

Managing Non-Compliance and Breach Procedure

Essential Summary:

Audience

Youth Justice Caseworker (Community)

Assistant Manager (Community)

Area Manager

Executive Director

When to use this procedure:

Use this procedure when a young person fails to comply with a condition of their court order or bail agreement (supervised bail only).

For information regarding managing non-compliance of section 24 (1) (c) orders refer to *Section 24 (1) (c) Conditional Discharge Procedure* and supporting resources.



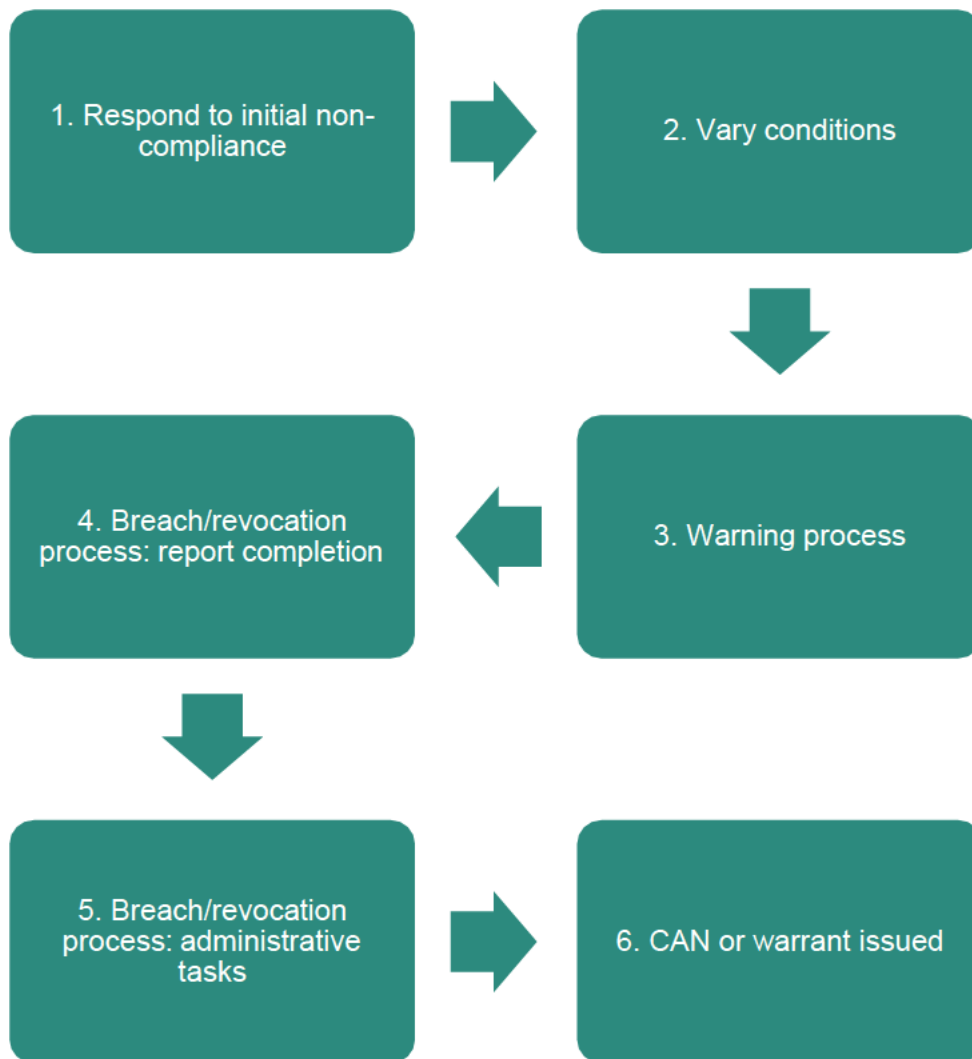
When using CIMS refer to CIMS Click

DOCUMENT DETAILS	
Version:	0.7
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Ensure that this document is the latest version to use	

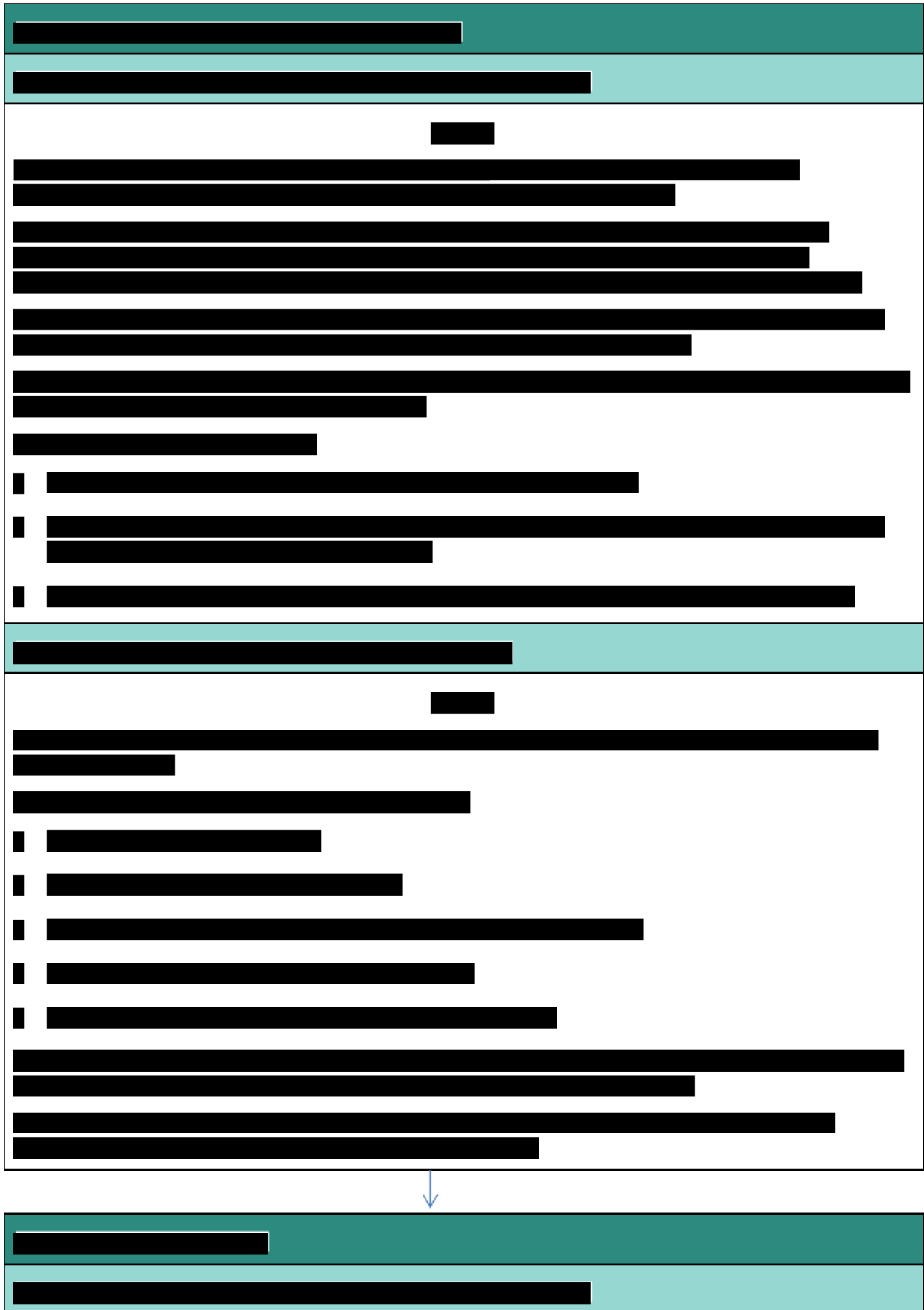
1 Purpose

This procedure provides instructions on managing a young person's non-compliance or reoffending. It outlines the steps and processes involved when completing a warning, breach or revocation process and when a Court Attendance Notice (CAN) or warrant is issued in response.

2 Process Map



3 Procedural Steps



Tasks

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4 Approvals Table (if required)

Task/item requiring approval	Approval Level
Submission to extend CSO period	Area Manager
Submission to increase CSO hours	Executive Director
Warning letters	Assistant Manager (Community)
Breach of bail report	Assistant Manager (Community)
Notification of alleged breach / application to revoke report	Assistant Manager (Community)
Update report for parole review hearing	Assistant Manager (Community)

5 Legislation:

This procedure is supported by the following legislation:

- *Children (Criminal Proceedings) Act 1987*
- *Children (Criminal Proceedings) Regulation 2016*
- *Children (Detention Centres) Act 1987*
- *Children (Detention Centres) Regulations 2015*
- *Bail Act 2013*
- *Children (Community Service Orders) Act 187*
- *Children (Community Service Orders) Regulation 2015*
- *Graffiti Control Act 2008*
- *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*

6 Supporting documents:

This procedure is supported by the following documents:

Related policies

Managing Non-Compliance and Breach Policy

Parole Policy

Case Management Policy

Children's Community Service Order

Bail Policy

Field Work Safety Policy

Related procedures

Bail Supervision Procedure

Case Management Procedure

Community Service Order Procedure

Community Clean Up Orders Procedure

Parole Procedure

24 (1) (c) Conditional Discharge Procedure

Field Work Safety Procedure

Forms

Application – Failure to Comply with Good Behaviour Bond

Application – Failure to Comply with Probation Order

Application – Failure to Comply with Suspended Sentence

Application for Revocation of Community Service Order

Resources

Field Work Risk Assessment Form

Court Report Writing Manual

7 Document Information

Title:	Managing Non-Compliance and Breach Procedure
Business Centre:	Operations Unit
Author:	Project Officer
Approver:	Director, Operations Unit
Date of Effect:	23 April 2018
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Key Words:	Non-compliance, breach, warning, warning letter, application for revocation, revocation

8 Document History

Version	Date	Reason for Amendment
0.7	22/11/2021	Updated references to renaming of CIMS Breach report templates and breach of parole processes
0.6	1/7/2021	Updated references to Mental Health (Forensic Provisions) Act 1990 to Mental Health and Cognitive Impairment Forensic Provisions Act 2020 to section 14 of the <i>Mental Health and Cognitive Impairment Forensic Provisions Act 2020</i> . Updated to reflect Field Work Safety Policy and procedure reference Updated references of Juvenile Justice to Youth Justice.
0.5	03/12/2018	Procedure updated to remove swearing in of breach reports in line with legislative change at end of November 2018.
0.4	23/04/2018	Breach report templates in CIMS updated and renamed. Breach and revocation action for bail supervision, children's community service orders and community clean up orders included.
0.3	26/02/2018	Procedure updated to include tasks for breach and revocation of parole orders.
0.2	September 2016	Procedure updated for release of Case Management policy and procedure replacing Community Supervision and Casework Procedure.
0.1	July 2015	New procedure released replacing standards of consideration of breach action.