - (b) an injury to a visitor requiring medical treatment
  - (c) a motor vehicle accident involving a young person
  - (d) death of a young person.
- 6.36 The ACTIA report form must be completed by the Unit Manager completing the incident report.

#### Inspections and Oversight at a Detention Place

- 6.37 The following persons acting in their official capacity may, at any reasonable time, enter and inspect a detention place or a place outside a detention place where a young person is, or has been, directed to work or participate in an activity:
- (a) a Judge
  - (b) a Magistrate
  - (c) a Member of the Legislative Assembly
  - (d) a Commissioner exercising functions under the *Human Rights Commission Act 2005*
  - (e) the ACT Public Advocate
  - (f) an Official Visitor
  - (g) the Ombudsman.
- 6.38 A decision to refuse entry to one of the above persons may only be made by the Manager if satisfied that their entry would significantly jeopardise the safety and security of a young person or other people at the time entry is being sought. If a decision is made to refuse entry, an arrangement must be

made with the person to allow them to enter a detention place or other place at the earliest possible time when entry would not significantly jeopardise the safety or security of a young person or other people.

- 6.39 The Register of Segregation Directions and Register of Searches and Uses of Force must be available for inspection by the persons listed at 6.37. The ACT Public Advocate is required to inspect the Register of Searches and Uses of Force on a quarterly basis.
- 6.40 Entry to and inspection of a detention place may also be undertaken by a person ('an inspector') who is authorised under a Territory law to do so. This includes:
- (a) an authorised officer or the Chief Health Officer under the *Public Health Act 1997*
  - (b) a police officer under the *Crimes Act 1900*
  - (c) a Chief Officer of an emergency service under the *Emergencies Act 2004* such as the Chief Officer of the fire brigade or ambulance service
  - (d) an authorised officer under the *Food Act 2001*.
- 6.41 An inspector who is authorised under a Territory law to enter and inspect a place must be allowed entry to a detention place, subject to 6.42.
- 6.42 The Manager may give reasonable directions to an inspector prior to their entry to a detention place to ensure the safety of the inspector or another person and/or the safety and security of a young person or other people. The inspector is required to comply with any reasonable direction given by the Manager in these circumstances.

#### Notifications of person/s with parental responsibility or nominated person

- 6.43 The Manager must ensure that all necessary notifications under the *Children and Young People Act 2008* are made to person/s with parental responsibility or nominated person and recorded in the Register of Young Detainees (refer to Admissions and Classification Policy and Procedures).
- 6.44 Only certain notifications must be made in writing and these are outlined below. All other notifications may be made verbally.
- 6.45 Notifications that must be made to person/s with parental responsibility or nominated person are:
- (a) under the Transfers Policy and Procedures, notification of the transfer of the young person to a health facility and for a young person aged 18 years or older, transfer to a correctional centre
  - (b) under the Admission and Classification Policy and Procedures, notification of the admission of the young person to a detention place and where relevant, details of requirements for the young person to appear before a court or tribunal
  - (c) under the Health and Wellbeing Policy and Procedures, notification of a young person's health condition requiring clinical care for 24 hours or more or requiring transfer to a health facility
  - (d) under the Segregation Policy and Procedures, written notification of the making of a segregation direction in relation to the young person
  - (e) under the Search and Seizure Policy and Procedures, notification of strip and body searches of the young person
  - (f) under the Local and Interstate Leave Policy and Procedures, notification of a decision to issue a local leave permit or interstate leave permit for a young person
  - (g) under section 237 of the *Children and Young People Act 2008*, notification of the results of any tests conducted on a sample taken from the young person for alcohol and drug testing.

- 6.46 The ACT Public Advocate must also be given written notice of the making of a Segregation Direction for a young person (refer to Segregation Policy and Procedures).

#### Provision of Information, Review of Decisions and Complaints

- 6.47 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.
- 6.48 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 Children, Youth and Families Complaints Unit, or the Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989*.
- 6.49 Staff must ensure that the Complaints Management Policy and Procedures is followed.

### **7. Forms and Templates**

Accident and Incident Report form  
ACTIA Report form  
Incident Report form  
Register of Segregation Directions  
Register of Searches and Uses of Force  
Register of Young Detainees

### **8. Related Policies and Procedures**

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

Admission and Classification Policy and Procedures  
Complaints Management Policy and Procedures  
Health and Wellbeing Policy and Procedures  
Safety and Security Policy and Procedures  
Search and Seizure Policy and Procedures  
Segregation Policy and Procedures  
Use of Force Policy and Procedures  
Visits, Phone Calls and Correspondence Policy and Procedures

#### Policies and Procedures in Child and Youth Protection Services

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 two years.

## Schedule 1 Reportable Incidents

Under this policy and procedure, a report must be created that provides a full accurate account of incidents under the following categories. Additional evidence to the incident, such as video or audio records and/or witness statements may also be necessary.

Reportable Incidents are separated into two categories:

Category 1 Reportable Incidents - all serious incidents where the Manager must notify the Director immediately.

Category 2 Reportable Incidents - all other incidents that do not require immediate notification of the Director. A Category 2 incident will require notification to the Director following the completion of the full report within 5 working days wherever possible.

<b>Category 1 Incidents</b>	<b>Category 2 Incidents</b>
Death in custody	Assault
Attempted suicide	Fight
Serious Injury	Threats against youth workers or any other person
Serious Health Complaint	Contagious disease
Escape	Minor breach of security
Serious assault	Incidents involving contraband or illegal things (including weapons, tools of escape and illicit drugs)
Major breach to Institution security	Motor vehicle accident
Natural/man-made disaster	Incident involving visitor/s to a detention place
Serious misconduct by staff member	Possession of a prohibited thing at a detention place by a Youth Worker or staff member
	Attempted escape
	Self-harm
	Any other event that in the opinion of the Manager should be reported