

Youth detention centre

OPERATIONAL POLICY

Title: YD-3-1 Youth detention – Duty of care obligations to staff and detained young people

Policy statement

The department is committed to promoting and protecting the safety and rights of young people and youth detention staff who are involved in violent or potentially violent incidents.

Accordingly, the department will ensure it fulfils its duty of care obligations to youth detention centre staff and detained young people by ensuring that all reasonable steps are taken to optimise their safety.

Principles

1. Duty to youth detention staff

1.1 The department has a duty to its youth detention staff to:

- raise awareness about potential risks that youth detention staff may be exposed to while working at a youth detention centre
- ensure youth detention staff are provided with clear policies, procedures, training and supervision
- provide staff with effective tools and training to identify risk of violence and harmful behaviours
- provide staff with effective tools and techniques to manage violence through a wide range of intervention options
- provide ongoing professional development opportunities
- ensure youth detention operational staff receive ongoing training in Communication and Resolution Techniques (CART) and are assessed as competent prior to being permitted to use the techniques
- provide adequate surveillance monitoring, including CCTV and body worn cameras to minimise incident risks
- provide adequate protective equipment to protect staff from injury in response to an incident
- provide assistance and support to youth detention staff who are injured following an incident, including information about what actions can be taken and the support options available to them and their families.

2. Duty to young people

2.1 The department has a duty to detained young people to ensure that they are kept safe when exposed to violence or potentially violent incidents by:

- promoting, upholding and protecting their best interests and rights according to the *Human Rights Act 2019*



- ensuring that youth detention operational staff are fully aware of their duty of care obligations to young people when responding to a violent or potentially violent incident
- implementing the CART model to ensure youth detention operational staff have a range of skills and intervention options to safely resolve incidents
- referring young people to a nurse without delay following any physical intervention¹ or if there is any suspicion of a physical injury
- ensuring emotional and psychological harm assessments are actioned as per the incident review and reporting procedures²
- reviewing incidents as per the incident review and reporting procedures³ and referring allegations or suspicions of inappropriate use of force, separation or restraints to the relevant parties/agencies for review and action
- providing adequate surveillance monitoring, including CCTV and body worn cameras to ensure accountability and oversight in relation to incident responses
- monitoring the use of body worn cameras to ensure staff are fully competent in their use and to ensure the privacy of young people is upheld
- providing assistance to detained young people who have been harmed or believe that they have been harmed following exposure to an incident of violence and advice about the options available to them.

2.2 The department is committed to regular monitoring and reporting of incidents to identify emerging risks and issues and implementation of appropriate mitigation strategies as required.

Objectives

This policy details the department's duty of care to youth detention staff and detained young people if and when they become involved in an incident.

Scope

This policy is to be read in conjunction with [chapter 3 Incident Management, Youth Detention Centre Operations Manual](#).

The duty of care obligations that youth detention operational staff have to themselves, co-workers and detained young people involved in violent or potentially violent incidents is covered in [policy YD-3-2: Duty of care considerations for youth detention operational staff involved in violent or potentially violent incidents](#).

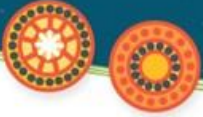
Roles and responsibilities

- Director, Youth Detention Operations:
 - review and update policy as required
 - provide practice advice to support compliance with this policy.
- Director, Learning and Development:
 - ensure training content complies with relevant policies and procedures.
- Executive director:
 - ensure there are arrangements in place to manage risk associated with violence and aggression in youth detention centres
 - ensure youth detention staff understand the risks of the youth detention centre environment

¹ As per the [CART policy](#), a risk based process applies for initial attachments for escort purposes in certain situations.

² Refer to [chapter 3 Incident Management, Youth Detention Centre Operations Manual](#).

³ Refer to [chapter 3 Incident Management, Youth Detention Centre Operations Manual](#).



- ensure new youth detention operational staff receive training and assessment in CART
- ensure existing youth detention operational staff receive regular training and assessment in CART
- review and approve incidents as per the incident reporting procedures⁴ and refer allegations or suspicions of excessive force to the Ethical Standards Group
- contribute to policy reviews.
- Training team:
 - train and assess youth detention operational staff in CART
 - maintain CART training, attendance and competency records
 - provide expert advice and support to youth detention operational staff about CART and best practice application of techniques
 - contribute to policy and procedure reviews as required.
- Youth detention operational staff:
 - ensure the safety of young people, other staff and visitors
 - respond to incidents using an authorised response that is proportionate, reasonable and justifiable
 - demonstrate a duty of care towards themselves, other staff and the young person when applying a physical intervention.

Authority

Youth Justice Act 1992
Youth Justice Regulation 2016

Delegations

Relevant sections	
<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.	Refer to the Statutory Delegations which detail positions with delegated authority. Relevant statutory delegations align with the roles and responsibilities outlined in this policy.
<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
Communication and Resolution Techniques	Refers to an incident intervention response framework based on using the proportionate level of response possible in order to safely resolve an incident.
Youth detention operational staff	Refers to a staff member who has direct care responsibility for young people, for example a detention youth worker or section supervisor.

⁴ Ibid.



Human rights compatibility statement

Youth Justice 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 care and management of young people, decision-makers must comply with that obligation.

United Nations Standards

Youth Justice is committed to promoting Australia's international obligations and protecting the safety and wellbeing of young people in youth detention. Ensuring interactions between young people are appropriate, safe and prosocial supports young people's development, health and wellbeing and rehabilitation. To minimise the impacts of harm in youth detention, in accordance with the United Nations Standards and in compliance with the Havana Rules, the Beijing Rules, and the Nelson Mandela Rules, young people interaction provisions are outlined in this policy.

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.

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 10 Queensland: opportunities for all state disability plan and support improved access to services for Queenslanders with disability.



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Office: Youth Detention Operations

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Communication strategy

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

Links:

[Support for staff who have been assaulted](#)

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

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

[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 \(Beijing Rules\)](#)

[Youth Detention Centre Operations Manual](#)

[Youth Justice delegations](#)

Bob Gee

Director-General