

Personal Visits and Contact Policy

Essential Summary

This policy provides a framework for the facilitation, management and supervision of personal visitors at a Youth Justice Centre (YJC) and/or a Youth Justice Community Office (YJCO), including visits conducted via Audio Visual Link (AVL).

The policy also highlights the importance of providing consistent family and community contact for young people, which is a protective factor for community reintegration and reducing reoffending.

This policy contains information covering the role of Youth Justice NSW (YJNSW) in:

- providing appropriate support and assistance for the various types of visitors attending a YJC
- supporting our young people to maintain contact with family and significant others
- identifying who a personal visitor is for our young people and utilising all available technology to support contact where appropriate

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1 Scope

This policy applies to all YJNSW employees who coordinate, approve, manage and supervise personal visits in a YJC and/or YJCO, including visits via AVL.

2 Purpose

The purpose of this policy is to:

- highlight the importance of personal visits and support young people to develop and maintain contact with family, significant others, and community ties
- create awareness for YJNSW employees regarding their responsibility to assist young people to maintain contact with family, significant others, and community ties
- set out how officers of YJNSW 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* and *Children (Detention Centres) Regulations 2015 (NSW)*.

3 Definitions

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

Employee refers to people employed by Youth Justice on a permanent, temporary or casual

Exempt body refers to any of the following:

- a) New South Wales Ombudsman
- b) Commonwealth Ombudsman
- c) Judicial Commission
- d) Australian Crime Commission
- e) New South Wales Crime Commission
- f) Independent Commission Against Corruption
- g) Anti-Discrimination Board
- h) Civil and Administrative Tribunal
- i) Australian Human Rights Commission
- j) Privacy Commissioner
- k) Legal Aid Commission of New South Wales
- l) Legal Services Commissioner
- m) Official Visitor
- n) Inspector of Custodial Services

Exempt person refers to a Member of Parliament, a legal practitioner or a police officer

Youth Justice Centre (YJC) refers to a place of detention of young people pursuant to the definition in the *Children (Detention Centres) Act 1987*.

Sentence Admin Enquiry Line refers to a joint initiative with Corrective Services NSW (CSNSW) to assist in the locating of family and significant others of young people in adult custody.

4 Importance of personal visits

Young people involved in the criminal justice system are some of the most disadvantaged and at risk people in the community. They frequently present with multiple risk factors including, mental health concerns, abuse, disabilities, family violence, cultural needs, geographical separation from their families and poor levels of education.

Parents, family members, kinship ties or community support networks provide significant protective factors emotionally and socially for young people. These protective factors can reduce the sense of isolation, reduce symptoms of depression, and maintain emotional wellbeing, particularly while in custody.

YJNSW visits system and processes must be flexible, visitor-friendly and allow for relaxed communication.

5 Standards for building and maintaining connections in custody

The following standards must be applied to assist young people in maintaining positive connections and to address identified needs for successful reintegration.

5.1 In person visits

- Young people are consistently encouraged and supported to engage with their families and significant others.
- The interest of young people is taken into consideration when visitor approval is being decided.
- Young people's contact and visitor approval requests are processed within the shortest possible timeframe to allow for contact to be maintained.
- Young people are given the opportunity to participate in the decision of which relationships they want to maintain with family member(s), kinship ties and community support(s).
- Family and/or friends of a young person are only refused to visit for a valid reason and as a last resort. Any denial of access must be clearly explained to the visitor and young person.
- Access to visits is not withheld as a punishment or part of a behaviour management regime.
- The number and frequency of visits per young person are recorded and monitored; to confirm all young people are receiving meaningful contacts with family and significant others.
- Proactive steps are taken by YJNSW to address a lack of contact between young people and family or significant others as appropriate and required.
- The financial and or geographical hardships for some families to visit the centre are considered and proactive measures are taken to increase visitors for young people.
- Audio Video Link (AVL) visits are available to families who live in rural areas or away from the centre where the young person is housed.
- Appropriate assessments are in place that takes into consideration the best interest of the young person regarding contact, when the young person is placed away from home.

- YJC visiting areas are inviting, include child play areas, and where possible have options for outdoor visits.

5.2 Telephone contact

- Young people have the opportunity to request telephone phone contact with family members, significant others and friends.
- An assessment for approval of contact is carried out in a timely manner.
- The interest of young people is taken into consideration when approval of telephone contact is being decided.
- A full explanation and reason is given to young people and requested contact person, when access is denied.
- Young people are encouraged and supported to maintain telephone contact with a parent or carer who is incarcerated in adult custody, when assessed as suitable.
- Telephones are sufficient in number and location to allow for equitable access and privacy.

5.3 Mail

- Young people are encouraged and supported to maintain contact with family, significant others and friends through letter writing.
- Young people are supported to maintain contact through letter writing, with a parent or carer who is incarcerated in adult custody, when assessed as suitable. [REDACTED]

6 Family or significant others

6.1 Assessing connections

Each and every contact must meet the requirements of the standards for building and maintaining connections in custody (refer to section 5) to ensure that the wellbeing, safety and best interest of both the young person and the contact is considered.

YJNSW Employees must carefully consider the following factors when undertaking an assessment for the approval of contact:

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

- [REDACTED]

6.2 Visiting times and Special visits

All centres have scheduled visiting times for family members, carers or significant others. [REDACTED]

Special visiting times must be considered and approved when family members, carers or significant others have difficulty in visiting during scheduled days and/or times.

Centre management must discuss the a *special visit* request with the visitor, consider each request and where possible approve the visit outside of scheduled hours or days; approval must be made after considering the impact on centre resources, functions and/ or routines.

6.3 Financial assistance for family or significant others

Section 4 (1)(c) of the *Children (Detention Centres) Act 1987* states an objective of this Act is to ensure “satisfactory relationships are preserved and developed between young people on remand or subject to control and their families.”

YJNSW must place an emphasis on encouraging and assisting contact for young people who have families or significant others located some distance from a Youth Justice Centre.

To assist and encourage families or significant others to have contact with young people detained in a Youth justice centre, YJNSW must make every effort to facilitate regular contact and be responsive to the individual needs of each young person.

In some cases, families or significant others may not be financially able to undertake visits to a Youth Justice Centre. In these instances, financial assistance may be provided by YJNSW for costs associated with travel and or accommodation. This assistance is subject to eligibility and must be assessed on a case by case basis.

Financial assistance must be offered for travel and accommodation at least once every three months for family or significant others. Agreement for the frequency of financial assisted visits must occur between the YJNSW Community Area Manager and the Centre Manager.

Information regarding financial assistance for families to visit must be readily available, and details must be included in the admission letter, sent to family or significant others at the time of the young person’s admission.

6.4 Travel

YJNSW Community Offices are responsible for assessing and providing assistance for travel costs to and from a YJNSW centre and must liaise with the relevant YJNSW centre to confirm accommodation.

Family or significant others seeking financial assistance for costs to travel to and from a YJNSW Centre visits must be referred to the young person’s allocated YJNSW Community Office.

The YJNSW Community Office must assess the financial situation of the family or significant other, and determine if financial assistance will be provided. The assessment of financial need and frequency of assistance must be consistent with YJNSW Policy and Procedure. (*Facilitating Contact with Family and Significant Others Procedure*).

6.5 Accommodation

YJNSW Centres are responsible for providing financial assistance for accommodation costs and must liaise with the relevant YJNSW Community Office to confirm travel details.

YJNSW Centres must develop and regularly update a register of accommodation facilities (e.g. hostels, motels, hotels) in the local area where visitors can stay. The register must include the following information for each accommodation facility:

- name, address and telephone number
- cost (approximate)
- booking procedures
- other relevant information or procedures
- travel options between the accommodation and the centre.

7 Special considerations for visitors under 16 years

Young people under the age of 16 who are visiting the centre must always be supervised by their parent or carer, or the parent or carer of the young person in custody. However, a young person under the age of 16 can be approved for independent visit contact, if they can show they legally live independently from parents or carers.

Identification requirements for visiting will be determined at the time of approval.

8 Identification requirements for visitors

All visitors over the age of 16 must provide photographic proof of identification on each occasion they attend a centre for the purpose of visiting a young person. This identification is also required for Audio Visual Link visits discussed in section 9 of this policy.

Consideration must be given to family members or significant others of young people that have limited form of identification and wish to visit a centre. A lack of identification, especially photographic identification, is often linked to remote or regional areas where facilities for obtaining documented identification are non-existent or very difficult to access for family members.

[REDACTED]

Collaboration between the custodial and community caseworkers to assist and support family members or significant others is vital in facilitating and maintaining contact for the young person.

9 Approved items and searching requirements

Prior approval must be sort from the Centre Manager, if a family member/ significant other wishes to give any item(s) to a young person.

[REDACTED]

[REDACTED]

[REDACTED]

10 Removal of face coverings by visitors

Children (Detention Centres) Regulation 2015; clause 34 refers to the requirement for requesting a visitor to remove any face covering for identification purposes each time they visit a centre.

When removal of face coverings is required, the visitor may request privacy. In this instance an employee, a member of the same sex, will take the visitor to a private area to view the face for identification. Similarly, where the visitor is under the age of 12, removal of face coverings for identification purposes must only be done in the presence of a responsible person.

[REDACTED]

11 Audio Visual Link (AVL)

The use of AVL technology may be used to address the issues of distance and costs where possible.

Visits may take place between a young person in a YJC and family or significant other via AVL technology located at a Youth Justice Community Office (YJCO).

All family and significant others must be an approved visitor as per this policy and *the Facilitating Contact with Family / Significant Others Procedure*. [REDACTED]

[REDACTED]

[REDACTED]

11.1 Booking an AVL visit

Prior to an AVL visit between a young person and a family or significant other occurring, a confirmed booking must be made with a YJC and the YJCO. The YJCO and YJC must work collaboratively to coordinate the visit between the young person and their family or significant others.

11.2 AVL visit rules

The YJC and YJCO must implement standard arrangements for monitoring the AVL visit to confirm all parties are compliant with the 'AVL Visits Rules'.

AVL visits rules include:

- the number of visitors will be at the discretion of the Area Manager
- the length of the visit will be decided on by agreement of both the YJC and YJCO
- all visitors must be pre-approved through the normal visitor approval process on CIMS prior to the visit
- all visitor behaviour during the visit must remain settled, with no loud or inappropriate language or disruptive behaviour
- all visits will be monitored by employees from YJNSW
- all items taken into a visit must be approved by the local area manager
- during an AVL visit, the following items are not permitted in the YJCO visiting area:
 - mobile phones
 - cameras
 - any other recording devices, or
 - any devices that allow access to social media sites.

[REDACTED]

The YJCO's must provide a secure, locking filing cabinet or similar, for visitors to lock personal items in and for the visitors to maintain the key during the visit.

Visitors must be informed, during the organisation of a visit, that they will be required to lock away all personal items during the visit and where possible should avoid bringing personal items to the YJCO, when participating in an AVL visit.

[REDACTED]

12 National Security Interest (NSI)

Visitors and those seeking to have telephone contact with NSI designated young people must first be approved by the Director of Custodial Operations, unless they are from an *exempt body or person*.

Prior to the Director Custodial Operations considering contact approval for a NSI young person, a Criminal Record Inquiry is required. [REDACTED]

[REDACTED]

[REDACTED]

The *'Information for visitors to NSI young people'* resource may be provided to people seeking contact with NSI young people.

Outside of the escalated approval level and requirement for a Criminal Record Inquiry, the remainder of this policy and associated procedures apply for the management of visits to NSI young people.

13 Appeal decision for non-approval to visit

If the person is not satisfied with the outcome of the decision not to approve a visit to the young person at a particular centre, they have the right to appeal the decision to the Executive Director.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 References

14.1 Legislation

Children (Detention Centres) Act 1987

Children (Detention Centres) Regulation 2015

14.2 Policy

Professional Visits Policy

14.3 Procedure

Visits by Family & Significant Others Procedure

Visits by Oversight Bodies Procedure

Visits by Legal Representatives Procedure

Visits by Contractors Procedure

Visits by Police Procedure

Visits by Media Procedure

Termination of Visits: Restricting and Banning of Visitors Procedure

Arunta Controlled Telephone System Procedure

14.4 Resources

YJNSW Rules for AVL Visits

YJNSW Community AVL Visits Fact Sheet.

15 Document information

Title:	Personal Visits and Contact Policy
Business Centre:	Operations Unit
Author:	Project Officer
Approver:	Director, Policy and Practice
Date of Effect:	December 2019
Next Review Date:	██████████
File Reference:	18/02823
Document Reference:	D18/26231
Key Words:	Personal, visit, safety, security, centre, family, significant, community, group, connections, contact, accommodation, travel, financial assistance

16 Document history

Version	Date	Reason for Amendment
1	December 2019	New policy developed to provide direction and instruction in relation to young people maintaining contact with family, significant others.
