

Escorted Absences Policy

Essential Summary

Youth Justice NSW (YJNSW) has a responsibility to escort young people, from a YJNSW Centre for reasons as stated in Section 23A of the *Children (Detention Centres) Act 1987*.

Risks to the safety and security of employees, young people and the community are escalated during an absence from a centre. Risks are associated with moving and supervising young people through unsecure areas, travelling by vehicle or aircraft, access to dangerous items and interaction with the members of the community.

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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 all Youth Justice NSW (YJNSW) employees, whether employed on an ongoing, temporary, or casual basis, involved in organising, approving, and escorting young people outside of a Youth Justice Centre.

2 Purpose

The purpose of this policy is to provide employees with the information to gain understanding of:

- [REDACTED]
- [REDACTED]

3 Definitions

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

Delegation means a function that has been expressed as a delegation in legislation or an instrument of delegation approved by the Secretary. A delegate exercises the power delegated to him or her in his or her own name and will therefore be held personally responsible for any decisions or actions made.

Escorted Absence means the transporting of a young person on remand or a control order, out of the centre under the supervision of YJNSW employees.

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

Juvenile Justice Officer means an employee of YJNSW who is principally involved in the administration of the *Children (Detention Centres) Act 1987* or any other Act administered by the Minister and includes any YJNSW employee who is in the branch of the Department known as Youth Justice.

Mandatory Criminal Case Conference is a meeting held between a senior prosecutor and a young person's legal representative, to aid the committal hearing process for young people charged with serious children's indictable offences (i.e. as defined in *division 5 of the Children (Criminal Proceedings) Amendment (Committals and Guilty Pleas) regulation 2018*).

[REDACTED]

Secure area refers to area of a YJNSW Centre

Transporting Officer refers to any YJNSW employee given responsibility to transport a young person from one location to another, regardless of whether they are from a Youth Justice Centre or the Court Logistics, Classification and Placements Unit.

[REDACTED]

[Redacted text]

[Redacted text]

YJNSW refers to Youth Justice New South Wales.

Young Person has the same meaning as child and detainee in the Children (Detention Centres) Act 1987.

4 Reasons for an Escorted Absences

Section 23A of the *Children (Detention Centres) Act 1987* permits young people on remand and/or control orders, to be escorted from a YJNSW centre, under the supervision of YJNSW employees, for one of the following reasons:

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

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[Redacted text]

- [Redacted text]
- [Redacted text]

[Redacted text]

[Redacted text]

5 Delegated Approvals

[Redacted text]

6 WHS Risk Assessment

[Redacted text block]

6.1 Risk Based Decision Making (RBDM) Process

Assessing risk is a constant process for YJNSW frontline employees to help manage the constant changes in environment, behaviour, and dynamics of young people in a custodial setting. [Redacted]

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7 Transporting Officers

Transporting officers must be arranged in advance for all planned escorted absences.

7.1 Court Logistics Unit (CLU)

[Redacted text block]

[Redacted text block]

[Redacted text block]

7.2 Number of Transporting Officers

[Redacted text block]

7.2.1 Escorted absences to an external secure location.

[Redacted text block]

[Redacted text block]

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7.2.2 Escorted absence to an external non-secure location.

[Redacted text block]

[Redacted text block]

[Redacted text block]

7.3 Transporting Officers Log

[Redacted text block]

7.4 Briefing Transporting Officers

[Redacted text block containing several paragraphs of information under section 7.4]

7.5 Briefing with a young person

[Redacted text block containing several paragraphs of information under section 7.5]

8

[Redacted text block containing several paragraphs of information under section 8]

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8.2 Preparation for escorted absence

[Redacted]

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- [Redacted]

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8.3 Unscheduled escorts

[Redacted]

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

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

[REDACTED]

9.2 Legal Mandates

Legal mandates are binding documents. It is for this reason that at the beginning and conclusion of any court ordered absence, legal mandates must be fully completed or entered into. [REDACTED]

[REDACTED]

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

[REDACTED]

9.3 Access to Legal Representatives at Court

Young people have a right to legal consultation before their court appearance. [REDACTED]

[REDACTED]

[REDACTED]

9.4 Court secure supervision

[REDACTED]

[REDACTED]

9.5 Refusal to Move

As legally mandated absences are issued by the court, they must take place.

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

9.6 Mental Health Assessments

A Mental Health Assessment Order (e.g. sec. 21 *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*) can be handed down by a Magistrate during a young person's bail proceedings.

[REDACTED]

[REDACTED]

[REDACTED]

9.7 Mandatory Criminal Case Conferences

Mandatory criminal case conferences are a part of the Early Appropriate Guilty Plea Reform, implemented to more effectively manage the cases of young people charged with a serious children's indictable offence (section 6 of the *Audio Visual Link (AVL) Policy*). These conferences for young people in custody take place at either Surry Hills Children's Court or Parramatta Children's Court.

[REDACTED]

9.8 Requirements of young people returning to YJNSW Custody

A young person is required to return to YJNSW custody:

- if issued a custodial order(s),
- has current incomplete control order(s),
- if granted conditional bail but is unable to meet conditions,
- has an outstanding court appearance in which they are bailed refused,
- has outstanding juvenile matters where bail has been refused, or
- when bail is granted and met on adult charges [REDACTED]

A young person is not required to return to YJNSW custody if;

- bail is granted and entered into,
- given community-based court order (e.g. good behaviour bond, fine, probation bond, community service order, suspended control order),
- required to enter into adult custody [REDACTED]
- A young person has been assessed and detained to a mental health facility under s19(a) of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*,
- A young person has been discharged to the care of a responsible person under s19(c) of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, or
- A young person has been made subject to a Community Treatment Order (CTO) under s20 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

[REDACTED]

10 Case Management Absence

[REDACTED]

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

[Redacted]

10.1 Documentation for Case Management Absence

[Redacted]

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- [Redacted]
- [Redacted]
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10.2 Camps and Outings

Camps and outings allow a young person the opportunity to build upon their skills, strengths, self-determination, and self-efficiency and therefore feel supported in their efforts to address offending behaviours.

[Redacted]

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

10.3 Outing Coordinator

There must be an allocated Outing Coordinator for any given outing or camp. [Redacted]

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¹ Law Enforcement (Powers and Responsibilities) Act 2002 part 9 ([sections 109-132](#)) and [clause 31](#) of the Law Enforcement (Powers and Responsibilities) Regulation 2016

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12 Medical Treatment and Hospitalisation

Section 25 of the *Children (Detention Centres) Act 1987* permits the movement of young people to attend a medical facility for the purpose of an organised, preapproved medical appointment or emergency medical treatment.

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12.1 Documentation for Medical Treatment

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12.2 Emergency and Overnight Hospitalisation

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12.3 Medical Consultation Rooms

[Redacted text block]

12.4 Contact and Visits During Hospital Absence

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[Redacted text block]

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12.5 Young Person Refusal

[Redacted text block]

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12.6 Hospital Shift Handover

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12.7 Medical Discharge

[Redacted]

13 Discharge/ Release from Custody

[Redacted]

[Redacted]

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14 Use of Instruments of Restraint

[Redacted]

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14.1 Individual Risk Assessment

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14.2 Instrument of Restraint at Hospital or Medical Appointment

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14.3 Supervision Requirements

[Redacted text block]

14.4 20-minute Checks

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14.5 Movements in Unsecure Areas

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14.6 Transporting a Young Person in a Vehicle

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14.7 Transporting Young People by Air

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14.8 Damage to Property

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14.9 Escape

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14.10 Responding to Problems and/or Incidents During an Absence

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15 References

15.1 Legislation

- Children (Criminal Proceedings) Act 1987*
- Children (Criminal Proceedings) Amendment (Committal and Guilty Pleas) Regulation 2018*
- Children (Detention Centre) Act 1987*
- Children (Detention Centre) Regulation 2015*
- Mental Health and Cognitive Impairment Forensic Provision Regulation 2021*
- Mental Health and Cognitive Impairment Forensic Provision Act 2020*
- The Bail Act 2013*

15.2 Policy

- Audio Visual Link (AVL) Policy
- Bail Policy
- Incident Management Policy: Recording, Debrief and Analysis
- Use of Force, Instruments of Restraint and Protective Equipment Policy
- Vehicle Safety and Communication Policy

15.3 Procedures

- Court Attendance Procedure
- Escorted Absence (General) Procedure
- Hospitalisation and Medical Appointment Procedure
- Managing Vehicle Accident or Breakdown Procedure
- Outing and Camp Procedure
- Police Interview Procedure



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15.4 Forms

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16 Document Information

Title:	Escorted Absences Policy
Business Centre:	Operations Unit
Author:	Project Officer (Custody)
Approver:	Mike Wheaton, Director Policy and Practice
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Next Review Date:	August 2024
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Key Words:	Absence, escort, transport, movement, court, legal mandate, vehicle, transporting officer, Court Logistics Unit, emergency, medical, appointment

17 Document History

Version	Date	Reason for Amendment
1	September 2021	<i>New policy developed to provide direction and instruction to all YJNSW employees involved in escorting young people to and from a centre and the inclusion of CSNSW escort information for NSI designated young people.</i>