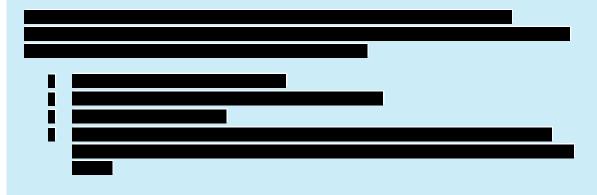


Escorted Absences Policy

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.



Printed or saved copies of this document may not be up to date.

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

Table of Contents

1	Sco	Scope			
2	Pur	Purpose			
3	Defi	Definitions			
4	Rea	Reasons for an Escorted Absences			
5	Dele	legated Approvals			
6	WH	S Risk Assessment	7		
	6.1	Risk Based Decision Making (RBDM) Process	7		
7	Trar	nsporting Officers	8		
	7.1	Court Logistics Unit (CLU)	8		
	7.2	Number of Transporting Officers	8		
	7.3	Transporting Officers Log	8		
	7.4	Briefing Transporting Officers	9		
	7.5	Briefing with a young person	9		
8	Nati	onal Security Interest and/or Terror Related Offenders	9		
	8.1	Request for escorted absence support	9		
	8.2	Preparation for escorted absence	10		
	8.3	Unscheduled escorts	10		
	8.4	Confidentiality requirements.	11		
9	Leg	ally Mandated Absences	11		
	9.1	Documentation for Court Appearance	11		
	9.2	Legal Mandates	12		
	9.3	Access to Legal Representatives at Court	12		
	9.4	Court secure supervision	12		
	9.5	Refusal to Move	13		
	9.6	Mental Health Assessments	13		
	9.7	Mandatory Criminal Case Conferences	13		
	9.8	Requirements of young people returning to YJNSW Custody	14		

10	Case Management Absence	14
	10.1 Documentation for Case Management Absence	15
	10.2 Camps and Outings	15
	10.3 Outing Coordinator	15
11	Police Interviews	16
	11.1 Support Person for Police Interviews	16
	11.2 Refusal to be transported to a police station	17
12	Medical Treatment and Hospitalisation	17
	12.1 Documentation for Medical Treatment	17
	12.2 Emergency and Overnight Hospitalisation	18
	12.3 Medical Consultation Rooms	18
	12.4 Contact and Visits During Hospital Absence	18
	12.5 Young Person Refusal	18
	12.6 Hospital Shift Handover	19
	12.7 Medical Discharge	19
13	Discharge/ Release from Custody	19
14	Use of Instruments of Restraint	20
	14.1 Individual Risk Assessment	20
	14.2 Instrument of Restraint at Hospital or Medial Appointment	20
	14.3 Supervision Requirements	21
	14.4 20-minute Checks	21
	14.5 Movements in Unsecure Areas	21
	14.6 Transporting a Young Person in a Vehicle	21
	14.7 Transporting Young People by Air	22
	14.8 Damage to Property	22
	14.9 Escape	22
	14.10 Responding to Problems and/or Incidents During an Absen	ce 22
15	References	23

17	Document History	25
16	Document Information	24
	15.4 Forms	24
	15.3 Procedures	23
	15.2 Policy	23
	15.1 Legislation	23

Escorted Absence Policy

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:



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).*



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.



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:



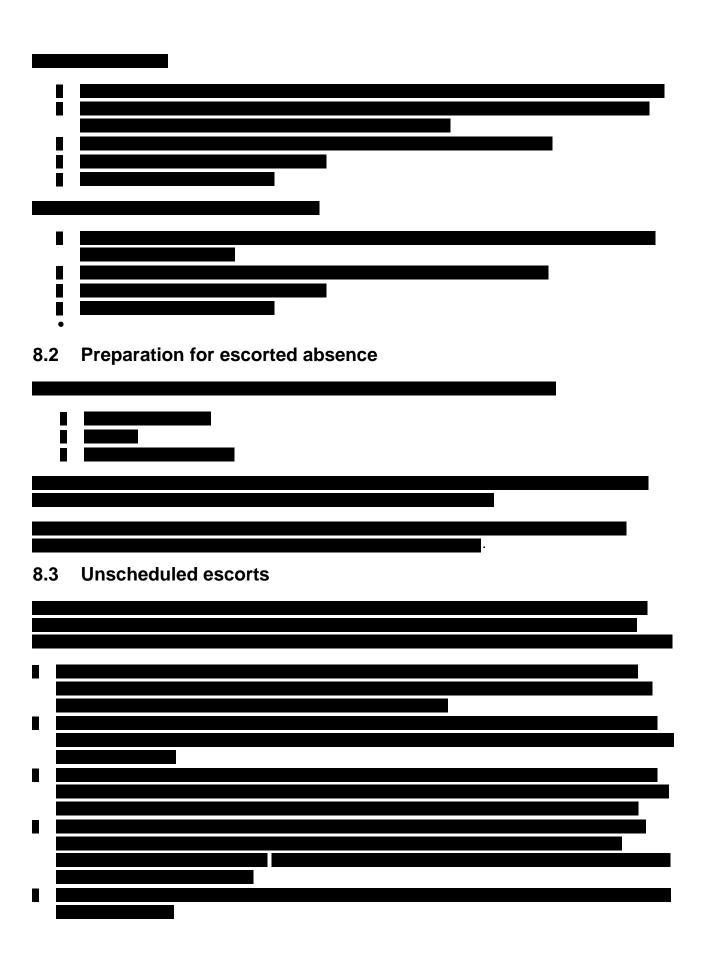
6	WHS Risk Assessment
6. Asses	1 Risk Based Decision Making (RBDM) Process ssing risk is a constant process for YJNSW frontline employees to help manage the constant ges in environment, behaviour, and dynamics of young people in a custodial setting.

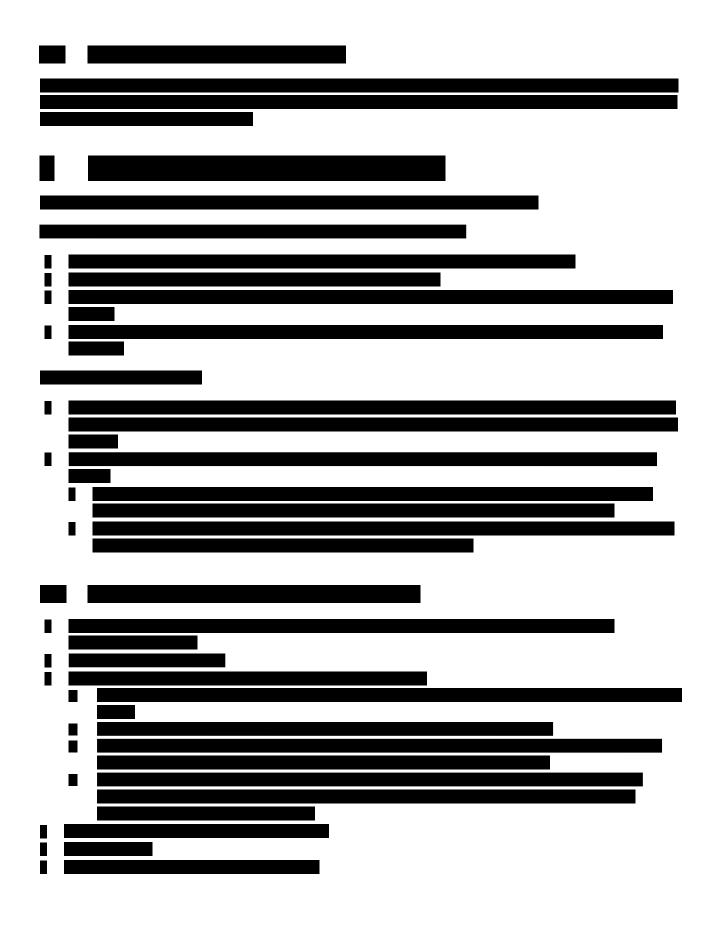
7 Transporting Officers

Transporting officers must be arranged in advance for all <u>planned</u> escorted absences.

7.1	Court Logistics Unit (CLU)
7.2	Number of Transporting Officers
7.2.1	Escorted absences to an external secure location.
7.2.2	Escorted absence to an external non-secure location.
7 2	Transporting Officers Log
7.3	Transporting Officers Log

7.4	Briefing Transporting Officers
7.5	Briefing with a young person
8	
Ī	
Ī	





	-
	-
9.2 Legal Mandates	
Legal mandates are binding documents. It is for this reason that at the beginning and conclusion and court ordered absence, legal mandates must be fully completed or entered into.	usion of
	-
	"
	•
9.3 Access to Legal Representatives at Court	
Young people have a right to legal consultation before their court appearance.	
9.4 Court secure supervision	

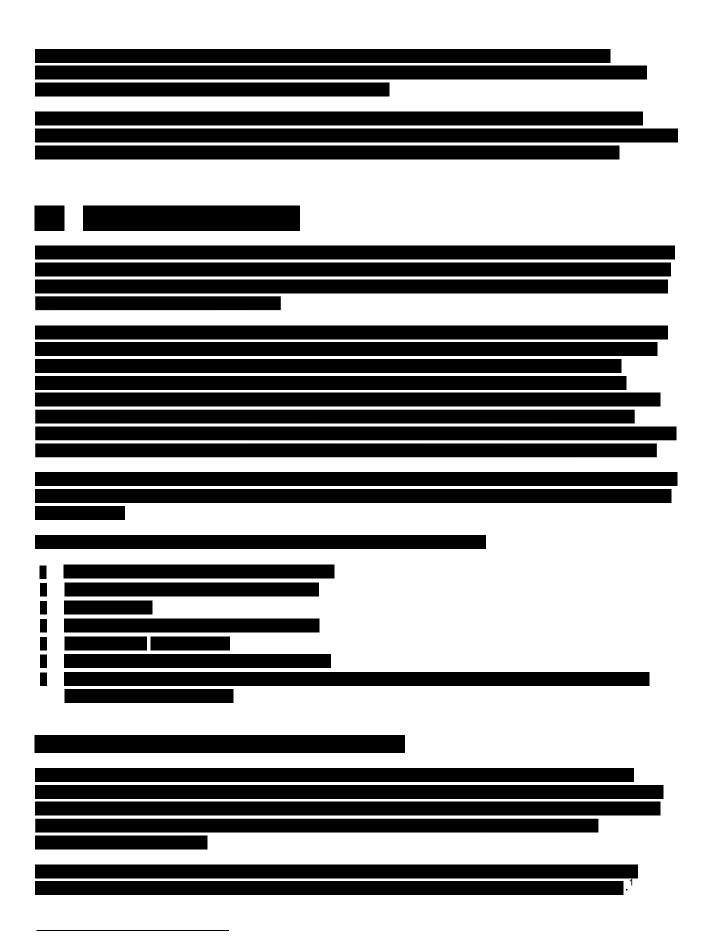
9.5 Refusal to Move As legally mandated absences

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

9.7 Mandatory Criminal Case Conferences

9.8	
• • •	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
A yo	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 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.
10	Case Management Absence

).1	Documentation for Case Management Absence
.2	Camps and Outings
	nination, and self-efficiency and therefore feel supported in their efforts to address offend iours.
.3	Outing Coordinator
ere	must be an allocated Outing Coordinator for any given outing or camp.



¹ Law Enforcement (Powers and Responsibilities) Act 2002 part 9 (<u>sections 109-132</u>) and <u>clause 31</u> of the Law Enforcement (Powers and Responsibilities) Regulation 2016

2	Medical [*]	Treatme	nt and I	Hospita	alisatio	on
ection ttend a	Medical 25 of the Childre a medical facility ncy medical trea	en (Detention Co for the purpose	entres) Act 198	- 37 permits the	e movemen	t of young people
ection tend a	25 of the <i>Childre</i> medical facility	en (Detention Co for the purpose	entres) Act 198	- 37 permits the	e movemen	t of young people
ection tend a	25 of the <i>Childre</i> medical facility	en (Detention Co for the purpose	entres) Act 198	- 37 permits the	e movemen	t of young people
ection tend a	25 of the <i>Childre</i> medical facility	en (Detention Co for the purpose	entres) Act 198	- 37 permits the	e movemen	t of young people
ection tend a merge	25 of the <i>Childre</i> medical facility	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people
ection ttend a merge	25 of the <i>Childre</i> a medical facility ncy medical trea	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people
ection tend a merge	25 of the <i>Childre</i> a medical facility ncy medical trea	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people
ection ttend a merge	25 of the <i>Childre</i> a medical facility ncy medical trea	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people
ection ttend a merge	25 of the <i>Childre</i> a medical facility ncy medical trea	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people
ection ttend a merge	25 of the <i>Childre</i> a medical facility ncy medical trea	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people
ection tend a merge	25 of the <i>Childre</i> a medical facility ncy medical trea	en (Detention C for the purpose tment.	entres) Act 198 of an organise	- 87 permits the d, preapprov	e movemen	t of young people

12.2 Emergency and Overnight Hospitalisation
12.3 Medical Consultation Rooms
12.4 Contact and Visits During Hospital Absence
12.5 Young Person Refusal

12.6 Hospital Shift Handover
12.7 Medical Discharge
13 Discharge/ Release from Custody

14 Use of Instruments of Restraint
14.1 Individual Risk Assessment
•
14.2 Instrument of Restraint at Hospital or Medial Appointment

14.3	Supervision Requirements
14.4	20-minute Checks
14.5	Movements in Unsecure Areas
14.6	Transporting a Young Person in a Vehicle

14.7 Transporting Young People by Air
14.8 Damage to Property
t
14.9 Escape
14.10 Responding to Problems and/or Incidents During an Absence

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





16 Document Information

Title:	Escorted Absences Policy
Business Centre:	Operations Unit
Author:	Project Officer (Custody)
Approver:	Mike Wheaton, Director Policy and Practice
Date of Effect:	September 2021
Next Review Date:	August 2024
File Reference:	File No: 18/01418
	Doc No: D21/12753/YJ
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	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.