

Centre Placement Policy

Essential Summary

Youth Justice NSW (YJNSW) has a legislative and ethical responsibilities to safely and securely accommodate young people mandated into custody. These responsibilities include the care, wellbeing and protection of all young people and the safety of YJNSW employees who fulfil these responsibilities.

YJNSW has six youth justice centres across the state and to maintain safe and secure environments, each centre may accommodate different categories of young people.

Mainstream accommodation units are managed at all six centres. Two centres also contain specialised units that meet the needs of young people who are unable to be managed through existing centre routines and practices.

Waratah a pre-release unit provides accommodation to suitable young people being prepared for release from custody.

This policy provides employees with the legislative responsibilities and YJNSW operational direction for the centre placement of young people in YJNSW custody and includes information regarding:

- placement considerations
- placements to specialised units: Enhanced Support Unit and High-Risk Units
- placement in the pre-release Waratah Unit

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1 Scope

This policy applies to all YJNSW employees who are responsible for the assessment and safe placement of young people in mainstream and specialised units within YJNSW centres.

2 Purpose

The purpose of this policy is to present Youth Justice NSW Centre and Unit placement options for young people mandated in custody including direction for:

- determining the most suitable placement of young people on initial admission into custody.
- assessing and identifying the need to place young people in a specialised unit
- providing protection for vulnerable groups of young people

3 Definitions

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

Employee refers to all persons employed on an ongoing, temporary or casual basis within Youth Justice NSW.

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.

Vulnerable¹ means able to be easily physically, emotionally, or mentally hurt, influenced, or attacked

Young Person applies to all children and young people that Youth Justice NSW has a mandate to supervise in the community or a custodial centre.

¹ Cambridge English Dictionary

4 Delegated approvals for placements

The Policy for Applying Powers and Responsibilities under the Children (Detention Centres) Act 1987 and Regulation provides YJNSW employees with information for determining their legislated delegation approval levels and responsibilities.

The below table lists the approval delegation levels for the placement of young people between Youth Justice Centres.

#	Description of Powers and Responsibility	Reference	Decision Maker	
			A1 Young Persons	All Other
10	<p>Secretary to determine detention centre at which a person subject to control is to be detained</p> <p>As soon as practicable after a detention order has been made with respect to a person the Secretary shall:</p> <p>a) determine the detention centre in which the person is to be detained</p>	Section 11 (1)(a), Children (Detention Centres) Act 1987	Director, Custodial Operations	Manager, Court Logistics, Classifications and Placement Centre Manager (role)
11	<p>Transfers between detention centres</p> <p><i>The Secretary may, by order in writing, direct transfer of a person on remand or a person subject to control from one detention centre to another</i></p>	Section 13, Children (Detention Centres) Act 1987	Director, Custodial Operations	Manager, Court Logistics, Classifications and Placement Centre Manager (role)

5 Centre placement determination

Young people may be initially admitted to any YJNSW centre regardless of age, gender and classification until bail outcomes, classification appeals, transfers and transportation are coordinated or completed

Following a young person's admission, their initial court appearance, and participation in clinical and classification assessments a determination will be made by the Coordinator Classification and Placement whether the admitting centre is best suited for accommodating the young person.

[REDACTED]

Young people can be held at the initial admitting centre for a period of up to five calendar days. The only exception to the five-day period, is in circumstances where the young person is held at a centre to:

- assist with bail,
- manage court and/or pre-release arrangements,
- attend medical appointments
- medical restrictions including Quarantine and lockdown or
- there are no available beds at the receiving centre.

Centre placement determination is based upon a comprehensive assessment of the Placement Risk Factors and the Placement Responsivity Considerations. This assessment needs to ensure Placement Risk Factors are addressed to mitigate risk to employees and other detainees. This process is the responsibility of the Coordinator Classification and Placement. The YJNSW Security and Intelligence Unit assists the comprehensive risk assessment process by providing valid intelligence for centre placement determination.

5.1 Placements risk factors

With the exception of the placement of young women, risk is the overarching factor that drives centre placement determinations. All young women are accommodated at Reiby Youth Justice Centre (YJC), as this is the only YJNSW female youth centre.

5.1.1 Classification

The classification system informs the placement of young people in custody, based on the assigned classification security level of the centre. [REDACTED]

The below table identifies the Classification level accommodated at each YJNSW centre.

CENTRE	CLASSIFICATION LEVEL
Acmena	Unclassified, A2 and B Classifications
Baxter	Unclassified, A1(b), A1(o), A2 and B Classifications
Cobham	Unclassified A1(b), A1(o), A2 and B Classifications
Orana	Unclassified, A2 and B Classifications
Riverina	Unclassified, A2 and B Classifications
Reiby	Unclassified, A1(b), A1(o), A2 and B Classifications

All A1 classified young people are considered as Tier Three as noted in the *Custodial Operating Model*. Young people that are classified as A1o or A1b, the highest rating in the classification system, are placed in Cobham, Frank Baxter and Reiby (for those under 15 years old) YJC because they have greater access to community resources (e.g. psychiatrists and speech pathologists) that are often critical in managing the behaviours of this group.

This placement strategy is also due to the nature of the young people's alleged offences that require more frequent transport to metropolitan courts.

Upon approval by the Director, Custodial Operations a young person, regardless of their classification, age or gender can be placed at any YJNSW centre.

5.1.2 Legal Status

Young people on a remand order are prioritised for placement at Cobham YJC as this site has infrastructure designed to support the needs of young people who may be unknown to the criminal justice system or remaining briefly (e.g. self-contained accommodation units with recreation and schooling areas that do not mix with other units; multiple court AVL suites; and increased admissions capacity). This placement strategy is also due to young people on remand being higher risk in the classification system and young people on remand requiring frequent transport to metropolitan courts.

Young people on a control order, including a revocation of parole, are prioritised for placement at any centre other than Cobham YJC. Depending on the individual circumstances, a young person may remain in the same centre for their remand and control orders. Alternatively, a young person may be placed in the remand centre and reassessed for placement following sentencing.

5.1.3 National Security Interest (NSI)

The YJNSW Executive Director, as the delegate of the Secretary, may designate a Young Person as a National Security Interest (NSI) under clause 7A of the *Children (Detention Centres) Regulation 2015*.

[REDACTED]

5.2 Placement responsivity considerations

5.2.1 Age and Gender

The following standards must be considered when making decisions on whether to transfer a young person due to gender and/or age to the most suitable centre:

- all young males **under** 15 years of age are accommodated at Reiby Youth Justice Centre (YJC), unless there are significant reasons not to do so; i.e. case management, the young person is from a rural area or displaying high risk behaviours that warrant a transfer to a High Risk Unit or Enhanced Support Unit.
- Young males 15 years of age can be accommodated in all centres, including Reiby and Frank Baxter centres where historically these centres did not accommodate this cohort. The placement of 15-year-old males at Reiby YJC is based on compliance with casework intervention and positive program engagement.
- all young women, who have been in custody for 5 days or more, must be accommodated at Reiby YJC at the first available opportunity.
- all young males over 16 years should be placed according to:
 - classification: the classification system is a structured method based on established objective criteria that identifies a young person's risk and required supervision level in custody legal status and case work considerations.
 - legal status, or
 - case management reasons.

5.2.2 Vulnerability

The concept of vulnerability with regards to young people in custody implies that certain young people are more exposed to risks than other young people. [REDACTED]

Vulnerability in young people in custody is multi-faceted and complex. The following is a non-exhaustive list of vulnerabilities that need consideration:

- Cognitive impairment or intellectual disability
- Physical disability
- Acquired brain injury
- Poor social skills
- Mental health concerns and disorders
- Community conflicts
- Type of offences committed
- Gender identity
- Sexual orientation
- Cultural background

These young people may also display an increased level of risk-taking behaviours themselves.

5.2.3 Placement of Aboriginal and/or Torres Strait Islander young people

YJNSW recognises the substantial and lasting impact of intergenerational trauma on Aboriginal and/or Torres Strait Islander people. This has led to significant social, personal and cultural challenges for Aboriginal and Torres Strait Islander young people including:

- mental health issues
- self-harm and intentional injury
- youth suicides
- overrepresentation of Aboriginal young people in the justice system
- loss of identity and Country.

All Centre Placement Determinations must consider the cultural needs of Aboriginal and/or Torres Strait Islander young people and placement should aim to achieve the following:

- Maintain a connection to country.
- Maintain a connection to family, kinship and their Aboriginal and/or Torres Strait Islander community.
- Ensure cultural programs and/or identified Youth Officers are available to support their cultural needs.

5.3 Lesbian, gay, bi-sexual, transgender, queer, intersex, asexual plus (LGBTQIA+)

YJNSW has a responsibility to ensure LGBTQIA+ young people are protected from discrimination and are not subject to bullying, harassment, unfair or harmful treatment by others. LGBTQIA+ young people may have already experienced trauma due to possible marginalisation in their communities or families. (Working with LGBTQIA+ Young People Policy).

Providing a safe placement for LGBTQIA+ young people admitted into custody is of the utmost importance for all young people, however this must not in any way result in extended separation or any type of restriction from normal centre programs and activities.

Considerations for the transfer of all young people who are transgender, gender diverse or intersex who are mandated to remain in custody for an extended period of time, must be done on a case by case basis.

When a LGBTQIA+ young person is admitted to custody it is important that centre management, CLCP unit and psychologists consider the most appropriate placement.

Consideration into which gender the LGBTQIA+ young person identifies as, must be taken into account for centre, unit and room placements.

5.4 Young people with sexual offences

The management of young people with harmful sexual behaviours within a custodial setting is complex. There are potential risks and benefits of different management approaches, all of which must be overlaid within the YJNSW context, system service size, fluctuating groups of young people, and state geography.

YJNSW considers the most effective strategy to mitigate the risks posed to, and the risks posed by, young people with harmful sexual behaviours, is to accommodate them across all YJNSW centres. This will provide the best balance between operational security, therapeutic benefits, and public protection.

These young people being accommodated in the general population across all centres, does not affect the level of protection provided or specialist interventions delivered on a one-on-one basis. Accommodating these young people across all centres, within the general population, and not into specific centres or specialised units for sexual offenders will:

- reduce the possibility of these young people being effectively 'labelled' and put at a greater risk of prejudice, victimisation and assault
- reduce the risk of young people identifying with peers whose negative attitudes towards women and children are more entrenched
- allow treatment to be more effective
- allow young people to be supported by their family and community

5.5 Non-association orders and co-offender placement

Ultimately the determination that young people with non-association orders or co-offenders being in the same unit or are not to share a room needs to balance the presenting placement risk factors and placement responsivity considerations. Other factors to consider include whether the young people have pending court matters or are at risk of victimisation or coercion by their co-offender/s.

6 Placement on specialist units

6.1 High Risk Unit

The High-Risk Unit (HRU) was established to manage a small group of high-risk young people assessed as requiring additional behavioural management support. [REDACTED]

HRUs provide focused resources to manage young people with a history of and /or are currently displaying high risk behaviours (Custodial Operating Model - Responding to High Risk Behaviours 2020)

Placement in a HRU is not Classification driven and classification levels are not a trigger for a young person to enter or exit the HRU.

The intervention model in the HRU plays a critical role in managing high-risk behaviours and the return of a young person to mainstream units. All young people in a HRU are placed on a Detainee Risk Management Plan, which is developed to address identified risk and problem behaviour, and to provide strategies for young people and employees to assist in addressing the behavioural problems. (*Detainee Risk Management Plan Policy*).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The HYOPRP (*HRYORP Operational Guidelines 2020*) manages all referrals, intakes and exits to the HRU. Refer to the Custodial Operating Model – Responding to High Risk Behaviours 2020 and the HRYORP Operational Guidelines 2020 for further information.

6.2 Enhanced Support Unit

The Enhanced Support Unit (ESU) was established at Frank Baxter YJC to manage young people assessed as having complex needs which require additional supports whilst in custody.

The ESU provides therapeutic support for young people with high-risk behaviours, high needs, self-harm and who do not respond to interventions in the HRU due to responsivity barriers, e.g. mental health issues or significant cognitive impairment. The ESU operates in line with a trauma informed care approach and includes additional clinical supports with onsite access to Psychological, Occupational Therapy and Speech Therapy.

All young people in ESU are placed on a DRMP and have an additional case plan, cultural plan and personal routine.

Referrals are initiated through collaboration of the Client Services Meeting participants, supported by the Centre Manager and must be approved by the High-Risk Young Offender Review Panel (HRYORP) before the transfer occurs. However, in exceptional circumstances, interim placements in this unit can occur with the approval of the Director, Custodial Operations until it is reviewed by HRYORP.

Placement decisions must be reviewed by the HRYORP at the next meeting to ensure transparency in the decision-making process. The HRYORP (*HRYORP Operational Guidelines 2020*) manages all referrals and intakes to the ESU.

6.3 Waratah Pre-release unit

The Waratah Unit is a ten-bed pre-release unit for young people, located outside the secure perimeter of Reiby Youth Justice Centre. The unit provides an intensive multi-faceted approach, undertaken in their last phase of a custodial sentence in order for a young person to successfully reintegrate back into the general community.

All young people that meet the criteria for the Waratah pre-release unit must be subject to a referral completed by a Case worker (custody). Upon completion of a referral it must be forwarded by an Assistant Manager to the Manager, CLCP within 7 days. (*Referral to the Waratah Program Procedure 2015*)

For further information about entry criteria and the operation of the Waratah Unit please refer to the *Referral to the Waratah Program Procedure 2015*.

7 The High-Risk Young Offender Review Panel

The High-Risk Young Offender Review Panel (HRYORP) is an operational decision-making panel. The Panel focuses on YJNSW operations, interventions and supports to young people that pose a high level of risk within the system; not just those charged with serious offences.

The HRYORP exists to provide high-level decision making and direction to all employees working with complex and high-risk young people, when all baseline service delivery strategies and specialist interventions have failed to achieve positive outcomes.

This Panel does not take the place of SYORP which is an external, legislatively founded panel that oversees matters for serious offenders.

The HRYORP (*HRYORP Operational Guidelines 2020*) manages all referrals, intakes to and exits from the High-Risk Unit and the Enhanced Support Unit. The HRYORP also manages all referrals for a young person to transfer from YJNSW to CSNSW custody, except where the young person has requested the transfer themselves.

8 References

8.1 Legislation

- *Children (Detention Centre) Act 1987*
- *Children (Detention Centres) Regulation 2015*
- *Children (Criminal Proceedings) Act 1987*

8.2 Policies

- *Applying Powers and Responsibilities under the Children (Detention Centres) Act 1987 and Regulation Policy*
- *Case Management Policy*

8.3 Procedures

- *Case Management Procedure*
- *Centre Placements and Transfer Procedure*
- *Managing Client Feedback and Complaints Procedure*
- *Escorted Movements and Absences Procedures*

8.4 Forms

- *Waratah Program: Detainee Contract*
- *Waratah Program Assessment/Referral Form*
- *HRYORP Referral Form*

8.5 Resources

- *HYRORP Operational Guidelines*
- *NSI detainees – Operational Guidelines*
- *Custodial Operating Model - Responding to High Risk Behaviours*

9 Document Information

Title:	Centre Placement Policy
Business Centre:	Operations Unit
Author:	Project Officer (Custody)
Approver:	Director Policy and Practice, Director Custodial Operations
Date of Effect:	9 August 2021
Next Review Date:	30 July 2023
File Reference:	File No: 18/01418 Doc No: D20/20697
Key Words:	Placement, sex offenders, vulnerable HRU, ESU, Waratah Program, units,

10 Document History

Version	Date	Reason for Amendment
0.2	9 August 2021	Updated to reflect criteria for placement at youth justice centres
0.1	30 th September 2020	New policy to support Shearer Report recommendations.