



DEPARTMENTAL INSTRUCTION
TRAINEE BEHAVIOUR MANAGEMENT WITHIN
REMAND CENTRES AND YOUTH TRAINING CENTRES

1. INTRODUCTION

These instructions are based upon a number of Regulations made pursuant to the Community Welfare Service Act 1985 relevant to the management of trainee behaviour within Remand Centres and Youth Training Centres operated by CSV.

These instructions are essential reading for all Remand Centre and Youth Training Centre staff and should be followed in all circumstances. They should be contained in each Remand and YTC Manual which should be available to all staff.

A number of directives are listed covering a range of issues :

- . managing trainee behaviour including prohibitive actions by Centre staff
- . temporary isolation
- . other relevant matters including :
 - searching of trainees
 - transfer of trainees
 - appointments with relevant officers
 - investigation of complaints
 - prohibited items
- . maintenance of Centre manuals.

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2. GENERAL COMMENTS TO AID PRACTICE

It is expected that despite the level of abuse, threats and provocation etc., over any period of time Centre staff will not resort to physical contact involving undue physical force or injury or any of the other prohibitive action listed in the Regulations below. Corrective or remedial action prior to such incidents occurring including removing themselves from the situation or obtaining the support of a co-worker.

Alertness and good supervision will help to avoid incidents leading to trainee-staff tensions. In some cases it is highly desirable that the advice of supervisors is sought in potentially problematic circumstances.

~~Appendix 1 provides some further advice in this regard.~~ The directives of non-use of force or physical contact ^{need to be compared} with the use of appropriate force that may be required to restrain the acutely upset resident or for a staff member to defend another trainee or themselves.

However, while "reasonable physical force is allowable", under the Regulations listed below, there are some clearly prohibited actions within Remand and Youth Training Centres under the Regulations.

3. **SOME IMPORTANT REGULATIONS**

WELFARE OF TRAINEES TO BE PARAMOUNT

REGULATION 248

"All officers and employees who have responsibility for the care, management or supervision of trainees in a remand centre or youth training centre, shall, consistent with community safety, regard the welfare of trainees as the first and paramount consideration and any provision made for their physical, intellectual, emotional and social development shall be such as good parents would make for their child."

TRAINEES TO OBEY LAWFUL INSTRUCTIONS

REGULATION 154

"A trainee shall obey all lawful instructions, directions or orders given by an officer in the course of carrying out the officer's duties."

OFFICERS ARE TO EXERCISE UNDERSTANDING

REGULATION 160 (1)

"For the purposes of dealing with trainees and maintaining discipline among trainees, officers of remand centres and youth training centres shall exercise the utmost understanding, restraint and patience in the care, control and supervision of trainees."

MANAGEMENT OF TRAINEE MISBEHAVIOUR

REGULATION 161

"An officer shall manage incidents of misbehaviour in the most appropriate manner, having reasonable regard to all the surrounding circumstances and the best interests of the trainee or trainees involved and any guidelines outlined in the manual of instructions. "

METHOD OF PUNISHMENT - (READ DISCIPLINE)

REGULATION 162

"When necessary, an officer may punish a trainee for misbehaviour by imposing upon the trainee additional domestic or other duties or by depriving the trainee of privileges. "

PROHIBITED ACTIONS BY CENTRE STAFF

REGULATION 163

"Subject to Regulations 164, 165, 166, 167 and 168, the following actions are prohibited in a remand or youth training centre:

- a) The administering of corporal punishment;
- b) The use of isolation as punishment;
- c) Physical contact involving undue physical force;
- d) Exertion of undue psychological pressure;
- e) Any act involving severe humiliation, physical or emotional abuse or sustained verbal abuse; and
- f) Any practice prohibited in the Manual of Instruction.

REASONABLE PHYSICAL FORCE ALLOWABLE**REGULATION 164**

"Without limiting Regulation 163 where for the protection of a trainee, other trainees or other persons it is necessary physically to restrain a trainee, physical force may be used provided that the physical force does not exceed that which is reasonable, having regard to all the surrounding circumstances. "

PHYSICAL CONTACT ALLOWABLE**REGULATION 165**

"Without limiting Regulation 163 physical contact may be used for the proper care, supervision, training, discipline and development of a trainee, provided that the physical contact does not exceed that which would be consistent with the actions of a good parent and having regard to all the surrounding circumstances. "

TEMPORARY ISOLATION ALLOWABLE**REGULATION 166**

- (1) *"Without limiting Regulation 163, a trainee may be temporarily isolated in a locked room -*
- a) *for routine security procedures; or*
 - b) *for the protection of another trainee, other trainees, or other persons.*

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(2) Where a trainee is temporarily isolated under sub-regulation (1)

(b), the trainee shall be -

- a) closely supervised; and
- b) retained in isolation for no more than -
 - i) two hours without the approval of the Superintendent;
 - ii) twelve hours without the Superintendent reporting the situation to the Director-General; and
 - iii) twenty-four hours without the approval of the Director-General.

(3) The Superintendent shall -

- a) maintain a register in which the Superintendent shall record -
 - i) the name of the trainee temporarily isolated pursuant to sub-regulation (2);
 - ii) the reason why the trainee was temporarily isolated; and
 - iii) the name of the officer or officers who supervised the child or young person in temporary isolation; and
- b) provide a monthly return to the Director-General of records kept pursuant to sub-regulation 3 (a)."

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SEARCH OF TRAINEE**REGULATION 168**

"Without limiting Regulation 163, where to protect a trainee, other trainees or persons or to maintain the security of a remand centre or youth training centre it is necessary to search a trainee, the trainee may be searched in accordance with the procedures outlined in the manual of instructions."

TRANSFER OF TRAINEE**REGULATION 169**

"Where a trainee's conduct is prejudicial to the good order and management of a remand centre or youth training centre or where it is considered to be in the best interest of the trainee, the officer-in-charge of the facility concerned may request the Director-General or his delegate to order the transfer of a trainee to another facility, in accordance with provisions of Section 96 of the Act."

APPOINTMENTS WITH SUPERINTENDENT (READ CENTRE MANAGER)**REGULATION 155**

"A trainee may at any time apply to see the Superintendent, the Medical Officer, the Chaplain or the Director-General and the Superintendent, Medical Officer, Chaplain or Director-General shall respond promptly to the application."

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COMPLAINTS TO BE INVESTIGATED**REGULATION 156**

- (1) *"When a complaint is made by a trainee, the Superintendent shall record the complaint in a register.*
- (2) *Any complaint made by a trainee shall be investigated by the Superintendent who shall, if the complaint is serious, refer the matter to the Director-General.*
- (3) *Where a complaint is made by a trainee the Superintendent shall inform the trainee of the result of the investigation into the complaint."*

PROHIBITION OF CONVEYING ARTICLES**REGULATION 157**

"No person may convey or cause to be conveyed any article to or from a remand centre or youth training centre without the authority of the Superintendent or the Director-General."

ALCOHOL OR DELETERIOUS SUBSTANCE PROHIBITED**REGULATION 158**

"Without the written authorisation of the Superintendent, no firearms, knives, other weapons or dangerous articles shall be introduced to any remand centre or youth training centre.

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INCENTIVE AND DISINCENTIVE SCHEMES**REGULATION 167**

"Without limiting Regulation 163, where in a remand centre or youth training centre an incentive or disincentive scheme for the benefit of trainees involving privileges or cash payments has been approved by the Director-General, and is operated consistently within guidelines approved by the Director-General, the imposition of penalties or rewards associated with the scheme may be used."

MANUAL OF INSTRUCTIONS**REGULATION 148**

"The Superintendent of each remand centre or youth training centre shall prepare and keep current a sufficiently comprehensive manual of instructions to provide a basis for the efficient management and administration of the facility and the proper care and supervision of trainees."

CONTENTS OF MANUAL OF INSTRUCTIONS**REGULATION 149**

- (1) *"The manual of instructions shall state the duties of all officers and shall clearly define the times and places and any special features of a particular duty and shall contain a complete set of fire orders and security procedures."*

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MANUAL TO BE AVAILABLE TO STAFF**REGULATION 150**

"The Superintendent shall ensure that a copy of the manual of instructions is available to each member of the staff and that each officer has the opportunity to be fully acquainted with the manual."

SUPERINTENDENT'S RESPONSIBILITIES**REGULATION 254**

- (1) *"The Superintendent shall be responsible to the Director-General for the due order, management and discipline of the centre under the Superintendent's charge, the safe custody of the trainees, the care of all buildings and other property in the centre and the economical use of stores."*
- (2) *The Superintendent shall see that all Regulations and instructions are carried out and that all necessary books and records are kept and returns furnished as the Director-General may require."*

4. CONSEQUENCES FOR BREACH OF REGULATIONS

It should be noted that any breach of these regulations by Centre staff shall be guilty of an offence under Section 59 (1) of the Public Service Act (1974).

A staff member who is guilty of such an offence under Section 59 (1) shall be liable to any one or more of the following penalties:

- . admonition
- . reprimand
- . a fine
- . reduction in classification, grade or salary
- . removal from office and appointment to another office
- . dismissal

Breach of Regulation 163 (concerning prohibited actions by Centre staff) will be seen in a serious light and attract a serious penalty accordingly.