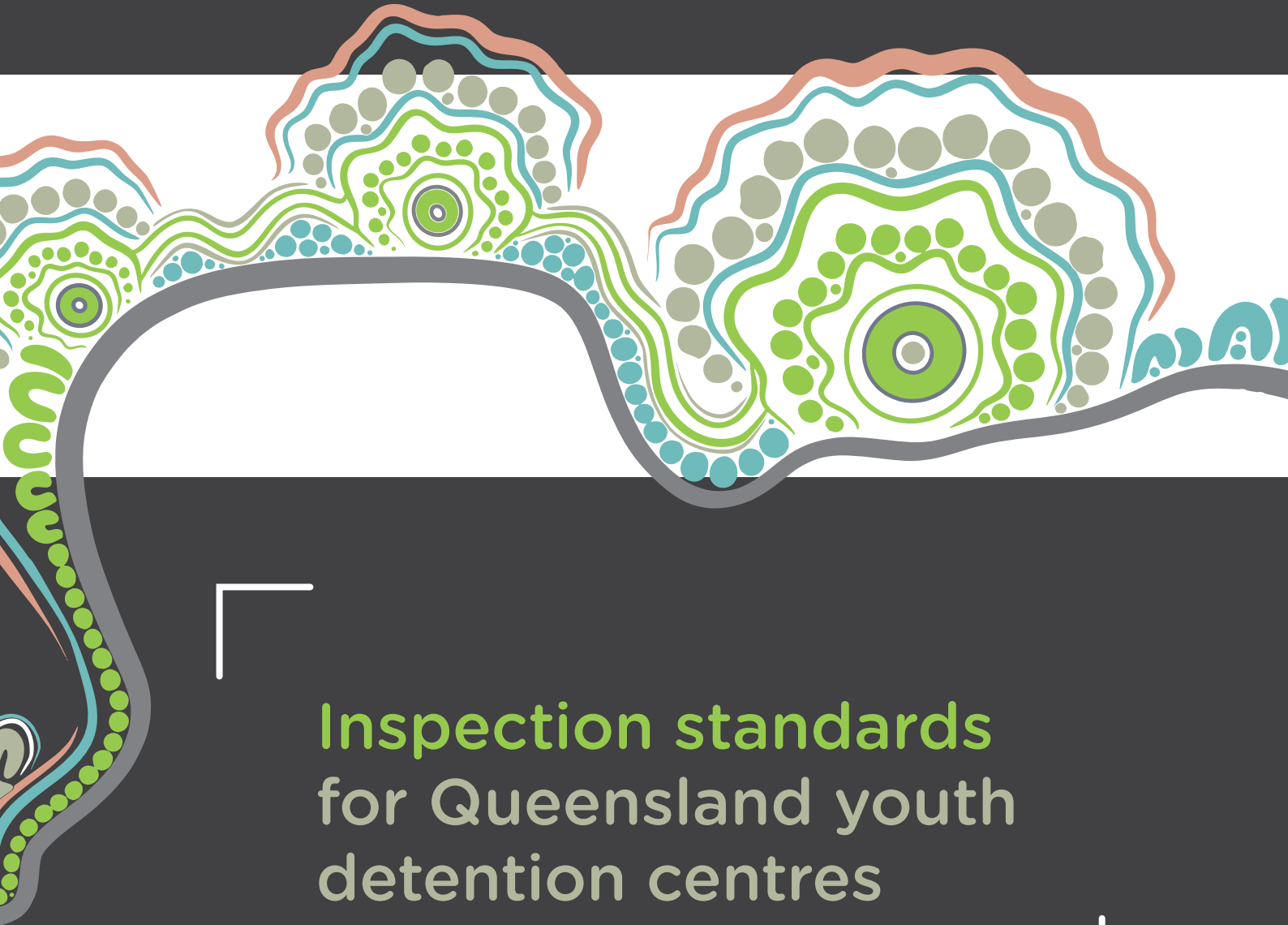


Inspector of Detention Services



Inspection standards  
for Queensland youth  
detention centres

August 2023



QUEENSLAND  
OMBUDSMAN



*Leaving Our Mark*  
(left and elements used throughout)

**Nathaniel Chapman**

Goenpul and Yuggera Man, also from the Wambia Tribe in Northern Territory and Waka Waka country in Eidsvold Queensland (2023)

**Public**

This document is released to the public space.  
It is approved for public distribution and readership.

We acknowledge the Traditional Owners of the land throughout Queensland and their continuing connection to land, culture and community. We pay our respects to Elders past and present.

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An abbreviated version of these standards is available as  
*Inspection standards for Queensland youth detention centres: Quick guide.*

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# Introduction

The purpose of the *Inspector of Detention Services Act 2022* (IDS Act) is to promote the improvement of detention services and places of detention. Areas of focus include promoting and upholding the humane treatment of detainees, and preventing them from being subjected to harm.

To achieve its purpose, the IDS Act authorises the Inspector of Detention Services to inspect places of detention, and report to Parliament about the outcomes of the inspections. The Inspector will conduct annual inspections of Queensland's youth detention centres to ensure a stronger safeguard for children in detention.

## Purpose of inspection standards

The *Inspection standards for Queensland youth detention centres* aim to ensure transparency in the outcomes that will be assessed during inspections. Each standard has a number of indicators which contribute to the Inspector's assessment of how well a standard is achieved. These indicators are not an exhaustive list and are intended as evidentiary indicators of the extent to which the standards are met.

The preparation and publication of these Standards is required by the IDS Act.<sup>1</sup>

## Human rights

Children's rights in youth detention centres in Queensland are protected by various legislation, primarily the *Youth Justice Act 1992* and the *Human Rights Act 2019*.

The Human Rights Act states that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person,<sup>2</sup> and should not be subjected to torture<sup>3</sup> or treated or punished in a cruel, inhuman or degrading way.<sup>4</sup> This is further outlined in the United Nations Convention on the Rights of the Child, which also emphasises the importance of the best interests of the child being a primary consideration for all actions concerning children.<sup>5</sup>

Due to the closed nature of places of detention and the power imbalance inherent in those environments, the potential for inhumane treatment is always present. It is well established that children in institutional settings can be more susceptible to abuse and may lack the skills needed to advocate effectively for themselves, particularly within a detention environment.<sup>6</sup> Risk of serious harm to children in detention arises from the potential for practices such as humiliation, use of excessive force, and misuse of restraints and isolation.<sup>7</sup> It is generally recognised that the observance of human rights is the most effective and safe way to manage custodial environments.<sup>8</sup> Oversight bodies such as the Inspector of Detention Services play a crucial role in monitoring and promoting the rights of children in detention centres to ensure their humane treatment.

1 Section 8(1)(d)

2 Section 30(1).

3 Section 17(a).

4 Section 17(b).

5 United Nations Convention on the Rights of the Child at articles 3, 37(a) and 37(c).

6 Ibid at 5.

7 See Report of Royal Commission into the Protection and Detention of Children in the Northern Territory, 2017,

8 Explanatory Notes, Inspector of Detention Services Bill 2021 (Qld), 1-2.

## Best practice principles

An additional goal for the Standards is to establish a set of best practice principles that youth detention centres should meet to ensure the humane treatment of children and prevent children being subjected to harm while detained.

Youth detention centres in Queensland should provide a secure and structured environment for children with a focus on rehabilitation and reintegration back into the community. They are responsible for the care, custody and support of children in detention. The youth detention centres should help children develop positive behaviours, address their offending behaviour and acquire the necessary skills to reintegrate into the community. This involves providing education, vocational training, mental health support and rehabilitation programs that focus on reoffending behaviours.

## Aboriginal and Torres Strait Islander children

As the majority of children in Queensland's youth detention centres are Aboriginal and/or Torres Strait Islander children, the Standards emphasise the importance of youth detention centres having a culturally appropriate operating philosophy.

The Standards highlight the importance of understanding and being responsive to the needs of Aboriginal and Torres Strait Islander children; ensuring they have regular consultation with Aboriginal and Torres Strait Islander staff, family and community leaders; and enabling Aboriginal and Torres Strait Islander families to assist in supporting their children. The importance of these practices is especially vital in Queensland due to the long distances between its youth detention centres and the communities of many of the children who are detained in them.

The Standards also address a range of other issues such as fair and accessible services for Aboriginal and Torres Strait Islander children, and the importance of Aboriginal and Torres Strait Islander Community Visitors and staff.

## Vulnerable and disadvantaged children

Children in youth detention centres are a highly vulnerable and disadvantaged group who have usually encountered serious problems in their lives such as neglect, poverty, poor health, cognitive disability, poor school attendance, exposure to traumatic events, and domestic and family violence.<sup>9</sup>

The Standards recognise the vulnerability and specific needs of children who are deprived of their liberty, and the importance of a child-focussed and trauma-informed operating philosophy. Specific standards address the needs of vulnerable children who are victims of abuse and trauma, at risk of suicide or self-harm, or who have mental health issues or substance abuse problems. Special categories of standards have also been included for girls, culturally and linguistically diverse children, transgender children, gender diverse children, intersex children and children with a disability.

9 See Bob Atkinson AO APM, Report on Youth Justice, 2018.

## How the Standards were prepared

The Standards were based on those of well-established independent inspectors in other Australian states and territories, in particular the *NSW Youth Justice Inspection Standards*. Consideration was also given to the *ACT Standards for Youth Detention Places*, the *Western Australian Code of Inspection Standards for Young People in Detention*, and the *Inspection Standards for Youth Custodial Centres in Tasmania*. The Inspector of Detention Services acknowledges the expertise and experience of inspection agencies in other jurisdictions and their assistance in developing these standards.

The Standards are informed by the IDS Act, relevant Queensland legislation relating to children in youth detention centres, the human rights of children as outlined in the Human Rights Act and relevant international rules that establish best practice. The Standards also reflect that in Queensland the large majority of children in youth detention centres are on remand.

International, national and local sources and legislation also informed the preparation of these Standards and are listed in the Abbreviations of supporting references.

Consultation was also undertaken with detention service providers, some Queensland government agencies, including those with oversight of youth detention, and community organisations.

## Ongoing review of the Standards

The Standards will be reviewed regularly to remain contemporaneous and relevant to the changing needs of children detained in youth detention centres in Queensland. Reviews will involve keeping up to date with emerging local, national and international resources, rules and legislation as well as feedback from government and non-government stakeholders. They will incorporate any developments in Queensland in relation to the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Australia in December 2017.

## Abbreviations of supporting references

Term	Meaning
ACCG Charter	Australian Children's Commissioners and Guardians, A model charter of rights for children and young people detained in youth justice facilities (2014)
ACCGS	Australian Children's Commissioners and Guardians Statement on Conditions and Treatment in Youth Justice Detention (2017)
AJJA	Australasian Juvenile Justice Administrators' Juvenile Justice Standards (2009)
AS 10002:2022	AS 10002:2022 Guidelines for complaint management in organizations
Bangkok Rules	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (2010)
Beijing Rules	United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985)
CCA	<i>Crime and Corruption Act 2001</i>
CDGSOG	Council of Europe Standards, Combating Discrimination on Grounds of Sexual Orientation or Gender Identity (2011)
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Juveniles deprived of their liberty under criminal legislation (2015)
CSS	Child Safe Standards, as developed by the Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
DGJJFANZ	Department of Human Services Victoria, Design Guidelines Juvenile Justice Facilities in Australia and New Zealand (1996)
EPR	Recommendation Rec(2006)2 of the Committee of Ministers to member States on the European Prison Rules
ERJO	Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for Juvenile Offenders Subjected to Sanctions or Measures
GP	Guiding Principles for Corrections in Australia (2018)
Havana Rules	United Nations, Rules for the Protection of Juveniles Deprived of their Liberty (1990)
HOA	<i>Health Ombudsman Act 2013</i>
HRA	<i>Human Rights Act 2019</i>
IRYD	Independent Review of Youth Detention (2016)
Mandela Rules	United Nations, Standard Minimum Rules for the Treatment of Prisoners (2015)
OA	<i>Ombudsman Act 2001</i>
PIDA	<i>Public Interest Disclosure Act 2010</i>
PPRA	<i>Police Powers and Responsibilities Act 2000</i>
PSA	<i>Public Sector Act 2022</i>
RCIADIC	Royal Commission into Aboriginal Deaths in Custody (1991) [references are to recommendations]
RCNT	Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory (2017) [references are to recommendations]



<b>Term</b>	<b>Meaning</b>
TGPP	United Nations Office for Project Services Technical Guidance for Prison Planning (2016)
Istanbul Statement	The Istanbul Statement on the Use and Effects of Solitary Confinement (2007)
UKHealth	Healthcare Standards for Children and Young People in Secure Settings (2019)
UNBOP	United Nations, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1998)
UNBPRL	United Nations, Basic Principles on the Role of Lawyers (1990)
UNCRC	United Nations, Convention on the Rights of the Child (1990)
YJA	<i>Youth Justice Act 1992</i>
YJR	Youth Justice Regulation 2016
YOITA	<i>Young Offenders (Interstate Transfer) Act 1987</i>
Yogyakarta Principles	The Yogyakarta Principles, Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007)

## Glossary

<b>Term</b>	<b>Meaning</b>
<b>Child Safety department</b>	The Queensland government department which oversees the <i>Child Protection Act 1999</i> and Child Protection Regulation 2011
<b>family</b>	Unless specified as only parents or guardians, 'family' in this document also refers to the child's extended family and carers in the community (including in some instances the State). Therefore, 'family' can include, but is not limited to, aunts, uncles, grandparents, cousins, partners and non-blood relations who have significant input and involvement in the child's life
<b>Inspector</b>	Queensland Ombudsman and Inspector of Detention Services
<b>staff</b>	Any relevant staff whether the staff member is employed by the department, the Department of Education, a Hospital and Health Service or a service provider.
<b>strip search</b>	The Youth Justice Regulation references searches involving removal of clothing and the child will be searched partly dressed. The department reference 'partially clothed searches' as the preferred term. In our standards, the term 'strip search' is understood to mean a search of a person in which they are partially clothed, e.g. clothing on upper body is removed so upper body is searched, clothing then replaced and the method repeated with lower half of body.
<b>young person or young people</b>	Detainees in a youth detention centre who are 18 years or older

## Standards for all children

These standards recognise the vulnerability and specific needs of children who are deprived of their liberty, and the importance of ensuring the humane treatment of all children while in youth detention centres.

These standards apply to all children under 18 years and young people 18 years and older who are detained in a youth detention centre.



## Protecting basic rights of children in a diverse and predominantly Aboriginal and Torres Strait Islander population

### Standard

**1**

**All youth detention centres must reflect a child-focused, trauma-informed and culturally appropriate operational philosophy.**

### Indicators

- Youth detention centres are organised around a clearly defined youth detention philosophy, communicated and supported across all levels of staff, and communicated to detained children.
- Given the predominance of Aboriginal and Torres Strait Islander children, the youth detention system must be oriented to understanding and being responsive to the needs of Aboriginal and Torres Strait Islander children.
- There is regular consultation with Aboriginal and Torres Strait Islander staff, families and respected community leaders about ways to limit distress caused to Aboriginal and Torres Strait Islander children by being in a youth detention centre. The youth detention centre encourages and enables Aboriginal and Torres Strait Islander families and communities to assist in managing and supporting their children.
- Youth detention centres have clearly articulated operating principles which are understood by staff. These principles align with legislative requirements relating to youth detention centres, including the *Human Rights Act 2019*.
- Operational procedures follow clear policy derived from legislation and reflect the requirement to maintain humane treatment and ensure that no child suffers unnecessarily while in a youth detention centre. All staff have easy access to policy and procedures, which are regularly reviewed.
- Youth detention centres have a clear focus on understanding and appropriately responding to individual developmental needs, links to family support, throughcare from and to the community, and the specific and individual needs of children (within the context of their family, community and culture).
- Executives, management and operational staff model appropriate professional behaviours and have congruent attitudes, experience and training to implement the detention centre philosophy.
- Youth detention centres are located separately from adult custodial facilities.

RCIADIC 167; UNCRC 3, 20, 27(1)-(2); YJA 3, sch 1

## Standard

### 2

**Aboriginal and Torres Strait Islander children in youth detention centres have fair and equitable access to services, activities and facilities, including services specifically relating to their cultural identity.**

## Indicators

- Staff are aware of the differences among Aboriginal and Torres Strait Islander cultures and protocols from different regions, and ensure no group or individual is disadvantaged, excluded or ignored.
- The distinct cultural rights of Aboriginal and Torres Strait Islander children, also protected under the Human Rights Act, are realised.
- All staff are trained in cultural safety, preventing discrimination and meeting the needs of Aboriginal and Torres Strait Islander children.
- There is regular consultation with Aboriginal and Torres Strait Islander staff, families and respected community leaders about ways to limit distress caused to Aboriginal and Torres Strait Islander children by being in a youth detention centre. Staff encourage and enable Aboriginal and Torres Strait Islander families and communities to assist in managing and supporting their children.
- There is appropriate acknowledgement of the traditional Aboriginal and Torres Strait Islander owners of the land, and ceremonies are held within the youth detention centre to mark events of cultural significance.
- During their detention, all children receive education about Aboriginal and Torres Strait Islander history, language, culture and current issues.
- The centre employs a number of Aboriginal and Torres Strait Islander staff, including cultural officers, caseworkers, education officers and health staff, who are tasked with specific duties relating to the cultural needs of Aboriginal and Torres Strait Islander children.
- A range of Aboriginal and Torres Strait Islander services visit the youth detention centre regularly (including, but not limited to, Aboriginal and Torres Strait Islander legal services and health services).
- Aboriginal and Torres Strait Islander role models from the community are encouraged to visit and participate in recreational and educational activities, as appropriate.
- There are a variety of suitable programs and activities available for Aboriginal and Torres Strait Islander children from different backgrounds<sup>10</sup> including those from urban, regional and remote areas, and from different language groups. These programs and activities, some of which have rehabilitative outcomes, can be tailored to the needs of individuals and their family and community circumstances.
- Staff support Aboriginal and Torres Strait Islander children to maintain and further develop connections to culture and community by notifying them of important events in the community, and assisting them to attend significant events wherever possible (for example, funerals and Sorry Business). Where attendance is not possible, related activities will be provided within the youth detention centre, such as a commemorative service and grieving time in lieu of funeral attendance, or activities to mark special events such as NAIDOC Week, National Sorry Day and Sad News.

**DGJFANZ** 5.403–5.413; **Havana Rules** 12; **HRA** 20, 27, 28; **RCIADIC** 171, 172, 173, 174, 183, 290, 291; **UNCRC** 30; **YJA** 269, sch 1 at 13, 15

<sup>10</sup> This requires sensitivity to how Aboriginal and Torres Strait Islander children react to being in the local country, and how the local Aboriginal and Torres Strait Islander children will respond. There may be the need for Aboriginal and Torres Strait Islander 'cultural exchange' activities and a Welcome to Country incorporated into orientation when appropriate.

## Early days in the youth detention centre

### Reception and admission

#### Standard

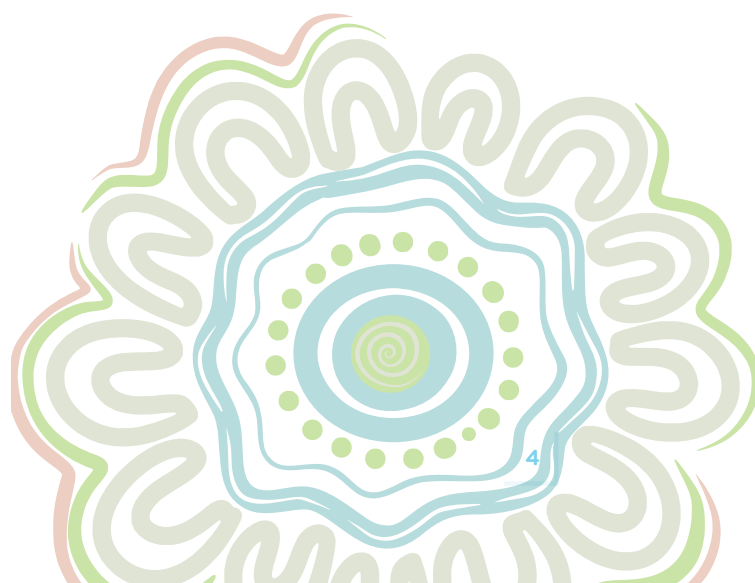
**3**

**Children are only held in youth detention centres under a legal authority for admission to detention and are released on the required date.**

#### Indicators

- The admission process includes confirming that all arrivals have a legal authority for admission to detention, which ensures there is a legal basis for admitting the child and the correct child is received into the youth detention centre.
- Children are informed of and understand their sentence or remanded in custody status.
- All children admitted to detention are given support to challenge if they wish their detention order as soon as practical or within 24 hours of arrest. Support could include ensuring the child is able to attend court in person or by video link. Any youth detention centre documentation required for court is provided in a timely manner.
- Youth detention centre staff create and maintain a file for each child, which includes all warrants and legal documents received, personal information, a property inventory, family contact details and any other relevant admission details.
- Children's release dates are accurately calculated and they are advised of the date at the earliest opportunity.

**Beijing Rules** 28.1, 28.2; **Havana Rules** 2, 17, 20, 79, 80; **IRYD**; **PPRA** 367; **UNCRC** 37(b), 37(d); **YJA** 49, 266; **YJR** 1



## Standard

# 4

**Children are safe and treated with respect on admission to a youth detention centre. They undergo a comprehensive assessment to ensure their immediate risks and needs are identified within two hours of admission, and they are accommodated appropriately within the centre.**

## Indicators

- Admission discussions take place in a clean, secure, non-threatening and confidential environment.
- Information and instructions about life at the youth detention centre are communicated in a manner that meets the communication needs of the child. An interpreter is used where required, and consideration is given to allowing an intermediary to assist a child with identified needs to help them understand the admission process.
- Children are always asked if it is their first time in a youth detention centre and are treated accordingly.
- All new arrivals are offered the chance to speak to a member of the chaplaincy as soon as practicable.
- Staff supply children with a pack containing essential basic toiletry items, clothing and bedding.
- Children are provided with an opportunity to make a telephone call on admission.
- For all children in the care of the State or without existing care arrangements in the community, involvement from Child Safety Services is sought at the earliest opportunity.
- Children who are detained for serious or high-profile offences are identified on arrival and provided tailored support as required.
- Staff take particular care with first-time arrivals, very young children, remote Aboriginal and Torres Strait Islander children and foreign nationals.
- There are a range of formal and informal ways to assess children on arrival, having regard to their age and ability to understand. Age-appropriate and culturally appropriate assessment tools – in particular those suitable for Aboriginal and Torres Strait Islander children from various regions and language groups – are available and used in the youth detention centre to identify any specific needs and the level of risk associated with those needs.
- Upon admission, at-risk children are identified and strategies developed to ensure their safety. Until they are assessed, all children are treated as being high-risk and are subject to more frequent welfare checks than usual.
- Effective and safe processes exist to manage children who are especially vulnerable, or who have committed high-profile offences or offences of a sexual nature.
- All new arrivals receive a prompt assessment of their substance use to determine the specialist clinical support they may require.
- A health practitioner examines all children within two hours of admission to identify any conditions that require immediate attention.
- When considering the placement of children in a youth detention centre, staff consider a child's cultural identity as well as the presence of family members (including extended family members), members of feuding families and members of rival gangs. Any other relevant factors are also considered.
- Prior to being locked down on their first night, and regardless of the time, children are given the opportunity to shower and have a meal.

## Orientation

### Standard

**5****Induction begins within 24 hours of a child's arrival at the youth detention centre.**

### Indicators

- All children receive a structured and comprehensive induction which leaves them with a clear understanding of the youth detention centre's expectations, and how to access any information or services required. An induction is provided even if a child has been previously admitted to the centre.
- Information is communicated in a manner and language the child understands. An interpreter is used where required, and consideration is given to allowing an intermediary or other reasonable adjustment required to assist a child with identified needs to help them understand the induction process.
- Staff reinforce the information provided during admission and induction. They are approachable and available to respond to questions on a continuing basis.
- An individual interview takes place during the induction process to assess how the child is feeling about being in a youth detention centre. The interview aims to reduce the anxiety of entering a youth detention centre. Staff spend time with children on their first morning to assess how they are coping and complete required accommodation-specific induction tasks.
- Children are informed about the youth detention centre's procedures to protect them from bullying, racist behaviour, peer pressure and abuse, and are advised how to raise concerns or complaints. They are also informed of the consequences should they engage in such behaviour.
- Staff inform children that their private information will be treated confidentially.
- A peer support program exists to support children. Peer supporters are supervised by staff.
- Children are given information about the use and purpose of camera surveillance in a youth detention centre, including CCTV and body-worn cameras, in a format that meets their communication needs.

Havana Rules 24, 25, 75, 76, 77, 78; YJR 10,11,12,13

## Duty of care

### Access to legal representatives and resources

#### Standard

6

**Children have access to legal representatives and resources and are supported to understand their rights and obligations.**

#### Indicators

- Staff inform each child of their legal rights verbally and in writing in a manner and language the child understands.
- Staff offer children any assistance they need to access legal advice and representation.
- Children can easily and confidentially communicate with legal representatives free of charge.
- Letters from legal advisors to children remain confidential and are not opened by centre staff.
- Children have unlimited access to legal advisors and are kept informed of all relevant information about their court case in a way that meets their communication needs.
- Children have access to independent advocacy services. They are made aware of the people or agencies they can speak to if they have concerns about their care and custody in a youth detention centre, such as the Office of the Public Guardian's Community Visitors, the Office of the Queensland Ombudsman, the Office of the Health Ombudsman, the Queensland Human Rights Commission, the Crime and Corruption Commission and the Aboriginal and Torres Strait Islander Legal Service (ATSILS).
- Children have appropriate representation, including a responsible adult, during any Queensland Police Service interviews at the youth detention centre. Children are made aware of their rights prior to all Queensland Police Service interviews.
- Where a child's bail application is not pursued by their legal representative within a reasonable timeframe, staff liaise with that legal representative to identify any issues preventing the application being made. They also work to resolve those issues in consultation with the relevant staff, such as the Youth Justice Service Centre case manager and/or a child safety officer.

**ACCG Charter; Beijing Rules 7.1; CCA 36; CPT 130; EPR 23; ERJO 50.3, 105; Havana Rules 18(a), 24, 25, 60, 75, 76, 77, 78; HOA 13; HRA 64, 65; Mandela Rules 56, 61; OA 20; UNBOP 17, 18; UNBPRL 1, 5, 6, 8; UNCRC 3, 12, 13, 37(d), 40(2); YJA 277**



## Bullying, discrimination and violence reduction

### Standard

7

**No child or group of children will experience disadvantage, discrimination or violence while in a youth detention centre.**

### Indicators

- The application of youth detention centre policies and procedures does not result in a child being treated less favourably because of their race, colour, age, sexual orientation, lawful sexual activity, gender, gender identity, relationship status, pregnancy, parental status, family responsibilities, disability, religion, politics, birth, culture, language, national or social origin, property or other status.
- All children have equitable access to the full range of services available within the youth detention centre and in the wider community. Equitable access may involve tailoring services to individual needs.
- The youth detention centre has an effective anti-discrimination strategy and an equity and diversity policy, and actively promotes respect for difference.
- Staff give children clear information about how the youth detention centre promotes equity and diversity, and how to obtain support regarding equity or diversity issues.
- The youth detention centre has active strategies for the protection of vulnerable and at-risk children, and the identification and management of bullying, discrimination or violence. Staff are trained in these strategies, which are regularly reviewed.
- Staff receive training about cultural awareness, supporting diversity, preventing discrimination and defusing cultural conflicts.
- Information about the youth detention centre's stance on bullying, discrimination and violence is communicated to children in a manner and language they understand. A child's language skills, literacy level, and any disability affecting reading or cognition is considered when providing information and instruction.
- Consultation and involvement are sought from staff, families and community leaders from different cultures and cohorts represented in the youth detention centre's population regarding ways to limit any distress to children caused by the environment and routines in the youth detention centre. Staff encourage and enable families and communities to assist in managing and supporting their children.
- Allegations and incidents of bullying, discrimination or violence within the centre are treated consistently and investigated thoroughly. Incidents are routinely reported, patterns identified and strategies introduced to address new and emerging trends.
- Effective programs support children experiencing bullying, discrimination or violence, and challenge and educate perpetrators. Interventions and responses to allegations address both the victim and perpetrator.
- Children are given the opportunity to play an active role in eliminating all forms of bullying, discrimination, and violence, and are consulted frequently to strengthen and support the elimination of these behaviours.
- Children, staff and visitors know how to report bullying, discriminatory or violent behaviour. They are supported to do so and are safe from any repercussions.

## Standard

# 8

**Children, staff and visitors understand bullying, intimidating or racist behaviour is not acceptable. They are aware of the consequences of such conduct and know how to address the specific behaviours.**

## Indicators

- The youth detention centre has in place an anti-bullying and anti-racism strategy for both staff and children, and staff are trained to apply these strategies to address behaviours.
- The anti-bullying and anti-racism policy or strategy is well publicised to staff and visitors. Visitors are aware they can report any concerns to the youth detention centre.
- The centre keeps up-to-date, comprehensive and accurate records of reported bullying and racism, official complaints and investigation outcomes.
- Age-appropriate programs target all types of bullying and racist behaviours including physical, psychological and sexual.
- Children are aware and confident of being able to make a complaint or allegation about bullying, intimidation and/or racism, and they are offered support and counselling throughout the investigation process.
- Those children who have been identified as engaging in bullying, intimidation and/or racist behaviour have individual plans to address their behaviour. The content of those plans is linked to any other existing behavioural or other plan for that child.
- Attention is given to identifying and protecting vulnerable children who may be victimised due to the nature of their offence or personal circumstances.
- Staff identify children who self-isolate and provide support to promote positive relationships, wellbeing and participation in the daily regime.

**ACCGS 10; Beijing Rules 26.2; GP 1.1.4, 3.1.4, 3.1.13, 3.2.9, 3.3.8, 3.3.9; Havana Rules 66, 67, 87(a), 87(d); Mandela Rules 1; Istanbul Statement; UNCRC 2; YJR 21, 22**

## Victims of abuse or trauma

### Standard

**9**

**The needs of children with a high level of vulnerability or a history of trauma are assessed. Children have access to services, activities and facilities specific to their needs.**

### Indicators

- Children can be identified as victims of ill-treatment, abuse or trauma at any time during custody.
- Children are assessed to identify any level of vulnerability or past trauma and, where appropriate, are referred to services for specialist treatment.
- Disclosures of vulnerability, abuse or trauma are identified and handled sensitively by professional staff.
- Children with high levels of vulnerability or a history of trauma have management plans specifying their individual needs and how they can be addressed. These plans document the types of support from culturally appropriate services that may be provided, including health care, disability support/assessment, casework and counselling. All staff involved in a child's management are aware of their plan.
- All staff are trained in trauma-informed practice. Staff working closely with children who have vulnerabilities or a history of trauma also receive ongoing training in managing these children.
- Specific services are available for children who have experienced trauma, for example, grief counselling and sexual assault counselling.

**ACCG Charter; Beijing Rules 26.2; DGJFANZ 5.203–5.213; Havana Rules 51; IRYD; UNCRC 23**

## At-risk children

### Standard

# 10

**Children at risk of self-harm and/or suicide are promptly identified, and short-term, medium-term and/or long-term plans are created.**

### Indicators

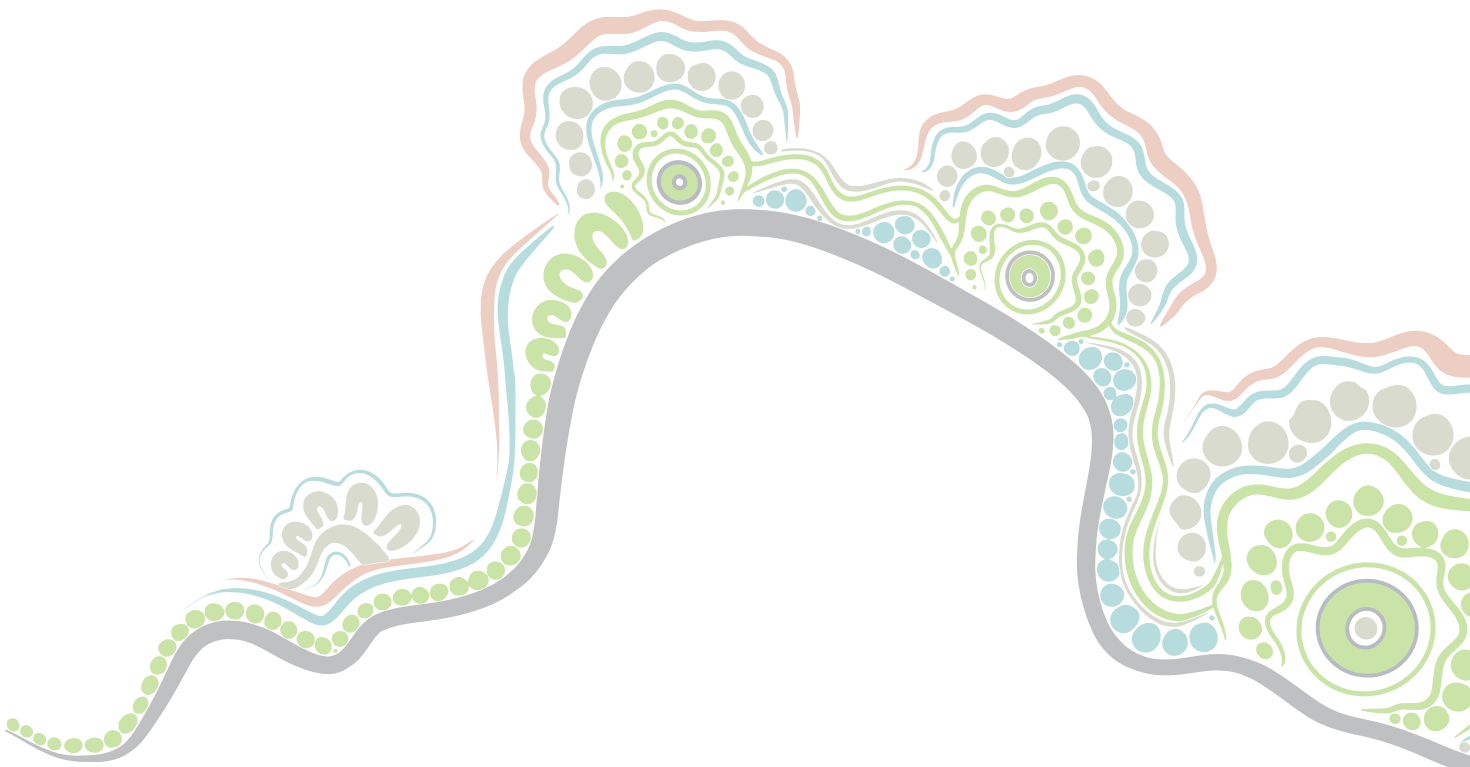
- Children identified as being at-risk of self-harm and/or suicide are referred to health staff immediately for early intervention management and health follow-up on referrals. If the situation arises after hours, a specialist mental health service is contacted for advice.
- A comprehensive plan for the child is devised, which details the individual staff responsible for supporting the child.
- Children are encouraged to contribute to developing their plan and identifying their own care and support needs. Families are also involved in the development and review of plans, where appropriate.
- When a plan is finalised and closed, arrangements are in place for a follow-up assessment of the child.
- Children at high risk of suicide or self-harm are subject to closer and more frequent observations, the details of which must be recorded by staff.
- All incidents of self-harm or attempted self-harm are investigated. Incident reports are prepared and forwarded to the appropriate agencies and staff.
- When it is in the child's best interests, family members are given additional opportunities to visit children who are subject to constant observation.
- In addition to clinical services, a range of other services are available to all children, providing them with social, emotional and cultural support to ensure their wellbeing and prevent suicide and self-harm.
- Alternative supports are a regular and valued part of the youth detention centre, including but not limited to Aboriginal and Torres Strait Islander Elders, mentors, chaplains and other religious leaders.
- Family, community, peer and/or mentor involvement is sought and encouraged during times of stress and crisis, in addition to regular social contacts.
- All support services are encouraged to work towards the same broad goals with each child. To facilitate this, information about an individual child's issues is shared appropriately, according to clear protocols, service agreements and confidentiality provisions.

AJJA 10.7; Havana Rules 28, 87(d); UNCRC 39

**Standard****11****Strategies are developed for children who are at risk of suicide or self-harm, to ensure their safety.****Indicators**

- All centres have an appropriate room where children at high risk can be placed and monitored without causing further psychological or physical harm to the child.
- All children have access to confidential telephone helplines when required.
- Where a child is considered to be an extreme suicide risk, they are not forced to wear suicide risk clothing and instead are placed under constant surveillance.
- All staff are trained in suicide awareness, CPR, first aid and first response to a self-harm or suicide incident. This training is updated regularly.
- All children's rooms have a serviceable alarm or intercom system which gives direct communication to staff.
- Personal possessions are only removed from a child's room in well documented and exceptional circumstances. They are returned to the child as soon as it is safe to do so.
- A documented procedure ensures recommendations from incident investigations are followed through to implementation.
- Areas of the youth detention centre where children may be unsupervised are free from ligature points.
- If a child is due for release, family and community supports are established with safety plans developed for implementation within the community.

**AJJA 10.7; Bangkok Rules 35; Havana Rules 28, 87(d); UNCRC 39**



## Reporting harm

### Standard

**12**

**Children are assessed to ensure they are safe from physical, psychological and emotional harm, and any harm is immediately reported.**

### Indicators

- Harm is assessed following all incidents, for all children involved, including bystanders and witnesses.
- The process for assessing harm is evidence-based and there are tools to support the assessment. Cultural units and Aboriginal and/or Torres Strait Islander staff are consulted during the harm assessments to ensure they are culturally inclusive and sensitive.
- Health staff are also consulted to ensure these assessments are disability informed.
- Parents or guardians are notified whenever a harm assessment is completed, whether or not harm was assessed to have occurred.
- Staff monitor children following an initial harm assessment to identify any deterioration in their behaviour or mood that may require a subsequent harm assessment.
- Cumulative harm is considered and documented during harm assessment processes.
- All harm assessments and reasons for any decisions are clearly documented.
- Case managers in the community are informed of harm assessments.
- Medical assessments are undertaken in a timely manner where physical harm has occurred.
- Children are offered supports in a timely manner, where psychological or emotional harm has been assessed.
- Cultural harm is considered during harm assessments, by including appropriate Aboriginal and/or Torres Strait Islander staff in the assessment process.

**Havana Rules 28; Mandela Rules 30(c); YJR 37**

## Separation and solitary confinement

Separating a child can result in serious psychological harm to the child, especially when experienced by vulnerable children, or for prolonged periods of time. There is also a risk that children who are separated may have reduced access to services provided as part of the youth detention centre's structured day, including programs, education, health services and cultural activities.

In Queensland youth detention centres, children are separated from other children in various locations such as behaviour support units, medical units, separation rooms and their own rooms. While in some instances separation can be for a short time, it can also continue for very long periods. Due to the risk of harm and mistreatment, the way in which this practice is carried out is a key focus area for achieving the purpose of the *Inspector of Detention Services Act 2022*.

### ***Solitary confinement and separation***

In Australia, the practice of separating children from the general youth detention centre population is referred to in various ways such as solitary confinement, segregation, separation and isolation. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) use the terms 'separation' and 'solitary confinement'. Rule 44 describes solitary confinement as the confinement of prisoners for 22 hours or more a day without meaningful human contact. Rule 45(2) states:

The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice continues to apply.

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules) state at Rule 67:

...all disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned.

The Standards for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment define solitary confinement as 'whenever a prisoner is ordered to be held separately from other prisoners'. In these standards, we use the term 'separation' to refer generally to the separation of a child from other children.

### ***Youth Justice Regulation***

Under the Youth Justice Regulation 2016, a child may be separated from other children in the following circumstances:

- if the child is ill
- at the child's request
- for routine security purposes under a direction issued by the Chief Executive
- for the child's protection or the protection of another person or property
- to restore order in the detention centre.

The Youth Justice Regulation makes specific provision for various related matters, including observations that should be conducted while a child is in separation and requirements regarding recordkeeping.

### ***Standards***

These standards require strict compliance with domestic legislation including the Youth Justice Act and Youth Justice Regulation. In addition, the standards incorporate rules set out in international instruments including the Nelson Mandela Rules, the Havana Rules and the Bangkok Rules.

**Standard****13****Children are never subjected to solitary confinement, including a routine that amounts to solitary confinement.****Indicators**

- Children are never confined in a room for 22 hours or more a day without meaningful human contact.
- Children can exercise in open and fresh air for at least two daylight hours every day in a space large enough to enable meaningful exercise (at least 4 m<sup>2</sup> per person with adequate cover to shelter from wet or hot weather).

**Havana Rules 67; Mandela Rules 45(2), 46(3)****Standard****14****Staff consider and strictly comply with the requirements of domestic legislation relevant to separation.****Indicators**

- All decisions to separate children are authorised under the Youth Justice Act and Youth Justice Regulation.
- Staff implement all requirements of the Youth Justice Regulation in relation to separation, observations and recordkeeping.
- The decision to separate a child is made by the delegated officer as outlined in legislation, and the officer level of approval increases the longer the separation continues. As required by the Human Rights Act, proper consideration is given to human rights when deciding to separate a child. The need for detailed consideration of a child's human rights becomes more acute as the cumulative period of separation increases.
- Children wishing to lodge a complaint about their separation with a community visitor or with centre management are supported in doing so, in accordance with applicable legislation.
- Staff keep comprehensive records of all decisions and actions taken in relation to the separation of children.

**Havana Rules 67; Mandela Rules 45(2); IRYD; RCNT; YJR 21, 22**



## Standard

**15 Children are separated only in accordance with the limited grounds prescribed by law, as a last resort, and where there is a demonstrated need to do so. The separation must be carried out in the least restrictive way and for the shortest possible time.**

## Indicators

- Separation is never used for disciplinary purposes, nor is it used as a long-term management strategy.
- Children are only confined to their room outside the overnight confinement period if there is a specific reason to do so.
- When deciding to separate a child, staff consider any relevant and known disabilities, cultural considerations and the likely impact of separate accommodation on the health and wellbeing of the child.
- Consultation with health care professionals occurs before children with mental, physical or cognitive disabilities are separated from other children, except in exceptional circumstances where there is a real, immediate risk of harm to the child or others.
- Staff promptly inform children of a decision to separate them, explaining the reasons for the separation, the period of separation and the review options. This information is communicated in a manner that meets the communication needs of the child.
- Children who are separated retain all their entitlements under relevant legislation including the right to access sufficient food and drink, use the bathroom, receive education, seek and receive medical attention and medication, contact their legal representative, receive visits, and access complaint and oversight mechanisms.
- Health professionals regularly visit children who are separated and must advise if the termination or alteration of their separation is necessary on the grounds of the child's physical or mental health or disability.
- Staff regularly review decisions to place a child in separation, and revoke these decisions as soon as there are reasonable grounds for the belief that separation is no longer necessary or prudent.
- Children who have been separated in one youth detention centre have their separation status reviewed prior to being transferred to another youth detention centre.
- Details of the separation are recorded as outlined in legislation. Staff are trained in recordkeeping requirements.
- Staff accurately and clearly record the time a child spends out of their room for any reason during periods of separation, including for the purposes of using the bathroom, making phone calls, attending visits or exercising.
- The youth detention centre has an adequate system to allow staff to record the child's out-of-room time, and staff are trained and demonstrate competency in its use.
- There is timely internal reporting by each youth detention centre that captures the amount of time each child in the centre has been separated and the amount of time they have spent outside the locked room they were separated in. This enables senior departmental officers to monitor and have oversight of the use of separation.
- When assessing staff requests for separation that extend beyond one day, decision-makers consider the impact of continuous separation on the health and wellbeing of children and their access to services.

## Standard

# 16

**Where a child is separated from other children, they are treated with respect and dignity, and have meaningful opportunities to leave the unit, associate with other children and earn privileges.**

## Indicators

- Children's individual needs, including mental health, education and program needs continue to be met notwithstanding their separation from other children.
- Staff review children daily to ensure their health care needs are met in a timely manner.
- Children who are separated should never be denied access to medical attention or any existing schedule of medication.
- Care is taken to reduce risks of self-harm and suicide, including through effective observations and dynamic security measures. Staff also aim to ensure the environment and regime is the least restrictive in the circumstances.
- Staff who monitor separated children are appropriately trained and supported to recognise mental health issues, distress or signs of decline that can be inherent in situations of social isolation. Staff have strategies to mitigate the effects of isolation and escalate their concerns where appropriate.
- Staff closely observe and supervise children in separation and do not leave them for long periods of time with nothing to occupy them. All observations are recorded, and those records are monitored and reviewed by senior staff.
- Children in separation have meaningful daily conversations with various staff, for example, caseworkers, psychologists, health practitioners, and staff from education, behaviour support, programs and cultural units.
- Children who are separated can exercise in open and fresh air for at least two hours every day in a space large enough to enable meaningful exercise (at least 4 m<sup>2</sup> per person, with adequate cover to shelter from wet or hot weather).
- The opportunity for a child to exercise outside their room is not made subject to invasive security measures, for example strip searching.
- Children are afforded access to as comprehensive a range of activities, facilities and programs as possible.
- Children are provided with opportunities to engage in constructive activities such as education, culture and recreation.
- Children have the opportunity to interact with other children.
- Separation is not used as a management solution for the placement of children with mental health issues or disability.
- Multidisciplinary case management reviews with qualified staff, including health staff, are regularly held for children who are separated.

**ACCGS 10;** GP 1.1.4, 3.2.9, 3.3.8, 3.3.9; **Havana Rules 66, 67;** IRYD; **Mandela Rules 1, 37(c), 43, 44, 45;** **RCNT;** **Istanbul Statement;** **YJR 21, 22**

## Transfers

### Standard

# 17

**Children transferred between youth detention centres are well prepared and supported.**

### Indicators

- There are adequate reasons to transfer children between youth detention centres.
- A child is not transferred to another centre as a disciplinary measure.
- Staff record all decisions to transfer a child between youth detention centres.
- The decision-maker considers the child's human rights, as well as the impact of displacing them from their family and community supports when making the transfer decision. The child's views are also obtained and considered.
- Children (and their parents or guardians) are given 24 hours' notice of planned transfers between youth detention centres, unless it is assessed as a risk to the safety of the child or other people to do so.
- Staff provide children with information about the youth detention centre to which they are being transferred in a manner and language they understand.
- Children are transferred in an appropriate form of transportation which considers the distance they have to travel.
- Children are only transferred interstate in circumstances that comply with the *Young Offenders (Interstate Transfer) Act 1987*.
- All relevant information about the child is transferred between the youth detention centres to ensure continuity of care.
- All of the child's property is transferred with them.

EPR 58, 96, 97, 98, 99; Havana Rules 26; Mandela Rules 68; YOITA 7; YJA 265

## Requests and complaints

### Standard

# 18

**Children are consulted about matters which affect them.**

### Indicators

- Staff work with children to create consultation methods, such as forums, in which they can regular discuss issues that affect them, without (or before) resorting to more formal complaints processes.
- The selection of children to take part in forums is fair and transparent.
- Management at the centre address any matters raised at forums and give children timely feedback in a manner and language they understand.
- Policies and procedures are responsive to the views and experiences of children.

EPR 50, 70; GP 1.3.1; Havana Rules 24, 25, 75, 76, 77, 78; Mandela Rules 8(d), 56.1, 56.3, 56.4, 57

## Standard

### 19 Youth detention centres, health service providers and education providers have effective, transparent and confidential complaints processes in place for children, staff and visitors.

#### Indicators

- The youth detention centre and its service providers have effective complaints-handling policies and procedures which outline roles and responsibilities, approaches to dealing with different types of complaints, and obligations to act and report.
- All complaints, whether formal or informal, are dealt with fairly and promptly, considering individual circumstances.
- Investigations are planned, fair, proportionate and thorough, with findings supported by the available evidence.
- Investigations of issues, incidents and allegations are undertaken quickly and thoroughly by an appropriately qualified and unbiased officer.
- Full and accurate records of complaints are kept and stored in a secure location, and are only accessible by authorised staff.
- An effective monitoring system is in place to analyse complaints, identify patterns and trends and make any necessary changes.
- Information about complaints policies is reinforced through notices and posters displayed throughout the youth detention centre in a range of formats, which consider the various developmental needs and literacy levels of children at the centre. The information is readily available to staff, visitors and other interested parties as appropriate.
- All complaints are reported, recorded and reviewed. Staff receive feedback on their actions, with complaint outcomes used to highlight training needs or updates to procedures.

**ACCG Charter; AJJA 1.8; AS 10002:2022; CSS 2(d), 6, 9(b); EPR 70; GP 1.3.1, 1.3.2, 1.3.3, 2.3.7; Havana Rules 24, 25, 75, 76, 77, 78; Mandela Rules 8(d), 56.1, 56.3, 56.4, 57; OA 20; PSA 264; YJA 277**

## Standard

### 20 Children understand and have confidence in the complaints handling system and are protected from repercussions for making complaints.

#### Indicators

- The complaints systems of the youth detention centre and service providers are user-friendly for children with low levels of literacy, disabilities that impact their ability to make a complaint, or for whom English is an additional language or dialect.
- Children know how to comment on or complain about services provided to them, including about their health care and treatment, and are not discriminated against if they do so.
- Staff educate children about the ability to make complaints. They regularly reinforce awareness about how to make complaints, and remind children they are protected from repercussions.
- Complaints can be made in writing or verbally.

- Children can access and submit complaint forms easily, in confidence and without fear of punishment or recrimination.
- Staff help children to make their complaint and encourage them to state the outcome they are seeking. If that outcome is not possible, staff explain why.
- Staff give children appropriate, confidential and independent assistance to make and resolve complaints.
- Following a use of force incident, a child is offered the opportunity to discuss the incident with a staff member who was not involved.
- Children are offered the opportunity to speak to an advocate or make a complaint about an incident without fear of repercussions.
- Staff make efforts to resolve complaints promptly without requiring children to go through formal procedures unnecessarily.
- Children have a right to be heard at all stages of the complaint process and their views are taken seriously.
- Making a complaint or representation to an external authority with a mandate to respond is simple and confidential. The correspondence to and from external authorities is not opened by youth detention centre staff.
- Community Visitors are available to all children and regularly visit the youth detention centre. Children know how to contact a Community Visitor.
- Children can access a Community Visitor who identifies as an Aboriginal or Torres Strait Islander person.
- The youth detention centre responds promptly to external authorities' complaint investigations and recommendations.
- Accredited interpreters and culturally appropriate mediation staff are available if needed.
- Children receive timely responses to their complaints, which address all the issues raised and ensure consideration of the child's human rights. The response is communicated in a manner and language the child understands and includes information on how to seek a review of the decision.
- Children are assisted to pursue complaints and grievances beyond the youth detention centre with external agencies, if they need to.
- Staff inform children how to contact independent oversight agencies in a free and confidential way.
- Confidential telephone calls to complaint entities and relevant stakeholders are available to all children. These calls are private, free, unrecorded and visibly advertised throughout youth detention centres.

**ACCG Charter**; **AJJA** 1.8; **AS** 10002:2022; **CSS** 2(d), 6, 9(b); **EPR** 70; **GP** 1.3.1, 1.3.2, 1.3.3, 2.3.7; **Havana Rules** 24, 25, 75, 76, 77, 78; **Mandela Rules** 8(d), 56.1, 56.3, 56.4, 57; **OA** 20; **YJA** 277

## Managing behaviour

### Encouraging positive behaviour

#### Standard

# 21

**Children understand the standards of behaviour and the rules and routines of the youth detention centre.**

#### Indicators

- During induction and throughout their time in a youth detention centre, children are informed of the behaviour management policy and the consequences of misbehaviour in a way they can understand. The rules are on clear display throughout the youth detention centre.
- Children are always informed of what they have done wrong and given an opportunity to explain their behaviour.
- Rules and consequences for misbehaviour are proportionate, consider the impact of the developmental stage and cognitive capacity of the child, promote responsibility, and focus on the wellbeing of children.
- The positive behaviour support scheme is explained clearly in a manner that meets the child's communication needs so that the child understands what is required of them.
- Children are aware of support people they can talk to about behavioural management systems and consequences, for example, the Office of the Public Guardian's Community Visitors.

**ACCG Charter; AJJA 3.7; Havana Rules 25, 66, 67, 68, 69, 70**

#### Standard

# 22

**The youth detention centre embeds a restorative practice framework to address children's on-centre behavioural issues.**

#### Indicators

- All staff use the restorative practice framework in their interactions with children in the youth detention centre.
- All staff are trained to facilitate restorative discussions between children.
- Restorative practice principles and processes are clearly documented and easily accessible to all staff.
- Data from restorative practice processes captures when these processes are undertaken, with whom, and the success or otherwise of the process.

**ACCGS preamble; Havana Rules 81**

**Standard****23 Positive behaviour support schemes are evidence-informed and trauma-informed and take into account children's cultural, health and disability needs.****Indicators**

- The positive behaviour support scheme is tailored to a child's individual needs, and is motivational, age-appropriate and easily understood by children and staff. It is evidence-informed, and takes into consideration a child's history of trauma, any disability or mental illness, and how this impacts their behaviours.
- The scheme incorporates incentives to promote effort and good behaviour. It also takes account of the impact of any relevant disability or mental illness and is culturally appropriate.
- There is sufficient difference between the incentive levels to encourage positive behaviour and discourage negative behaviour.
- There is a cohesive approach to behaviour management in all areas of the youth detention centre that focuses on rewarding children for positive behaviour and effort.
- Rewards and consequences are implemented in a timely, proportionate and consistent way.
- Children who are likely to be downgraded on the positive behaviour support scheme are warned in advance, where possible.
- Children's behaviour is reviewed, and they are encouraged and enabled to participate in this review process.
- Children can appeal against a behaviour management decision. They are aware of the appeal process and are supported when lodging an appeal. Appeal processes are fair and reasonable, and provide the child with procedural fairness.
- The behaviour management status of a child can only change following a thorough review.
- Children retain comparative status when transferred from another youth detention centre.
- The routine for children on the lowest level of the positive behaviour scheme is not overly punitive and provides opportunities for them to demonstrate improvement in their behaviour that is commensurate with their cognitive abilities.
- There are programs in place for children who remain on the lower levels of the positive behaviour support scheme for significant periods of time. These programs include small, achievable targets for children who may be in Behaviour Support Units.
- Children have the opportunity to provide feedback on their positive behaviour support scheme, both formally and informally. Parents and guardians are routinely informed of the child's positive attitudes, actions and efforts.
- Access to incentives and privileges is linked to preparation for life in the community, by encouraging and normalising positive behaviours (to access privileges), developing money management skills and promoting healthy lifestyle choices.

## Behaviour support

### Standard

# 24

**Children who require support to manage their behaviours are identified and support plans are created by appropriately trained staff. They receive personal and consistent support to address their individual needs and have unhindered access to relevant services.**

### Indicators

- Children with more serious and complex behaviours are identified so support plans can be created by appropriately trained staff. These plans identify specific risk management strategies to reduce risks to the child themselves, other children, staff and property.
- There are clear criteria for deciding when a child is to be placed on a support plan.
- Each child is informed, in a way they understand, of the reasons for being placed on a support plan and the behaviours they need to display to have the plan removed.
- Plans are individualised for each child through a thorough assessment, which identifies potential behavioural triggers. The child is encouraged to contribute to developing their plan and identifying their own support needs.
- Plans are reviewed to ensure children are treated with decency and dignity, and have access to a comprehensive range of activities and support services that address their needs.
- Plans must consider the child's human rights, and should not incorporate any measures that constitute cruel, inhumane or degrading treatment.
- Any restrictions placed on a child are directly related to addressing the child's behaviours.
- Plans are in place for the shortest time possible.
- A child can request to have their plan reviewed and/or can be supported to make a complaint about their plan if they are not satisfied.
- All decision-making processes are clearly documented and are available to all relevant staff.
- The child's family is advised when their child is subject to a plan, why the plan is in place and what restrictions the child may be subject to.

ACCGS 6; Havana Rules 25, 66, 70, 81



**Standard**

**25** A child is accommodated in a separate unit away from other children for the good order, safety and/or security of the centre for the shortest possible time.

**Indicators**

- Clear and documented criteria exist for accommodating a child in a separate unit away from other children for the good order, safety and/or security of the centre.
- The child is informed, in a way they understand, why they are being accommodated in a separate unit and what behaviours are expected of them to ensure their return to mainstream accommodation.
- Children are accommodated in a separate unit for the shortest time possible.
- Children in a separate unit have the same access to programs and services as other children within the centre.
- Children in a separate unit are not to be further punished for the behaviours that warrant them being there.
- Accommodation and facilities within the separate unit are of the same standard as the rest of the centre's accommodation units and facilities.
- Children in a separate unit are offered the necessary support to address their behaviours. This may include cultural, psychological or medical assessment and support.
- All children's interactions are documented while they are in a separate unit and this information is shared with relevant staff across the centre.
- Staff working in a specialist unit with children who display extreme or complex behaviours receive specialised training to support the behavioural challenges of these children.
- A child's family is advised when their child is being accommodated in a separate unit, why the decision was made, and any restrictions the child may be subject to as a result.
- A child can request to have their separated accommodation status reviewed.
- Children are supported to make a complaint about any aspect of being placed in a separate unit.

**Havana Rules** 25, 66, 70, 81; **UKHealth** at 8

## Punishment and disciplinary procedures

### Standard

# 26

**Behaviour management systems define fair and consistently applied rules for behaviour, where responses to misbehaviour are escalated.**

### Indicators

- Staff are trained in and understand the youth detention centre's behaviour management strategy.
- Rules are applied fairly and consistently without discrimination.
- Staff are trained in lawful disciplinary procedures and are aware which disciplinary measures are prohibited.
- Behaviour is not managed with a one-size-fits-all approach. The underlying needs of each individual are identified and addressed in an age-appropriate, developmentally suitable and culturally safe way with consideration given to the impact of a child's disability.
- Tools to address misbehaviour aim to redress and reduce the individual misbehaviour and the underlying causes of it.
- Staff balance tolerance with authority, and consider normal adolescent behaviour as well as the individual characteristics of the particular child that may be affecting their behaviour, for example, trauma, disability and mental health.
- Staff must deal with minor misbehaviour quickly, by counselling children about their behaviour and, if necessary, reinforcing with short-term consequences.
- Formal consequences for more serious misbehaviour do not include limiting contact with the outside world or removing any minimum living conditions for children.
- Children never undertake disciplinary roles in the centre.
- Children are treated in accordance with legislation and this treatment is never cruel, inhumane or degrading.
- Separation is not used to discipline a child.
- Children are never disciplined by way of corporal punishment, physical contact, humiliation or abuse; deprivation of sleep, food or visits; the withholding of letters, other mail, access to telephones or other means of communication; exclusion from cultural, educational or vocational programs; or the administration or deprivation of medication.
- Children are never disciplined twice for the same behaviours in a youth detention centre.
- Collective sanctions are prohibited.
- All forms of discipline are accurately recorded with full details of the incident captured in required reports and surveillance footage uploaded within the required timeframe.
- Data from all disciplinary procedures is analysed on a regular basis to identify trends and patterns.
- The centre's behaviour management strategy outlines the use of conflict resolution, restorative practice and other interventions or reasonable adjustments available to help children manage and control their behaviour.
- Children can challenge decisions appropriately and are confident that their views are taken seriously.

- Where the Queensland Police Service is investigating a child's alleged criminal behaviour in a youth detention centre, the youth detention centre's disciplinary measures are not applied until the outcome of the police investigation is determined and it is decided the child will not be prosecuted by the Queensland Police Service. This is to avoid double punishment.
- Where a child is alleged to have committed a criminal offence, the Queensland Police Service must be called to investigate and charge a child as necessary, regardless of the victim's wishes.

AJJA 3.9, 9.3; Havana Rules 66, 67, 68, 69, 70, 71; IRYD; YJR 16

## Use of force and restraints

### Standard

**27** Force is used on a child as a last resort, for the shortest time required, and never as punishment. When used, force is lawful, necessary and proportionate. It is safely and humanely applied, and subject to rigorous governance.

### Indicators

- Force is used on a child only when it is necessary to protect a child, another person or property in the centre, in accordance with legislation. Force is only used when all other means have been exhausted.
- Where the use of force is unavoidable, trained staff only use approved techniques for the shortest possible time.
- The use of force does not cause humiliation or degradation and is used for the shortest time possible.
- Ground stabilisation is to be used as a last resort.
- Staff are explicitly prohibited from carrying weapons.
- Force is never used as a punishment.
- Planned use of force is only used as a last resort with prior approval. The reasons for the use are clearly documented, and the human rights of the child are considered.
- Staff are trained in de-escalation techniques and the safe use of force. They are encouraged to use de-escalation methods rather than force. Training is kept up to date.
- Policies and practices relating to the use of force are consistent with legislation.
- Children with challenging behaviours, including as a result of past abuse, neglect, trauma, disability or mental health concerns, have care plans which highlight risk factors and set out alternative management protocols to reduce the likelihood of restraint techniques and use of force becoming necessary.
- All use of force incidents are recorded (including by body-worn cameras and CCTV).
- Body-worn cameras are used in line with procedures to record incidents and responses. Where they are not activated, reasons are clearly documented. The use of these cameras is closely monitored and reviewed by management.
- As soon as possible after a use of force incident, the child involved has confidential access to a health professional.

- Following a use of force incident, the child is offered the opportunity to discuss it with a staff member who was not involved.
- Children are offered the opportunity to speak to an advocate or make a complaint about the incident without fear of repercussions.
- Staff notify parents or guardians, in an appropriate way, of incidents where force has been used on their child, regardless of whether harm was assessed.
- The centre keeps up-to-date, comprehensive and accurate records of all incidents that involve the use of force, including the details of any complaints made.
- Detailed and timely reports are written by all staff involved in or witnessing the incident, before being forwarded to operational management.
- Staff are trained to write accurate reports, and senior staff are trained in the quality assurance of these reports.
- All use of force incidents are investigated and reported appropriately.

ACCGS 7, 8; AJJA 9.3, 9.4; Havana Rules 63, 64, 65; IRYD; UNCRC 19(1), 37(a); YJR 16(5)–(6), 24(4), 25(6), 26(8)

## Standard

# 28

**Instruments of restraint are only used in exceptional circumstances when no lesser form of control would be effective to address the risks posed by unrestricted movement. The use of restraints is proportionate in the circumstances.**

## Indicators

- Restraints are only used to protect a child from self-harm, to protect the safety of another person, to protect serious damage to property, or during an emergency situation.
- Restraints are always used in accordance with legislation, policy and procedure, and in the least restrictive manner possible, only when all other means have been exhausted. Restraints are used in a way that respects a child's dignity.
- Restraints that are inherently painful or degrading are never used.
- The use of restraints does not cause humiliation or degradation and is used for the shortest time possible.
- Only approved restraints are available for use at the youth detention centre. There is a list of approved restraints with clear descriptions of how they are to be used.
- Spit hoods are never used on children in youth detention centres. If spitting by children is a concern, other practical alternatives are available to prevent exposure by staff.
- Mechanical restraints are not used for routine activities or movements of children within a youth detention centre. Risk assessments are conducted when moving or transporting a child within the youth detention centre or to external activities. These assessments consider security requirements, including whether alternative forms of mechanical restraints can be used or whether restraints are required at all.
- The type of restraint used during transport is the least restrictive having regard to the risk.
- Staff are trained in the appropriate use of restraints. Training is kept up to date.
- Restraints are only applied by an authorised officer and their continued use is regularly reviewed.

- The centre keeps up-to-date, comprehensive and accurate records of all incidents involving the use of restraints.
- Health staff complete a restraint handling plan for all children with a health condition, disability or history of trauma who may be adversely affected by restraints. All staff are aware of the content of restraint handling plans and use this information when restraining a child.
- Children with challenging behaviours, including as a result of past abuse, neglect, trauma, disability or mental health concerns, have care plans which highlight risk factors and set out alternative management protocols to reduce the likelihood of restraint techniques and the use of force becoming necessary.
- Parents or guardians are notified, in an appropriate way, of incidents of restraint used on their child, regardless of whether harm was assessed.

**ACCGS** 7, 8; **AJJA** 9.3, 9.4; **Havana Rules** 63, 64, 65; **IRYD**; **UNCRC** 19(1), 37(a); **YJR** 18, 19, 20, 24(4), 25(6), 26(8)

## Daily life

### Regime

#### Standard

**29** **The treatment of children and the conditions in which they are held meet contemporary community standards to promote and uphold the humane treatment of children.**

#### Indicators

- Children have the right to be safe and free from all forms of abuse, including torture and cruel, inhumane, or degrading treatment.
- Youth detention centre conditions consider the individual needs of the child, including their legal status, developmental stage, needs arising from a disability, mental health issues, cultural or linguistic background, gender and sexual orientation to ensure their protection from harmful influences and risk factors.
- Operating procedures reflect the requirement to maintain humane treatment and ensure that no child suffers unnecessarily while in a youth detention centre.
- Staff model appropriate ways of behaving and interacting with each other and children, and challenge inappropriate behaviour and/or attitudes.
- Children are not routinely locked down for extended periods. If they are, increased staff interaction and meaningful activities are provided. Staff keep comprehensive records of any services provided to children while they are locked down.
- Children are involved in cleaning, laundering and maintaining their clothing and living environment with appropriate staff supervision.
- Unit living encourages and develops a sense of belonging through group activities, eating together and other interactions, as well as providing appropriate personal space, privacy and storage for personal property. These and other factors support the development of a healthy, individual sense of identity.
- Children are housed in well-maintained and clean accommodation appropriate to climatic conditions, with ample bedding and adequate furnishings appropriate to their age and level of maturity.

**ACCG Charter**; **Havana Rules** 12, 31, 34, 36, 66, 87; **HRA** 29, 30; **UNCRC** 27(1), 37; **YJA** 263, sch 1; **Yogyakarta Principles**

## Standard

### **30** The youth detention centre has a structured daily routine conducive to the rehabilitation and positive development of children.

#### Indicators

- Activities in the youth detention centre provide a clear routine during the week, with the emphasis on education, training and other activities. The centre follows a less structured routine on weekends and during holidays.
- The structured day of the youth detention centre encourages children to make the most of their time there.
- Education, activities, relaxation, eating and sleeping take place in different settings.
- Various activities are available during 'free time' to reduce boredom.
- Staff conduct risk assessments prior to activities taking place, to identify the appropriate level and type of security needed to ensure the safety of all involved. Any security measures implemented do not unnecessarily disrupt the routine of activities. Staff from different areas work together to ensure activities and programs continue in accordance with the relevant risk assessment and security measures.
- The routine of activities is flexible enough to accommodate family visits, appointments and special events.
- All children have equal access to, and equitable allocation of, structured day activities and programs, regardless of gender, age, or remand or sentence status.
- Personal development and training in life skills occurs informally through the structure of unit living, with staff modelling and encouraging appropriate behaviour in the units and assisting children in daily living tasks.
- Access to incentives and privileges is linked to the preparation for life in the community, by encouraging and normalising positive behaviours (to access privileges) and developing money management skills and healthy lifestyle choices.
- Activities are not cancelled without good reason. Staff explain the reasons for cancellation to children in advance.
- Timetabling arrangements maximise the use of resources and staff time, and allow training and education activities to take place with minimal interruptions.

ACCG Charter; AJJA 10.4; Havana Rules 12; YJA 263, 302, sch 1

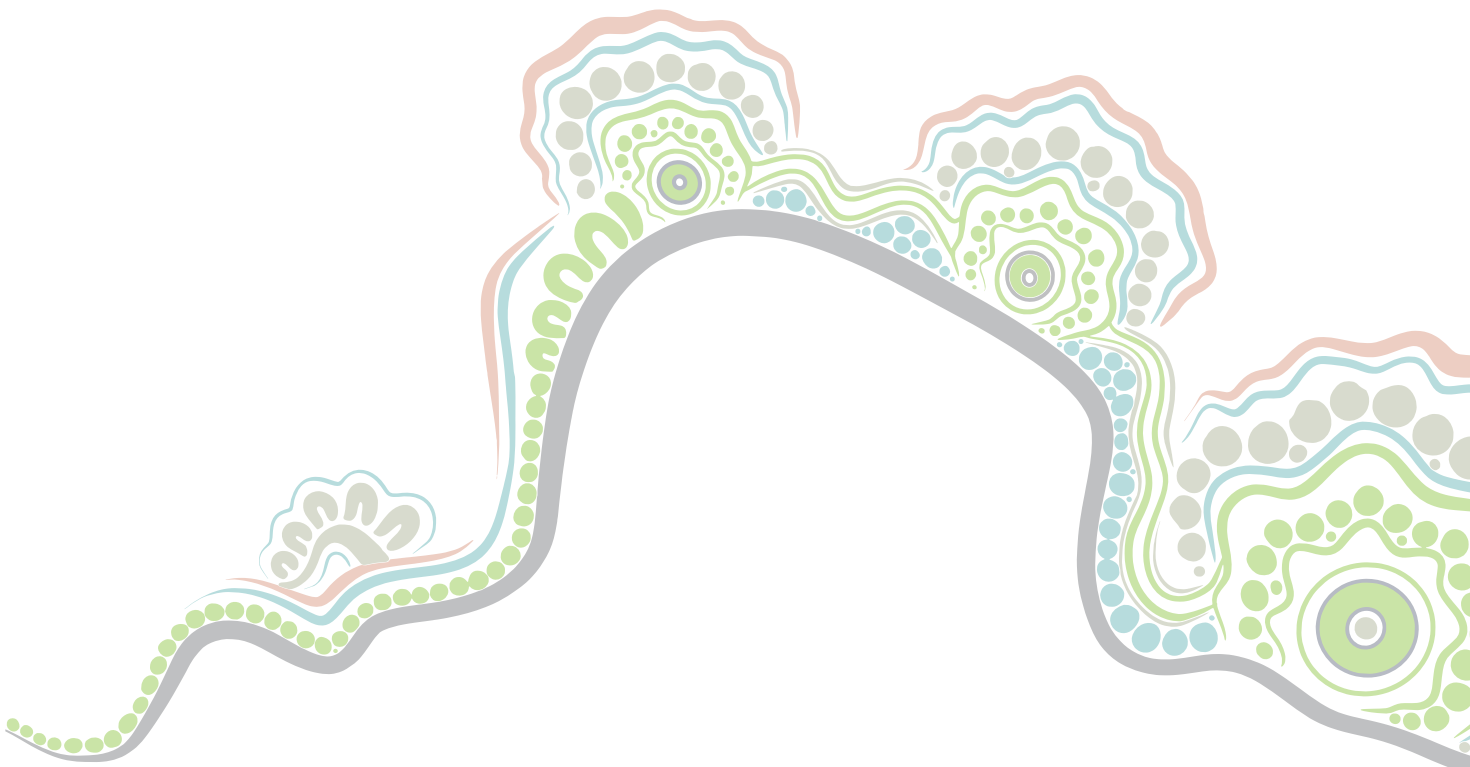
**Standard**

**31** Children have a minimum 10 hours outside their room each day, including at least two hours in the open and fresh air during daylight hours.

**Indicators**

- The out of room hours are used to promote attendance at education classes, programs and recreation activities.
- Hours out of room are only reduced in exceptional circumstances and where deemed necessary by the delegated officer.
- Children have access to properly equipped association areas, which are in good order, with seating, tables, games and a quiet area.
- The structured day for children is predictable. Normal times for association and time in the open air are publicised and consistent.
- Children are given the opportunity and are encouraged to spend at least one hour a day engaged in outdoor physical activities.
- Children are let out of their rooms at the published times.

**ACCG Charter:** CPT 107, 108; EPR 5, 25, 271; ERJO 53.3, 76, 77, 78, 79, 80, 81; **Havana Rules** 12, 47



## Living conditions and hygiene

### Standard

**32 Youth detention centres are not oppressive environments and operate flexibly to allow children to feel safe and comfortable.**

### Indicators

- Youth detention centres are relatively small-scale facilities, and are purpose-built for housing children.
- Youth detention centres are not overly institutional or imposing, but still provide clear lines of sight and monitoring systems.
- There is access to natural light and fresh air in all buildings. Outdoor areas are safe and accessible.
- The design and layout of buildings enables the accommodation of fluctuating numbers of all genders, different living styles, spaces to suit higher supervision needs, meet disability requirements or shared living quarters, mother-and-baby units, and separate and appropriate accommodation for children on remand.
- The design of youth detention centres and their physical environment is in keeping with the rehabilitative and trauma-informed aim of residential treatment.
- There are sufficient multi-purpose and single-purpose activity rooms and spaces to meet the needs of education, programs, visits, interviews, recreation and leisure activities.
- All children's rooms have a serviceable alarm or intercom system which gives direct communication to staff.
- There is visible acknowledgement of Aboriginal and Torres Strait Islander children and country in the design, decoration and fittings of the youth detention centre to recognise the location of the centre on traditional Aboriginal or Torres Strait Islander land, and the high proportion of Aboriginal and Torres Strait Islander children living in youth detention centres.
- Staff are aware of any areas within the centre which are potentially unsafe and of times when children may need additional supervision.

**AJJA** 9.1; **Havana Rules** 17, 30, 31, 32; **TGPP** A7; **UNCRC** 3(3), 27(1), 37(a), 37(c)



**Standard****33 The infrastructure of the youth detention centre is well maintained and supports its operating principles and security requirements.****Indicators**

- Youth detention centres are designed and improved to reflect the community environment as much as possible.
- Fixtures and fittings are robust enough to handle constant use, intentional damage and substantial wear and tear, but are not of an industrial standard.
- There are regular cleaning, maintenance and replacement schedules and effective processes for the identification and remediation of faults, breakdowns and unserviceability.
- Security is maintained in a discreet and unobtrusive manner. The design of the youth detention centre provides clear line-of-sight. Surveillance and recording systems are not overly restrictive or oppressive.
- Independent Living Units are equipped to support children with their transition and reintegration from a youth detention centre back to their communities.

AJJA 9.1, 9.2; Havana Rules 31, 32; TGPP; UNCRC 3(3)

**Standard****34 Effective emergency management, workplace health and safety, and other systems exist to ensure safety across the youth detention centre.****Indicators**

- The youth detention centre is a safe working environment for all staff (including external staff), visitors and children.
- The centre has an incident response capability that is commensurate with assessed risk.
- Systems and equipment are secured safely, tested regularly and maintained or upgraded to ensure serviceability and effectiveness. This may include large-scale systems such as in-room call systems, locks and keys, radios, CCTV and body-worn cameras, and ventilation/heating systems, as well as small-scale items such as unit-based first aid kits, fire extinguishers and restraint equipment.
- Emergency management and evacuation plans are up to date and regularly reviewed, with all staff appropriately trained. Regular drills involving children as well as staff (operational and non-operational) are conducted and documented.
- Physical and procedural security assists with managing, monitoring and responding to incidents.
- Staff are trained in Workplace Health and Safety, and specific training is provided for the use of emergency equipment.
- The centre keeps up-to-date, comprehensive and accurate records of the use of any emergency response equipment.
- Hygiene and sanitation meet the requirements of all relevant legislation.
- Emergency responses to incidents are documented, recorded and reported in accordance with agreed protocols, policies and procedures.

AJJA 8.2, 8.3, 8.10, 9.2; Havana Rules 32; UKHealth 6.3, 11.1.6, 14.2

## Accommodation

### Standard

**35** Children are accommodated in a safe, clean and decent environment which is in a good state of repair and suitable for children.

### Indicators

- Wherever possible, children on remand are housed in accommodation that reflects the community environment so that they maintain their status as innocent until proven guilty.
- Unless it would cause disadvantage or distress, children on remand are accommodated separately from their co-offenders and sentenced children.
- Observation panels in sleeping room doors remain free from obstruction.
- Staff undertake regular, unobtrusive supervision of sleeping areas to ensure the safety of children. The observations are recorded, monitored and reviewed.
- Children can personalise their rooms, subject to reasonable limitations.
- Children have access to clean drinking water, a toilet and a shower at all times. Children can use toilets and showers with privacy.
- Accommodation units and sleeping rooms are regularly cleaned, damage is promptly repaired and graffiti removed.

EPR 18.8; Havana Rules 30, 31, 32, 33, 34, 35; Mandela Rules 5(2)

### Standard

**36** Children are not required to sleep in shared rooms.

### Indicators

- Children only share a room if they ask to and it is in their best interests to do so.
- Children who ask to share a room are subject to a thorough risk assessment, which is regularly reviewed.
- Cultural advice is sought for Aboriginal and Torres Strait Islander children who request to share a room.
- Where children share a room, they are accommodated in a suitably established double room. The room size meets or exceeds the Design Guidelines for Juvenile Justice Facilities in Australia and New Zealand 1996. The minimum size for a single room without an ensuite is 7.5 m<sup>2</sup>. The minimum size for a double room without an ensuite is 11 m<sup>2</sup>.
- Staff promptly respond to any calls from shared rooms.
- Room cameras and observation panels are not obstructed.

DGJJFANZ 6.105; EPR 18.5, 18.6, 18.7; Mandela Rules 12, 13

## Clothing and bedding

### Standard

**37** All children are provided with clean clothing and bedding appropriate to the climate, as well as necessary toiletries and sanitary products.

### Indicators

- Children have access to laundry facilities at least weekly to wash and iron their clothing.
- Children are provided with enough clean underwear and socks to be able to change them daily.
- Children are issued with enough warm, weatherproof clothing and shoes to go outside in all weather conditions.
- Issued clothes are a good fit and in good condition.
- Children can wear non-detention centre clothing when attending court and on release, if they choose.
- Children's families can bring in suitable clothing for their child to attend court, or for their release.
- Razors and nail clippers are allowed with adequate supervision, taking into account individual risk factors.
- Children have access to clean linen and bedding, including warm coverings.
- Children coming from areas with extreme climatic conditions are provided with clothing and climate controls that consider their unfamiliarity with the local climate, particularly in the first weeks of detention.
- Children have access to necessary supplies of their own personal hygiene items. Basic hygiene items are provided free of charge, including sanitary items.
- Children can and are encouraged to shower daily, and immediately following physical exercise or work, before court appearances, and before visits.
- Spare clothing and bedding must be made immediately available to children as required.
- Bedding is in good repair and suitable to the climate.
- Bedding is laundered weekly to ensure cleanliness. Where necessary, it is replaced.
- Mattresses and pillows provide adequate comfort and support. They are clean and replaced when needed.
- Mattresses and bedding are durable, non-flammable and suitable for children who are at risk of suicide or self-harm.

**Bangkok Rules** 5; **Havana Rules** 31, 33, 34, 36

## Family and community contact

### Standard

# 38

**Support from a child's family and community is encouraged.**

### Indicators

- Contact with family and friends is treated as a basic entitlement and promoted as essential to a child's psychological wellbeing and their successful transition and reintegration into the community.
- The youth detention centre acknowledges the complex family structures that may exist for Aboriginal and Torres Strait Islander peoples and those from other cultures with extended family structures.
- Children can make telephone and video calls, send and receive mail and attend in-person visits with family and community contacts.
- Staff identify the existence of any domestic violence orders or child protection orders and assess the appropriateness and legality of contact for that child.
- Telephones are sufficient in number and location to allow for equitable access and privacy.
- Children's phone lists are available as soon as practicable following the child's admission.
- No restrictions are placed on the number of letters a child can send or receive.
- The visiting system is flexible and visitor-friendly, and allows for relaxed communication.
- The process for booking a visit is accessible to visitors.
- Visiting times provide for those who wish to visit at weekends and in the evenings. Visits start and finish at the published times.
- Children are helped to maintain family connections and are assisted with any difficulties relating to contact (such as long distances from home).
- Security measures in the visiting areas are discreet and sensitive to privacy.
- Visiting areas include options for outdoor visits and child play areas. Comfortable tables and seating are provided.
- Inter-facility contact (phone calls and visits) for significant family members held in other youth detention centres or prisons, are facilitated regularly, subject to appropriate protections and screening.
- Children have safe, secure and direct contact with their visitors.
- Family and friends are only refused access to visit a child, or have their access restricted, where there is a valid reason and as a last resort. Refusal or restriction of access is documented and explained clearly to the visitor and the child.
- Restricted or non-contact visits are authorised only when there is a significant risk arising from the visit. They are not used as a punishment, and allocations to restricted or non-contact visits are reviewed weekly.
- Children and their visitors can challenge the authorisation of restricted or non-contact visits.
- Visits are not withheld as a punishment or as part of any behaviour management system.
- Visitors are given information about how to get to the youth detention centre, the visiting hours, what to expect when they arrive, and how to make a complaint.

- Arrangements are made to support visitors to get to and from the youth detention centre.
- The youth detention centre regularly reviews the number and frequency of visits per child to ensure all children are receiving meaningful contact with family or friends. Children who do not receive visits are identified and receive individual support and help to maintain contact.
- Significant family members (or another significant person nominated by the child) are informed about and involved in the child's management, case planning, sickness or injury, involvement in a serious incident, transfer to another centre, and preparation for release unless there is a pressing requirement not to do so. This information must be documented.
- Consular involvement is sought for any foreign national child held in a youth detention centre. That child receives assistance to maintain contact with their family through overseas phone calls, video calls and other available means of communication. Arrangements for contact are flexible enough to accommodate international time zones.

**ACCG Charter:** CSS 1(a), 3; **Havana Rules** 22, 56, 59, 60, 61, 67; **Mandela Rules** 58; **RCIADIC** 170, 171; **UNCRC** 5, 9, 18(1), 18(2), 27(1), 37; **YJA** 272(5); **YJR** 30

## Standard

# 39

**Children's connections to the community are strengthened by participation in interventions and activities involving relevant government and non-government agencies, community organisations and Elders.**

## Indicators

- Involvement with community organisations is regular and ongoing.
- Children are supported to maintain existing relationships with community organisations and supports (e.g. youth or disability support services) where possible and appropriate.
- Aboriginal and Torres Strait Islander representatives are involved in program development and delivery, including representation from (or at least consultation with) all Aboriginal and Torres Strait Islander groups represented in the youth detention centre. Administrative and financial support is available to groups who may require it in order to deliver otherwise effective and useful programs.
- Efforts are made to maintain functional connections to the community for children on remand, including additional visits and phone calls, and the continuation of education where possible.
- Protocols and agreements to support service delivery or visiting services are in place.
- The youth detention centre conducts outreach activities, such as participating in local committees or events.
- Wherever possible, Aboriginal and Torres Strait Islander children participate in cultural activities and celebrations with other Aboriginal and Torres Strait Islander people.
- Community events and promotions, such as NAIDOC Week and Harmony Day, are incorporated into the youth detention centre's routine and activities.
- Management at the youth detention centre review services provided by agencies to accommodate the changing needs of children. Where possible, community consultation is undertaken for new initiatives.

**ACCG Charter;** Beijing Rules 1.3, 25.1, 28.2; **Havana Rules** 8, 81

**Standard****40 Children are detained as close as possible to their home region.****Indicators**

- Video link communication is available to children who are being held in a youth detention centre outside their home region.
- Youth detention centre management recognise that some families experience financial or geographical barriers to visiting their children at a youth detention centre. Management take proactive measures to increase visitor numbers for children, including video-links, which may include financial support.
- There may be some children who benefit from being placed in a youth detention centre away from their home regions – for their own safety (in high profile cases), to access services available only at specialised sites (for example, mental health treatment or specific education and training), or where the child intends to relocate after release. Appropriate assessments identify these circumstances. Generally, the first preference is to hold a child in a safe youth detention centre in their home region unless not in their best interests.

**Havana Rules** 59, 60; **Mandela Rules** 59; **RCIADIC** 168, 169

**Standard****41 The importance of peer interaction and social contact to healthy development is recognised during a period of detention.****Indicators**

- The youth detention centre encourages peer-based activities, which may include involvement from community and sporting groups.
- Peer associations within the youth detention centre are identified and managed effectively, including in decisions regarding accommodation unit and room placement (including room sharing), and group activities.
- There are appropriately controlled forms of electronic communication for a child to communicate with family and friends.
- Children have regular access to information, entertainment and multimedia appropriate to their age and developmental level.
- Staff document safety concerns about interaction between specific children and this information is shared within the centre and with relevant external agencies.

**CSS** 2(b); **Havana Rules** 59, 62; **UNCRC** 15

**Standard**

**42** Children have the opportunity to voluntarily engage in community service activities while in a youth detention centre.

**Indicators**

- Community service activities are appropriate to the development and maturity of the child and incorporate adequate supervision and protection safeguards.
- The full extent of the benefits to the community, derived from these activities, are explained to the child.
- Community service is focused on activities that benefit the child's local community.

ACCG Charter; Beijing Rules 29.1; Havana Rules 59, 79, 80; YJA 302, sch 1

**Recreation****Standard**

**43** Children should have daily opportunities for physical and recreational activity, and a regular structured sport and recreation program.

**Indicators**

- Sport and recreational activities are available on a daily basis, whether informally during leisure time or through a structured recreation program. All children have the opportunity to belong to a sporting team or recreational group.
- Physical education and fitness training cater for a range of abilities and are effective at improving the fitness of children.
- Units have activities and equipment for use during leisure time, and the youth detention centre has indoor and outdoor sport facilities.
- Children are instructed on the proper use of equipment by appropriately qualified staff and the equipment is appropriately supervised so children feel safe when using it.
- Appropriate and well-maintained equipment, clothing and footwear is used in all recreational activities.
- Children with physical or other disabilities or injuries which prevent them from active participation in sport are offered an appropriate alternative or are encouraged to be involved in other ways.
- External teams and experts are sought to attend the youth detention centre for sporting events, clinics and other activities. Where possible, suitable children are able to engage in sport or recreation outside the centre in the lead-up to their release.

ACCG Charter; Havana Rules 18(c), 47; UNCRC 29(1)(a), 31

## Food and nutrition

### Standard

**44** Healthy lifestyles are supported through the provision of extensive health promotion and education, nutritious food and drink, and encouragement of exercise and personal hygiene.

### Indicators

- Information and education regarding healthy living and the importance of diet and exercise is provided and supported across the centre, both within the accommodation units and through recreational and more structured health programs.
- There is a whole-of-youth detention centre approach to promoting health and wellbeing.
- Meals and other daily routines must be conducted at times consistent with community standards.
- Meals are eaten communally.
- Personal hygiene and housekeeping is monitored at unit level.
- Children can easily access age-appropriate health checks, disease prevention and screening programs.
- Children who smoke can access community-equivalent smoking cessation support.
- There are robust systems to prevent, identify and manage communicable diseases.
- Recreation, leisure, exercise and relaxation activities are part of the daily routine and promoted as part of a healthy lifestyle.
- Where necessary, children coming from street living are supported and guided in becoming familiar with community standards of hygiene, contemporary kitchens, appliances and bedding.
- Health promotions cover a range of issues linked to lifestyle: alcohol, smoking, drug education, hygiene, sleep, nutrition, fitness, sex education, communicable diseases, positive relationships, and family and domestic violence issues.
- Such programs are to be delivered to an individual or an appropriate mix of children, with consideration of cultural and gender diversity.

ACCG Charter; Havana Rules 37, 47; UKHealth 6.5, 15.2.1



**Standard****45 Children have a varied, healthy and balanced diet which meets their individual needs.****Indicators**

- Children's meals are healthy and meet the needs of adolescents, including the quantity of food.
- Meals meet religious and dietary requirements, where applicable.
- Advice about updating the menu is regularly sought from dietitians or nutritionists and implemented as far as practicable.
- The centre can meet the nutritional needs of a pregnant child or nursing mother, including the supply of extra food.
- Children in transit or at court do not miss out on a main meal.
- Food is safely and hygienically stored and prepared in accordance with the Food Standards Australia New Zealand guidelines.
- Food is of a suitable quality, quantity and variety to meet the nutritional needs of children and adolescents.
- All meals, especially those containing non-nutritious foods, are portion-controlled.
- Children are given the opportunity to cater for themselves where appropriate.
- Religious, cultural or other special dietary requirements relating to all aspects of food preparation and storage are fully observed and communicated to children.
- Children and staff who work with food are trained, wear proper clothing and use protective equipment. Children can gain relevant qualifications in food safety and hygiene awareness.
- Staff supervise the serving of food to prevent tampering with food and other forms of interference or bullying.

**Bangkok Rules** 48(1); **Havana Rules** 37

**Religious and spiritual support****Standard****46 All children are able to satisfy the needs of their religious, spiritual and cultural life.****Indicators**

- Children's religious, spiritual and cultural needs are identified in the admission and induction processes. Staff provide information about the religious, spiritual and cultural representatives or services available at the youth detention centre and children are aware of how to access those representatives and associated materials if required.
- Where practicable, directions given to a child do not conflict with their religious and cultural beliefs and practices, or those held by their parents or guardians.
- All children have easy and private access to representatives of their faith, Elders and relevant spiritual advisors. Religious representatives demonstrate and promote understanding, acceptance of and respect for different religions.

- Children of no faith can, where appropriate, access their preferred spiritual support.
- Children are able to attend faith classes and groups, worship and private discussions.
- Youth detention centre activities are arranged so that children are able to attend religious services. Children know the timings of religious services; these timings are appropriate to different religions. Attending religious activities is not compulsory and is not limited only to those who have specified a religion during admission.
- Worship areas are equipped with facilities and resources for all faiths.
- Customs relating to language, food, death, mourning and grieving, healing, prayer, storytelling, rites of passage or tribal traditions can differ across belief systems. Operational staff and children can negotiate to find suitable ways for children to observe and express their customs in a youth detention centre.
- The youth detention centre provides food that respects the child's religious dietary requirements.
- Children can obtain, keep and use artefacts, articles and reading materials that have religious or cultural significance, provided they do not pose a risk to safety or security.
- Children can celebrate religious and cultural festivals and are encouraged to participate in their planning and organisation. These events are actively promoted to all children.
- The youth detention centre keeps comprehensive and accurate records of the different religions in the youth detention centre population. This information is regularly reviewed to inform service provision.
- Aboriginal and Torres Strait Islander spirituality is encouraged and strengthened through cultural programs, visits from Elders and other representatives of Aboriginal and Torres Strait Islander communities, and through the observance of customs, rites of passage and tribal traditions.
- Respect for religious or spiritual differences is promoted within the youth detention centre, and children are not persecuted for their beliefs.
- Staff and children are provided with information on religious and spiritual beliefs relevant to children in a youth detention centre. They can access information on basic religious or spiritual requirements and how they can be expressed within the youth detention centre environment.
- Where a child expresses a religious or spiritual belief outside mainstream religions, advice is sought from community reference groups, other visiting religious representatives, and the child's family and community to ensure the belief is appropriate and is one that can be supported at the centre.
- Children in a youth detention centre are not subjected to religious recruitment or conversion attempts. Care is exercised by staff to ensure religious, spiritual or other inspirational visitors never exploit the vulnerability of children in a youth detention centre. Children who elect to adopt a religion or change religions are not hindered or prevented from doing so.

**ACCG Charter; AJJA 3.11; Havana Rules 48; HRA 20, 27, 28; UNCRC 14, 30; YJR 41**

## Property

### Standard

**47 Children's property is held securely in storage and recorded accurately.**

### Indicators

- Personal effects or property removed from a child on admission is kept in safe custody.
- All property belonging to a child is accurately recorded in a property register and signed by a staff member and the child. Property is labelled if required.
- Children can receive property after admission (for example, from a visitor or by mail). The property is either kept in safe custody, returned to the owner or issued to the child to keep.
- Children are notified of the intention to dispose of their property in writing and are given the opportunity to respond.
- A standard list details the possessions that children are allowed to keep in their room. This list is adequate to meet the needs of children.
- Children are adequately compensated for any goods or clothing lost while in storage. Children are provided with support where they need to make a claim for compensation.
- Children can access their stored property on application and on release.

YJR 31, 32, 33, 34

## Children's purchases

### Standard

**48 Children can purchase a suitable range of goods at reasonable prices to meet their needs and can do so safely.**

### Indicators

- The range of products available meets the needs of the diverse population of the youth detention centre. Children are consulted about the products available to determine their relevance and usefulness.
- A range of approved hobby materials are available for purchase.
- Healthy food choices and sugar-free options for food and drinks are made available where possible and actively promoted in support of a healthy lifestyle.
- Prices charged for the products are comparable to those in the community.
- The list of available goods is provided in a format that is easy to read and understand.
- Orders can be placed at least once a week.
- Staff actively and visibly supervise the purchasing process. The system is effectively managed to ensure children are safe from bullying.
- All children are able to access accurate records of their finances and can do so without charge.

EPR 31.5

## Health and support

### Physical and mental health care

#### Standard

# 49

**Children's health needs are addressed through accredited health services.**

#### Indicators

- Health services maintain their accreditation from an approved accrediting agency that assesses the health service against recognised health standards.
- Children at the youth detention centre have access to health services that are focused on children and adolescents, and are of an equivalent standard to those available in the community.
- Health services include a mix of on-site, visiting and external services, such as nursing, medical, dental, psychological and mental health, drug and alcohol, and sexual health services.
- Health services are tailored to accommodate the diverse and assessed needs of children at the centre.
- When health services are not available at the centre, children are transferred to local health emergency departments for evaluation and assessment.
- Emergency health services are available, including on-call arrangements with a local doctor and psychiatric emergency team, a regularly tested emergency response plan and agreements with local health services.
- Assessments are conducted proactively by suitably qualified staff to identify and better understand conditions children may be presenting with.
- Health care and treatment is only administered when necessary and with the consent of the child, their parent or guardian, or the Chief Executive when permitted under legislation.
- Voluntary implied, written or oral consent is obtained for medical treatment. It can be withdrawn at any time.
- Children have regular access to dentists and oral health professionals including any necessary treatment, such as orthodontic work, regardless of their remand status or sentence.
- Infection prevention and control measures are in line with Queensland Health requirements.
- Children are seen privately, except in clearly documented exceptional circumstances.
- Health staff respond promptly to medical emergencies with appropriate emergency equipment.
- All clinical equipment is maintained and serviced.
- Children have access to a health professional of their gender and/or a chaperone if desired.
- Patients with long-term conditions and complex health needs receive appropriate assessment and care. Recorded care plans demonstrate patient involvement and support continuity of care.
- There is an effective system for booking health appointments.

- Security measures on hospital escorts are proportionate and are based on an individual risk assessment, which includes a detailed contribution from health care professionals who know the child.
- Aboriginal and Torres Strait Islander health workers and programs are active in the youth detention centre and are linked to Aboriginal and Torres Strait Islander health services in the community to ensure continuity of care after release.
- Effective partnerships between the youth detention centres, Queensland Health and health service providers ensure the assessed needs of children are met.
- Recordkeeping systems enable health trends and needs within the population to be monitored.
- Every patient has a single clinical record which meets contemporary recordkeeping standards.
- Information is shared within the bounds of health privacy, as set out in legislation, to promote continuity of care and maintain patient safety.
- Children receive relevant pre-release health assessments and interventions and are supported to register with community health services.

**ACCG Charter; Havana Rules** 49, 50, 51, 52, 53, 54, 55; **UNCRC** 6(2), 24; **YJA** 263(3)(a), 271, 297G; **Yogyakarta Principles**

## Standard

### 50 **The youth detention centre has safe facilities, procedures and practices for the distribution of medication to children.**

## Indicators

- Medicines should be administered only for necessary treatment on medical grounds.
- Children's current medications are recorded during the initial reception screening and a full medication reconciliation is completed as soon as possible after admission.
- Any disruption in prescribing regimens is minimised and urgent or critical medication can be accessed promptly.
- Robust governance processes are in place to ensure safe and effective medication management, including monitoring of medication incidents and prescribing trends.
- Children going to court, being released or being transferred receive adequate supplies of medication or a community prescription to meet their needs.
- Appropriate communication exists between community-based health services and medication providers to ensure children's medicines are optimised for them, on arrival and after release.
- Children's adherence to medication is monitored. Children are promptly reviewed when adherence is poor and/or diversion is suspected.
- Medical care and medicines are only administered when necessary and with the consent of the child or their parent or guardian. In the absence of a parent or guardian, the Chief Executive or their delegate may authorise treatment in cases where it would be detrimental to delay it.
- Medication or deprivation of medication is not used as a way of disciplining a child.

**ACCG Charter; Havana Rules** 49, 50, 51, 52, 53, 54, 55; **UNCRC** 6(2), 24; **YJA** 263(3)(a), 271, 297G; **YJR** 16; **Yogyakarta Principles**

## Standard

# 51

**An initial medical and psychological assessment of each child is conducted by a health practitioner within 48 hours of the child's admission to the youth detention centre.**

## Indicators

- Any new arrivals with apparent or suspected injuries or serious health concerns are diverted to hospital rather than admitted to the youth detention centre.
- A mental health assessment is conducted by a mental health clinician within 48 hours of arrival to detention, where concerns for a child's mental health exist.
- Referrals to appropriate health services such as medical, drug and alcohol, or psychological or mental health services are made during the initial medical and psychological assessment.
- The initial medical and psychological assessment identifies any special needs of the child and is shared with their youth detention centre caseworker and other relevant staff.
- The initial health care assessment identifies any indicators of disability that may require further assessment by appropriately qualified staff.
- Where possible, children will be examined by a doctor of the same gender.
- Health staff seek to obtain a comprehensive medical history and the child's community clinical records where possible, including by seeking informed consent from the child as required.
- Aboriginal and Torres Strait Islander children with any indications of possible identified mental illness are reviewed by a mental health professional with appropriate training or awareness in Aboriginal and Torres Strait Islander mental health.
- Every child has access to remedial and preventative medical care as well as pharmaceutical products and special diets, as indicated on their medical record.
- As part of their assessment, children are fully informed about the process for making health appointments and self-referrals.
- All initial medical and psychological assessments are followed up with a detailed clinical pathways assessment where required.

**Havana Rules** 49, 50, 51, 52, 53, 54, 55; **RCNT**

## Standard

### **52 Children in a youth detention centre with actual or suspected mental health issues have access to age and culturally appropriate mental health services in a timely manner.**

#### Indicators

- There are suitably trained mental health professionals on-site, including a mental health nurse, visiting specialist GP, psychologist or psychiatrist, who conduct mental health assessments, provide treatment and monitor progress.
- A mental health assessment is conducted. If mental health issues are identified in a pre-sentence report or medical and health assessment, a mental health plan is developed and ongoing counselling for each child, including continuing treatment after release, is made available.
- Where mental health issues have been identified during initial or subsequent health checks, appropriate steps that are mindful of a child's privacy are taken to share the information with other staff who are responsible for the child's day-to-day care.
- Staff receive training to enable them to recognise when a child requires referral for a mental health assessment. There is a clear referral pathway.
- Referrals are reviewed promptly, and appointment allocation is based on clinical need and risk.
- Health professionals deliver a community-equivalent range of evidence-based interventions and support for primary and secondary mental health problems.
- Responsive arrangements exist with suitable services to refer children with mental health problems.
- Services are sought to meet the needs of children from culturally and linguistically diverse backgrounds, including interpreters, gender-specific specialists and refugee/migrant services. These services may exist on-site or be contracted out or sought on a case-by-case basis according to individual need.
- Where possible, an Aboriginal and Torres Strait Islander mental health worker or general health worker with some understanding of mental health issues is present when responding to Aboriginal and Torres Strait Islander children with suspected or actual mental health issues.
- Specific services are available for children who have experienced trauma, such as grief counselling or sexual assault counselling services.
- There are strong links to services in the community for support and treatment during detention and upon release, for the child and their family, and these services are actively engaged.
- Children have care plans that are regularly reviewed with their mental health professional. Children are offered the opportunity to have their parents and guardians involved.

ACCG Charter; Havana Rules 49, 53; RCNT; RCIADIC 151, 152, 266; UNCRC 25, 39; YJA 264

## Substance use treatment

### Standard

**53**

**The youth detention centre uses specialised harm minimisation and prevention programs administered by qualified professionals.**

### Indicators

- Effective cooperation between the department, treatment providers and other relevant stakeholders embeds a dynamic, whole-of-centre drug and alcohol strategy.
- Sufficiently trained staff provide effective, evidence-based psychosocial and clinical services which meet the needs of the population.
- Psychosocial and clinical substance use treatment services are well integrated with each other, the youth detention centre and all health services.
- All new arrivals receive a prompt assessment of their substance use to determine the specialist clinical support they may require. Children with both mental health and substance-related problems have prompt access to comprehensive support, and plans are developed to ensure this support can continue after they leave the youth detention centre.
- Consultation with and feedback from children using drug and alcohol services informs service delivery.
- All children receive harm reduction information prior to release.
- Effective discharge planning and liaison with community services ensures post-release continuity of care.
- Various programs are available at the youth detention centre to target different areas and levels of substance abuse.
- Drug and alcohol awareness programs are available for at-risk children. Those who are drug and alcohol dependent can access a suitable program developed after a thorough assessment.
- The youth detention centre has an effective drug and alcohol strategy that includes smoking cessation.

Havana Rules 54; UNCRC 33

## Support

### Standard

**54**

**Children are aware of the health services available and how to access them.**

### Indicators

- Information about the health services available is regularly updated and all children are informed of any changes.
- In all dealings with medical staff, care must be taken to ensure that children understand the processes that involve them.

ACCG Charter; UKHealth 6.2, 13.5.3



## Security

### Procedural security

#### Standard

# 55

**There is a clear policy on the role of security in meeting the youth detention centre's operating principles and stated objectives.**

#### Indicators

- The youth detention centre's security policy and operating principles are up to date, readily available to staff and reviewed regularly.
- The security policy reflects a balance between physical, procedural, relational and dynamic security.
- There are no apparent risks or inconsistencies in the physical or procedural security practices of the youth detention centre.
- The youth detention centre is always adequately staffed. A comprehensive and up-to-date staffing profile is used to determine how many staff are required for each shift and to avoid the use of separation.
- The security policy is proportionate to the needs of the youth detention centre and does not unnecessarily impact the rights of children.
- A drug detection strategy is in place, regularly evaluated for its effectiveness and integrated with the security policy and intelligence framework.
- Regular risk assessments are conducted of all areas of the youth detention centre.

AJJA 9.1, 9.3; GP 1.1.4, 1.1.8, 1.2.3; UNCRC 3(3), 19(1)

#### Standard

# 56

**Safety and good order are maintained at all times.**

#### Indicators

- Dynamic and procedural security are maintained with the minimum restrictions necessary to enable humane and respectful relationships between children, staff and visitors.
- Youth detention centre security rests on the encouragement of positive rapport between staff and children.
- Staff interact with children appropriately and there are enough staff to supervise children, specific areas and various activities.
- Areas of the youth detention centre where children may be unsupervised are free from ligature points.
- Security activities are conducted discreetly and sensitively.
- Security dogs are not used in youth detention centres as a means of responding to incidents or disciplining children.
- Intelligence systems exist to appropriately, ethically and effectively gather relevant security information, and to assess, report on and appropriately share information about potential security risks.

- Intelligence is investigated in line with policies and procedures.
- Effective intelligence and security measures are in place to minimise the trafficking of prohibited substances.
- There are effective arrangements for sharing intelligence with all who need to know, including external agencies.
- Staff are not alone when conducting searches, managing large groups of children or conducting night checks.
- Surveillance equipment throughout the youth detention centre is regularly checked and maintained, and this process is documented.
- Staff conduct risk assessments prior to activities taking place, to identify the appropriate level and type of security needed to ensure the safety of all involved. Any security measures implemented do not unnecessarily disrupt the routine of activities. Staff from different areas work together to ensure activities and programs continue in accordance with the relevant risk assessment and security measures
- Procedures are in place for staff to ensure any equipment accessed through programs or classes that is considered to be a restricted article (for example, scrap metal or screws) is removed and secured when not in use. Children are closely monitored during these classes.
- Articles, equipment and materials that may be considered a potential security threat are accounted for at the end of each shift, recorded in a log book, and secured.
- Staff are alert to potential incidents and able to defuse situations before they result in assaults or a break in the good order of the centre. There is a system to collect and use intelligence to aid in the prevention of incidents.
- All children's rooms are fitted with serviceable alarms or intercoms for direct access to staff at all times. These security features are regularly checked and maintained, with staff documenting this information.
- Physical security and fire risk assessments are regularly undertaken and documented.
- Effective search procedures and records are in place to check all vehicles that enter and exit the youth detention centre, as well as contractors' tools and any other items that pose a potential security risk.
- Staff have access to lockers and amenities outside the areas children can access, so they can securely store personal belongings during their shifts.
- Staff x-ray children's incoming and outgoing mail to check for illegal, prohibited or restricted property, and to carry out legitimate and targeted censorship in accordance with stated policies.
- Youth detention centre visits staff are aware of child protection and/or domestic violence issues relating to children at the centre, and there is a robust system for vetting and refusing entry to inappropriate visitors.
- Security measures are discreet and sensitive to privacy.

AJJA 9.3; Havana Rules 12; IRYD; RCNT; UNCRC 3(3); YJR pt 4, div 6

## Searches

### Standard

**57 Searching reduces risks to safety and security posed by contraband, weapons, alcohol and other drugs.**

### Indicators

- Searching is part of a wider safety and security strategy to detect items that may endanger the safety of anyone in the youth detention centre or pose a threat to security and good order.
- Routine and targeted searches are properly documented, including the outcome of the search, to ensure they are not used in a discriminatory manner. The centre keeps up-to-date, comprehensive and accurate records of all searches.
- Search strategies and policies are regularly reviewed to assess their effectiveness and any scope for improvement.
- Emerging technologies are constantly being reviewed as an alternative to personal searches.
- Staff have clear information about what is considered contraband and there are procedures on how to record, store, retain as evidence, or destroy any contraband found during searches. The centre keeps up-to-date, comprehensive and accurate records of contraband.

ACCGS 9; AJJA 9.1, 9.3; Mandela Rules 50, 51, 52, 53; YJR 23, 24, 25, 26, 27, 28; Yogyakarta Principle 9

### Standard

**58 All searches of children are lawful, reasonable and proportionate to the risk posed. They are carried out in the least intrusive way and in a manner that is respectful of the inherent dignity of the child being searched.**

### Indicators

- Searches of a child are only conducted when reasonable and necessary to maintain the security and safety of the youth detention centre, its staff, and children. Searches must be proportionate to the circumstances.
- Less intrusive searching methods are used in preference to more invasive searches.
- Searches are conducted with due regard to gender, disability, religious and cultural sensitivities, and trauma history. Particular care is taken with searches considering that some children may have histories of sexual or physical abuse, and traumatic memories may be triggered by experiences of strip searching or being in other vulnerable positions.
- Searches do not harass, intimidate or unnecessarily intrude on a child's privacy.
- Personal searches must be conducted humanely to protect the safety and dignity of those being searched.
- Searches are only conducted by appropriately trained staff, in a way that respects the dignity of the child. Personal searches are only done by a staff member of the same gender as the person to be searched (except for fully clothed wand searches or walk-through detectors). There must be at least two staff present at a search – one to conduct the search and another to observe the searcher.

- Transgender children, gender diverse children and intersex children are invited to nominate the gender of the staff member conducting the search.
- Cavity searches are never to be conducted.
- The centre has standard operating procedures in place for the refusal to comply with a search, and the consequences of refusing a search are explained to children before requesting their cooperation with the search.
- The centre keeps up-to-date, comprehensive and accurate records of all searches, including the reasons for the search, the names of staff who conducted the search and the outcomes.
- Strip searches are only used as a last resort and when permitted by legislation. Other means of searching must first be used, for example, pat searches, body scanners, metal detectors and increased surveillance.
- Strip searching is only used when there is an identified risk or reasonable suspicion that a child is carrying dangerous contraband. They are not used as a random search or routine procedure.
- Strip searches are conducted as quickly as possible. Children are allowed to remain partially clothed during searches, and are permitted to dress as soon as the search is complete.
- Staff conduct strip searches in a private area or one that provides reasonable privacy for the child being searched. Strip searches are not conducted in view of CCTV.
- Children understand why they are being strip searched and the process for doing so.
- Where practicable, and in the best interests of the child, children are offered to have a support person of their choosing present while they are strip searched.
- After a strip search is conducted, children are offered assistance from an independent advocate to record any questions or concerns they have about why and how they were strip searched.
- Every effort is made to minimise the frequency of strip searches.
- The number of staff present during a strip search is no greater than necessary and is reasonable to ensure the search is carried out as safely and effectively as possible.
- Staff are trained to conduct strip searches in a discreet and sensitive manner and are trained in trauma-informed searching techniques.

**ACCGS 9; AJJA 9.1, 9.3; Mandela Rules 50, 51, 52, 53; YJR 23, 24, 25, 26, 27, 28; Yogyakarta Principle 9**

**Standard**

**59** Room searches are only conducted when necessary and with respect to the child's dignity and privacy.

**Indicators**

- Searches of rooms are conducted when there is a reasonable suspicion that contraband is present. Any search of personal possessions is conducted with respect and the room is always left as found, and preferably searched in the presence of the child.
- All room searches must be completed by two staff members and recorded using body-worn cameras.
- Searches are part of a wider safety and security strategy to detect items that may endanger the safety of anyone in the youth detention centre or pose a threat to security and good order.
- Routine and targeted searches are documented, including the outcome of the search, to ensure they are not used in a discriminatory manner. The centre keeps an up-to-date, comprehensive and accurate records of all searches.

**ACCGS 9; AJJA 9.1, 9.3; Mandela Rules 50, 51, 52, 53; YJR 23, 24, 25, 26, 27, 28; Yogyakarta Principle 9**

**Standard**

**60** Searching of visitors and their property is carried out in a professional way and is appropriately recorded.

**Indicators**

- Admission of visitors to the youth detention centre is contingent upon the visitor's consent to be searched. The visitor may withdraw their consent at any time, in which case they may be refused access.
- The searching of visitors, and their property, is conducted in accordance with the individual risk they pose. Visitors understand why they are being searched and how the search will be conducted. All visitor searches are conducted in the least obtrusive way possible.
- Clear information on search procedures, as well as prohibited and restricted items, is displayed and explained to visitors.
- Effective search procedures and recording systems are in place to check the entry and exit of all vehicles, as well as contractors' tools and other items that pose a potential security risk.
- The centre keeps up-to-date, comprehensive and accurate records of all searches.

**AJJA 9.1, 9.3; YJA 272(5), (6), (7)**

## Deaths in custody and serious incidents

### Standard

#### **61** The youth detention centre promptly notifies all relevant parties about serious incidents and facilitates a comprehensive investigation.

### Indicators

- The youth detention centre sensitively notifies all relevant parties, including the next of kin, about any death in custody, escape, serious incident, injury, illness, admission to hospital or transfer to another facility.
- The youth detention centre facilitates a comprehensive investigation of any serious incident. Investigations do not include the participation of any potentially implicated staff. Evidence is preserved, and victims and witnesses are protected.
- If a death occurs in a youth detention centre, the immediate vicinity is secured as a crime scene and an appropriate authority is notified.
- The body of a deceased person is treated with dignity and respect.
- All actions regarding a death in custody comply with the requirements of the Youth Justice Regulation and the *Coroners Act 2003*.
- Supports are put in place for any staff affected by a death in custody or serious incident.
- A harm assessment is completed for any child affected by a death in custody or a serious incident, and relevant counselling and/or support is provided to those children affected.
- In the event of a child's death, the youth detention centre immediately notifies the child's family or, if appropriate, another nominated person or person known to the child. In the event of an Aboriginal or Torres Strait Islander child's death, the youth detention centre also notifies the Aboriginal and Torres Strait Islander Legal Service (ATSILS) and an Elder.
- The youth detention centre facilitates any necessary and appropriate cultural practices when children die in custody.

**Havana Rules** 56, 57, 58; **Mandela Rules** 69, 70; **RCIADIC**; **YJR** 40

## Transport

### Standard

**62** Children in a youth detention centre are transported only when absolutely necessary and are never to be transported in unsafe or inhumane conditions.

### Indicators

- Vehicles meet minimum standards with appropriate safety features. Children are escorted in vehicles that are safe, secure, clean and comfortable, with adequate storage for property and with suitable emergency supplies and hygiene packs for young women.
- Children are never transported in the same vehicle as adult detainees.
- There is a contingency plan that outlines how to deal with emergencies, breakdowns and other unexpected occurrences. These plans provide for the welfare and safety of children, staff and the public.
- Escort staff are informed about and, where relevant, trained on contingency plans.
- Escort staff are trained in first aid.
- Alternatives to transport are used whenever possible, for example, the use of video links for court appearances and the provision of in-house medical and dental services.
- Prior to travel, all children are assessed to ascertain the potential negative impact on them of such travel, and the ways that impact can be minimised.
- Any special needs identified are met to minimise the impact of travel, including for children with disability, or those who are injured, pregnant, or have other medical conditions.
- Children are given food, drinks and adequate comfort breaks during transport, that are suitable for the length of the journey.
- Vehicle passengers and escort officers are able to maintain contact with the child being transported.
- Vehicles are able to be monitored in real time, and journeys are recorded in a log.
- A cool store for staff and children's food and drinks is provided.
- Regional facilities used for overnight stays provide an adequate level of accommodation and services.
- While ensuring security and safety, high security escorts have regard for the welfare and dignity of children.
- Methods of restraint are only used if they are justified by a documented risk assessment.
- The type of restraint used during transport is the least restrictive having regard to the risk. The application of restraints is authorised and their continued use is regularly reviewed.

**Bangkok Rules** 5; **EPR** 32.1, 32.2, 33.3; **GP** 3.1.11; **Havana Rules** 26; **YJR** 19(1)(b)(i)

## Rehabilitation and preparation for release

### Case management

#### Standard

**63**

**Each child has an individual youth detention centre caseworker who is available to provide support or assistance.**

#### Indicators

- Each child has a caseworker in the youth detention centre as well as one in the community with responsibility for the child's casework. A child's youth detention centre caseworker engages with their community caseworker for case planning purposes.
- A child's youth detention centre caseworker ensures case plans are reviewed. Children, their families and other relevant stakeholders are encouraged to participate in these reviews.
- Children on remand have equitable access to caseworkers, and their case plans reflect their individual needs, including their remand status.
- For children also subject to child safety interventions, the youth detention centre caseworker will engage with the relevant child safety officer to understand any contact restrictions, and to ensure case planning is also considered from a child safety perspective.
- Children entering youth detention with an approved National Disability Insurance Scheme (NDIS) plan will continue to have their needs addressed while in the youth detention centre. Their youth detention centre caseworker will liaise with the community caseworker and/or child safety officer to support continued stakeholder engagement with service providers.

AJJA 3.3, 3.4, 3.5

#### Standard

**64**

**All children have an individual case plan that meets their assessed risks and needs. This case plan is implemented within a reasonable period after entering a youth detention centre.**

#### Indicators

- Case plans are holistic documents and are based on a child's individual needs and risk profile. They set out a pathway for a child's safe release into the community and follow an appropriate and realistic timeline.
- A throughcare approach to case management is coordinated across the youth detention centre as well as between the youth detention centre and the community. Each child has a single case plan which is accessible by the relevant staff/section at the centre. A coordinating caseworker manages the development of the case plan and communicates with different stakeholders and staff about the child's management, activities and interventions in a clear and timely way.
- The risk and needs assessment tool, which is used to develop case plans, is comprehensive, age and culturally validated and competently administered by trained caseworkers.
- Criminogenic needs are identified and addressed in each child's individual case plan.



- All children and their families/communities are engaged in the case planning process, including during case plan reviews and preparation for release.
- The youth detention centre consults children (as well as their parents or guardians), exchanges information with them and seeks their consent about interventions and arrangements within the centre and beyond, for programs, activities and accommodation in the community.
- Case plans contain measurable and achievable short, medium and long-term goals.
- As the majority of children in a youth detention centre are of school age and require education, case plans address their educational needs.
- Case plans also address other needs that children may have, including the need for therapeutic programs, family contact and legal advice.
- An appropriate Aboriginal or Torres Strait Islander staff member is involved in developing case plans for Aboriginal or Torres Strait Islander children.
- Case planning is provided for children who return to the youth detention centre multiple times for short stays and enables previously commenced activities to be continued, where appropriate.
- Accurate records of case plans are kept and updated regularly, with all progress and any changes clearly recorded.
- Where appropriate, children are dealt with in the context of the family or social situation they will return to in the community, in addition to addressing their individual issues.

AJJA 3.3, 3.4, 3.5; Havana Rules 12

### Standard

65

**Children are supported to achieve the goals of their individual case plan by staff across all disciplines within the youth detention centre.**

### Indicators

- All staff working with children have access, appropriate to their position, to up-to-date and comprehensive information about each child, including their case plan goals and targets. Information is managed and stored with respect for confidentiality and in accordance with applicable privacy laws.
- There are appropriate and sufficient purposeful activities and offence-focused programs designed to reduce children's risks of reoffending and to support their transition and reintegration into the community.
- Staff proactively support and motivate children to engage positively in purposeful activities.
- Where progress to the agreed goals is delayed, appropriate alternative support is delivered.
- Children who refuse to attend education activities or programs are monitored closely. Case plans address such difficulties and work towards the child undertaking education as soon as possible.
- Information on children's participation in sport and recreation activities is included in case planning meetings.
- Interventions are tailored to the individual needs of the child, in accordance with their case plan. Some children may require little formal intervention while others will require various or intensive forms of assistance.

AJJA 3.3, 3.4, 3.5; Mandela Rules 61; UNCRC 39

## Education and programs

### Standard

**66** The range of education and programs accommodate the disparate needs of children in the youth detention centre.

### Indicators

- Education and programs are reliably available and are tailored to gender, age, cultural identity and background, cognitive ability, specific offending behaviours and other specific needs.
- Education and programs are developed to support connection to culture and identity.
- Education and programs offered in a youth detention centre are flexible enough to allow children on remand to participate.

**ACCG Charter; Beijing Rules** 13.5, 26.6; **Havana Rules** 38, 39, 41, 42, 43, 62; **UNCRC** 17, 28, 29; **YJA** 302, sch 1; **Yogyakarta Principles**

### Standard

**67** All children are engaged in education and personal development programs to meet their individual needs. The standard of education and programs is equivalent to that available within the community.

### Indicators

- All children undergo an initial education assessment upon arrival to determine their educational needs, strengths, weaknesses and areas of interest.
- Children have ongoing assessments to ensure education and training programs can be adjusted or tailored to meet their needs, age and areas of interest.
- A child's access to education is not dependent on the completion of a case plan by their youth detention centre caseworker.
- Educational goals are included in each child's case plan.
- Education and training programs are aligned with recognised curriculum frameworks and Department of Education curriculum priorities, and provide for the acquisition of foundational literacy skills.
- A detailed education plan is developed in conjunction with the child and informed by information from education facilities the child has attended within the community, in order to maximise continuity of learning. Clear goals are recorded and used to review the child's ongoing progress.
- Aboriginal and Torres Strait Islander children will have various opportunities to learn about their own cultures. Suitable staff, Elders and community members are consulted and involved.
- Vocational and practical learning is available so that children can develop skills for future employment and participation in the community.
- A range of teaching methods are available and are not limited to the classroom environment.
- Technology is used appropriately to support the delivery of educational programs.

- High quality learning support is available for those who need it to make progress academically. Processes are in place to ensure those who do not progress are assessed further and supported accordingly.
- Exclusion from education is used only as a last resort. Where a child is excluded, appropriate alternative learning activities are provided.

**ACCG Charter; Beijing Rules** 13.5, 26.6; **Havana Rules** 38, 39, 41, 42, 43, 62; **UNCRC** 13(1), 13(2), 17, 28, 29; **YJA** 302, sch 1; **Yogyakarta Principles**

## Standard

# 68

**A range of evidence-based programs are available to address the assessed risks and needs of children in a youth detention centre.**

## Indicators

- Programs offered to children in a youth detention centre aim to improve the skills of the child and reduce their risk of reoffending. In addition to addressing their criminogenic needs, change-oriented programs and education aim to better equip children for life when they are released.
- Programs are applied according to relevant 'what works' principles in relation to risk, needs, responsiveness models.
- In addition to change-oriented programs, targeted interventions are available. These may include personal development and life skills programs, or personalised programs such as counselling or sex offender treatment programs. Programs are adapted to meet the learning and communication needs of a child to ensure equitable access.
- Service response plans are regularly reviewed and externally evaluated for effectiveness.
- The details of a child's progress and achievements in all activities and programs undertaken in a youth detention centre are made available in a timely manner for pre-sentence reports, case planning, and to support post-release arrangements.
- Children participate in programs that target their assessed criminogenic needs.
- Where possible, children entering detention continue the programs and activities they commenced in the community.
- Change-oriented programs that challenge children to accept responsibility for their offending behaviour and its consequences are available.
- Victim awareness work is undertaken with children to help them develop empathy for others.
- Programs targeting peer-based offending are available.
- Drug and alcohol awareness programs are available to all children in detention. Drug and alcohol dependent children have suitable programs developed for them, based on thorough assessments.
- Groups for therapeutic programs are screened to ensure there is an appropriate demographic mix (for example, it would not be suitable for a very young boy to be in a group of much older young men for a sex offending program).
- Psychosocial interventions are integrated with clinical treatment.
- Treatment programs are not used as a punishment.

**ACCG Charter; Havana Rules** 54; **IRYD; UNCRC** 39; **YJA** 302, sch 1

### Standard

## 69

**All programs and services offered to children in a youth detention centre are reviewed to measure their effectiveness.**

### Indicators

- Programs are regularly reviewed and externally evaluated for effectiveness.
- Program evaluations include obtaining the views and experiences of the participants.
- Programs delivered by external service providers are monitored and regularly assessed to ensure they continue to meet the needs of the youth detention centre's population.
- Non-accredited interventions are carefully managed and their effectiveness is monitored.
- Ongoing program development and delivery is based on research, best practice and evaluation outcomes.

AJJA 3.4; IRYD

### Standard

## 70

**The youth detention centre operates in partnership with both government and community organisations to ensure programs and activities offered by partner agencies are effective and evidence-based.**

### Indicators

- Education, training and skills development is provided in coordination with external organisations, leading to demonstrable benefits for children.
- The department develops partnerships with organisations to enhance research into practices at youth detention centres and the evaluation of those practices.
- There are working relationships and agreements in place with relevant government and non-government agencies to enable multi-agency management and release planning for all children.

AJJA 5.1, 5.2; Beijing Rules 30.1, 30.2, 30.3

**Standard****71****Children have access to a library which meets Australian standards and are encouraged to use it frequently.<sup>11</sup>****Indicators**

- The library stocks a range of books for a variety of reading abilities and interests.
- The library is used for leisure reading and to support the educational needs of children.
- Library materials are age-appropriate and the quantity and quality are sufficient to meet the needs of children.
- Library materials reflect the diverse needs and abilities of all children and are available in a range of formats and languages.
- Children are provided with access to books and/or other reading materials at all times, including when they are separated, in solitary confinement or receiving health care.
- Children are encouraged to develop their research skills, which includes supervised use of the internet.

EPR 28.5; Havana Rules 41; Mandela Rules 64

**Preparation for release****Standard****72****Planning for a child's transition and reintegration into the community occurs with the child, their family and their community, and is considered prior to the child's release.****Indicators**

- Release planning commences when a child enters a youth detention centre (regardless of remand or sentenced status) and is based upon the needs and risks identified through an assessment.
- Children on remand are provided with appropriately tailored case management services for release planning.
- Transition and reintegration planning are considered in all case plan reviews throughout the child's time in a youth detention centre.
- Transition and reintegration goals are implemented as soon as practicable.
- All children (regardless of sentence status or length of stay) have a case review (or a series of case reviews, if there is time before a supervised release date) and a transition plan to ensure they are aware of important information for their release, including any court-ordered requirements and contacts in the community. Transition planning for longer term and sentenced children also includes health, disability, psychology, education and other relevant on-site services.
- Children on remand are able to access assistance with accommodation and support for re-entry into the community in the same way as sentenced children and at a level appropriate to their needs.

<sup>11</sup> See the Australian Library and Information Association, Minimum Standard Guidelines for Library Services to Prisoners (2015).

- There is a step-down process leading up to any child's release, with external activities, leaves of absence or similar options, and connection with external community agencies.
- All children have access to courses and information sessions to better prepare them for release. These courses and sessions are tailored to individual communication and learning needs, risks and length of stay in detention.
- Release planning considers existing therapeutic and rehabilitation interventions and supports, and maintains the child's existing relationships with service providers.
- Should a child be released prior to completing a program, efforts are made to connect them to an equivalent program in the community.
- Arrangements for the child's accommodation and access to relevant education, health, work and social services must be finalised before the child is released from the youth detention centre. These arrangements are developed in consultation with the child and their family/community, and are documented in the child's case plan.
- Children leave the youth detention centre with their immediate needs met, including having education arrangements, sustainable and safe accommodation, transitional support structures, and contacts in place.
- Preparation for children with serious and enduring mental health problems ensures they continue to be managed appropriately on release.
- Children with continuing disability, health, social and substance abuse needs are given help on how to access services in the community before their release.
- A child's money and property are returned to them on their release.
- Suitable clothes, shoes and bags are available to children who do not have them.
- All children are provided with information and links to agencies in their community who may be able to assist them following their release. Case planning should identify appropriate services to ensure that children are connected to community-based agencies after release.
- Consideration and consultation with a parent or guardian are a standard part of release planning, with the possible exception of older children or young people 18 years or older who will live independently upon release and do not wish to have any family involvement or have no suitable family members available.
- Where children have been involved with Child Safety Services, their carers or child safety officer are included in all transition and reintegration planning.
- Children receive support to enable them to transition to further education, training or employment following their release from detention. Older children and young people (18 years and older) who wish to work after their release are given assistance in becoming job-ready and in seeking employment.
- Independent living units at the youth detention centre are used for their intended purpose to support children with their transition and reintegration.
- There are strong links to services in the community for support and treatment during detention and upon release. The youth detention centre actively engages with these services, which can include Child Safety Services and the child's family.
- All children receive drug and alcohol harm reduction information prior to their release.

## Standard

# 73

**Children have access to services and activities outside the youth detention centre to assist them to reintegrate into the community, develop and maintain relationships and prioritise their care and wellbeing.**

## Indicators

- A youth detention centre has a documented policy and procedure on children leaving the centre (known as a leave of absence) and the use of these leaves of absence in accordance with legislation.
- Screening for leaves of absence and other external activities occurs and aims to ensure the child will be visiting a safe and stable environment in the community. However, if screening raises a concern, such as the possibility of the child associating with family members who have a criminal record, the child should not be automatically precluded from leaving the centre, and further screenings are conducted.
- The youth detention centre fosters open contact between children, their families and the local community through external activities.
- Children are allowed to leave the youth detention centre to visit community, family and relatives, attend funerals (including Sorry Business), for educational or vocational purposes, medical examination or treatment, or to seek or engage in paid or unpaid employment.
- Children have external access to the community for transition and reintegration purposes in line with their individual case plans.
- Preferably, all children have some community experience, external to the youth detention centre, prior to their release.
- There is clear information about how to apply for a leave of absence in a language the child understands.
- All children, regardless of their remand/sentence status, have equal access to leaves of absence.
- The need for a medical leave of absence is determined by medical staff and cannot be overturned by non-medical staff without first consulting medical staff.
- Youth detention centre staff conduct a risk assessment prior to the leave of absence and identify potential security risks as well as the strategies to manage those risks.
- Restraints are used during a leave of absence only as a last resort. They are used in accordance with legislation.
- Decisions to refuse or restrict leaves of absence outline clear reasons and demonstrate consideration of the child's human rights. These decisions are explained to the child and their family in a way they understand.
- Escort staff are trained in escort procedures.
- Aboriginal and Torres Strait Islander children, families and significant community members are engaged in leave of absence processes as appropriate.
- Aboriginal and Torres Strait Islander staff are included as escorts for all Aboriginal and Torres Strait Islander children.
- Staff document cultural considerations relevant to a particular child's leave of absence.

## Young parents and their children

### Standard

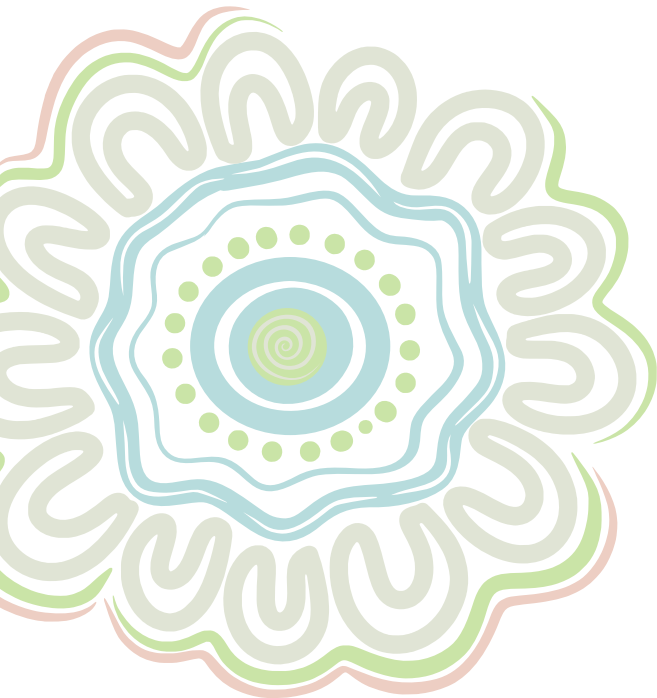
# 74

**Special consideration is given to children in detention who are parents or who have parental and/or carer responsibilities.**

### Indicators

- Young parents in a youth detention centre are enabled to have positive relationships with their children through flexible visiting arrangements, extended stay arrangements, home leave where appropriate, and suitable child-friendly visit facilities.
- Young parents are assisted to address any issues in their parental relationship through programs and counselling in a manner that meets their communication needs.
- All children at the centre, regardless of their parental status, can access programs relating to developmentally appropriate relationships, sexual health, parenting skills and child health.
- Young parents are assisted to fulfil any parental responsibilities. The youth detention centre also supports young parents who are undergoing separation, or involved in child protection processes and/or domestic violence order processes.

**Bangkok Rules** 2, 3, 5, 15, 21, 23, 26, 28, 42(2)–(3), 48(1)–(2), 52(3), 53; **HRA** 26; **Mandela Rules** 7(f), 28; **UNCRC** 18, 24(2)





## Equity and diversity

Children in youth detention centres come from diverse backgrounds and groups and can have distinctly different needs. No child should be unfairly treated or disadvantaged, and all children should be treated humanely, with dignity and respect, including promoting equitable access to services, education, activities and facilities.

### Sexual orientation

#### Standard

**75**

**The needs of children of all sexual orientations in a youth detention centre are recognised and they have equitable access to services, activities and facilities.**

#### Indicators

- The admission and induction processes are sensitive to children's needs and consider the fact that some children may not wish to formally notify youth detention centre staff of their sexual orientation.
- Acceptance of all sexual orientations is promoted.
- Staff training and development promotes equal respect for children of all sexual orientations and raises awareness of the discrimination faced by bisexual, homosexual, pansexual and asexual children.
- Action is taken to identify and prevent homophobic language and behaviour, and interventions for challenging homophobic and discriminatory bullying are in place.
- Children who are bisexual, homosexual, pansexual or asexual are supported by specific support groups and programs within the centre and through referral to external support networks.

CDGSOG; Yogyakarta Principles

## Young people 18 years and older

### Standard

# 76

**The specific needs and risks of young people 18 years or older are identified early for management within youth detention centres.**

### Indicators

- Young people's needs and any associated risks are identified after a comprehensive assessment.
- Young people are active and productive participants in their transition and reintegration planning, especially those who will live independently upon release.
- Staff provide young people with advice, support and skills to aid in their transition and reintegration.
- The youth detention centre has sufficient education and program opportunities for young people 18 years and over.
- A young person should be informed as early as possible, in writing, whether they are being considered for transfer to an adult prison, and staff offer appropriate support.
- When young people are subject to prison transfer orders, staff support them to access legal advice.
- Regular liaison takes place with Queensland Corrective Services about young people who are transferring to adult prisons.
- Staff understand the potential impact of transfers to adult prisons on a young person's mental health and provide appropriate support.

YJA 276F

## Culturally and linguistically diverse children

### Standard

**77** Children from culturally and linguistically diverse (CALD) backgrounds have fair and equitable access to services, activities and facilities, including services specifically related to their CALD status.

### Indicators

- The youth detention centre has a record of children who may find communicating in English challenging. Strategies are in place to overcome any language barriers.
- Children have access to interpreters and, where necessary, key documents are translated into their preferred language.
- In order to limit any distress to children caused by the environment and routines in the youth detention centre, staff consult families and community leaders from different cultures represented in the centre's population to identify ways to reduce such distress. The youth detention centre encourages and enables families and communities to assist in managing and supporting their children.
- Procedures are in place to allow children to express their cultural identity. Staff consider what is culturally appropriate for a particular child, in terms of their dietary requirements and food preparation, style of communication, religious beliefs, ability to communicate with religious leaders or cultural advisors, access to community and living conditions.
- Children are encouraged to learn about their cultural heritage, other cultures, and the origins of cultural practices and events by participating in activities delivered by the youth detention centre or by external groups.

Havana Rules 6, 12, 38; UNCRC 30

## Foreign national children

### Standard

# 78

**The needs of foreign national children in a youth detention centre are recognised and they have equitable access to services, activities and facilities, including services specifically related to their foreign national status.**

### Indicators

- Consular involvement is sought for any foreign national child detained in a youth detention centre.
- Foreign national children know how to maintain connection with their family and community of interest.
- Children are placed at youth detention centres that best provide any non-standard services necessary for their humane treatment, for example access to interpreters and consular services.
- Children receive assistance to maintain contact with overseas family through the provision of overseas phone calls, video calls and other available communication methods. Arrangements for contact are flexible enough to consider international time zones.
- Children are provided with information about their immigration status and immigration procedures in their preferred language and format. They are given assistance to understand this information.
- Regular liaison takes place with immigration authorities, and children are informed as early as possible whether they are being considered for removal or deportation.
- Children at risk of deportation are offered appropriate support when visited by immigration officials.
- Staff understand the potential impact of deportation decisions on a child's mental health and provide appropriate support.
- Children who are to be deported at the end of a detention sentence are prepared for deportation during release planning.
- Staff responsible for managing immigration issues and liaison are trained.
- Children have access to independent immigration advice and support agencies, including resettlement, translation and interpreting services.

EPR 37; ERJO 104,105; Havana Rules 6

## Girls

In Queensland, girls form a small minority within the youth detention centre population. This impacts on aspects of their detention. Girls are housed within youth detention centres predominately occupied by boys, though both groups are separated most of the time.

Girls in youth detention centres comprise a complex cohort, with the majority having experienced abuse, trauma and neglect prior to entering detention, often at greater rates than boys in detention. The small number of girls in detention means they are subjected to inferior standards of care, conditions and programming compared with boys.<sup>12</sup>

Girls spend most of their waking hours in each other's company and there are often relationship conflicts which can be stressful for the girls and staff and can make placing girls in accommodation areas difficult.

These standards apply in addition to the standards for all children.

### Placement and accommodation

#### Standard

# 79

**Girls are accommodated separately from boys and in accommodation suitable to their needs.**

#### Indicators

- The staffing, resources and infrastructure at a youth detention centre take into account the different needs of girls. The design of the centre's infrastructure is appropriate for girls, and is not merely a replica of male areas. This may mean there are different styles of accommodation and living areas, decor and fittings, numbers and types of staff, areas for supervision and programs.
- Girls are accommodated separately from boys with private recreation areas available, screened off from male view.
- Within a mixed-gender youth detention centre, there is a separate, well-resourced female precinct and parity of access to activities and services between genders.

**Bangkok Rules 65; Mandela Rules 11(a), 81**

### Living conditions and hygiene

#### Standard

# 80

**Girls are held in conditions that are clean and dignified and are encouraged to maintain their own personal care and hygiene.**

#### Indicators

- Girls are active participants in maintaining their own personal care and hygiene.
- A range of menstrual management products are readily available, free of charge and, where possible, can be requested from a female staff member.
- Staff sensitively and professionally encourage girls to maintain their personal care and hygiene, particularly those from circumstances of disadvantage, marginalisation, trauma and/or abuse.

**Bangkok Rules 5; Mandela Rules 15, 16**

<sup>12</sup> Matthe, Sibella --- "Girls in juvenile detention: Deprioritised and re-traumatised" [2018] PrecedentAULA 42; (2018) 147 Precedent 14

## Health and support

### Standard

#### **81 Health care services meet the needs of girls in a safe and dignified environment.**

### Indicators

- Girls receive a comprehensive, gender-specific health examination.
- Where possible, girls will be examined by a doctor of the same gender, if preferred. They can have a representative present if they receive treatment from health staff of a different gender.
- If non-medical staff must be present during medical examinations, those staff are female.
- The health centre provides appropriate health services tailored to girls' health, including (but not limited to) preventative health and health promotion, reproductive and sexual health screening and treatment, diet and nutrition, and Aboriginal and Torres Strait Islander girls' health.
- The youth detention centre can deal with any complex health and wellbeing needs of girls. These needs are adequately identified, treated and managed holistically, with staff sensitive to experiences of childhood sexual assault, intimate partner violence, grief and anxiety associated with separation from children and families, low self-esteem, and histories of self-harm and/or attempted suicide.
- Girls can access gender-specific preventative health care services equivalent to those available in the community.
- Girls are encouraged to access and learn about preventative health care. Girls who are predisposed to particular diseases or who have a family history of disease are particularly encouraged to access health services and seek guidance on maintaining health.
- Health checks and screening are performed by qualified health staff that a girl is comfortable with.

**Bangkok Rules** 6, 7, 8, 9, 10, 11; **Mandela Rules** 24.1

### Standard

#### **82 The specific mental health needs of girls are identified, treated and supported by services that are equivalent to those in the community.**

### Indicators

- Gender-specific mental health services, including counselling and support, are provided to meet the risks and needs of girls.
- Health staff are qualified to identify, treat and support gender-specific mental health needs.
- Mental health programs are gender-specific and trauma-informed.
- Staff are advised when girls are feeling particularly distressed, to ensure they are treated with sensitivity and given support.

**Bangkok Rules** 12

## Pregnancy and postnatal health care and support

### Standard

## 83 Pregnant and postnatal girls are supported and treated with dignity and respect.

### Indicators

- In addition to general children's health services, specific services and facilities are available for pregnant girls and new mothers. They may include appropriate food and nutrition, maternal health services and flexible visiting arrangements.
- Pregnant girls have individual health care plans developed when pregnancy is confirmed.
- Appropriate health checks and screening are conducted.
- Qualified staff provide information and counselling about pregnancy and termination options.
- Antenatal and postnatal treatment and support are available, including advice on health, diet and exercise.
- Antenatal services and postnatal care at the centre are equivalent to that available in the community, and include 24-hour access to hospital and community-based obstetric and midwifery services.
- All necessary steps are taken to reduce the chances of stillbirth and infant mortality, and to promote the newborn child's healthy development.
- Pregnant girls are held in a youth detention centre close to their family and community of interest, unless there is a medical reason to transfer them to another centre.
- Girls give birth in a hospital. If a child is born in a youth detention centre, this is not recorded on the birth certificate.
- Girls are not discouraged from breastfeeding unless there are specific health reasons for doing so.
- The medical and nutritional needs of girls who have recently given birth, but whose babies do not reside with them, are included in their health care plans.
- Health staff are trained to manage emergencies arising for pregnant girls.
- Suitable, culturally appropriate antenatal and postnatal accommodation is available.
- Pregnant and postnatal girls can access advice, counselling and support services to meet their needs, including in the event of miscarriage.
- Information on pregnancy, parenting and other related topics is accessible in a language and format the girl understands.
- The youth detention centre's programming is flexible enough to allow access to the full range of opportunities. It does not exclude or cause harm to pregnant or postnatal girls, or mothers with babies or resident children.
- Individual support plans for pregnant girls are developed, implemented and regularly reviewed. These plans include all information relevant to the girls' daily management and support needs.
- Plans are developed promptly and in consultation with the girls.
- Youth detention centre staff are well trained. They know about pregnancy and postnatal care requirements.
- Pregnant and postnatal girls' needs are prioritised considerations in allocating them to accommodation units.

## Young mothers

### Standard

**84** Young mothers are provided with adequate facilities to allow their child to reside with them at the centre if it is in the best interests of their child.

### Indicators

- Young mothers with a resident child can spend the maximum possible time with their child.
- Resident children are not treated as detainees.
- Young mothers have privacy and support for nursing their infants.
- The youth detention centre facilitates regular visits from young mother and child health nurses.
- Young mothers can access parenting support programs that are equivalent to those available in the community.
- Staff are appropriately qualified to work with young mothers and their children.

**Bangkok Rules** 9, 42.2, 42.3, 48.1; **Mandela Rules** 24.1, 28, 29; **YJA** 280

## Searches

### Standard

**85** Girls are subject to searches only when an assessment has been conducted and the search is deemed proportionate to the risk. Searches are conducted in the least intrusive way and search practices maintain the inherent dignity of girls.

### Indicators

- Searches of girls are only conducted by female staff. Searches are respectful and have regard for the girl's possible experiences of trauma, violence and abuse.
- Staff are trained in trauma-informed practice.
- Staff are trained in how to conduct searches of girls who are pregnant or menstruating.

**Bangkok Rules** 19, 20, 21



## Rehabilitation and preparation for release

### Standard

**86** **Girls have equitable access to services and activities which are gender-specific and culturally appropriate.**

### Indicators

- Gender-specific programs, interventions and activities are available, tailored to the needs of the population, with female-specific programs flexible enough to change with fluctuations in the female population.
- Girls have equal access to the full suite of services, programs and treatment available to other children, to meet their rehabilitative, transitional and reintegration needs.
- Education and employment opportunities reflect the diversity of girls, and are not limited to stereotypical gender skills and roles.
- Segregated living does not prevent some integration of genders during well-supervised activities, programs, visits, and social or recreational occasions. Girls can also take part in general programs and mixed-gender activities when appropriate. Participation in mixed-gender activities is not compulsory, with an easy opt-out option without recrimination made available.
- Gendered experiences of culture may be different. Specific cultural activities and representatives are available for each gender in addition to mixed-gender activities.

**Bangkok Rules** 40(c), 42.3

## Staff

### Standard

**87** **There is sufficient staffing to enable the management of girls, and staff are trained in their specific needs.**

### Indicators

- All staff are trained in working with girls.
- Staff can manage the gender-specific needs of girls.
- There are sufficient female staff, including Aboriginal and Torres Strait Islander staff, to enable the appropriate management and support of girls in youth detention centres.
- Staffing and activity structures for the female population are not dependent on the male population, and staff or resource shortages do not result in a reduction of activity for one gender only.

**Bangkok Rules** 29, 33.1; **Mandela Rules** 76.2

## Transgender children and gender diverse children

The needs of transgender children and gender diverse children are inherently different. Separate standards ensure these needs are identified.

Transgender and gender diverse children have the same right to recognition of their gender identities as any other child. While in a youth detention centre, children should be treated humanely and managed in a way that is individualised, seeks to preserve their dignity, safety and privacy, and enables the maintenance of a child's chosen gender identity.

Principle 9 of the Yogyakarta Principles states:

Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person's dignity.

Further, Principle 10 of the Yogyakarta Principles highlights:

Everyone has the right to be free from torture and from cruel, inhuman or degrading treatment or punishment, including for reasons relating to sexual orientation or gender identity.

These standards apply in addition to the standards for all children.

### Gender identity

#### Standard

88

**Children are addressed as, and referred to in, the gender they identify with.**

#### Indicators

- Children are sensitively asked their name and pronouns.
- Children are referred to and addressed using terminology agreed with the child, including in relation to gender, names and pronouns.
- Records accurately reflect a child's details.

CDGSOG; Yogyakarta Principles

## Respect

### Standard

**89** The dignity, sensitivity and privacy of transgender children and gender diverse children is respected.

### Indicators

- Children are treated with dignity, sensitivity and respect by all staff in the youth detention centre.
- Staff ensure children's right to privacy. A child's gender identity is sensitive and personal information. Steps must be taken to safeguard the privacy of the child. The information is only available to staff who require it in order to support the safe custody of the child.
- Staff know the principles of equality and non-discrimination relating to gender identity.
- Children are supported in relation to their gender identity and expression through specific support groups and programs available within the youth detention centre and through referral to external support networks.
- Children can identify as transgender or gender diverse at any stage during their time in a youth detention centre, and receive the necessary support to do so.
- Staff refer to children by their correct name and pronouns in their interactions and recorded notes.
- Children who are transgender or gender diverse will have access to shower and toilet facilities that maximise their safety, personal privacy and dignity.

CDGSOG; Yogyakarta Principles

## Bullying and violence reduction

### Standard

**90** Transgender children and gender diverse children are safe from violence and abuse.

### Indicators

- All children are provided with suitable education to reduce violence and ill-treatment towards transgender children and gender diverse children.
- The youth detention centre has measures to prevent violence towards, or abuse of, children identifying as transgender or gender diverse.
- Children are not placed in separation or otherwise restricted due to their gender identity.
- There are arrangements to educate children and staff on all matters relating to gender identity and expression, enabling them to adequately support children who are transgender or gender diverse.
- Staff are trained with an awareness of human rights standards and principles of equality and non-discrimination.

EPR 13, 81.3; Yogyakarta Principles

## Placement and accommodation

### Standard

**91** Decisions about the accommodation of transgender children and gender diverse children reflect the child's self-identified gender and consider their preference. These decisions include a comprehensive assessment of the safety and wellbeing of the child and others.

### Indicators

- Before an accommodation decision is made, children participate in discussions with staff about the most suitable unit to place them in.
- Decisions about accommodation are made following a case conference with the child and their family. Staff consider the views of the child and their family, as well as the child's safety and wellbeing.
- Children are permitted to live permanently in the gender with which they identify.
- Children know how to appeal decisions about their accommodation and can easily do so.
- Assessments determine the child's individual needs, particularly any medical and support requirements, and any risks they face, including the safety implications from potential accommodation options.

### Yogyakarta Principles

## Property, clothing and appearance

### Standard

**92** Transgender children and gender diverse children can access personal effects to maintain their gender expression and appearance.

### Indicators

- Children can access personal property and purchase items, using the centre's buy-up system, to maintain their gender identity and appearance, subject to safety and security assessments.
- Children know how to access items to maintain their gender expression and appearance.
- Staff support children to apply for items, where required.
- Children are asked about their preferred gendered clothing and underwear, which are provided on request.
- Children can maintain hairstyles they feel are consistent with their gender identity.

### CDGSOG; Mandela Rules 18.2; Yogyakarta Principles

## Health and support

### Standard

**93** Access to physical and mental health care, including assessment and treatment, meets the needs of transgender children and gender diverse children, and it is equivalent to that which they would receive in the community.

### Indicators

- Children can access and receive health care services, including mental health care, for their assessed needs and risks. This also includes individualised health promotion.
- Children, including those who have begun or wish to begin gender affirmation, are able to access appropriate, specialist medical and psychological support that meets their needs and is equivalent to what they would receive in the community.
- Health care is respectful, aware and supportive of the identities and life experiences of the child.
- Health staff are competent in responding to the needs of transgender children and gender diverse children.
- Children are informed of the right to request examination by a doctor or nurse of a particular gender, and any request will be complied with subject to reasonable operational limitations or situations requiring urgent medical intervention.

CDGSOG; Mandela Rules 24.1, 24.2;; Yogyakarta Principles

### Standard

**94** Comprehensive and individual case plans and service response plans meet the needs of transgender children and gender diverse children.

### Indicators

- Individual case plans and service response plans for all children are developed, implemented and regularly reviewed in line with departmental policies and procedures. These plans include all information relevant to a child's daily management and ongoing support needs.
- Plans are developed promptly and in consultation with the child, their family and other relevant stakeholders.
- Children can access the support they require.
- Children know how to and can contact appropriate external support networks.

CDGSOG; Yogyakarta Principles

## Searches

### Standard

**95** Search procedures maintain the inherent dignity of transgender children and gender diverse children.

### Indicators

- Transgender children and gender diverse children are not searched more often than other children.
- Children will nominate the gender of the staff member who will conduct the search.
- Where a search cannot be immediately conducted by a staff member of the preferred gender, the child is safely managed until a search, or appropriate alternative, takes place.
- Staff are adequately trained to perform searches, including having knowledge of the sensitivities of transgender children and gender diverse children and, in particular, ensuring their rights to privacy are protected.

CDGSOG; Mandela Rules 50, 52.1; Yogyakarta Principles

## Rehabilitation and preparation for release

### Standard

**96** Transgender children and gender diverse children have equal access to rehabilitative and reintegration opportunities.

### Indicators

- Children have equal access to the full suite of services, programs and treatment available to other children to meet their rehabilitative, transitional and reintegration needs.
- Children are not denied access to services, programs or treatment due to their gender identity.

CDGSOG; Mandela Rules 108.2; Yogyakarta Principles

## Intersex children

Intersex children, like other children, may be convicted of offences, or may be detained awaiting trial. Children with observable variations in sex characteristics may face harassment and stigma in places of detention and may be vulnerable to harm.<sup>13</sup> Principle 9 of the Yogyakarta Principles states:

Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person's dignity.

These standards highlight the distinct needs of intersex children while in youth detention centres and emphasise the importance of ensuring they are treated humanely, with dignity and respect, and in a way that preserves their safety and privacy, while respecting their chosen gender identity.

These specific standards apply in addition to the standards for all children.

## Gender identity

### Standard

**97** Children are addressed as, and referred to in, the gender they identify with.

### Indicators

- Children are sensitively asked their preferred name and gender identity.
- Children are referred to and addressed using terminology agreed with the child, including in relation to gender identity, names and pronouns.
- Records accurately reflect children's details.

CDGSOG; Yogyakarta Principles

<sup>13</sup> Carpenter, M (2019) Detention, Intersex Human Rights Australia.

## Respect

### Standard

# 98

**The dignity, sensitivity and privacy of intersex children is respected.**

### Indicators

- Children are treated with dignity, sensitivity and respect by all staff in the youth detention centre.
- Staff ensure children's right to privacy. A child's intersex status is sensitive and personal information. Steps must be taken to safeguard the privacy of the child. The information is only available to staff who require it in order to support the safe custody of the child.
- Staff know the principles of equality and non-discrimination relating to intersex children.
- Children are supported in relation to their chosen gender identity and expression both through specific support groups and programs within the youth detention centre, and also through referrals to external support networks.
- Children can advise staff they are intersex at any stage during their time in a youth detention centre, and receive the necessary support to do so.
- Staff refer to children by their correct name and pronouns in their interactions and recorded notes.
- Children who are intersex will have access to shower and toilet facilities that maximise their safety, personal privacy and dignity.

CDGSOG; Yogyakarta Principles

## Bullying and violence reduction

### Standard

# 99

**Intersex children are safe from violence and abuse.**

### Indicators

- All children are provided with suitable education to reduce violence towards and ill-treatment of intersex children.
- The youth detention centre has measures to prevent violent acts or abuse of children who are intersex.
- There are arrangements to educate children and staff and enable them to adequately support children on all matters relating to their chosen gender identity and expression. Staff are trained with an awareness of human rights standards and principles of equality and non-discrimination.

EPR 13, 81.3; Yogyakarta Principles



## Placement and accommodation

### Standard

**100** Decisions about the accommodation of intersex children reflect the child's self-identified gender and consider their preference. These decisions are made after a comprehensive assessment of the safety and wellbeing of the child and others.

### Indicators

- Before an accommodation decision is made, intersex children participate in discussions with staff about the most suitable unit to place them in.
- Decisions about their accommodation are made following a case conference and take account of the views of the child and their family, as well as the child's safety and wellbeing.
- Children are permitted to live permanently in the gender with which they identify.
- Children know how to appeal decisions about their accommodation and can easily do so.
- These assessments determine the child's individual needs, particularly any medical and support requirements, and any risks they face, including the safety implications from potential accommodation options.

### Yogyakarta Principles

## Property, clothing and appearance

### Standard

**101** Intersex children can access personal effects to maintain their appearance.

### Indicators

- Children can access personal property and purchase items using the buy-up system to maintain their gender identity and appearance, subject to safety and security assessments.
- Children know how to access items to maintain their chosen gender identity and appearance.
- Staff support children to apply for items, where required.
- Children are asked about their preferred clothing and underwear which are provided, which are provided on request.
- Children can maintain hairstyles they feel are consistent with their chosen gender identity.

### CDGSOG; Mandela Rules 18.2; Yogyakarta Principles

## Health and support

### Standard

**102** Access to physical and mental health care, including assessments and treatments, meets the needs of intersex children, and is equivalent to that which they would receive in the community.

### Indicators

- Children can access and receive health care services, including mental health care, for their assessed needs and risks. This also includes individualised health promotion.
- Children are able to access appropriate, specialist medical and psychological support to meet their specific needs. This support is equivalent to that available in the community.
- Health care is respectful, aware and supportive of the identities and life experiences of the child.
- Health staff are competent in responding to the needs of intersex children.
- Children are informed of their right to request examination by a doctor or nurse of a particular gender, and any request will be complied with subject to reasonable operational limitations or situations requiring urgent medical intervention.

**CDGSOG; Mandela Rules 24.1, 24.2; Yogyakarta Principles**

### Standard

**103** Comprehensive and individualised case plans and service response plans meet the needs of intersex children.

### Indicators

- Individualised case plans and service response plans for intersex children are developed, implemented and regularly reviewed in line with departmental policies and procedures. These plans include all information relevant to the child's daily management and their ongoing support needs.
- Plans are developed promptly and in consultation with the child, their family and other relevant stakeholders.
- Children can access the support they require. Access is not unduly restricted.
- They know how to and can contact appropriate external support networks.

**CDGSOG; Yogyakarta Principles**

## Searches

### Standard

**104** Search procedures maintain the inherent dignity of intersex children.

### Indicators

- Children are not searched more often than other children.
- Children are asked to confirm the gender with which they identify prior to any search.
- Children will nominate the gender of the staff member who will conduct the search.
- Where a search cannot be immediately conducted by a staff member of the preferred gender, the child is safely managed until a search, or appropriate alternative, takes place.
- Staff are adequately trained to perform searches, including having knowledge of the sensitivities of intersex children and, in particular, ensuring their rights to privacy are protected.

**CDGSOG; Mandela Rules 50, 52.1; Yogyakarta Principles**

## Rehabilitation and preparation for release

### Standard

**105** Intersex children have equal access to rehabilitation and preparation for release opportunities.

### Indicators

- Children have equal access to the full suite of services, programs and treatment available to other children in order to assist them with their rehabilitative needs, and their transition and reintegration back to the community.
- Children are not denied access to services, programs or treatment due to their chosen gender identity.

**CDGSOG; Mandela Rules 108.2; Yogyakarta Principles**

## Children with a disability

A large proportion of children and young people in youth detention have a physical or intellectual disability, or mental health problems.

The United Nations Convention on the Rights of Persons with Disabilities states:

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. However, some researchers have included short-term impairments, such as mental illness, which can be exacerbated by imprisonment (People with Disability Australia, 2017).

In the context of youth detention, governments need to:

- ensure children with disabilities enjoy their human rights on an equal basis with other children
- take measures to combat harmful practices and prejudices about children with disabilities
- put in place child-focused measures to identify, investigate and prosecute the exploitation of children with disabilities
- ensure the best interests of children with disabilities are paramount in all cases
- ensure children with disabilities are not excluded from the education system.<sup>14</sup>

These standards ensure that children with a disability are treated humanely and that their distinct needs are identified and met while they are detained in youth detention centres. These specific standards apply in addition to the standards for all children.

### Disability screening

#### Standard

**106** The needs of children with a disability are assessed on admission and specific assistance is provided to support their needs.

#### Indicators

- The youth detention centre offers a safe and supportive environment so children feel able to disclose any impairments they have, not only those that are a diagnosed disability.
- Appropriate assessments are conducted to identify the needs of children with a disability, including children presenting with potentially undiagnosed conditions. Assessments may be conducted on-site with expert staff or through referrals to specialist facilities off-site. Management plans are developed after assessment.
- Children are provided with information about their assessment in a way they understand.
- Once additional needs related to a disability have been identified, appropriate reasonable adjustments are made.
- Children with a disability are referred to relevant services to ensure they receive the appropriate assistance, equipment, aids, assistive technology and/or other forms of support.

<sup>14</sup> Australian Children's Commissioners and Guardians, *Statement on conditions and treatment in youth justice detention* (2017), p. 11.

- Qualified staff use a behavioural questionnaire to determine whether a formal assessment for Foetal Alcohol Spectrum Disorder (FASD) should be conducted. If a formal FASD assessment is required, and the child has not previously been assessed, the assessment should be conducted as soon as practicable.

**ACCG Charter; Beijing Rules 26.2; DGJFANZ 5.203–5.213; Havana Rules 51; IRYD; UNCRC 23**

## Bullying and violence reduction

### Standard

**107 Children with a disability feel safe from bullying and victimisation, and are offered assistance and support.**

### Indicators

- Appropriately qualified staff educate children about disability and impairment to reduce violence against and ill-treatment of children with a disability.
- Staff are good role models and treat children with a disability in a respectful and dignified manner.
- Staff are alert to and quickly address any bullying, verbal or physical abuse, or other negative actions towards children with a disability.
- Children with a disability can easily report bullying, victimisation and violence.
- Children with a disability are not discouraged from reporting where they feel unsafe.
- Reporting mechanisms account for the child's specific impairment.

**ACCG Charter; Havana Rules 4; UNCRC 2**

## Activities

### Standard

**108 Children with a disability are meaningfully and purposefully involved in youth detention centre activities.**

### Indicators

- Activities in a youth detention centre can be adjusted to accommodate the individual needs of children with a disability.
- Children with a physical disability are able to access all areas of the youth detention centre in order to engage fully with youth detention centre activities.
- Children with a non-physical disability also have appropriate assistance to ensure they can fully engage with youth detention centre activities in meaningful ways.
- All staff receive regular disability awareness training. Staff working closely with children with a disability also receive ongoing training in managing children with a disability.

**ACCG Charter; ACCGS 3; Havana Rules 4; UNCRC 2**

## Health and support

### Standard

**109** The specific health care needs of children with a disability are appropriately met.

### Indicators

- Children can access the necessary treatment they need, equivalent to that available in the community, to manage their health.
- Children with a disability receive ongoing assessments while in the youth detention centre to ensure they are receiving the most up-to-date support available and to assist with their transition planning.
- Health staff are qualified to work with children with a disability.

GP 4.1.15; Mandela Rules 109

## Use of force and restraints

### Standard

**110** The use of force, control and restraint on a child with a disability ensures the inherent dignity of the child.

### Indicators

- Children with a disability are not subject to use of force, control or restraint practices which exacerbate their disability or cause harm.
- All verbal de-escalation techniques and instructions issued about the potential use of force are delivered to children with a disability in way that meets their communication needs.
- Only approved mechanisms of restraint are used to restrain children with a disability.
- Staff do not adjust restraints or restraining techniques where they have not been appropriately trained and/or where those techniques have not been approved.
- Policies and practices about the use of force, control or restraint contemplate the needs of children with a disability.

ACCGS 8; Mandela Rules 39(3)

## Searches

### Standard

**111 Children with a disability are treated with dignity and respect during all searches.**

### Indicators

- Children with a disability are not disproportionately searched more often than other children.
- Children with a disability are given information about search procedures prior to any search being conducted, in a language and format they understand.
- Staff conduct a risk assessment prior to the search, considering the level and nature of the child's disability and whether additional supports and aids can assist.
- Searches are conducted in the least intrusive way.
- Alternative search methods are used where searches may cause undue pain or discomfort.
- Children can sit down as much as required during the search process.
- Health staff are involved in the removal of any artificial limbs or aids, including temporary bandages or casts, where these items may impede a search.
- Searches occur with due regard to the child's privacy and modesty.
- All aids are respectfully inspected during a search and promptly reassembled to purpose afterwards.

GP 2.3.12; Mandela Rules 50, 52.1

## Transport

### Standard

**112 Children with a disability have the same opportunities as other children to attend court, medical appointments and other leave of absence activities in person. Their transportation is safe and secure.**

### Indicators

- Each leave of absence application is considered on its individual merit and risks, so a child is not unduly prevented from attending appointments or activities due to their disability.
- Staff conduct a risk assessment prior to any escorted leave of absence, ensuring adequate and appropriate resources, equipment, aids and vehicles are used in the transport.
- If necessary, suitable and safe non-standard vehicles are available for use.
- Staff are well trained and equipped to respond to in-transit emergencies involving children with a disability.

Havana Rules 26

## Education and programs

### Standard

**113** The needs of children with a disability are considered and they have equitable access to education, programs and activities, including specific assistance related to their needs.

### Indicators

- Appropriate processes are in place to identify children with a disability.
- Once additional disability needs have been identified, appropriate reasonable adjustments are made. Children with a disability are managed according to their individual needs. This may involve the provision of additional services, equipment, time and other resources to ensure they have equitable access to the education, programs, services, activities and facilities needed to progress through a youth detention centre to release.
- Information is provided to children about the support available through the National Disability Insurance Scheme.
- Staff are qualified to deliver courses and programs to children with a disability.

GP 5.1.9; Havana Rules 38

## Rehabilitation and preparation for release

### Standard

**114** Children with a disability are adequately prepared for their release, with any reasonable and necessary support in place.

### Indicators

- Children with a disability can access advice, support and skills to prepare them for their release. Available programs can be modified, or inclusive ones implemented, to ensure detainees with differing intellectual capabilities can participate equally.
- There are working relationships and agreements in place with relevant government and non-government agencies to enable multi-agency management and release planning for children with a disability.
- Children with disability are supported to develop and maintain relationships with staff from support agencies during their detention and in preparation for release as part of transition planning. This includes their caseworker liaising with community caseworkers and/or child safety officers to establish links, for the child, with appropriate community supports for after the child's release.

Mandela Rules 110



# Governance

The safe, secure and humane management of children is achieved through good governance. This involves comprehensive strategic planning, accountable and transparent systems, and sufficient, competent staffing to meet the objectives of detention and the diverse needs of the child population being managed.

Each youth detention centre should be integrated into a wider corporate learning environment to ensure lessons learned from and recommendations of inquiries, investigations and reports are, where appropriate, integrated into youth detention centre operations.

## Strategic planning

### Standard

**115** A strategic vision informs a comprehensive plan of the youth detention centre's general aims, principles, values and strategic actions.

### Indicators

- Each youth detention centre has a strategic plan that defines the purpose, vision, values and goals of the centre and supports the legislative objective of humane detention of children.
- The plan includes an analysis of the detainee population and the needs of significant cohort groups.
- The plan is flexible enough to accommodate for the diverse population. It is regularly evaluated and updated as necessary.
- The plan sets performance targets.
- The plan is supported by a suitable budget process to access necessary financial resources and equipment.
- Staff are involved in the development and implementation of the plan, and it is readily available to them.
- Staff know the youth detention centre's operating philosophy.

EPR 72.2; GP 1.4.4, 2.3.4

## Informed advice

### Standard

**116** Current information about policies and the operation of the youth detention centre is readily available to staff, children, visitors and any other interested parties as appropriate.

### Indicators

- Staff-specific policies, for example, the code of conduct and policies about making complaints and public interest disclosures, are readily available to staff.
- Adequate information is available in the foyer, visiting area, and on the department's websites about the centre's visiting policy, hours, how to book visits, make enquiries and lodge complaints. Staff are available to answer queries in person before, during and after visits, and at other times either by telephone or in writing.
- Children, visitors and staff know what behaviours and language are acceptable.

CSS 10; Havana Rules 87(c)

### Standard

**117** Staff comply with legislative reporting requirements.

### Indicators

- Policies and procedures are in place to define reporting obligations and processes.
- Any harm or suspected harm of a child while in a youth detention centre is reported immediately upon a person becoming aware of the harm or developing a reasonable suspicion of harm to the child.
- Staff are regularly trained to recognise and respond to behaviours indicating emotional, psychological or physical harm, sexual abuse, torture, and cruel, inhumane or degrading treatment.
- Staff are trained in the minimum standards of recordkeeping so that they create accurate records of all interventions (including methods of restraint) and incidents.

ACCG Charter; CSS 1, 1(e), 2(d), 5, 7, 10; IRYD; YJA 268, 277; YJR 10

## Information management

### Standard

## 118 Information regarding individuals must be kept private and confidential.

### Indicators

- The youth detention centre has documented procedures, policies and processes about information sharing between staff and agencies directly involved with a child's care and management while in the youth detention centre. These procedures and processes are regularly reviewed.
- Personal information is managed and stored confidentiality and securely, and in accordance with relevant legislation.
- Procedures are in place to ensure the protection of children from exposure to the media, especially during transfer to and attendance at court and external activities, or when high-profile media incidents occur at the centre.
- Appropriate checks are completed for all visitors to reasonably ensure they are genuine and appropriate to talk to or visit children or be given any information about a specific child.
- Documents provided to a child while in a youth detention centre which are intended for use in the community do not indicate the child was in a youth detention centre (for example, school certificates, work references, identification, medical referrals) unless directly relevant or required.
- Staff understand their obligations in relation to privacy, confidentiality and information sharing, and are trained accordingly.
- Clear recordkeeping policies and procedures exist, which include processes for addressing privacy and confidentiality breaches.
- The confidentiality of health information is maintained to preserve each child's individual entitlement to privacy. However, health information may be provided on a need-to-know basis in accordance with legislation and preferably with the consent of the child.
- All support services work in a coordinated manner while upholding each child's right to privacy.
- Children are informed their private information will be treated confidentially, subject to certain limits, for example, in the case of mandatory reporting of suspected abuse, mistreatment or criminal offences. Children are also informed that their personal mail will be monitored.

**Beijing Rules** 8.1, 8.2; **CSS** 1(e); **Havana Rules** 19, 40, 87; **UNCRC** 16; **YJA** 287-297H; **YJR** 44; **Yogyakarta Principles** 6

**Standard****119 The youth detention centre has comprehensive and accurate records management processes.****Indicators**

- Official records are kept for each child in detention.
- All records are current, comprehensive, accurate and securely managed and archived.
- A child's records are accessible only to relevant staff.
- Key information required by law and policy is recorded.
- All records are kept confidential and made available only to those whose professional responsibilities require access to such records, including relevant staff at the youth detention centre and service providers. A secure audit trail prevents unauthorised access to or modification of any information contained in the system.
- Children are informed they can access records about themselves, subject to redactions authorised under legislation. They are entitled to receive an official copy of their records upon release. Records provided to children are written in a way they can understand, or are explained to them verbally, if more appropriate. Each child can challenge and correct inaccuracies in their records.
- A file management system is used to generate reliable data about trends relating to, and characteristics of, the youth detention centre population to create an evidence base for decision-making.

**ACCG Charter; Beijing Rules** 21.1; **CSS** 1(e), 8(a); **CSS** 1(e), 8(a); **Havana Rules** 21, 23; YJR 37, 38, 39

**Standard****120** **There are robust and accountable recordkeeping, auditing and reporting systems for major aspects of the youth detention centre's activities.****Indicators**

- Specific policies on preventing, receiving and responding to allegations of reportable conduct are available to all staff, and are reflected in practice.
- The youth detention centre has policies and procedures about reporting obligations and processes (for example, reporting use of force and separations).
- There is regular internal and external risk-based auditing of all areas of youth detention centre operations.
- Human resource management and administrative systems support the effective functioning of the youth detention centre.
- Each youth detention centre has a quality assurance system to monitor, measure and improve its own performance.
- Each youth detention centre has agreed external reporting arrangements, which are followed consistently.
- Debriefs are held following any significant incident to discuss the operational procedures and outcomes, and to identify any areas for improvement. All content covered in a debrief is documented and saved in the appropriate information system.
- Following an incident, children and staff have access to counselling services that are confidential.
- A documented procedure ensures recommendations from incident investigations are followed through to completion, with confidentiality and privacy provisions maintained throughout the investigation.
- Children and visitors understand the requirements for the use of camera surveillance within a youth detention centre.

ACCG Charter; CSS 1(e), 8(a); Havana Rules 21, 23; YJR 37, 38, 39

**Standard****121** **Systems are in place for communicating effectively and appropriately with staff and service providers.****Indicators**

- All support services work in a coordinated manner while upholding each child's right to privacy.
- There are clear protocols and service level agreements for information sharing and confidentiality provisions to support open and timely communication between different areas of the youth detention centre and service providers regarding the management, activities and interventions for children in a youth detention centre.

CSS 1(e); Havana Rules 84; YJA 297B-H

## Workforce

### Youth detention centre staff

#### Standard

**122** Staffing meets the needs of the youth detention centre to manage children safely and meet the centre’s operating philosophy.

#### Indicators

- Staff numbers meet the youth detention centre’s needs, including for adequate coverage of planned and unplanned leave.
- The staffing mix includes male and female staff from diverse cultural backgrounds, where possible, particularly ensuring the number of Aboriginal and Torres Strait Islander staff is proportionate to the number of Aboriginal and Torres Strait Islander children detained in the centre.
- The staffing model is reviewed, evaluated and modified to ensure it meets the demands of youth detention centre operations, incorporates any changes in legislation, policy or procedures, and continues to be suitably diverse. These reviews should influence recruitment strategies.
- Staffing models are not copied from adult correctional centres without rigorous review and modification to suit the needs of children. For example, greater numbers of operational and/or program staff will be needed to maintain a higher staff-to-child ratio, and the structure of staff shifts will need to support staff and child interactions.
- In addition to operational, administrative and support staff, the youth detention centre’s staffing model includes professionals and specialists who preferably have experience working with children, adolescents and young adults.

**AJJA** 8.8, 8.9; **Beijing Rules** 22.2; **Havana Rules** 81, 82, 83; **RCIADIC** 178, 237

## Standard

**123 Recruitment, supervision and retention strategies are in place to ensure there are sufficient staff with experience to meet the needs of the youth detention centre and the population of children at all times.**

## Indicators

- Recruitment drives are undertaken and active retention strategies are in place to ensure a full staffing complement at all times.
- Recruitment is gender responsive and culturally appropriate.
- The recruitment process ensures suitable individuals are selected through security screening, Queensland's Working with Children (blue card) check, and other relevant assessments. New staff are trained prior to commencing their duties.
- Application, assessment and screening processes are sensitive to Aboriginal and Torres Strait Islander applicants' situations.
- Staff are provided with supervision and management. Supervisors and managers are trained to provide the level of supervision and support expected of their positions.
- New staff are supported and supervised by suitably experienced and trained managers, supervisors and peers. They undergo a formal, supervised probation period.
- Issues identified during probation must be addressed, with opportunities given for improvement. Probation should only be signed off when officers on probation meet all requirements for permanency and are deemed suitable for ongoing work in the youth detention centre.
- All staff receive regular performance appraisals. There are procedures for identifying unsuitable staff and methods for resolving issues or removing/redeploying unsuitable staff.
- The use of leave and overtime is monitored as part of the regular review of staff morale.
- Appropriate screening is conducted on staff from external agencies who deliver services to children within the youth detention centre or provide them externally.

**AJJA 8; CSS 5; Havana Rules 81, 82, 83, 86; UNCRC 3(3)**

## Standard

### 124 All staff have the necessary knowledge, skills and authority to work in a youth detention centre, and are trained to the highest standards of professional competence, integrity and honesty.

#### Indicators

- The performance appraisal process includes updating staff needs and professional interests.
- All staff demonstrate the knowledge and skills to perform their work professionally.
- All staff understand the legislation and policies to which they must adhere.
- All staff are trained and can access regular and ongoing training to maintain and upgrade their skills (and qualifications, where relevant), and are able to access professional development activities.
- Preservation of life training (for example, CPR and first aid) is prioritised.
- All staff undertake training on trauma-informed practice, human rights, the nature and indicators of child maltreatment (particularly institutional child sexual abuse), child safe practices and child protection, duty of care, child and adolescent development (including gender-specific information), emergency management, drug and alcohol awareness, disability awareness, neurodevelopmental awareness, restorative practice and other relevant topics.
- All staff are culturally competent. They have specific awareness of the various cohorts within the youth detention centre population, particularly the diversity of Aboriginal and Torres Strait Islander groups.
- The youth detention centre has a training plan to coordinate and record training required or delivered to all staff (custodial, non-custodial, administrative, managerial). The training plan considers specific staff training needs, refresher training in required skills, generic and crossover training relevant for all staff, and training specific to certain job roles and areas.
- Operational staff and staff with direct child contact and supervision receive training in soft skills (including communication and de-escalation), use of force and other security-focused procedures.
- Security-focused and operational training includes awareness of the impact on children, for example, training in correct search procedures that are mindful of protecting dignity.
- The youth detention centre enforces a code of conduct that requires and assists staff to be positive role models for children in youth detention centres.
- All staff are made aware of searching, screening and/or testing guidelines, including allowed and prohibited items, at the commencement of their employment and this is regularly refreshed. Staff who are found to bring prohibited items into the youth detention centre are disciplined accordingly.
- All staff understand the purpose of independent oversight agencies and cooperate with them.
- All staff have access to the appropriate resources and supports necessary to do their jobs, including those needed to manage compassion fatigue, burn out and vicarious trauma.
- Accurate records of staff misconduct (including associated evidence) are maintained to support decisions.



**Standard****125 Staff value and develop positive relationships with children while maintaining appropriate boundaries.****Indicators**

- Relationships between staff and children are based on mutual respect while maintaining appropriate boundaries. Staff and children are fair and courteous in their daily interactions.
- The youth detention centre enforces a code of conduct that requires and assists staff to be positive role models for children in youth detention centres.
- Staff are professional in their conduct at all times.
- Staff behave in a humane, sensitive and consistent way, caring for children as individuals and responding to their different needs.
- Staff can easily access comprehensive and current information about an individual child's needs.
- Staff take the time to build professional relationships with children and are knowledgeable about their strengths and weaknesses. Staff check on the wellbeing of children and remain approachable, giving their time freely and showing interest by listening.
- Staff provide children with opportunities and support to make their own decisions and good choices, and to manage their emotions.
- Staff address children by their preferred name.
- Children are able to identify staff by their name.
- Staff maintain accurate and detailed records of their contact and interaction with children.
- Staff understand the different developmental stages of maturity and the impact of life experiences, such as trauma, abuse and mental illness, on a child's behaviour and outlook.
- Staff discuss a child's behavioural problems or concerns with them tactfully and discreetly, in a manner that is not visible to, or heard by, other children.
- Staff know how to raise concerns they have about the way their colleagues behave or interact with children. Staff who raise such concerns are not victimised for doing so.
- Staff behaviour that is disrespectful, hurtful or provocative is considered to be a serious breach of the code of conduct by youth detention centre management.

## Staff grievances

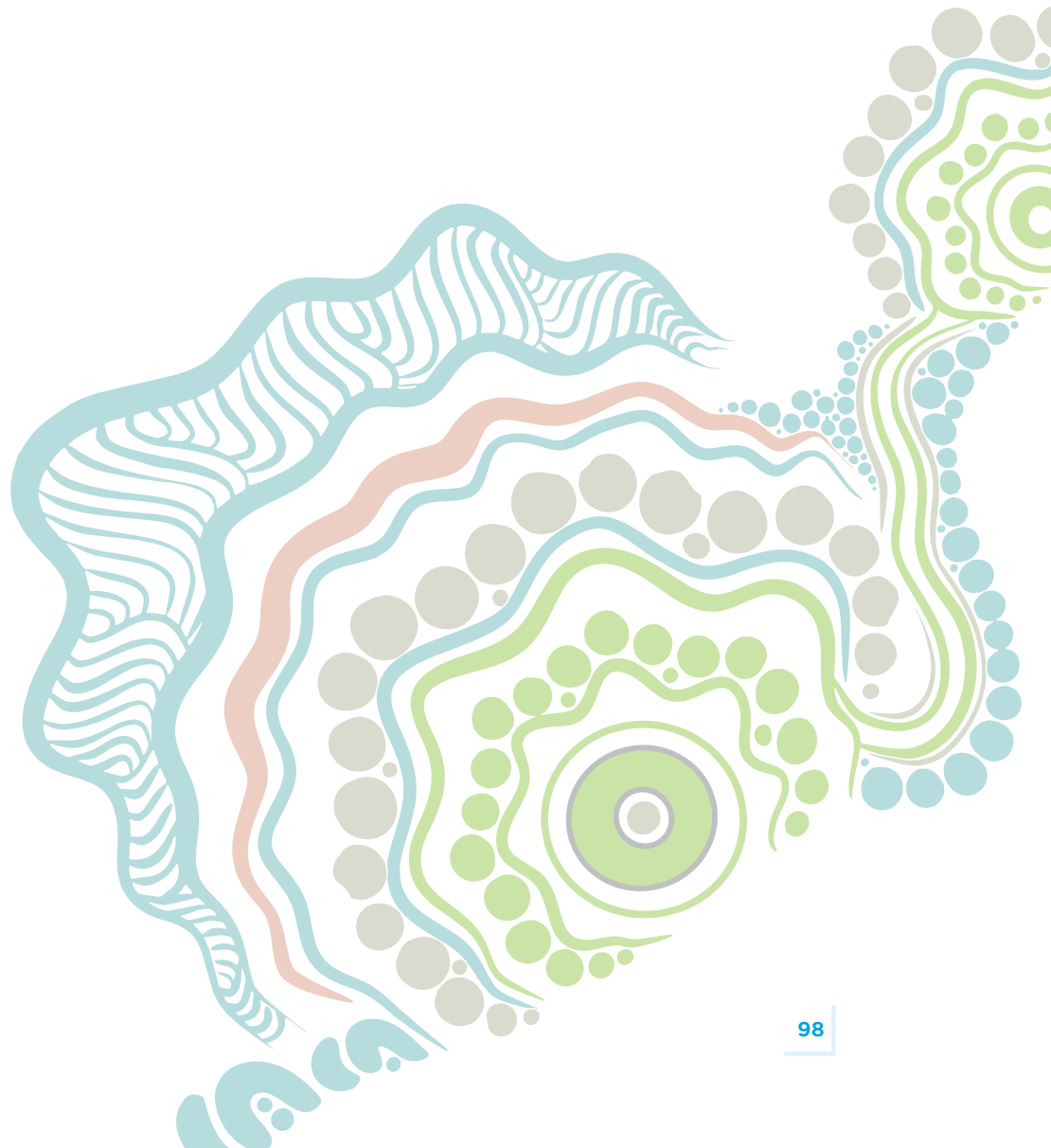
### Standard

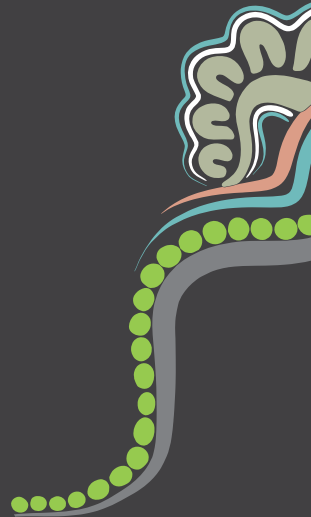
**126** Staff are supported and have avenues to raise and address grievances that affect them in a timely and effective way.

### Indicators

- Staff are able to make comments, suggestions or formal complaints to the youth detention centre and/or to external bodies.
- Staff are provided with information and support on how to make a complaint to a proper authority under the *Public Interest Disclosure Act 2010*.
- Grievances are resolved promptly, fairly, sensitively and confidentially, and every effort is made to resolve them at the lowest level.
- Staff have ongoing access to an Employee Assistance Program. They are offered appropriate support, including counselling and debriefing, after critical incidents or other situations that could cause distress.
- Measures are taken to prevent and address workplace bullying and harassment.

CCA 36; HRA 64, 65; OA 20; PIDA 13





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