

# Youth detention centre

## OPERATIONAL POLICY

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

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### Policy statement

As per section 269 of the *Youth Justice Act 1992*, youth detention centres (YDCs) will facilitate a young person's access to services and activities external to a YDC if it is assessed and approved by a relevant delegate that this access:

- is necessary for their care and wellbeing
- will support the young person's reintegration and release
- 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)
- is consistent with their case plan
- can be facilitated safely for the young person, escorting staff and the community.

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

Fast-tracked approval processes apply in the event of emergencies.

### Principles

#### 1. General principles

1.1 An LOA is when a young person temporarily leaves a YDC (i.e. there is an expectation of their return) but remains in the lawful custody of the department during the period of leave. To remove any doubt, the:

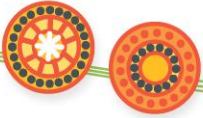
- period of leave counts as part of the young person's period of detention, and
- young person remains in the department's custody, regardless of the supervision level approved (refer to section 4 below).

1.2 An LOA can be considered for one or more 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 take part in sport, recreation, or entertainment
- to attend any place for medical examination or treatment
- to attend a funeral (including Sorry Business or Sad News)
- any other purpose that the executive director (ED) considers will assist in the young person's reintegration into the community.

1.3 All LOAs must be:

- approved by the relevant delegate



- for a specific time period
- subject to specific conditions, as informed by a risk assessment.

## **2. Risk assessment**

2.1 All LOAs must be subject to a security risk assessment.

2.2 The LOA proposal must include details of the potential security risks and the recommended strategies and actions to manage these risks.

2.3 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 LOAs for the young person including any recommendations made because of that leave
- nature of the activity and risks associated with it
- location of activity/ service and supervision by responsible adults and/or other agency staff
- whether it is deemed appropriate to utilise body worn cameras during the LOA, subject to approval from the ED, deputy director (DD) or assistant director (AD).
- 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. Specific human rights that must be considered include:
  - right to culture and religion
  - for Aboriginal and/or Torres Strait Islander young people - right to cultural identity, kinship ties and relationship with land, waters, seas and environment
  - right to education, training and vocational education
  - right to health services
- any other factors that may be relevant.

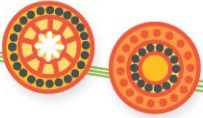
2.4 A young person's medical and health care and needs must also be considered.

2.5 In recommending strategies to reduce the assessed risks, the use of restraints can be considered in accordance with section 19 of the *Youth Justice Regulation 2016*.

## **3. Supervision levels**

3.1 Supervision levels fall into three categories:

- escorted
- accompanied
- unescorted.



Leave type	Definition	Supervision requirements
Escorted leave	<ul style="list-style-type: none"> <li>The young person remains in the physical custody of YDC operational staff.</li> <li>During escorted leave, a young person must comply with the directions of staff.</li> </ul>	<ul style="list-style-type: none"> <li>A minimum of two YDC operational staff members must undertake the escort. More may be required depending on the risk assessment.</li> <li>One of these staff members must be appointed as officer-in-charge (OIC) and will be responsible for managing the escort. The OIC must be trained in escort procedures<sup>1</sup>.</li> <li>The young person is generally handcuffed for the duration of the leave. Medical treatment and other circumstances may require short term removal, noting other mitigations may be put in place<sup>2</sup>.</li> </ul>
Accompanied leave	<ul style="list-style-type: none"> <li>Refers to a young person being accompanied to a venue or activity by at least one YDC operational staff member.</li> </ul>	<ul style="list-style-type: none"> <li>At least one YDC operational staff member, who is trained in escort procedures, must supervise the escort. This staff member will be appointed OIC. The OIC may still be approved to carry handcuffs, for use if necessary and if leave conditions are breached (refer to section 6 below).</li> <li>Non-operational staff may also accompany the young person. This can include professional staff, program officers or a cultural liaison officer.</li> </ul>
Unescorted leave	<ul style="list-style-type: none"> <li>Refers to a young person travelling to an approved activity and a responsible adult other than a YDC staff member supervising the young person for the duration of the activity.</li> </ul>	<ul style="list-style-type: none"> <li>The adult supervisor may be a relative, respected community member, prospective employer, vocational trainer or other approved person. Depending on the risk assessment, an operational staff member may still be deployed to support the supervision arrangements.</li> </ul>

3.2 When selecting staff to supervise the escort, the shift supervisor must consider gender dynamics and where operationally possible, endeavour to identify a staff member who is of the same cultural background as the young person.

3.3 The default supervision level for all LOAs is escorted. Accompanied or unescorted leave may be approved in circumstances where a risk assessment of the young person and the activity indicates that safety and security risks are minimal and can be managed.

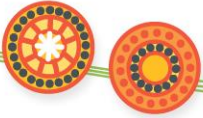
#### 4. Approval of a leave of absence

4.1 Approval must be sought from the ED, DD or AD for all LOAs.

4.2 Before an LOA can be approved by the ED, DD or AD, appropriate risk assessments must be conducted. The LOA proposal must include these, as well as the risk management actions chosen.

<sup>1</sup> At a minimum, escort training includes the successful completion of the e-learning module Leave of absence (for officers in charge and escort staff), which is available on iLearn.

<sup>2</sup> These scenarios are included as part of the relevant training.



4.3 As per section 2.3 above, the use of body worn cameras during an LOA must be approved by the ED, DD or AD.

4.4 If after hours and an emergency:

- verbal approval from the ED, DD or AD is acceptable, however the approving officer must approve the LOA in DCOIS the next business day
- if the ED, DD or AD cannot be contacted, the on-call manager must contact the Senior Executive Director Youth Detention Operations and Reform (SED) to seek approval for the emergency leave.

4.5 If an unescorted LOA is proposed, the SED must be notified of the proposal and relevant risk assessment prior to the leave of absence taking place.

## **5. Incident management during a leave of absence**

5.1 Given the inherent risks present during an LOA, incidents may occur. This could include, but is not limited to, the following scenarios:

- a young person requiring medical assistance
- breach of LOA conditions
- an assault or other violent behaviour
- an escape, attempted escape or abscond<sup>3</sup>.

5.2 When responding to incidents during an LOA, staff should be guided by the incident response framework and procedures that would apply within a YDC, noting the following additional considerations:

- contacting emergency services in the event of an emergency
- contacting the shift supervisor to advise of the incident as soon as possible and to seek further advice about appropriate actions.

5.3 Should the incident require a CART response, staff should be guided by their dynamic risk assessment to ensure any physical interventions are proportionate to the level of risk present and justified in the circumstances. Staff must also maintain situational awareness during the application of any CART responses, noting that members of the public may be present.

5.4 If it is not safe to do so in the circumstances, it may be more appropriate to contact the Queensland Police Service (QPS) for assistance.

5.5 In the event a young person escapes or absconds from custody:

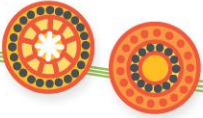
- staff must use their dynamic risk assessment and professional judgement to determine if resolution via CART would be safe and effective. For example, if the young person is still within line of sight of staff and confined to a closed room or floor (e.g. a hospital), it may be appropriate to attempt to resolve the incident via CART
- contact QPS and other emergency services for assistance as required.

5.6 In the event a young person absconds during an LOA (e.g. when the young person is on accompanied or unescorted leave), it should be responded to and managed as an escape, as per the above guidance.

5.7 The OIC should ensure all pre-leave briefings and post-leave debriefings occur as required.

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<sup>3</sup> Refer to definitions section.



## Objectives

LOAs support a young person's transition and release back into the community, consistent with the young person's case plan. LOAs also support young people's access to essential services such as offsite medical care and attendance at important family and/or culturally significant events, such as Sorry Business and Sad News.

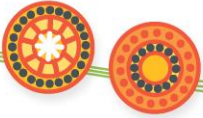
This policy supports the administration of section 269 of the *Youth Justice Act 1992*, which outlines specific requirements in regard to LOAs.

## Scope

This policy applies to young people sentenced or remanded in a YDC. It is to be read in conjunction with chapter 2: Admission, external movement, transfer and release, Youth Detention Centre Operations Manual.

## Roles and responsibilities

- Caseworker:
  - liaise with relevant stakeholders to assist with the collation of information required to complete LOA application and risk assessment process
  - confirm if a young person is registered on the victim information register or is a reportable offender by contacting [YJPracticeEnquiries@youthjustice.qld.gov.au](mailto:YJPracticeEnquiries@youthjustice.qld.gov.au)
  - conduct risk assessments for LOA applications.
- DD or AD:
  - review and approve LOA applications
  - authorise the use of body worn cameras outside of YDCs on LOAs.
- Director, Learning and Development:
  - ensure training content complies with relevant policies and procedures.
- Director, Statewide Intel and Secure Services Support:
  - review and update policy as required
  - provide practice advice to support compliance with this policy.
- ED:
  - approve LOAs
  - ensure that relevant YDC operational staff complete escort training
  - authorise the use of body worn cameras outside of YDCs for LOAs
  - ensure practice complies with this policy
  - contribute to policy reviews.
- Escort officer:
  - complete escort training
  - comply with security requirements
  - ensure the safety of the young person while on escort.
- Manager, cultural unit, unit manager, team leader:
  - review and endorse LOA applications as required.
- Operations manager (BYDC and CYDC) or unit manager (WMYDC):
  - oversee LOA process



- determine security requirements, including whether the use of body worn cameras outside of the YDC is recommended.
- Senior intelligence officer and intelligence officer:
  - provide advice to the ED, DD or AD to inform LOA proposals as required.

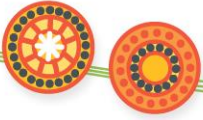
## Authority

*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, Statewide Intel and Secure Services Support	<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 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 Assistant Director, Youth Detention Centre Director, Statewide Intel and Secure Services Support	<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
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	<i>Youth Justice Act 1992</i> Section 263A(2) – May authorise a detention centre employee to use a body-worn camera to record images or sounds while the employee is acting in the performance of the employee’s duties – including during a leave of absence
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	<i>Youth Justice Act 1992</i> Section 269(1) – May by written notice given to a child detained in a detention centre and subject to conditions that the chief executive determines grant the child leave of absence
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	<i>Youth Justice Act 1992</i> Section 269(6) – If the child contravenes a condition imposed in relation to a grant of leave of absence, the chief executive may, in writing, vary the conditions of or cancel the leave of absence
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 Section Supervisor, Youth Detention Centre Structured Day Coordinator, Youth Detention Centre Visits Coordinator, Youth Detention Centre Senior Detention Youth Worker, Youth Detention Centre Detention Youth Worker, Youth Detention Centre	Youth Justice Regulation 2016 Section 19(2) - If approved restraints are used to restrain a child in the chief executive’s custody, the chief executive must ensure all restraints are used in a way that respects the child’s dignity and are used for no longer than is reasonably necessary in the circumstances



## Definitions

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

Term	Definition
Abscond	In the context of this policy, refers to breaching the conditions of an LOA with an accompanied or unescorted supervision level. Absconding (e.g. going missing or supervising staff being unable to locate the young person) during accompanied leave or unescorted leave would be responded to as an escape.
Escape	When a young person escapes from the custody of departmental staff (e.g. they are no longer under the control or in the physical custody of staff).
Escort officer	A YDC operational staff member who has received training in escort procedures.
Lawful custody	Where a young person has been authorised by law (i.e. court ordered) to be detained in a YDC, either on sentence or remand and under the control of the Chief Executive. The young person will be in lawful custody for the period of the order, including when granted an LOA. If a young person absconds during an LOA, they are no longer in lawful custody (i.e., the same as if they escaped from detention).
Leave of absence	LOA - when a young person temporarily leaves a YDC (i.e. there is an expectation of their return) and their custody has not been transferred to another party.
SIYP	Special interest young person.

## 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

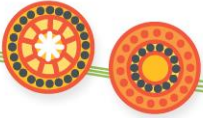
The Royal Commission into Institutionalised Responses to Child Sexual Abuse developed several national [child safe standards](#) for institutions and organisations working with children. Youth Justice is cognisant of these standards when considering operational practice guidelines and service delivery 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 the [All Abilities Queensland: opportunities for all](#) 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. To that end, 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](mailto:YDCPracticeEnquiries@youthjustice.qld.gov.au).

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**Version number:** 1.6

**Date of approval:** 15 September 2023

**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)

1.4 Director, Statewide Intel and Secure Services Support (11 February 2022)

1.5 Director, Statewide Intel and Secure Services Support (19 July 2022)

1.6 Senior Executive Director (15 September 2023)

**Date of operation:** 15 September 2023

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

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**Office:** Statewide Intel and Secure Services Support

**Help contact:** Secure Services Support  
[YDCPracticeEnquiries@cyjma.qld.gov.au](mailto:YDCPracticeEnquiries@cyjma.qld.gov.au)

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## 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](#)

[Leave of Absence Training \(for Officers in Charge and Escort Staff\)](#)

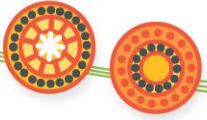
[Queensland Human Rights Commission](#)

[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

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Bob Gee

Director-General