



# Youth justice custodial practice manual

Secure Services

(<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>)

If you print and store this document, you may be looking at an outdated version and this may impact on your duty of care. Always check the latest version in the Youth justice custodial practice manual on the DHS intranet before taking action under this procedure. Please make sure the printed procedures are kept securely.

Youth Justice Custodial Services Practice Manual (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>) > Case management, education & employment (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment>) > Case management (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-managment>) > Therapeutic Treatment Order (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-managment/therapeutic-treatment-order>)

## Therapeutic Treatment Order

- The *Children Youth and Families Act 2005* makes provision to require young people who have engaged in sexually abusive behaviour to receive treatment.
- This procedure outlines the Therapeutic Treatment Order and the responsibilities of youth justice staff in this area.

### When to use this procedure

- When a young person in custody is also a Child Protection client and is subject to a Therapeutic Treatment Order.
- Where a staff member has concerns that a young person (aged 10 to 14) is engaging in sexually abusive behaviours while in custody.

### What else you need to know

Make sure you have read and understood the following procedures:

- [Managing sexualised behaviour](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/responding-to-challenging-behaviour/managing-sexualised-behaviour) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/responding-to-challenging-behaviour/managing-sexualised-behaviour>)
- [Collaborative case management](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-managment/collaborative-case-management) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-managment/collaborative-case-management>)
- [Individual Behaviour Management Plans](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/responding-to-challenging-behaviour/individual-behaviour-management-plans) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/responding-to-challenging-behaviour/individual-behaviour-management-plans>)

[behaviour/individual-behaviour-management-plans\)](#)

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## **Staff responsibilities**

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Find your role below to see what your responsibilities are.

- [All staff](#)
  - [Unit Coordinator](#)
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### All staff

#### **When there is a concern that a young person (aged 10 to 14) is engaging in sexually abusive behaviours in custody**

- Raise these concerns with the relevant Unit Coordinator. It is the responsibility of the Unit Coordinator to report these concerns to Child Protection.
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### Unit Coordinator

#### **When there is a concern that a young person (aged 10 to 14) is engaging in sexually abusive behaviours in custody**

- Contact the relevant Child Protection worker or area to report these concerns.

#### **When a young person is subject to a Therapeutic Treatment Order**

- Conduct a risk assessment to ensure the safety of other young people.
  - Through a case management approach, consider how the precinct will respond to the order while in custody. This may include:
    - the development of an Individual Behaviour Management Plan
    - alerts on the Daily Safety Advice forms and on CRIS
    - consideration of appropriate interventions in collaboration with Child Protection.
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## **The procedure in detail**

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- [Background](#)

- Youth justice referral
  - Case management
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## Background

Intervening early with children and young people exhibiting sexually abusive behaviour can help prevent ongoing and more serious sexual offences.

A Therapeutic Treatment Order (TTO) provides a pathway into treatment when a young person does not voluntarily seek it.

It is primarily the responsibility of Child Protection to initiate and manage TTOs.

The role of youth justice is to support the order by providing appropriate care, management and treatment responses, as required.

Sections 244–258 of the *Children, Youth and Families Act 2005* make provision for an application to be made to the Children's Court for young people (aged 10 to 14) receive, without an admission of guilt or a conviction, treatment for sexually abusive behaviours.

Sexually abusive behaviours are defined as follows:

A young person (who) has exhibited sexually abusive behaviours when they have used their power, authority or status to engage another party in sexual activity that is either unwanted or where the other party is not capable of giving consent (for example, children who are younger or who have an intellectual disability or other cognitive impairment).

Child Protection applies for a TTO to the family division of the Children's Court when they have assessed that a young person is in need of therapeutic treatment and unlikely to access treatment without the order in place.

A TTO requires the young person to attend an appropriate treatment program to address their sexually abusive behaviours.

A TTO has a maximum duration of one year and can be extended once for a maximum of 12 months. The order cannot be breached, however it can be revoked.

The *Charter of Human Rights and Responsibilities Act 2006* makes provision for the fair treatment of individuals and ensure people are treated with dignity and respect.

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## Youth justice referral

Any member of the public is able to report concerns about a child's (10–14 years inclusive) sexually abusive behaviour to Child Protection.

If a youth justice staff member has these concerns, they should raise them with the relevant Unit Coordinator.

It is the responsibility of the Unit Coordinator to report these concerns to Child Protection.

Youth justice can make a referral to Child Protection regarding suitability for an assessment for TTO where it is evident:

- that a youth justice client has exhibited sexually abusive behaviours
  - that the order is necessary to ensure the client's access to, or attendance at, an appropriate therapeutic treatment program.
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## Case management

Where dual order responsibilities exist between Youth Justice and Child Protection for a young person who is also on a TTO, regular liaison is required to monitor:

- case management practices
  - case planning decisions
  - compliance with order requirements
  - the client's participation in the required treatment order.
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Web Page Address: <http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/therapeutic-treatment-order>

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