



Youth detention centre

OPERATIONAL POLICY

Title: YD-1-16 Youth detention – Restorative practice

Policy statement

The department is committed to the use of restorative practices in youth detention centres (YDCs) to support the safety, wellbeing and rehabilitation of young people. The department also recognises that restorative practices promote staff safety.

Restorative approaches provide YDC staff with a relational way to mentor and engage with young people and each other. Restorative practices and the [behaviour support framework](#) are interconnected, supporting staff with assisting young people in developing their interpersonal skills and addressing their behavioural needs.

YDC staff use restorative responses to promote role-modelling of positive behaviour, cultural mentoring, as well as assisting with:

- challenging behaviour
- problem solving
- managing conflict
- incident prevention.

Restorative practices create a safe space for young people to:

- take responsibility for their actions
- learn the impacts their behaviour has on others
- assist with developing skills in emotion regulation and making positive choices.

Principles

1. General principles

Restorative practices are guided by the following principles¹.

1.1 Cause no further harm, by:

- being trauma-informed and tailored to the needs of all participants, considering age, gender, culture, personal circumstances, developmental level, abilities/disabilities and cognitive functioning
- being culturally safe and supportive of the needs of Aboriginal and Torres Strait Islander people
- proactively building, maintaining and repairing relationships
- ensuring YDC staff role model positive behaviours and maintain professional boundaries²

¹ In line with the [Australian Association of Restorative Justice](#).

² Guidance about managing professional boundaries is governed by the Queensland Government [Code of Conduct](#) and related departmental policies and procedures.



- mitigating risk, ensuring restorative processes are facilitated safely and effectively
- ensuring YDC staff are trained to competently implement restorative principles and responses into their work practice.

1.2 Work **with** those involved, rather than doing things **to** or **for**³, by:

- supporting a collaborative approach to problem-solving and conflict resolution
- involving people in restorative processes that have been most impacted by a behaviour or incident
- empowering young people to be actively involved in resolving conflict and developing their communication and prosocial skills.

1.3 Set relations right, by:

- providing incidental, informal and formal restorative processes and techniques that assist with addressing real or perceived conflict
- considering the needs of each individual and the nature of the behaviour/incident to determine whether relationships between participants involved in a restorative process may:
 - be improved or repaired
 - reduce conflict
 - result in meaningful outcomes, providing an agreed way forward.

2. Appropriate use of restorative practices in youth detention

2.1 All YDC staff should use restorative practice skills as a way of working with young people and each other.

2.2 Restorative practice principles contribute to a multidisciplinary approach, supporting prosocial and positive behaviour, including managing challenging behaviour and conflict resolution, where appropriate⁴.

2.3 The restorative continuum of practice provides a range of proactive, reactive and targeted responses to assist with building, maintaining and repairing relationships between young people and with staff (refer to Appendix A).

2.4 Restorative practices can be considered in a broad range of circumstances, including but not limited to:

- as a preventative or early intervention measure when potential conflict is identified
- to promote the development of prosocial and conflict resolution skills
- following an incident
- for a young person on the not to mix (NTM) list
- at the request of a young person, staff member or other service⁵
- as part of integrated case management to support young person's transition.

2.5 Restorative processes are considered on a case-by-case basis dependent on the appropriateness, complexity and level of risk in each circumstance. YDC staff should consult with the restorative practice coordinator to seek advice as required.

³ In accordance with the Social Discipline Window (Paul McCold and Ted Wachtel).

Refer to [Chapter 1 – Care and management of young people, Youth Detention Centre Operations Manual](#) for further information.

⁴ Refer to [YD-1-2 Behaviour support](#) for further information.

⁵ Including other services and relevant providers at YDCs, including the Department of Education and Queensland Health.



3. Targeted responses - referrals and assessment

- 3.1 Where complex conflict is present, or there has been a serious breakdown in a working relationship and/or significant harm has occurred, a referral should be made to the restorative practice coordinator to assess the suitability of a restorative process.
- 3.2 If assessed as suitable, the restorative practice coordinator will allocate the referral to a suitably trained meeting facilitator.⁶
- 3.3 YDC management can refer to the restorative practice coordinator as part of the incident review process.
- 3.4 The restorative practice coordinator will also:
 - proactively monitor incidents and centre-based concerns⁷ to identify young people who may be suitable to participate in a restorative process
 - attend multidisciplinary meetings as relevant to seek and provide advice regarding the coordination and facilitation of restorative processes
 - determine the appropriate level of multidisciplinary stakeholder consultation when assessing and prioritising referrals.
- 3.5 Key considerations for assessment may include, but are not limited to:
 - upcoming court or release date
 - cultural considerations
 - level of risk and complexity
 - capacity of individuals to engage appropriately
 - level of urgency for the conflict to be resolved
 - impacts on young people and staff.
- 3.6 A restorative process will not be suitable if:
 - a participant does not wish to participate
 - the trained meeting facilitator deems there is risk of further harm (physical or emotional)
 - participants are inadequately prepared
 - it is unlikely to have a meaningful outcome.
- 3.7 Where non-complex matters are managed by YDC operational staff, the restorative practice coordinator is to be advised, for data recording and reporting purposes and to provide further support as required.
- 3.8 Restorative practice referrals will be recorded and managed by the restorative practice coordinator.

Objectives

This policy aims to ensure YDC staff can effectively implement restorative practice principles and processes as a way of working and communicating with young people and each other. This policy ensures the implementation of restorative practice in YDCs fulfils legislative requirements in the:

- *Youth Justice Act 1992*
- *Youth Justice Regulation 2016*
- *Human Rights Act 2019*.

⁶ A trained meeting facilitator will have completed the [YJ] Restorative justice: introductory convenor training and been appraised as competent by the Youth Justice Learning and Development team. Mentoring and sign off processes are then followed by each YDC.

⁷ Such as, NTM lists or Special Interest Young People (SIYP).



This policy also promotes Queensland Government's compliance with:

- the United Nations Standards for safe and humane treatment of young people in youth detention, including the:
 - provision of care, protection, education, vocational skills and purposeful treatment to help establish their will to lead law-abiding and self-supporting lives after release and to encourage their self-respect, develop their sense of responsibility and assume socially constructive and productive roles in society (*Havana rules*: r12; *Beijing Rules*: r26; *Nelson Mandela Rules*: r91)
 - encouraged use of conflict prevention, mediation, negotiation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts (*Nelson Mandela Rules*: r38; r76)
 - United Nations basic principles on the Use of Restorative Justice Programmes in Criminal Matters, including:
 - the consideration of factors such as power imbalances, the parties' age, maturity or intellectual capacity when referring or conducting a restorative process (principle 9)
 - procedural safeguards such as informing parties of their rights and the nature of the process (principle 12)
 - facilitators receiving training and demonstrating sound judgement, interpersonal skills, impartiality and respect while providing a safe and appropriate environment for the restorative process considering the vulnerabilities of the parties (principles 17, 18, 29, 20).

Scope

This policy applies to the use of restorative practice in YDCs and is to be read in conjunction with:

- [policy YD-1-2: Behaviour support](#)
- [policy YD-1-6: Suicide and self-harm risk management](#)
- [policy YD-1-9: Complaints management](#)
- [policy YD-1-10: Complaints to external agencies](#)
- [chapter 1: Care and management of young people, Youth Detention Centre Operations Manual](#)
- [appendix 0-2: Philosophy of youth detention services](#)
- [appendix 3-7: Practice Guide – Referring potential criminal offences to the QPS](#)

Roles and responsibilities

- Caseworker:
 - refer matters to the restorative practice coordinator
 - provide information to support the effective facilitation of restorative processes
 - assist in engaging families, guardians, elders, kinship carers, respected persons and communities as required.
- Cultural unit/cultural liaison officers:
 - support the restorative practice coordinator
 - provide cultural advice and support to the restorative practice team
 - participate in restorative practice processes as required.
- Deputy director or assistant director:
 - supervise and provide support to the restorative practice coordinator
 - actively support and encourage the implementation and embedding of restorative practice principles and processes.



- Director, Youth Detention Operations:
 - review and update this policy
 - provide practice advice to support compliance with this policy.
- Executive director:
 - ensure YDC staff understand their obligations and responsibilities in accordance with this policy.
- Manager, client services:
 - supervise and provide support to the restorative practice coordinator
 - actively support and encourage the implementation and embedding of restorative practice principles and processes.
- Restorative practice coordinator and restorative practice support officer⁸:
 - promote a culture that values trauma informed, culturally appropriate restorative practices as a means of building, maintaining and repairing relationships
 - manage and coordinate targeted restorative responses/processes
 - provide support and mentoring to staff in implementing restorative processes
 - develop, facilitate and review restorative practice training and professional development
 - maintain accurate records of restorative practice processes and communicate outcomes with relevant stakeholders
 - provide guidance for the promotion, development, and facilitation of restorative practices across YDCs.
- Section supervisor:
 - facilitate mediations for non-complex matters
 - facilitate routine proactive relationship building processes (couch time)
 - provide operational support and advice to the restorative practice coordinator to assist with the safe facilitation of restorative processes
 - consult with/refer matters to the restorative practice coordinator as appropriate
 - actively support and encourage the implementation and embedding of restorative practice principles and processes.
- Shift supervisor:
 - provide operational support and advice to the restorative practice coordinator to assist with the safe facilitation of restorative processes
 - refer matters to the restorative practice coordinator as appropriate
 - actively support and encourage the implementation and embedding of restorative practice principles and processes.
- Unit manager:
 - actively support and encourage the implementation and embedding of restorative practice principles and processes.
 - refer matters to the restorative practice coordinator as appropriate.
- YDC operational staff:
 - use restorative practices as a way of working and communicating
 - use restorative language and model prosocial behaviour
 - promote and support healthy relationships between young people and with staff
 - implement incidental and informal processes for relationship building.

⁸ Noting not all YDCs will have this position within their establishment.



Authority

Youth Justice Act 1992

Youth Justice Regulation 2016

:

Delegations

Position	Delegation
Deputy Director-General Senior Executive Director Executive Director, Youth Detention Centre Director, Youth Detention Operations	<i>Youth Justice Act 1992</i> Section 263 (2) – May issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and well-being of children in detention.
Deputy Director-General Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Director, Youth Detention Operations	<i>Youth Justice Act 1992</i> Section 263 (5) - Must ensure principles are complied with in relation to each child detained in a detention centre.

Definitions

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

Term	Definition
Behavioural expectations	YDCs will base behavioural expectations on the following fundamental principles - be respectful, be safe, be responsible and be active.
Challenging behaviour	Behaviour that: <ul style="list-style-type: none"> is inappropriate to the context in which it occurs significantly influences and impacts young people's day-to-day experiences is of such frequency, intensity and duration that it presents a risk to the young person or others.
Check-in circle (couch time)	Structured process that aims to enhance and consolidate informal relationship building between young people and staff.
Coaching	Informal coaching of individual young people to support development of self-awareness, perspectives and skills in managing conflict situations.
Complexity	The intensity, level of conflict or requirements of a referral.
Multidisciplinary team	The client services or therapeutic support teams, which include caseworkers, therapeutic staff and cultural staff.
Not to mix (NTM)	A record on DCOIS that identifies young people who are not suitable to interact with one another and is used to coordinate centre operations, including movements, programs and placements.
Restorative practices	A way of working to build, maintain and repair relationships through both informal and formal means.
Restorative justice	A statutory process for young people who have offended. Referrals are received from the police or the court. A restorative justice conference allows those most impacted by an offence to be part of the decision-making about how the young person could make up for their offending behaviour.
Restorative meeting	A voluntary process that provides a young person the opportunity to set relations right after a relationship breakdown or harm has occurred. Aims to provide closure, healing, and reparation.

Special interest young person (SIYP)	A young person in detention who presents an increased risk to themselves, other young people, staff or property is managed as a SIYP.
Meeting facilitator	Formal restorative meetings (e.g. in response to a staff assault) are facilitated by a trained meeting facilitator, for example the restorative practice coordinator. Suitably skilled YDC staff can facilitate mediations ensuring the meeting is safe, respectful and works towards a meaningful resolution.

Human rights compatibility statement

Youth Justice is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), Youth Justice 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 care and management of young people, decision-makers must comply with that obligation.

Multicultural Queensland Charter

Youth Justice 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. Youth Justice is cognisant of these standards when considering operational practice guidelines and service delivery in community and youth detention centres.

State disability plan

Youth Justice will work with our partners to build a fairer, more inclusive Queensland where people with a disability, their families and carers are able to access the same opportunities, on the same basis as everyone else. We will take actions to progress the priorities of [Queensland's state disability plan](#) and support improved access to services for Queenslanders with disability.

Feedback and reflective practice

Youth Justice recognise that best practice is a constantly evolving process. The Youth Justice Framework for Practice posits that our values guide us in all aspects of our work, including a departmental commitment to continuous improvement and effectiveness. All Youth Justice staff are encouraged to provide feedback about operational policy and procedure to inform routine review of our work to maintain a high standard of service delivery. Please make your views known through your management team or by emailing YDCPracticeEnquiries@youthjustice.qld.gov.au.



Version number: 1.2

Date of approval: 24 January 2024

Approved by: 1.0 Senior Executive Director (9 November 2018)
1.1 Senior Executive Director (6 December 2019)
1.2 Youth Detention Executive Directors (24 January 2024)

Date of operation: 9 November 2018

Date to be reviewed: 3 years from date of approval or as required

Office: Youth Detention Operations and Reform

Help contact: Youth Detention Operations:
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](#)

[Australian Restorative Justice National Guidelines](#)

[Human Rights Act 2019](#)

[Queensland Human Rights Commission](#)

[Royal Commission into Institutional Responses to Child Sexual Abuse](#)

[United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters](#)

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

[United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(Bangkok Rules\)](#)

[United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(Beijing Rules\)](#)

[United Nations Standard Minimum Rules for the Treatment of Prisoners \(Mandela Rules\)](#)

[Youth Detention Centre Operations Manual](#)

[Youth Justice delegations](#)

[Youth Justice policies](#)

Bob Gee
Director-General

Appendix A: Restorative Continuum of Practice

The restorative continuum of practice is based on the foundational idea that positive relationship building with professional boundaries allows staff to effectively work with young people displaying a range of behaviours. The table below details proactive, reactive and targeted restorative responses.

Staff should use the continuum to effectively engage and communicate with young people and each other to build, maintain and repair healthy relationships through incidental, informal and formal interactions. While some processes may be reactive or responsive to harm, the use of restorative practices can also be used to prevent harm, promote wellbeing and increase safety.

The restorative continuum of practice can be used to support the implementation of restorative practices and tailored for flexible application across YDCs within Queensland.

Proactive ←————→ Reactive					
Incidental and informal relationship building Authentic engagement with clear professional boundaries.	Structured relationship building processes Facilitated check-in circles, community building circles or couch time. <ul style="list-style-type: none">• build connection• positive engagement• develop important social skills	Prosocial practice <ul style="list-style-type: none">• staff role-model behaviour expectations• promote prosocial behaviour• challenge antisocial behaviour• develop young people's skills and emotion regulation	Restorative conversations A process for unpacking and understanding an incident or behaviour: <ul style="list-style-type: none">1. then2. now3. next	Conflict resolution (mediation) A three-phase process for resolving conflict: <ul style="list-style-type: none">1. preparation2. facilitation3. follow-up.	Restorative meeting (trained facilitator) A formal process, where a young person is able to set relations right, in response to the breakdown of a working relationship or where harmed has occurred.
Build relationships		Maintain relationships		Repair relationships	
Restorative language skills are relevant at all stages of the continuum					