



# Youth justice custodial practice manual

Secure Services

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Youth Justice Custodial Services Practice Manual (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>) > Sentence management (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management>) > Young people's legal entitlements (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-entitlements>) > Grievance procedures (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-entitlements/grievance-procedures>)

## Grievance procedures

- Young people in custodial precincts are entitled to make complaints about the standard of care, accommodation or treatment they receive.
- A clear and transparent grievance procedure:
  - helps to ensure fair treatment
  - allows precincts to continuously improve services
  - shows young people that they have legitimate ways to address issues rather than through conflict
  - reinforces the positive behaviours expected of both staff and young people.

### When to use this procedure

At all times when working with young people in custody.

### What else you need to know

Make sure you have read and understood the following procedures:

- [Young people's legal entitlements](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-entitlements) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-entitlements>)
- [Orientation to custody](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/admission-to-custody/orientation-to-custody) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/admission-to-custody/orientation-to-custody>)
- [Client incident reporting](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-management/client-incident-reporting) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-management/client-incident-reporting>)
- [Significant Event Case Notes](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/significant-event-case-notes) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/significant-event-case-notes>)

[manual/case-management-education-and-employment/case-managment/significant-event-case-notes\)](#)

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## **Staff responsibilities**

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Find your role below to see what your responsibilities are.

- [Unit staff](#)
  - [All staff](#)
  - [General Manager](#)
  - [PYJP General Manager](#)
  - [Unit Manager](#)
  - [Unit Managers and Unit Coordinators \(PYJP\)](#)
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### Unit staff

#### **When young people are received into custody**

- As part of the induction process, give the young person a copy of the **What I need to know** booklet and tell them about the grievance procedures outlined here.

#### **If a serious grievance is raised against a staff member**

- Help the young person to put their complaint in writing with as much detail as possible. Do not paraphrase or suggest wording to the young person. Report the grievance to the Unit Manager.
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### All staff

#### **When a young person has a complaint about any aspect of their care in custody**

- Help the young person to resolve their complaint using the guidelines in this procedure.
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### General Manager

## **At all times**

- Ensure that all young people know about their entitlements while in custody, including the right to make a complaint.
- Ensure that procedures for grievances below are followed and implemented.
- Ensure that the Ombudsman's office has free access to the precinct.

## **If a serious grievance is raised against a staff member**

- Advise the relevant Unit Manager on a process to be followed.
  - Once the grievance has been investigated, consult with the Unit Manager on the outcome, including how this is to be communicated to the young person and any remedial actions to be taken.
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## **PYJP General Manager**

### **Before visits from the Independent Visitors Program**

- Brief the Visitors about any issues or concerns in the precinct.

### **After visits from the Independent Visitors Program**

- Follow up any issues that could not be resolved at the local level.
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## **Unit Manager**

### **At all times**

- Ensure that regular community meetings are held in the unit to give young people the chance to discuss any concerns they have about their treatment while in custody and conditions on the units.

### **Where a dispute between a staff member and a young person has not been resolved at a lower level**

- Take action to resolve the dispute and provide advice to both parties on what is to occur from here.

### **If a serious grievance is raised against a staff member**

- Inform the General Manager of the grievance.
- Promptly investigate the issue and provide a response to the General Manager. If required, request assistance from Human Resources.
- In the case of any criminal matters, notify the police within 24 hours of the complaint being

received.

- Ensure appropriate documentation, including a Client Incident Report or Significant Event Case Note is completed.
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## Unit Managers and Unit Coordinators (PYJP)

### During visits of the Independent Visitors Program

- Ensure that Visitors are able to move freely around units and meet safely with young people and staff. Help them to resolve any issues identified during the visit.
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### The procedure in detail

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- [Introduction](#)
  - [Complaints made to unit staff](#)
  - [Ombudsman Victoria](#)
  - [Independent Visitor Program](#)
  - [Grievances raised by family members and others](#)
  - [Serious allegations against staff](#)
  - [Client exit interviews](#)
  - [Contact details](#)
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## Introduction

This procedure outlines the processes that allow young people to raise issues or make complaints about their conditions or treatment in a custodial precinct.

Under s. 482(2)(e) of the *Children Youth and Families Act 2005*, young people in custodial precincts are entitled to complain to the Secretary or the Ombudsman about the standard of care, accommodation or treatment which they are receiving in the precinct. In addition, young people can make a complaint to precinct staff or management, and can speak with Independent Visitors when they visit the precinct.

By the very nature of being in custody, management and staff have a great deal of power to affect the day-to-day lives of young people, as well as being able to influence their access to services, family and desired items.

A fair system for dealing with young people's grievances helps to maintain a constructive environment not only by preventing resentment, anger and acting-out behaviour, but also by reinforcing the types of positive values, standards and behaviour that are expected from staff as well as young people.

In order to best support the young person, and to improve the services we provide, you must act promptly on all grievances, with the aim of resolving them at the most immediate level. If this is not successful, complaints can then be referred on for resolution.

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## Complaints made to unit staff

The first step for young people who have a concern about any aspect of their treatment is to talk to their Key Worker. Alternatively, they can ask to speak to a member of the unit management team, the Unit Supervisor, Coordinator or Manager. They also have the option of writing to the General Manager of the precinct.

All grievances, irrespective of their severity, must be acted on promptly.

Where young people disagree with a decision or action that affects them, staff should ensure that the reasons for the decision are explained, to help young people understand and accept what is happening to them.

Disputes that are not resolved between a young person and a staff member must be referred to the Unit Manager for resolution.

If the dispute has a significant impact on the young person, it must be documented depending on the severity in a significant event case note or a client incident report.

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## Ombudsman Victoria

Any person who feels that they have been treated unjustly by a government department has the right to contact the Ombudsman so that their situation can be investigated. This includes young people and staff of custodial precincts.

The Ombudsman has the power to investigate administrative actions taken by any Victorian government authority.

Young people are told about the Ombudsman's role when admitted into custody as part of the induction and orientation process.

Young people can make verbal complaints or requests to an Ombudsman's representative visiting the precinct, write to the Ombudsman's office with a complaint, or telephone the duty system.

They are able to make a call to the Ombudsman at any time; phone calls to the Ombudsman are not monitored and staff do not listen to these calls.

Letters to and from the Ombudsman are strictly confidential, and must be opened and read only by the young person concerned.

You can help young people to contact the Ombudsman by explaining the process or helping them write a letter, but you must not advise them on whether or not they should proceed. The General Manager ensures that the Ombudsman's office has free access to the facility. You must facilitate and support young peoples access to the Ombudsman during visits.

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## Independent Visitor Program

The Independent Visitor Program provides information and assistance to young people to help improve their experiences in custody with a particular focus on the promotion and protection of their rights, interests and opportunities.

Independent Visitors (volunteers with the Office of the Child Safety Commissioner) visit PYJP every month and regularly attend Malmsbury Precinct. They attend allocated units and talk to young people, observe general routines and talk to staff about the services provided to young people. These visits are scheduled and visit times are posted throughout units for staff and young people's information.

Unit Managers and Unit Coordinators are responsible for Independent Visitors while they are visiting units. Wherever possible, Independent Visitors will try and resolve matters raised by young people with staff and management on the Unit. Where this is not possible, the matter will be raised with the General Manager during an exit debrief.

If young people give Independent Visitors information that suggests that there is a risk to themselves or others or to the good order or security of the precinct, Visitors will need to bring this to the attention of the General Manager.

Independent Visitors help young people to use the internal complaints processes of the precinct and support young people to resolve issues at the local level wherever possible.

They do this by discussing matters raised by young people with Unit Managers and Unit Coordinators or by letting young people know about other ways they can raise matters of concern.

You should allow Independent Visitors to walk freely within the unit to meet with young people and staff to observe the daily routine of the precinct. You should also respect young people's rights to speak confidentially and privately with the Independent Visitor if necessary, while ensuring the safety of the visitor, young person, staff and other clients.

You should look after Independent Visitors while they are on the Units and help to ensure their safety by monitoring their activities and including them in any emergency procedures within the precinct.

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## Grievances raised by family members and others

Family members, as well as other visitors, youth justice staff and service providers can make a complaint about conditions or treatment in the precincts by:

- sending a complaint form in the mail
- sending an email to [YJCS.complaint@dhs.vic.gov.au](mailto:YJCS.complaint@dhs.vic.gov.au)
- submitting a complaint form in a secure drop-box located at each precinct.

Each of these can be done anonymously if the complainant wishes.

Any complaints received are forwarded to the most appropriate person including General Manager, Client Services Manager and Business Services Manager for resolution. The information gained from the complaints received is used to improve service delivery in custodial precincts.

If the person making the complaint has provided their contact details, they will be contacted and kept informed of the outcome of the complaint.

Complainants can provide feedback about whether they are satisfied with the resolution offered in relation to their complaint.

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## Serious allegations against staff

Serious grievances involve:

- inappropriate or excessive use of force
- inappropriate or unnecessary invasion of privacy
- inappropriate disciplinary measures
- illegal behaviour.

Examples of serious grievances against staff include allegations of:

- staff assaulting young people
- inappropriate use of isolation
- theft of young peoples property
- emotional or verbal abuse
- discriminatory treatment.

If a young person has a serious grievance against a staff member, you should help them to put it in writing, including dates, times and as much detail as possible.

All serious grievances must be investigated by the Unit Manager, who will make prompt recommendations on how to resolve the issue to the General Manager.

The Unit Manager will ensure that all appropriate documentation, including a Client Incident Report or Significant Event Case Note is completed.

Any criminal matters must be referred to the police by the General Manager within 24 hours of receiving notification of the complaint.

Depending on the nature and seriousness of the complaint, follow-up of noncriminal matters could include:

- counselling of the staff member
  - discussion with the staff member's supervisor
  - other disciplinary action
  - mediation between a staff member and a young person
  - termination of the staff member's employment.
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## Client exit interviews

Most young people leaving custody, whether on parole or remissions, are offered a client exit interview. While this does not specifically seek grievances, it does give young people an opportunity to reflect and provide feedback on their time in custody, and some may choose to raise complaints at this time.

If this occurs, the person conducting the interview will ask the young person if they wish to make a formal complaint, and, if so, whether they give permission for the issue to be raised with precinct management. The issue will then be raised with the General Manager and a resolution sought.

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## Contact details

Secretary of the Department of Human Services  
50 Lonsdale Street  
Melbourne 3000

The Ombudsman  
Level 22  
459 Collins Street  
Melbourne 3000  
Telephone: 9613 6222 or 1800 806314

The Deputy Ombudsman (Police Complaints)  
Level 22  
459 Collins Street  
Melbourne 3000  
Telephone: 9613 6222

Office of the Child Safety Commissioner  
Level 20  
570 Bourke Street, Melbourne  
Telephone: 8601 5894

Legal Aid Commission of Victoria  
350 Queen Street  
Melbourne 3000  
Telephone: 9267 0234

Equal Opportunity Commission  
Level 3  
380 Lonsdale Street  
Melbourne 3000  
Telephone: 9281 7100

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Last updated: 5/3/2014

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Web Page Address: <http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/grievance-procedures>

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