



Youth detention centre

OPERATIONAL POLICY

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

Policy statement:

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

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

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

Principles:

1. Definition of a leave of absence

An LOA is when a young person temporarily leaves a youth detention centre (i.e. there is an expectation of their return) and where their custody has not been transferred to another party.

In accordance with section 269 of the *Youth Justice Act 1992*, the LOA must:

- be for a specified time period
- be for a specified purpose, as set out in section 269(3) of the *Youth Justice Act 1992*, and
- subject to specified conditions.

2. Purpose of a leave of absence

In accordance with section 269(3) of the *Youth Justice Act 1992*, the LOA can be considered for a young person for one of the following reasons:

- to seek or engage in paid or unpaid employment
- to attend any place for educational or training purposes
- to visit family, relatives or friends
- to attend any place for medical examination or treatment
- to attend a funeral, and
- any other purpose that the executive director considers will assist in the young person's reintegration into the community.

3. Risk assessment

All LOAs must be subject to a security risk assessment. The LOA proposal must include details of the potential security risks and the recommended strategies and actions to manage these risks.

Factors to be considered as part of the risk assessment include:



- the young person's current behaviour and disposition including - any current or prior suicide risk, incident involvement, special interest young person (SIYP) rating and anything else that may be relevant
- previous abscond or escape history (including attempted)
- previous LOA history
- issues identified as part of previous reviews of LOA for the young person including any recommendations made as a result of that leave
- previous SIYP records
- nature of the activity or service – and risks associated with it
- location of activity or service and supervision by responsible adults and/or other Queensland Government staff (e.g. Corrective Services staff) whether it is individually risk assessed and deemed appropriate to utilise body worn cameras during the LOA, subject to approval from the executive director or deputy director.
- whether inability to attend the LOA would infringe upon the young person's rights as defined in the *Human Rights Act 2019*, and if so, whether appropriate justification exists to refuse the LOA
- any other factor that may be relevant.

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

In recommending strategies to reduce the assessed risks, the use of restraints can be considered in accordance with section 18(2) (a) of the *Youth Justice Regulation 2016*

4. Supervision levels

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

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

Escorted leave refers to a young person being escorted to an off centre activity by youth detention staff, at least one of whom must be suitably trained in escorting procedures.

Accompanied leave refers to a young person being accompanied to a venue or activity by a youth detention staff member who may not be trained in escort procedures. This may be a caseworker, program or medical staff member.

Unescorted leave refers to a young person travelling unescorted to an approved activity and a responsible adult other than a youth detention staff member supervising the young person for the duration of the activity. The adult supervisor may be a relative, respected community member, prospective employer, vocational trainer or other approved person.

5. Approval of a leave of absence

Approval must be sought from the executive director for all LOAs.

If after hours and an emergency, verbal approval from the executive director is acceptable, however the executive director must endorse the LOA the next business day.

If the executive director cannot be contacted, the deputy director or on-call manager must contact the Senior Executive Director and seek approval for emergency leave.

Before an LOA can be approved by the executive director, appropriate casework and security risk assessments must be conducted. The LOA proposal must include these, as well as the risk management actions chosen.

Any decision for staff attending the LOA to wear a body worn camera outside of the youth detention centre must be approved by the executive director or deputy director.



6. Breach of leave of absence conditions

If a young person breaches an LOA condition the executive director must in writing either vary the conditions of the leave and advise the young person, or cancel the LOA.

When a young person fails to comply with the LOA conditions without an authorised variation to the conditions, the incident must be treated as an abscond from custody.

When an LOA is cancelled and a young person does not comply with arrangements to immediately return to the centre, they should be regarded as an absconder.

Objectives:

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

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

Scope:

This policy applies to young people sentenced or remanded in a youth detention centre. It is to be read in conjunction with chapter 2: Admission, External Movement, Transfer and Release, Youth Detention Centre Operations Manual.

Roles and responsibilities:

- Team leader:
 - consider and endorse LOA applications
- Unit manager:
 - consider and endorse LOA applications
- Deputy director:
 - consider and endorse LOA applications
 - authorise the use of body worn cameras outside of youth detention centres on LOAs
- Operations manager:
 - oversee LOA process
 - determine security requirements, including whether the use of body worn cameras outside of the youth detention centre is recommended
- Escort officer:
 - comply with security requirements
 - ensure the safety of the young person while on escort.
- Executive director:
 - approve the LOA
 - ensure that relevant youth detention operational staff are trained in escort procedures
 - ensure practice complies with this policy
 - authorise the use of body worn cameras outside of youth detention centres on LOAs
- Director, Secure Services Operations and Practice:
 - provide practice support to youth detention staff to implement this policy



- analyse LOAs for emerging trends and issues
- Chief human resources officer:
 - review and update training on escort procedures as required

Authority:

Youth Justice Act 1992

Youth Justice Regulation 2016

Delegations:

Position	Delegation
Senior Executive Director, Youth Justice Executive director, youth detention centre Director, Secure Services Operations and Practice	<i>Youth Justice Act 1992</i> Section 263 (2), (5) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention. Comply with youth justice principles.
Senior Executive Director, Youth Justice Executive director, youth detention centre	<i>Youth Justice Act 1992</i> Section 269 (1) (5) – Grant a detained child leave of absence. Vary conditions of the leave, cancel leave if child contravenes conditions.

Definitions:

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

Term	Definition
Executive director	The director of the youth detention centre.
Leave of absence	When a young person temporarily leaves a youth detention centre (i.e. there is an expectation of their return) and their custody has not been transferred to another party. Leave of absence is often abbreviated to LOA.
SIYP	Special interest young person.
Youth detention forum	A committee including the Senior Executive Director, youth detention centre executive directors and Director, Secure Services Operations and Practice.



Records file number: nil

Version number: 1.3

Date of approval: 20 December 2019

Approved by: 1.0 Director-General (2 November 2016)

1.1 Director, Practice, Program and Design (16 November 2017)

1.2 Deputy Director-General (2 December 2019)

1.3 Director, Secure Services Operations and Practice (20 December 2019)

Date of operation: 01 August 2013

Date to be reviewed: 20 December 2022

Office: Youth Justice Secure Services Operations and Practice

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Communication strategy:

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

Links:

Policy YD-3-7- Use of mechanical restraints

[Australasian Youth Justice Administrators \(AYJA\) service standards for juvenile custodial facilities](#)

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

[Human Rights Act 2019](#)

[Queensland Human Rights Commission](#)

Youth Detention Centre Operations Manual

Youth Justice delegations

[Youth Justice policies](#)

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