

Misbehaviour Procedure

Essential Summary:

Audience

Youth Officer

Admissions Officer

Unit Supervisor (the person in charge of the unit includes the Unit Manager, Shift Supervisor or Assistant Unit Manager)

Assistant Manager

Centre Manager

When to use this procedure:

Use this procedure when conducting an inquiry into an alleged misbehaviour and determining the need to issue a consequence to a young person in custody. This procedure must be read in conjunction with the *Misbehaviour Policy*.



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1 Purpose

The purpose of this procedure is to provide steps for conducting an inquiry into an alleged misbehaviour and determining the need to issue a consequence to a young person in custody.

The procedure sets out how officers of the Department are to carry out their work in order to assist the Secretary to discharge his or her functions under the *Children (Detention Centres) Act 1987 (NSW)*.

2 Process Map



3 Procedural Steps

Step 1 – Report misbehaviour

Responsibility: Youth Officer (as Reporting Officer)

When you have observed or suspect inappropriate behaviour by a young person and believe that this constitutes a misbehaviour:

- Intervene and speak to young person
- Ask the young person to cease the inappropriate behaviour
- Advise young person of possible consequences for continuing with the inappropriate behaviour

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



Step 2 – Determine immediate action

Responsibility: Unit Supervisor (as Inquiry Officer)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



Step 3 – Complete Misbehaviour Report (CIMS)

Responsibility: Youth Officer (as Reporting Officer)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



Step 4 – Inquiry into Misbehaviour & Decision

Responsibility: Unit Manager (as Inquiry Officer)

In instances where the Inquiry Officer witnessed the misbehaviour, another independent employee is also required to be included in the inquiry process.

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
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- [Redacted]
- [Redacted]
- [Redacted]



Step 5 – When young person pleads GUILTY or is found GUILTY

Responsibility: Unit Manager (as Inquiry Officer)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



Step 6 – When young person pleads NOT GUILTY, is found NOT GUILTY or there is insufficient information

Responsibility: Unit Manager (as Inquiry Officer)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

If young person is found NOT GUILTY:

- Determine if any further action is required
- Advise the young person and unit employees of outcome
- Notify Duty Manager if you have further concerns

■ [REDACTED]

If there is insufficient evidence to make determination:

- Follow appropriate behaviour intervention responses
- Determine if any further response/action required
- Inform young person and unit employees of outcomes

■ [REDACTED]



Step 7 – CIMS Inquiry & Decision

Responsibility: Unit Supervisor (as Inquiry Officer)

- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
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 - [Redacted]
 - [Redacted]



Step 8 – Punishment Approvals

Responsibility: Unit Supervisor (as Inquiry Officer)

When misbehaviour is referred for approval:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Responsibility: Assisting Manager (as person responsible for unit where young person resides)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Responsibility: Centre Manager

[Redacted]

- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]



Step 9 – Complete punishment

Responsibility: Unit Supervisor (as Inquiry Officer)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



Step 10 – Review of Punishment

Responsibility: Unit Supervisor (as Inquiry Officer)

Determine a review period where applicable and inform the young person of behaviour expectations during punishment that will influence the review decision.

Negotiate with the young person for agreement to comply with expectations and advise unit employees of the review period

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Step 11 – Endorse Misbehaviour Record

Responsibility: Unit Supervisor (as First Level Approver)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Responsibility: Assistant Manager (as Second Level Approver)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Responsibility: Centre Manager (as Third Level Approver)

- [Redacted]
- [Redacted]
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- [Redacted]
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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



Step 12 – Risk assessments and case reviews

Responsibility: Assistant Manager Client Services

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

4 Legislation:

This procedure is supported by the following legislation:

- *Children (Detention Centres) Regulation 2015*
- *Children (Detention Centres) Act 1987*

5 Supporting documents:

This procedure is supported by the following documents:

Policy

JJNSW Policy of Applying Powers and Responsibilities under the Children (Detention Centres) Act and Regulations

[REDACTED]

- [REDACTED]
- [REDACTED]

6 Document Information

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Business Centre:	Operations Unit
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Approver:	Executive Director; Director, Policy & Practice; Director, Statewide Operations
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7 Document History

Version	Date	Reason for Amendment
0.1	01/09/200	All Juvenile Justice Centre Procedures have been changed to reflect the staffing restructure within Juvenile Justice Centres. The position of Unit Coordinator has been deleted and replaced with Shift Supervisor or Assistant Unit Manager.
0.2	12/02/2010	Misbehaviour Inquiry & Decision. The Incentive Scheme option in response to misbehaviour deleted.
0.3	04/04/2011	Children (Detention Centres) Regulations 2010. Legislation references updated.
0.4	27/01/2012	Procedure updated [REDACTED] [REDACTED] [REDACTED]
0.5	19/12/2012	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Removed directions for third level from AM (G) and entered into Centre Manager steps.
0.6	28/09/2015	Offer of medical assistance to detainees during inquiry stage. Additions to Reporting Officer and Inquiry Officer reporting steps.
0.7	24/11/2015	Agreed actions 6.2.2; 7.1.1 resulting from IAB report July 2015. Procedure reviewed and updated to include the reasons why a review is not undertaken, information regarding links to DRMP for continual misbehaviour issues/concerns
0.8	16/01/2019	Changes made on advice from the Office of General Counsel. To bring JJNSW operational procedure and policy 'delegations' and 'authorisations' in line with legislative requirements of the Children (Detention Centres) Act 1987 and Children (Detention Centres) Regs 2015.