



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 support 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 support 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 support 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 support
- Policy YD-1-4: Room sharing
- Policy YD-3-4: Communication and resolution techniques
- 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 Learning and Development Unit or Professional 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 or Client Relations Advisor:
 - refer relevant incidents QPS; oversee incident reporting including any required reports of harm.
- Unit Manager:
 - action behaviour support 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 or Assistant 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 practice, training and learning resources comply with this policy
 - contribute to policy reviews
- Director, Statewide Intel and Secure Services Support:
 - review and update policy as required
 - provide practice advice to support compliance with this policy.
- Training Team:
 - ensure training content complies with relevant policies and procedures
 - contribute to policy and procedure reviews as required.

Authority:

Youth Justice Act 1992
Youth Justice Regulation 2016



Delegations:

Position	Delegation
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Director, Youth Justice Regional Operations Director, Statewide Intel and Secure Services Support	<i>Youth Justice Act 1992</i> Section 263 (2) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Director, Learning and Development Principal Inspector	<i>Youth Justice Act 1992</i> Section 263 (4) – Inspect and monitor operation of detention centres.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Director, Youth Justice Regional Operations Director, Statewide Intel and Secure Services Support	<i>Youth Justice Act 1992</i> Section 263 (5) - Comply with youth justice principles.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Unit Manager, Youth Detention Centre Shift Supervisor, Youth Detention Centre Structured Day Coordinator, Youth Detention Centre Section Supervisor, Youth Detention Centre Detention Youth Worker, Youth Detention Centre	<i>Youth Justice Regulation 2016</i> Section 15 (1) (2) – Give written notice of types of behaviour. Ensure information in notice is explained.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Unit Manager, Youth Detention Centre Shift Supervisor, Youth Detention Centre Court Supervisor, Youth Detention Centre Section Supervisor, Youth Detention Centre Visits Coordinator, Youth Detention Centre Structured Day Coordinator, Youth Detention Centre Aboriginal and Torres Strait Islander Programs Support Officer, Youth Detention Centre Transition Officer, Youth Detention Centre Aboriginal and Torres Strait Islander Transition Officer, Youth Detention Centre Cultural Liaison Officer, Youth Detention Centre Program Coordinator, Youth Detention Centre Program Support Officer, Youth Detention Centre Program Deliverer, Youth Detention Centre Manager, Client Services, Youth Detention Centre Team Leader, Youth Detention Centre Psychologist, Youth Detention Centre Caseworker, Youth Detention Centre Detention Youth Worker, Youth Detention Centre	<i>Youth Justice Regulation 2016</i> Section 16 (2) – May discipline child.



Intelligence Officer, Youth Detention Centre Speech Pathologist, Youth Detention Centre Senior Speech Pathologist, Youth Justice Practice	
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Unit Manager, Youth Detention Centre Shift Supervisor, Youth Detention Centre Court Supervisor, Youth Detention Centre Section Supervisor, Youth Detention Centre Visits Coordinator, Youth Detention Centre Structured Day Coordinator, Youth Detention Centre Aboriginal and Torres Strait Islander Programs Support Officer, Youth Detention Centre Transition Officer, Youth Detention Centre Aboriginal and Torres Strait Islander Transition Officer, Youth Detention Centre Program Coordinator, Youth Detention Centre Program Support Officer, Youth Detention Centre Program Deliverer, Youth Detention Centre Manager, Client Services, Youth Detention Centre Team Leader, Youth Detention Centre Psychologist, Youth Detention Centre Caseworker, Youth Detention Centre Detention Youth Worker, Youth Detention Centre Cultural Liaison Officer, Youth Detention Centre Restorative Practice Coordinator, Youth Detention Centre Intelligence Officer, Youth Detention Centre Speech Pathologist, Youth Detention Centre Senior Speech Pathologist, Youth Justice Practice	Youth Justice Regulation 2016 Section 16 (3) – Must ensure misbehaviour is managed in a way that respects the child’s dignity, and has regard to the nature of the misbehaviour, and the child’s age and maturity, and the child’s cultural background or beliefs.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Regional Executive Director Director, Youth Justice Regional Operations Director, Youth Justice Services Manager, Youth Justice Service Centre Manager, Youth Justice Court and Regional Operations Practice Support Team Coordinator, Youth Justice Service Centre Team Leader, Youth Justice Service Centre Caseworker, Youth Justice Service Centre Court Coordinator, Youth Justice Service Centre	Youth Justice Regulation 2016 Section 17 (2) – Give information about discipline to court.

Definitions:

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

Term	Definition
Appropriate physical contact	Appropriate physical contact means contact that is: <ul style="list-style-type: none"> • respectful and safe • appropriate to the activity • age-appropriate peer behaviour.
Behaviour support framework	Refers to a system that encourages positive behaviour and provides consequences for misbehaviour. The framework comprises of:



	<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 support 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. <p>Sexual activity between young people is inappropriate and is strictly prohibited.</p>
Incident management framework	<p>Refers to the four step incident management framework described in Chapter 3 – ‘Incident management’, Youth Detention Centre Operations Manual.</p> <p>The incident management framework includes the dynamic risk assessment process and the protective actions continuum.</p>
Induction	<p>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.</p>
Not to share	<p>Refers to a risk assessment process to determine whether a young person can safely share a room with another young person.</p> <p>Refer to Policy YD-1-4: Room sharing for more information.</p>
Special interest young person	<p>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.</p>

Human rights compatibility statement

The Department of Children, Youth Justice and Multicultural Affairs is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), Youth Justice (YJ) has an obligation to act and make decisions in a way that is compatible with and properly considers human rights. When making a decision about the use of mechanical restraints, decision-makers must comply with that obligation.

Multicultural Queensland Charter

YJ supports the [Multicultural Queensland Charter](#), established under the *Multicultural Recognition Act 2016* (Qld). The Charter seeks to promote Queensland as a unified, harmonious and inclusive community.

Child Safe Standards

The Royal Commission into Institutionalised Responses to Child Sexual Abuse developed several national [child safe standards](#) for institutions and organisations working with children. YJ is cognisant of these standards when considering operational practice guidelines and service delivery in community and youth detention centres.



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Approved by: 1.0 Director-General (23 September 2013)
 1.1 Assistant Director-General (2 December 2014)
 1.2 Director, Statewide Intel and Secure Services Support (8 February 2022)

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Date to be reviewed: 3 years from the date of approval

Office: Statewide Intel and Secure Services Support

Help contact: Secure Services Support
YDCPracticeEnquiries@cyjma.qld.gov.au

Communication strategy:

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

Links:

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

[Human Rights Act 2019](#)

[Queensland Human Rights Commission](#)

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

[Youth Detention Centre Operations Manual](#)

[Youth Justice delegations](#)

[Youth Justice policies](#)

Deidre Mulkerin
 Director-General