

# Professional Visits Policy

## Essential Summary

This policy provides a framework for Youth Justice Centre (Centre) employees to effectively facilitate, manage and supervise professional visits.

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

- providing safety and security inductions for visitors to a Centre
- providing appropriate support and assistance to the various types of visitors
- supporting young people to maintain contact with key stakeholders and oversight bodies, external to YJNSW.

The individual procedures for Visits by: Oversight Bodies, Legal Representatives, Police, Media, Contractors and Community Groups/ Representatives must all be read in conjunction with this policy.

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# 1 Scope

This policy applies to all YJNSW employees who coordinate, approve, manage and supervise professional visits in a Youth Justice Centre.

# 2 Purpose

The purpose of this policy is to:

- provide a framework for the administration and management of professional visits
- assist employees to support young people to have and maintain contact with professional visitors
- set out how employees 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 Youth Justice Centre.

**Centre Program Committee (CPC)** means a joint partnership between the Department of Education and Youth Justice NSW. The CPC is responsible for overseeing the planning, risk *classification, implementation and evaluation of all programs*

**Employee means people employed** by YJNSW on a permanent, temporary or casual basis.

**Exempt body** means 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** means a Member of Parliament, a legal practitioner or a police officer

**Field Officer** means a field officer appointed by the Aboriginal Legal Service, or a field officer of any other organisation that provides legal or other assistance to Aboriginal persons or Torres Strait Islanders and that is approved by the Secretary.

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

**Oversight Bodies** means external bodies who are involved in ensuring accountability of a government agency, department, sector or division. For the purpose of this policy oversight bodies include: the NSW Ombudsman, Inspector of Custodial Services and Official Visitors.

## 4 Safety and security overview, briefing, and induction

All visitors to a centre must attend and complete either a safety and security overview, safety and security briefing or a full safety and security induction prior to entering a centre.

### 4.1 Safety and security overview

For one-off activities, such as visit by media, police or legal representative, the centre must provide a minimum safety and security overview. This overview may apply to:

- media
- NSW Police
- legal representatives
- contractors who are working at a centre for no longer than one day to carry out emergency minor repairs/ improvements
- the NSW Ombudsman
- Inspector of Custodial Services (ICS)
- community groups

At a minimum, a safety and security overview must include:

- visit supervision information
- awareness of the potential for harm to self or others
- emergency procedures
- equipment management – accountability, security
- procedures for entering and exiting the centre, including signing visitors book
- supervision while in the centre
- the importance of clean up at the completion of repairs by contractors
- contraband

After the overview visitors must sign and date a *Safety and Security Overview Checklist* acknowledging they have received and completed the overview.

### 4.2 Safety and security briefing

For activities, works or programs that will be conducted over multiple sessions and days, the centre must provide a safety and security briefing. This briefing may apply to:

- contractors who are working at the centre for long periods of time e.g. capital works/major repairs
- external government department representatives delivering programs to young people
- community groups
- external non- government program providers
- Community caseworkers

At a minimum, a safety and security briefing must include all items covered in a safety and security overview plus:

- first aid procedures and infection control
- location of security equipment - for example, telephones and duress alarms
- management of equipment - counting in and counting out
- security awareness
- employees' roles - who to report problems to during a program

A copy of the following policies must be read by the visitor and discussed for clarity if necessary:

- Child Safety and Mandatory Reporting Policy
- Code of Ethics and Conduct Policy
- Contraband Policy

YJNSW community caseworkers are not required to be given copies of the above policies, as these form part of their required knowledge within their role. YJNSW community case workers have access to and can review these policies in the Operations Manual on the Intranet at any time.

After the briefing, visitors are required to sign and date a *Safety and Security Briefing Checklist* acknowledging they have received and completed the above safety and security briefing.

### **4.3 Full safety and security induction**

For activities conducted by persons who are not directly supervised by an employee of YJNSW while in a Centre. This induction applies to:

- Official Visitors and any other representatives of the Inspector of Custodial Services
- Ombudsman representatives
- Chaplains
- Department of Education internal centre school employees

At a minimum a full induction must include all items covered in a safety and security overview and briefing plus the following documents must be discussed:

- Emergency Manual (local centre)
- centre routines
- risk assessment of programs and young person behaviour
- risk assessment techniques (WHS risk assessments)

A copy of the following policies and procedures must be read by the visitor and discussed for clarity if necessary:

- Key Security Policy
- Centre Routines Procedure
- Closed Circuit Television and Radio Communication (CCTV) Policy and CCTV Procedure

After the induction visitors will be required to sign and date a *Safety and Security Induction Checklist* acknowledging they have received and completed the above full induction.

### **4.4 Validity of induction**

All inductions are valid for 12 months and must be renewed upon the expiry date. The validity will also expire in the following circumstances:

- when changes to centre routines and operational processes occur
- at the discretion of the Centre Manager
- if a visitor does not adhere to the working conditions of the centre as outlined in the induction

Centre management must keep a record of expiry dates for safety and security briefings and full inductions to ensure they are renewed on the required date.

## 5 Working With Children Check Clearance

Any person, above the age of 18, requesting to visit a young person in an YJNSW centre in a professional capacity must be subject to a Working with Children Check (WWCC) clearance, unless exempted under the Child Protection (Working with Children) Regulation 2013. WWCC Exemptions

Part 4 of the *Child Protection (Working with Children) Regulation 2013* outlines the following circumstances in which a person may be exempt and therefore not be required to undergo a WWCC, even if they are performing 'child related work';

- are children (under the age of 18)
- are a parent or close relative of a child (except where the work is part of a formal mentoring program or involves intimate, personal care of children with a disability) volunteering with a team, program or other activity in which the child usually participates or is a team member
- perform administrative, clerical, maintenance or ancillary work not ordinarily involving contact with children for extended periods
- perform very short-term work (for up to five days in a year) with minimal direct or unsupervised contact with children
- perform very short-term work as a visiting speaker, adjudicator, performer, assessor or other similar visitor for a one off occasion, in the presence of one or more other adults
- perform informal domestic work (not on a professional/commercial basis)
- work only with close relatives (except as an authorised carer)
- are co-workers and supervisors where a child works
- are interstate visitors working or volunteering for a period of up to 30 days in the same calendar year and either:
  - working or volunteering at one-off event such as, a sporting or religious event, or
  - working or volunteering - if the person holds an interstate WWC, or is exempt from the requirement to have such a check in his or her home jurisdiction.
- are health practitioners working in NSW from interstate for less than five days in any three-month period
- are home carers with a current police certificate for aged care where the clients are not primarily children
- are NSW Police or Australian Federal Police officers in the role of police officer, or
- are private practice health practitioners who do not ordinarily treat children without other adults present.

### 5.1 WWCC Verification Process

All visitors that require a current WWCC must obtain one prior to a visit and submit the details of the check at least two weeks prior to visit to allow time for verification.

Centre management must keep register of all visitors who fall within the requirements of needing a WWCC. The register must document the name of the visitor, agency or organisation, WWCC number and date of expiry.

If the requester is exempt from a WWCC, it is at the discretion of the Centre Manager to allow the visit. It is the responsibility of the Centre Manager to provide an explanation of the reasons for the refusal to allow entry into the centre when applicable.

YJNSW employees do not need to present their WWCC prior to visiting a YJC. These checks are managed and stored by the relevant YJNSW business unit.

## 6 Visitor photo identification

All professional visitors must present photo identification each time they visit a centre, and carry this with them as required.

YJNSW employees are required to present their YJNSW identification and may be asked to provide their driver's license for verification.

The Director Custodial Operations may approve professional visitors without photo identification if there are extenuating circumstances.

## 7 Recording Visits

The recording of all professional visitors to a centre is essential to YJNSW for review and auditing purposes.

For the purpose of maintaining a record of all visits to a centre, all professional visitors must sign in and out of the *Centres Visitors Book*.

A cross reference of the *Centre Visitors Book* with the visitor's identification must be conducted during the initial visiting process, prior to the visitor being allowed to enter the centre.

## 8 Caseworkers and Legal Representatives

People included in this section are:

- legal representatives or legal practitioner's clerk
- field officers
- diplomatic or consular representatives of a national or international organisation
- caseworkers from an approved external organisation or government department
- Youth Justice Caseworker (community)

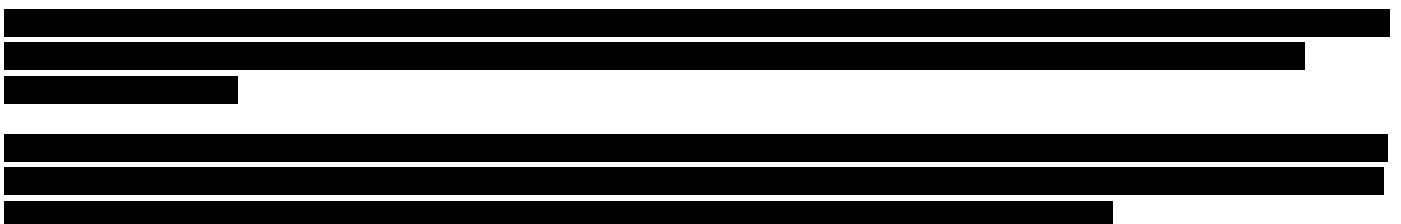
### 8.1 Appointment times

Community caseworkers and legal representatives must book an appointment to visit a young person, during normal business hours.

The Centre Manager may give approval for a legal representative or caseworker to visit a young person outside of business hours, if it is in their opinion that the visit is convenient and practicable in regards to centre routines and supervision requirements. These visits must be pre-arranged and booked in advance.

### 8.2 Duration and access to young people by legal representatives

The duration and number of visits by a legal representative must not be restricted; the only exception being if centre safety and efficient operations are affected. In this case, arrangements should be made for a legal representative to return to the centre at a more appropriate time.





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 8.3 Supervision during visits

YJNSW is responsible for the safety and security of both young people and visitors. Meetings may be held in an interview room with ongoing visual supervision provided.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 8.4 Accessing briefs of evidence

Within 48 hours of the Brief being received at the centre, YJNSW must make contact with the young person's legal representative and arrange a suitable time for them to visit the centre and go through the Brief with the young person. If the young person does not have an identified legal representative, YJNSW must arrange for the young person to see the visiting Legal Aid representative.

### 8.5 Other professional visitors

Visits by field officers, diplomatic or consular representatives of a national or international organisation and employees from an approved external organisation or government department, must be organised and supervised as per a legal representative visit.

## 9 Audio Visual Link (AVL)

YJNSW utilise AVL technology to assist young people in maintaining contact with their legal and case management professionals.

### 9.1 Legal

YJNSW employees are not permitted to be in the AVL suite while a young person is having a visit with their legal representative. Meetings between a young person and their legal representative are confidential and neither the young person nor the legal representative is required to provide YJNSW employees with any information discussed during the visit.

### 9.2 Case management

Caseworkers may use AVL to conduct background report assessments, participate in case conferences, provide custodial support and attend case management meetings with other stakeholders.

The use of AVL with young people in a Centre does not automatically replace face-to-face contacts, however may be used as an additional tool for engagement when face-to-face contacts cannot be managed due to logistical or operational issues.

## 9.3 Supervision

All young people using AVL technology to participate in an interview with a caseworker or legal representative must be supervised by centre based employees. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## [REDACTED] groups or representatives

Community groups or representatives who may visit a centre and use its facilities include:

- service providers/youth agencies – to conduct programs with young people or attend meetings and conferences
- sporting organisations or teams-for sport training and recreation programs with young people
- other organisations whose services are relevant to young people

## 10.1 Request to visit

A *Request for Community Group/Representative Visit Form (CIMS)*, by a community group or representative to visit a specific young person or group of young people must be completed and submitted prior to the visit taking place to allow for the completion of a risk assessment and prior approval at the next Client Services Meeting (CSM).

The request must outline the purpose of the visit and how it will benefit the young person. The benefit may be through either individual case management support or through the delivery of a group program developing cultural, sporting or educational skills.

All relevant request forms and documents must be completed and submitted two weeks before the proposed visit date to allow sufficient time for verification processes required by the appropriate employees within Client Services Meetings (CSM), Centre Programs Committee and Recruitment Team.

## 10.2 Approval to visit

Every visit to a centre by a community group or representative must be approved by the Centre Manager. Wherever possible, a request for a community group or representative to visit the centre must be submitted at least two weeks in advance of the proposed visit. This will allow due consideration to be given to the request, security precautions, and the need for pre-employment screening to be conducted on the proposed visitors.

If visitors will be attending the centre on more than one occasion over a period of time, as part of a program, only one request at the start of the program is necessary. The initial approval will apply for the duration of the program, unless problems are experienced. Problems or concerns must be reported to the Centre Manager, and the continuation of the program will then be reconsidered.

A community group or representative may only visit with the young person or group of young people that they have been approved to have contact with.

### 10.3 Security & Intelligence (S&I) Unit Check

Community representatives or groups requesting to visit a centre to deliver a program or conduct an activity must also undergo a security check by the YJNSW Security & Intelligence Unit (S&I). This does not apply to police officers, government employees or people in roles that require a police check for their appointment. This check is to inform the Centre Manager's decision to approve the visit.

The following information must be obtained prior to the visit, and forwarded via an emailed request to [REDACTED]

- organisation name
- program / activity name
- the representative's full name, date of birth, address and drivers licence (if they have one)
- current Working With Children's Check number (if required under the Child Protection (Working with Children) Regulation 2013).

This check is sourced from a third party and therefore requires the above, required information to be accurate, spelled correctly and submitted within a minimum two week period in order for the check to be actioned. Findings from the check will only be reported to the Centre Manager to inform their final decision.

[REDACTED]

[REDACTED]

### 10.4 Time limits on approval

A limit of 12 months applies to all community representatives or community group visit applications for attendance on a scheduled basis. A new request for approval to continue the visits must be submitted at the end of the 12 months.

An assessment of the approved visits must be carried out by YJNSW every 6 months to verify the benefits and identify any changes to the program to meet the previously approved conditions.

## 11 Oversight bodies

Representatives from oversight bodies, such as the NSW Ombudsman, Inspector of Custodial Services and Official Visitors, visit centres regularly to monitor and report on the ways in which centre operations manage young people in custody.

### 11.1 Role of the NSW Ombudsman

The primary role of the Ombudsman is to be an independent review body of government agencies and services. The main functions of the Ombudsman in relation to YJNSW are to:

- where practicable, appropriately deal with complaints and attempt to achieve a resolution at a local level
- review policies, procedures and practices of Centres to ensure compliance with the law and good practice
- review handling of child abuse allegations and convictions by persons and bodies within jurisdiction
- provide a fresh and independent perspective on Youth Justice centre operations and identify possible improvements to general operations and service delivery to groups and individuals.

Information explaining the roles and responsibilities of the Ombudsman must be included and therefore be accessible to young people in the centre's Young Person Handbook (*Inducting Young People Procedure*).

When the Ombudsman visits a centre they will gather information about decision-making and administrative processes relating to a young person's management, as well as complaints or grievances made by young people by:

- speaking to young people and employees
- inspecting the centre
- auditing centre records, and
- following up complaints and issues for a swift resolution.

## 11.2 Role of the Inspector of Custodial Services

The Inspector of Custodial Services is an independent oversight body responsible for examining the operational and administrative management of the conditions, treatment and outcomes of young people, as well as adults, in custody.

At least once every three years the Inspector is tasked to outline their findings and make recommendations about issues of concerns arising from Centre site inspections in a formalised report to Parliament.

It is also the responsibility of the Inspector of Custodial Services to oversee the Official Visitors Program by advising, training and assisting Official Visitors in the exercise of their mandated functions under the *Crimes (Administration of Sentence) Act 1999* and the *Children (Detention Centres) Act 1987*.

## 11.3 Role of an Official Visitor

Official Visitors are appointed by the Minister to independently monitor a Youth Justice Centre's operations in regards to the treatment of young people, the standard of care provided, and the provision of programs and services for a young person's rehabilitation.

The following responsibilities of an Official Visitor are outlined in the *Official Visitors Scheme*. This includes an Official Visitor's responsibility to:

- advocate on behalf of young people,
- protect the rights of young people in YJNSW Centres,
- deal with the complaints and grievances of young people, and
- assist families to raise and resolve issues or concerns.

The Centre Manager must provide the means for all young people to be informed of the *Official Visitors Scheme* during the induction process and at any time thereafter when needed.

An Official Visitor is not required to give notice prior to visiting a centre.

## 11.4 Confidential supervision

Any interviews conducted by oversight body representatives are confidential and are to be supervised as outlined in the *Visits by Oversight Bodies Procedure*.

However, under no circumstances is an oversight body representative to conduct an interview in a locked room or the young person's accommodation room.

## 11.5 Access to centre records

The Ombudsman must be given access to any centre records relevant to the issue(s) they are attempting to resolve. This is provided for in *Section 37D of the Children (Detention Centres) Act 1987*. In other words, access to records must be provided to the extent necessary to allow them to carry out the functions and duties of the office effectively.

An Official Visitor must be given access to any of the centre's records that are relevant to any issue they are attempting to resolve in their formal capacity. In other words, access to records must be provided to the extent necessary to allow the Official Visitor to carry out functions and duties of the office effectively.

For an Official Visitors to access records of a young person 12 years of age and above, permission must be given by the young person. If the young person refuses to allow access to their records, centre management must engage the young person's key worker or psychologist to discuss the benefits of giving permission. However, if the young person still refuses to allow access, the Centre Manager can override the refusal if they believe it is in best interests of the young person to do so.

The Inspector of Custodial Services is entitled to full access to the records of centres (including health records) and may make and retain copies or extracts of these records. Centre management teams may also be required to coordinate the provision of documents to the Inspector concerning the centre's operations.

## 11.6 Access to and by young people

An oversight body representative must not be denied access to a young person, and a young person must not be denied access to an oversight body representative that they have requested to see. The only occasion contact may be restricted is where such contact would pose a threat to the safety and security of the young person, the visiting oversight body representative or the Centre.

# 12 Police

## 12.1 Approval and preparing for a Police interview

Under *clause 31 of the Children (Detention Centres) Regulation 2015*, a Centre Manager must approve all visitors to the centre; this includes the Police wishing to interview a young person.

Under the above clause a visit must be prearranged for an interview purpose and the 'visit to a young person by a police officer in the course of the police officers' official duties, must take place within the sight and hearing of a juvenile justice officer'. However, this does not mean that the officer is acting as a support person for the young person (section 11.4 of this policy).

When the Police request to interview a young person in regards to an investigation of an offence, they must be encouraged to conduct the interview at the Centre.

A police interview with a young person will normally occur if:

- It is alleged a criminal offence has been committed by a young person, employee or visitor at centre. Following the interviews with all people involved and witnesses to the event the police may consider criminal charges against one or more people at centre. In the case of young people, police may consider options under the *Young Offenders Act 1997* (e.g. administering a caution or referral to Youth Justice Conferencing).
- A young person has been accused of an offence in the community before detention but has not been charged. In this case police may interview young person to ascertain if there are grounds for them to be charged.
- A young person is arrested without a warrant under Section 99(4) of the Law Enforcement (Powers and Responsibilities) Act 2002 ("the LEPR Act"). A police officer who arrests a person, under this section, must take the person and any property found on person before an authorised officer to be dealt with according to law, as soon as practicable.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## 12.2 Young Person’s Right to Legal Advice

Following the Centre Manager’s approval, the young person must be given the opportunity to obtain legal advice prior to the police interview. [REDACTED]

[REDACTED]; this however must not prevent the young person from contacting a legal representative to seek advice prior to the interview commencing.

If the young person does not have pre-arranged legal representation, it is the responsibility of the centre management to contact the *Children’s Legal Service or Aboriginal Legal Service* and arrange a phone call or visit between the young person and an appropriate solicitor. The Legal Aid Hotline 1800 10 18 10 is contactable between 9:00am and midnight on weekdays and 12 noon till midnight on the weekend.

## 12.3 Young Person’s Right to Silence

Under sections 89 and 89A of the *Evidence Act 1995* a young person has the right to silence and therefore the right to refuse the police’s request to be interviewed. A young person over the age of 16 can formally refuse to be interviewed, or alternatively, if under the age of 16, the young person’s parent/carer can refuse on their behalf.

This right to silence includes the right to refuse to make a statement, sign any documents, be recorded and/or enter the interview room or police station. The only information a young person must provide to the police is their name and address, as it may considered an offence to refuse to give these details.

If the young person, or in the required circumstances their parent/ carer, agree to the police interview, they can tell the police at any stage of before or during the interview that they no longer wish to be interviewed. The young person can also refuse to go “on record” as declining to be interviewed.

Under no circumstances, once a young person or, where required, their parent/ carer refuses, may a YJNSW employee force a young person to attend or participate in a police interview. A young person must be supported to seek legal advice and come to their own decision that is in their best interest.

## 12.4 Support person for police interviews

NSW Police must arrange for an independent support person to be present prior to interviewing a young person.

YJNSW must maintain a centre based independent support person list. The list must be culturally diverse and include Aboriginal people who can act as observers for Aboriginal young people, in addition to people from other ethnic communities who reflect the centre's population.

The support person for these interviews must be either:

- a young person's parent or significant other (identified as undertaking parental responsibility for the young person), or
- a person independent of both the police service and YJNSW, selected or agreed upon by the young person who is 16 years or over

If the police or the centre is unable to locate a suitable independent observer, the centre may contact the Chaplain. The Chaplain may agree or refuse to act as observer, depending on:

- conflict of interest
- their work commitments at the time the young person is being interviewed
- any issues that may cause a conflict

The young person must agree to the Chaplain being the support person for the interview.

YJNSW employees are not permitted to act as a support person for a young people.

## 12.5 Complying with Police investigations

[REDACTED]

## 12.6 Weapons

NSW Police Officers are not permitted to carry weapons into a Centre for the purpose of conducting interviews or DNA forensic procedures. Police must secure their weapons in a secure weapon safe for the duration of the visit.

The only time a police officer is permitted to possess weapons in a Centre is when an incident is occurring (e.g. disturbance or hostage situation) and police are assisting with that incident.

In line with Schedule 1 of the Weapons Prohibition ACT 1998 the following items are defined as Weapons and therefore are to be stored in the weapons safe when Police Officers are entering a YJNSW centre along with all firearms:

(17) A side-handled baton or any similar article consisting of a baton, staff or rod that is made of any hard substance...

(18) Any hand-held defence or anti-personnel device that is designed to administer an electric shock on contact.

(18A) A Taser gun or similar anti-personnel conducted energy.



(18 B) A cartridge or similar device that is designed to propel probes or prongs from a weapon referred to in subclause (18A).

(22) Any device designed or intended as a defence or anti-personnel spray and that is capable of discharging by any means any irritant matter comprising or containing any one or more of the following substances in liquid, powder, gas or chemical form:

- (a) chloroacetophene, known as CN
- (b) orthochlorobenzalamalonoitrile, known as CS
- (c) dypenylaminechloroasone, known as DM or Adamsite
- (d) Oleoresin capsicum, known as OC (Capsicum spray)

## 13 Contractors

### 13.1 Safety and security

At no time should contractors be near young people even when under the direct supervision of YJNSW employees. [REDACTED]

The law, including the *Work Health and Safety Act 2011*, requires YJNSW to ensure its employees and contractors (and employees of contractors) carry out their work in safe premises, using proper and safe plant and substances, and employing safe systems of work for which there has been adequate training and supervision.

### 13.2 Induction responsibilities

Contractors must be inducted before starting work at a centre.

Department of Education School Principals are responsible for ensuring contractors are inducted before starting work in their area within a centre. YJNSW is responsible for ensuring that all contractors complete an induction prior to commencing work within the remainder of the centre. A local induction package and processes must be developed for use of keys, alarms and other centre resources by contractors.

When a contractor is called to a centre for emergency or minor repairs, a maintenance officer must be available to assist the contractor. If after hours and a maintenance officer is not on shift, another officer must be made available to assist the contractor. Assistance may include helping contractors to locate and access property services.

The Public Works Advisory is responsible for employment and supervision of contractors working on major works in Youth Justice Centres; however it is still the centre's responsibility to complete the contractor's induction before commencing work.

## 14 Media

### 14.1 Approval of media visits

Requests from media organisations to visit a Centre can only be approved by the Executive Director.

In the first instance, centre managers seeking a decision for a media visit or project must contact the Corporate Affairs Unit, who will then consult with the Executive Director. Once a decision is made, it is then



the responsibility of the Department of Communities and Justice media unit to liaise with the media organisation to inform them of the decision.

If a visit is approved, it is the responsibility of the Centre Manager, in consultation with the Corporate Affairs unit, to prepare for the visit. Centre Managers will normally be assisted and advised by employees from the Corporate Affairs unit throughout this process.

## **14.2 Responsibility for media visits**

The primary responsibility for media visits is with the Centre Manager. Given the potentially sensitive nature of these visits or projects, it is imperative the Centre Manager has first-hand knowledge of all procedures; before, during, and after a visit.

If the media are to be involved on a long term project, (e.g. making a documentary) which involves having contact with young people, it is the Centre Manager's responsibility to confirm that all police checks and Working with Children Checks, including verification, are conducted prior to the commencement of the visit or project.

## **14.3 Consent**

Parental consent must be sought before a young person under the age of 16 years, can be interviewed or participate in a media project.

For young people 16 years old and over, their parents and/or guardians must be notified in advance and invited to contact the centre if they wish to be provided with further information, or to discuss the matter further.

A young person, who is 16 years and over, participating in a media project, must give their written consent to participate prior to the project commencing.

## **14.4 Control of media reports and presentations**

Once interviewed, filmed or photographed a young person or employee involved in a media project will have no control over the final content of the printed article or television program. Media organisations justify this on the basis of public interest, namely, that news should not be subject to censorship or influenced by external opinion.

Young people and employees who are considering being involved in a media interview or project must have this condition clearly explained to them before they agree to participate.

Both media units (YJ and DCJ) will insist on the right to view a film or photo-documentary and make recommendations for change, where content is considered potentially damaging to any young person involved.

This right does not extend to printed media or news and current affairs programs.

It is considered good practice to keep the parents or guardians of young people who have participated in a media project informed of the date and format of the release of the information.

## **14.5 Protecting the identity of young people**

Identification of a young person in public is prohibited. DCJ media unit must take all reasonable precautions to protect a young person's identity. Media agencies are not permitted to disclose a young person's identity.

Extreme caution must be taken when a young person's criminal proceedings have not been finalised to ensure that a young person is not prejudiced, or likely to be prejudiced, in any way by participating in a media visit or project.

Publications and broadcasts which may affect pending legal proceedings are subject to law concerning criminal contempt and may be punishable as such.

## 15 References

### 15.1 Legislation

*Children (Detention Centres) Regulation 2015*  
*Child Protection (Working with Children) Regulation 2013*  
*Crimes (Administration of Sentence) Act 1999*  
*Evidence Act 1995*  
*Work Health & Safety Act 2011*  
*Law Enforcement Powers and Responsibilities Act 2002*  
*Young Offenders Act 1997*  
Weapons Prohibition ACT 1998

### 15.2 Policy

Case Management Policy  
Contraband Policy  
Child Safety and Mandatory Reporting Policy  
Closed Circuit Television Policy

### 15.3 Procedure

Inducting Young People Procedure  
Visits by Oversight Bodies Procedure  
AVL Court Procedure  
Visits by Legal Representatives Procedure  
Visits by Contractors Procedure  
Visits by Police Procedure  
Visits by Media Procedure  
Termination of Visits – Restrictions and Banning of Visitors Procedure  
Closed Circuit Television Policy

### 15.4 Forms

Request for Community Group/Representative Visit Form (CIMS)  
Safety and Security Overview Checklist  
Safety and Security Briefing Checklist  
Safety and Security Induction Checklist

## 16 Document Information

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**Title:** Professional Visits Policy

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**Business Centre:** Operations Unit

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**Author:** Project Officer

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**Approver:** Director, Policy and Practice

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## 17 Document History

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Version	Date	Reason for Amendment
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1	December 2019	New policy created to provide direction and instruction in relation to professional visits and visitors to a Youth justice centre.
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