

Youth detention centre

OPERATIONAL POLICY

Title: YD-1-12 Youth detention – Physical contact between young people

Policy statement:

The department will safeguard the emotional and physical wellbeing of young people in youth detention by promoting and upholding appropriate physical contact boundaries between young people.

Appropriate physical contact between young people contributes to their social and behavioural development and rehabilitation. However, inappropriate physical contact between young people may compromise their safety, emotional and psychological health and affect the good order of the centre.

Accordingly, the department will ensure that physical contact between young people is appropriate, occurs at a minimum and is suitable for the activity that the young people are engaging in.

Inappropriate physical contact, including sexual activity between young people is strictly prohibited.

Responses to inappropriate physical contact will be immediate, managed sensitively and actioned in accordance with the behaviour development and incident management frameworks, as relevant.

Principles:

1. General principles

1.1 The safety of young people and youth detention staff is paramount.

1.2 Youth detention staff will respect young people's dignity, cultural background and beliefs.

1.3 Behavioural expectations about physical contact will be explained to young people during induction and consistently upheld and promoted by youth detention staff.

1.4 Appropriate physical contact means contact that is:

- respectful and safe
- appropriate to the activity
- age appropriate peer behaviour.

1.5 Inappropriate physical contact means contact that is:

- harmful and/or brings discomfort to the young person
- not appropriate to the activity
- not age appropriate peer behaviour.

1.6 Inappropriate physical contact, including sexual activity between young people is strictly prohibited.

1.7 Vigilant supervision by youth detention staff is critical to prevent and limit inappropriate physical contact between young people.

2. Management of males and females to minimise inappropriate physical contact

2.1 Young people will be allocated single bedroom accommodation wherever possible.

2.2 Males and females will always be accommodated in separate bedrooms and wherever possible, separate sections.

2.3 The following areas may be accessible to both genders at the same time, except where the shift supervisor (or higher position) directs otherwise:

- recreation areas
- education and vocation areas, and
- visiting areas.

2.4 Programs, activities, religious and cultural services may be accessible to both genders at the same time, except where the unit manager, team leader or shift supervisor (or higher position) directs otherwise.

3. Supervision of young people

3.1 Youth detention staff must be vigilant when supervising young people:

- throughout all structured day activities
- during movements within the centre
- while young people are in accommodation areas
- overnight for any young people sharing a bedroom.

3.2 Any obstruction to camera vision must be addressed immediately. If this cannot be rectified immediately, visual checks must be completed through the room viewing window.

3.3 Youth detention staff must ensure each young person's schedule of observations is complied with to ensure the required level of supervision.

3.4 Supervision and the management of movements within the centre must consider and mitigate the additional risks posed by special interest young people.

3.5 Youth detention staff must regulate physical contact between young people to ensure that it remains appropriate and is suitable for the activity the young people are engaging in.

4. Responding to inappropriate physical contact

4.1 If a young person engages in inappropriate physical contact with another young person, youth detention staff must immediately direct the young person/s to stop the behaviour and remind the young person of the behavioural expectations.

4.2 Consequences applied through the behaviour development framework may be used to discipline the young person/s for the behaviour.

4.3 Some young people may actively seek a physical relationship with another young person while in youth detention. In such circumstances:

- staff must immediately report the matter to their supervisor to ensure the situation is actively managed in a way that respects and supports the safety and emotional wellbeing of the young people involved
- a management plan must be developed with key stakeholders, including the young person as appropriate
- the management plan and the concerns that prompted the action must be thoroughly documented and recorded in DCOIS and ICMS as relevant
- the response must also consider the special interest young person and not to share risk assessment processes.

4.4 Sexual harassment, assault or any other type of inappropriate physical contact that constitutes an incident must be managed in accordance with the incident management framework.

4.5 Post-incident actions must:

- address and aim to prevent future inappropriate behaviours
- trigger a review of the young person/s special interest young person and not to share assessment
- consider information sharing and referral obligations, including any required notifications to the young person/s guardians, QPS or child safety services

- consider whether a report of harm is required under section 268 of the *Youth Justice Act 1992*
- consider whether therapeutic or specific program referral is required.

4.6 To remove any doubt, even when sexual activity between young people appears to be consensual, it remains strictly prohibited and responses must be applied as relevant through the incident management and behaviour development frameworks. Given the vulnerabilities and offending history of young people in youth detention, staff must also consider whether the young person/s were coerced, bullied or bribed into acting consensually.

4.7 Any sexual activity involving a young person under the age of 16 (a young person under the age of 16 does not have the legal capacity to consent to sexual activity) must be classified as a sexual assault and the response actioned must be commensurate with the criminal nature of the activity. This must include a referral to QPS and a report of harm under section 268 of the *Youth Justice Act 1992*.

Objectives:

Young people sentenced or remanded into youth detention are highly vulnerable and require special protection and care to ensure their safety, wellbeing and effective rehabilitation.

Managing incidents of inappropriate physical contact is a serious legal, professional and moral obligation for youth detention staff. These incidents represent critical opportunities to prevent and limit harm to young people.

Accordingly, this policy aims to ensure:

- youth detention centres take all reasonable steps to prevent and protect young people from harm caused by inappropriate physical contact
- youth detention staff understand how to meet their responsibilities to prevent and limit incidents of inappropriate physical contact between young people
- incident responses are appropriate and sensitive to the needs of the affected parties, including staff involved in response
- required information sharing and reporting occurs with relevant stakeholders and agencies.

Scope:

This policy applies to all young people who have been remanded or sentenced to a youth detention centre.

This policy is part of a suite of policies and procedures developed to support the safety, wellbeing and rehabilitation of young people. This policy is to be read in conjunction with:

- Policy YD-1-1: Casework
- Policy YD-1-2: Behaviour development
- Policy YD-1-4: Room sharing
- Policy YD-3-4: Protective actions continuum
- Policy YD-3-9: Identifying and reporting harm in a youth detention centre
- Appendix 02: Philosophy of youth detention services
- Chapter 1: Care and management of young people, Youth Detention Centre Operations Manual
- Chapter 3: Incident management, Youth Detention Centre Operations Manual.

This policy does not apply to physical contact between staff and young people. Guidance about managing professional boundaries is governed by the Queensland Government Code of Conduct and the department's workplace ethics booklet. For more information, refer to Youth Justice Capability and Learning Unit or Ethical Standards Unit.

Roles and responsibilities:

- Youth detention staff – supervise young people to promote and uphold appropriate physical contact boundaries between young people; respond to incidents of inappropriate physical contact.
- Team leader and caseworker – refer relevant incidents to guardian/s and child safety services.
- Practice support manager– refer relevant incidents QPS; oversee incident reporting including any required reports of harm.
- Unit manager – action behaviour development consequences as required; oversee incident reporting including any required reports of harm; ensure incident responses are appropriate and sensitive to the needs of the affected parties.
- Deputy director and executive director – ensure incident responses are appropriate and sensitive to the needs of the affected parties, including staff involved in response; oversee incident reporting including any required reports of harm.
- Executive director – ensure staff understand obligations under this policy; ensure compliance with this policy.
- Director, Practice, Program and Design – provide practice support and advice to youth detention staff and youth detention management about issues relating to compliance with this policy.
- Director, Youth Justice Capability, Learning and Systems – ensure training and learning resources reflect policy requirements.

Authority:

Youth Justice Act 1992

Youth Justice Regulation 2016

Definitions:

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

Term	Definition
Appropriate physical contact	<p>Appropriate physical contact means contact that is:</p> <ul style="list-style-type: none"> • respectful and safe • appropriate to the activity • age appropriate peer behaviour.
Behaviour development framework	<p>Refers to a system that encourages positive behaviour and provides consequences for misbehaviour.</p> <p>The framework comprises of:</p> <ul style="list-style-type: none"> • underpinning principles • clear behavioural expectations and rules for young people • an incentive scheme • consequence and disciplinary and responses. <p>Refer to Policy YD-1-2: Behaviour development for more information.</p>
Inappropriate physical contact	<p>Inappropriate physical contact means contact that:</p> <ul style="list-style-type: none"> • is harmful and/or brings discomfort to the young person • not appropriate to the activity • not age appropriate peer behaviour.

	Sexual activity between young people is inappropriate and is strictly prohibited.
Incident management framework	Refers to the four step incident management framework described in Chapter 3 – 'Incident management', Youth Detention Centre Operations Manual. The incident management framework includes the dynamic risk assessment process and the protective actions continuum.
Induction	Induction is part of the admissions process. It is a critical point of communicating to the young person their rights and responsibilities while in youth detention.
Not to share	Refers to a risk assessment process to determine whether a young person can safely share a room with another young person. Refer to Policy YD-1-4: Room sharing for more information.
Special interest young person	Refers to a security rating given to a young person who requires specific risk management to reduce risks to themselves, other young people and centre staff and property.

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Office: Youth Justice Practice, Program and Design

Links:

[Australasian Juvenile Justice Administrators \(AJJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Youth Justice policies](#)