

Managing Young Females in Male Centres Policy

Essential Summary

Reiby Juvenile Justice Centre (JJC) is the only designated centre for young females in NSW. The centre is located in the Sydney metropolitan area and accommodates young females (of all ages) and males (under the age of 15) on remand or a control order.

For differing reasons young females may be accommodated in a male JJC for varying periods of time. This can be for as little time as a few hours or overnight and up to 5 days or more in the case of regional centres to assist with bail, court or pre-release arrangements.

This policy addresses:

- the assessment of risks associated with a young female mixing with males at a centre and following normal centre routines

- the provision of female-related programs and activities

- contact with family and significant others.

The over-riding principle of this policy is the safety and well-being of young females in male centres. Young females must not be put in situations where they may be at risk.

This policy is intended for use in conjunction with other relevant operational procedures and policies located in the Operations Manual.

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Ensure you have the latest version before using this document.

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1 Scope

This policy applies to all Juvenile Justice custodial employees employed in JJNSW centres.

2 Purpose

The purpose of this policy is to promote the:

- same high quality level of case management, safety and security provisions that applies to males under the care of JJNSW is afforded to all young females when accommodated in a designated 'male' JJNSW centres.
- temporary transfer of young females from Reiby JJC to regional centres to enable more regular contact with their families
- transfer of young females from Reiby JJC to regional centres prior to their release in order to facilitate more effective links with community employees and services, that will be providing support on their release from custody

3 Definitions

Centre Manager means the person for the time being in charge of the centre.

Young Female (for the purpose of this policy) means all females under the supervision of JJNSW in a custodial centre.

4 Accommodation and Support

It is important for all JJC's to consider the ways in which all young females can be best respected and supported no matter the gender designation of the centre or duration of the young female's stay in custody. This includes, but is not limited to maintaining stocks of young female clothing, including underwear, and female hygiene product and having appropriate employees available when a search is deemed necessary.

4.1 Temporary or Short Term Transfers

In some circumstances, the case management process may identify the need for the short-term transfer of a young female to a different centre for the purposes of:

- facilitating visits by family, including children
- providing links with stakeholders and organisations involved in the provision of bail or post-release support
- attending a local court
- The regional locations of Riverina, Acmena and Orana JJCs are more likely to be involved in transfers as the receiving centres for one of the above reasons.

The following factors should be taken into consideration when deciding whether a transfer is appropriate:

- geographical area of origin. In general, consideration to transfer should only be given where the young person's home is readily accessible to the regional centre.
- needs of the young person
- nature of ties with:
 - family
 - the community,
 - community and 'country' in terms of Aboriginal young people
- age and vulnerability
- issues arising from the risk assessment, such as particular behavioural problems
- health issues identified
- length of sentence

In considering the approval of case management transfers (e.g. strengthening connections with family, community and support stakeholders), a recommended length of stay period must be discussed and agreed upon by the referring and receiving centres (*Placement and Relocation of Young People Procedure*).

4.2 Separation and Risk Assessment

All young females must not be routinely placed in separation. A risk assessment must be conducted to identify the reason(s), other than gender, as to why the young female must be separated.

The risk assessment must take into account:

- age and vulnerability of the young female and other young people within the unit
- past history of trauma related incidents (e.g. physical or sexual abuse, domestic violence)
- the needs of the female young person
- relevant cultural issues
- relevant religious/spiritual issues
- relevant mental and physical health issues, including but not limited to disability
- current alerts, recent incidents or behaviour concerns

Within the risk assessment, consideration must also identify the room best suited to accommodate the young person. Depending on the assessment outcome it may be deemed appropriate to accommodate the young female:

- within a general unit
- in an appropriate room at night and integrated into general unit routines and programs during the day

- in separation (following the approved local separation routine for females in a male centre). (Refer to *Separation Procedure*)

The risk assessment outcome must be documented in a case note stating the reasons for the decision and when a review will be conducted if necessary, depending on the length of the stay.

5 Case Management

5.1 Orientation and Induction

The standard induction process must be used for young females being admitted or transferred to a centre. Induction must be utilised as an opportunity to inform young females of their options for integration with male young people in the centre and the issues they may face if they are integrated in unit routines and access to programs.

5.2 Access to Incentive Scheme

Young females must have full access to the centre's incentive scheme. This may not be appropriate for short stays of less than two days; however incentives appropriate to the case management plan should be available and positive behaviour should still be rewarded.

5.3 Programs

Young females must be effectively and consistently managed in the Juvenile Justice system and must be provided with programs and services that are designed specifically to address their offending behaviour and meet their needs, in line with their case plan.

Young females who are separated must not be subjected to extended periods within their rooms. Where possible, they must be integrated into centre routines and programs, and be provided with the opportunity to participate in appropriate activities or interventions alongside of male young people at the centre. This would not apply in those instances where the risk assessment has identified the need for the young female to remain separated from male young people. Young females in separation must be provided with and have access to education, programs and activities. (*Separation Procedure, Separation Routine Standards*)

6 Behaviour Management

Any concerns or problems that arise during a young female's stay at a male designated centre must be addressed appropriately in accordance with the individual needs of the young person and behaviour and risk management JJNSW policies and procedures.

In the event of an incident and/or use of force involving a young female, additional considerations and precautions may need to be taken when managing the risk (e.g. the young person could be pregnant) (*Use of Force, Protective Equipment and Instruments of Restraint Policy and Procedures*).

7 Facilitating Contact and Visits

7.1 Access to Family and Community Representatives

In some circumstances, young females may be accommodated at a centre other, than Reiby JJC for the purpose of strengthening and facilitating pre-release interventions that prioritises linkages with family, community members and organisations.

Contact and visits between family, community representatives and young females must be supported by employees at the accommodating centre. Audio Visual Link visits may be organised to assist with contact with family and significant others. (*Visits by Family and Significant Others Procedure; Family and Community Representatives Procedures; Personal Visits Policy*).

7.2 Access to legal representatives

Young females may be temporarily transferred to a centre for the purpose of attending a local court. Alternatively, females may remain at the male centre where they were initially admitted, to assist with bail arrangements.

Arrangement must be made to facilitate contact between females and their legal representative, either by phone, via AVL or in person where possible, at the accommodating centre (*Visits by Legal Representatives Procedure*).

7.3 Access to Oversight Bodies

Whilst being accommodated at a male designated centre, female young people must also have the opportunity to engage with representatives of the Inspector of Custodial Services (Official Visitors) or Ombudsman (*Professional Visits Policy*).

Arrangements at the accommodating centre must be made, as they would if accommodated at Reiby JJC, to allow the young females to engage with these representatives in their capacity as an Official Visitor, participate in inspection reports, or in the case of an Ombudsman to make a complaint.

8 References

8.1 Legislation

Children (Detention Centres) Act 1987

Children (Detention Centres) Regulation 2015

8.2 Policies

Case Management

Collaborative Case Management of Young People in Custody Manual version 2

Detainee Behaviour Intervention Framework

Use of Force, Protective Equipment, Instruments of Restraint

Incident Management Policy, Reporting, Debrief and Review

8.3 Procedures

Placement and Relocation of Young People
Movement Out – Transit and Transfer
Separation
Assessment of Young People
Risk Assessment *Supervision of Young People*
Use of Force
Incentive Scheme
Centre Routines
Visits by Legal Representatives
Visits by Family and Significant Others

8.4 Forms

Request and Recommendations to Relocate Young Person
Request for Transfer of a Young Person
Record of Checks Book
Transfer notification transfer summary form

8.5 Resources

Separation Routine Standards

United Nations Rules for the Protection of Juvenile Deprived of their Liberty, General Assembly Resolution. 45/113, annex, U.N. GAOR Supp. (NO. 49A) at 205, U.N. Doc. A/45/49 (1990)

- *Rule 28 – The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations.*

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules), General Assembly Resolution. 40/33, annex, 40 U.N. GAOR Supp. (No.53) at 207, U.N. Doc. A/40/53 (1985)

- *Rule 13.5 – while in custody, juveniles shall receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical and physical-that they may require in view of their age, sex and personality.*
- *Rule 26.4 – Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.*

9 Document Information

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10 Document History

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2	May 2019	Policy updated and transferred into new template..
