

Community Clean Up Order Policy

Essential Summary

The *Graffiti Control Act 2008* allows eligible young people who have been charged with a graffiti offence to receive a Community Clean Up Order (CCUO) to satisfy their fine debt.

This policy outlines the responsibility YJNSW employees have to:

- assess young people for CCUOs at the request of the Court
- ensure the young person is aware of their responsibilities under a CCUO
- arrange suitable placements for the young person to undertake their CCUO
- develop a CCUO placement plan
- support and supervise the young person through completion of the order
- advise the Court of breach action

This policy applies to YJNSW employees and young people and must be read in conjunction with the *CCUO Procedure*.

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Please check in the [Operations Manual \(TOM\)](#) to ensure you have the latest version before using this document.

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1 Scope

This policy applies to Juvenile Justice Caseworkers (Community), Sessional Supervisors, Assistant Managers (Community) and Area Managers.

CCUOs made under the *Graffiti Control Act 2008*, require YJNSW employees to assess for suitability, manage and support young people to complete CCUOs and report on the completion of CCUO hours. This policy and associated *Community Clean Up Order Procedure* are intended for use in conjunction with other relevant operational policies and procedures.

2 Purpose

The purpose of this policy is to:

- explain the CCUO scheme
- provide information about YJNSW's responsibilities in assessing and managing CCUOs
- explain the ways in which young people can satisfy their fines and complete their CCUO.

3 Definitions

Concurrently means that each hour of CCUO work or CSO work is counted towards all other active non-consecutive CCUO order and CSO orders.

Consecutively means that each hour of CCUO or CSO work completed must only count towards that order.

Graffiti prevention program means a personal development, education or other program which aims to prevent a young person from engaging in unlawful graffiti activities.

Must indicates a mandatory action to be complied with.

Should indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action

4 Community Clean Up Order (CCUO)

A CCUO is an order made by a Magistrate or court registrar under the *Graffiti Control Act 2008* for young people who have been charged with offences under this Act. The court may impose a fine on a young person for a graffiti offence with an order to perform community clean-up work in order to satisfy the amount of the fine.

An application for a CCUO may be;

- made before the court imposes the fine for the graffiti offence
- at the time the court imposes the fine or
- at any time after the fine has been imposed but before the fine has been paid in full, this order can be made even when part of the fine has already been paid.

YJNSW employees are authorised under the *Graffiti Control Act 2008* to assess the suitability and manage a young person's progress through a CCUO.

5 Assessing suitability for CCUO's

The court will request a suitability assessment report from YJNSW to assess the young person's suitability for a CCUO within 21 days. CCUO's cannot be imposed unless a suitability assessment has been provided.

YJNSW employees will provide the court with a suitability assessment and a proposed CCUO placement plan. Refer to the *Court Communication Policy* for further information on how to complete the suitability assessments within a Specific Purpose Report for the court.

CCUO assessments must ensure that:

- the young person is suitable for CCUO work and, and is sufficiently mature to perform the work i.e. understands the conditions of the order and the consequences of non-compliance
- the young person is willing to participate in CCUO work and that
- placements exist for the young person to complete their CCUO

6 Managing CCUOs

6.1 Graffiti prevention program

Under the *Graffiti Control Act 2008* the young person must participate in at least two hours of a graffiti prevention program, if practicable.

For the purpose of completing a CCUO, a young person cannot be required to participate in any personal development education or other program that is not a graffiti prevention program.

6.2 Work placement and monitoring the young person's involvement

Once a young person has been issued with a CCUO, the court will send a copy of the order to the relevant YJNSW Community Office for administration of the order. In managing the young person's CCUO activities, YJNSW employees are required to:

- explain conditions of the order
- arrange suitable placement for the CCUO activities to be done by the young person
- refer the young person to complete relevant graffiti prevention program either with an external agency or a trained YJNSW caseworker to facilitate the program
- develop a plan with the young person which outlines how and where the CCUO work will be completed. Record this plan on CIMS as a case note.
- maintain records of young person's progress on the order in CIMS case notes
- support the young person to complete the order
- finalise all documentation and provide information to the court following the completion of the required hours to satisfy the fine.

6.3 Supervision Requirements

YJNSW employees must focus on supporting the young person to complete the CCUO hours. YJNSW caseworkers must not complete assessments and case plans for young people who only have CCUOs.

6.4 CCUO Hours

The number of hours performed by the young person is to be calculated at the rate of one hour for each \$30 of the amount of the fine (or the part of the fine unpaid). The CCUO must not exceed 100 hours. A young person can be given multiple CCUOs; these hours are to be counted concurrently unless they explicitly state the order must be completed consecutively.

Each hour of CCUO work must be counted concurrently towards all active CSO orders, except for orders that specifically state that they are to be counted consecutively.

Similarly, CSO hours must be counted towards an active CCUO, except if those hours are programmatic.

A young person has 12 months from the date the order commences to complete the order as per the *Children (Community Service Orders) Act 1987* under which the *Graffiti Act 2008* is governed. If an extension is required an application may be made to the Area Manager (as per *Managing Non-Compliance and Breach Policy*).

7 CCUO and Work, Health and Safety

YJNSW is committed to ensuring that all community clean up work is completed in a safe manner and complies with all Work Health and Safety legislation. YJNSW requires that all work and programs completed as part of a CCUO:

- are regularly risk assessed
- enact risk controls to eliminate or minimise risk
- provide personal protective equipment to all young people when necessary
- follow safe work method statements when necessary
- complete safety inductions with all young people Provide adequate supervision to all young people
- have emergency and first aid procedures.

YJNSW employees are required to visit CCUO sites on a regular basis. If the work or program is not adequately supervised or safe procedures are not being followed, the young person is to be withdrawn.

8 CCUO and Working With Children Check (WWCC)

As per the *Community Service Order (CSO) Policy* all workers, volunteers and Registered Participating Organisation RPO supervisors who have direct, face to face and unsupervised contact with young people must have a WWCC verified by Youth Justice. All YJNSW employees and volunteers must have a WWCC verified by YJNSW HR department. YJNSW employees should already have these details verified prior to commencing employment. Volunteers and RPO supervisors are considered volunteers for WWCCs and can apply for a free Volunteer WWCC. These supervisors are required to provide their WWCC number and a photocopy of their licence or NSW photo ID card to YJNSW.

9 CCUO and Indemnity

The *Community Service Order (CSO) Policy* outlines the Treasury Managed Fund (“TMF”) scheme YJNSW operates under as a state government agency.

10 Satisfaction of fine by work and payment

A CCUO is considered complete if:

- the young person has satisfied the full amount of the fine by completing CCUO work

A young person can also satisfy their fine by:

- paying the full amount of the fine or
- via a combination of community clean up hours and financial payment for the total fine amount

These are illustrated in examples below:

- (1) A young person is issued with a \$360 fine for a graffiti offence by the court. The young person applies with the court registrar for it to be converted into a CCUO. The registrar requests a suitability assessment from YJNSW. YJNSW assesses the young person as suitable. The fine is converted to a CCUO \$360 divided by 30 = 12 hours. The young person has to complete 12 hours of CCUO to satisfy the fine.
- (2) A young person who is subject to a CCUO works some of the hours then pays the remainder of the fine balance.

11 Breach or revocation of CCUO

The *Managing Non-Compliance and Breach Policy* explains the specific considerations for YJNSW employees when notifying the court of breaches or applying to revoke a CCUO.

12 Appeals for CCUOs

Under the *Graffiti Control Act 2008*, a young person cannot appeal the making of a CCUO.

13 References

List the references used in developing the content of the document, such as key legislation, policies, memoranda,

13.1 Legislation

Graffiti Control Act 2008

Children (Community Service Orders) Act 1987

Fines Act 1996

13.2 Policies

Managing Non-Compliance and Breach Policy

Court Communication Policy

Children's Community Service Order Policy

13.3 Procedures

Community Clean Up Order Procedure

Managing Non-Compliance and Breach Procedure

Registering Participating Organisations for Community Service and Clean Up Work Procedure

13.4 Resources

Community Clean Up Order Information for Young People

