

ATTACHMENT 1TRAINEE BEHAVIOUR MANAGEMENT WITHIN  
REMAND CENTRES AND YOUTH TRAINING CENTRES1. 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. The relevant Regulations are at Appendix 1.

Regulations are a form of legislation and have the force of statute or law. They are essential reading for all Centre staff and should be followed accordingly.

Staff of youth training centres have an important role in the detention and rehabilitation of young offenders. In particular they are expected to carry out the following critical functions:

- care, supervise and support trainees within the facility.
- assist trainees in their physical, intellectual, emotional and social development.
- encourage, liaise and advocate for trainees.
- encourage and facilitate family contact.

Youth officers have responsibility for the care and management of trainees and are expected to achieve a balanced approach in the care and control of young people in carrying out these functions. The utmost understanding, restraint and patience in the care, control and supervision of trainees is expected in carrying out this challenging and difficult job. Regulations 248, 160 (1) and 161 are important directions in this regard. The complete duty statement for youth officers is at Appendix 2.

A number of directives are listed in the Regulations 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

## 2. GENERAL PRACTICE GUIDELINES

YTC staff should not resort to inappropriate physical contact, undue force or other prohibited actions listed in the Regulations at Appendix I.

Staff may encounter, from time to time, aggressive and physical trainee behaviour which could require restraint. It is expected that the restraint methods used in such circumstances are those that are the least physical and injurious to the trainee as possible to maintain order. Reasonable force only should be used to protect the trainee, other trainees or other persons, where the staff member believes that no other means of control are available. (Refer to Regulation 164). Staff initiated physically aggressive acts, such as punching, hitting and pushing a trainee are prohibited.

It is recognised that the requirement of non-use of force needs to be balanced with the potential use of appropriate force that may be required to restrain the acutely upset trainee, separate trainees in fights, or for a staff member to protect defend self, another trainee or person. This requires judgement on the part of the staff member and consideration of the following factors:

- gravity of the situation
- severity of the trainee's physical behaviour
- consequences of the behaviour of the trainee
- the level of restraint and length of time to maintain order
- minimisation of harm to trainees and trainee concerned

- minimisation of harm to the officer and other people present.

In some cases youth officers may need to protect themselves from aggressive acts. However, only the necessary defensive action to control the situation is expected to be applied/initiated in the circumstances. Action that escalates such an interaction is to be avoided. Staff are expected to act with humanity, caution and prudence in all circumstances.

Where trainees are physically involved in illegal activities such as fighting, refusing to move or attempting to abscond, staff are expected to take account of the same factors listed above when determining the degree of contact necessary to restore or maintain order. (Refer to Regulation 165). The support of other staff may be an advantage. Physical contact is merely touching the trainee with the absence of strength or effort - ie without force.

A staff member is not permitted to initiate physical aggressive responses with a trainee in circumstances such as :

- verbal outburst or abuse from trainee;
- a trainee failing to carry out an instruction or request (except as is provided for in this instruction);
- breach of Centre rules or regulations (except as is provided for in this instruction).

A staff member is not permitted to challenge or threaten physical, aggressive acts against a trainee.

Centre staff wherever possible, should take corrective or remedial action prior to such incidents occurring including:

- removing themselves from the situation in an appropriately controlled manner.
- obtaining the support of a co-worker.
- isolating relevant trainees for one to one counselling and discussion and a "cooling off" period.

- identifying and understanding the causes of the problematic trainee behaviour.

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.

While "reasonable physical force is allowable" under certain circumstances, there are some clearly prohibited actions within Remand and Youth Training Centres under the Regulations. (See Regulation 165). These include:

- . administering corporal punishment
- . using isolation as punishment
- . physical contact involving undue physical force
- . exertion of undue psychological pressure
- . severe humiliation, physical or emotional abuse or sustained verbal abuse
- . any practice prohibited in the Manual of Instructions
- . restraint methods which involve constriction of air supply or carotid pressures, such as "choke holds" or "head locks"

Regulation 166 sets out the directions to be followed with respect to the use of isolation.

Overall, it is expected that "flash points" and "incidents" involving physical contacts will be minimised, through exercise of discretion and restraint on the part of staff.

It is important to note that field experience indicates that the more problematic physical interactions between trainees and staff flow from trainee initiated physically aggressive behaviour, followed by physical reaction on the part of staff. Thus by staff avoiding escalation, by retaliating inappropriately in a physical way, will reduce resultant problems markedly.

### 3. CONSEQUENCES FOR BREACH OF REGULATIONS

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

A permanent officer 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

A temporary officer who is found to have committed acts of misconduct shall be liable to any one or more of the following penalties:

- . counselling
- . reprimand
- . re-assignment of duties
- . termination of services on notice
- . summary dismissal

Breach of Regulation 163 (concerning prohibited actions by Centre staff) will be seen in a serious light and attract a serious penalty. It should be noted that such investigations invariably lead to retrospective judgements and have the benefit of hindsight. They nevertheless lead to recommendations that either favour or not favour staff.

Any staff member having any queries with respect to this instruction should raise them, in the first instance, with their supervisor.

**YOUTH SUPPORT BRANCH**

**MAY 1990**

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**APPENDIX 1**

(To Instruction)

**REGULATIONS MADE PURSUANT TO THE COMMUNITY WELFARE SERVICES ACT (1985)****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."*

**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.
- (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)."



**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."*

**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 alcoholic liquor or deleterious substance within the meaning of Drugs, Poisons and Controlled Substance Act 1981, shall be introduced to any remand centre or youth training centre."*

### **FIREARMS PROHIBITED**

#### **REGULATION 159**

*"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."*

### **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."*

**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."*

Appendix 2

## POSITION AND PERSON SPECIFICATION

## TITLE AND CLASSIFICATION: Youth and Child Care Officer

1. DUTIES: (List main duties to be performed in order of importance. Begin each duty with an action verb that clearly shows role of the position in the duty. Occupant will be required to carry out other duties as directed.)
1. Undertake responsibility for the care, supervision, safety and personal support of children and young people involved with the facility.
  2. Assist children and young people under the supervision of the facility in their physical, intellectual, emotional and social development.
  3. Participate in designing and implementing programs (including case planning and review where appropriate) for individuals and groups.
  4. Encourage, advocate and liaise for children and young people in their contact with health and education services, other agencies, potential employers and the general community. Undertake and support community development activities as appropriate.
  5. Encourage and facilitate positive contact between children and young people in the care of the facility and their families, friends and the general community, as appropriate.
  6. Prepare a range of written and oral reports relating to assessment, case planning and management, course advice, internal and external reviews.
  7. Encourage and facilitate the involvement of children and young people in day-to-day decision-making and community and recreational activities.
  8. When required, assist in the efficient operation of the facility through participation in essential daily routines such as the preparation and provision of meals, the maintenance of a comfortable and hygienic environment, provision of first aid and health support, escort and domestic duties.
2. APPLICANTS WILL BE ASSESSED AGAINST THE FOLLOWING KEY SELECTION CRITERIA.
- 2.1 Advanced Certificate in Residential and Community Care from a TAFE College or other approved qualifications and experience.
  - 2.2 Ability to work, motivate, support and communicate effectively with children and young people with special needs in residential and non-residential settings.
  - 2.3 Good negotiation, liaison and advocacy skills and the ability to prepare reports and make recommendations.
  - 2.4 Ability to work effectively in stressful working conditions both alone and as a team member, to set priorities, to learn and to adapt to changing circumstances.
  - 2.5 Ability to develop and implement programs and to impose limits and control for children and young people individually and as a group.
3. OTHER RELEVANT SKILLS, KNOWLEDGE AND EXPERIENCE
- 3.1 Knowledge of adolescent and children's development and techniques for dealing with individuals and groups.
  - 3.2 Knowledge of relevant legislation and regulations regarding the protective and correctional responsibilities of CSV for children and young people.
  - 3.3 An understanding of CSV community-based and residential programs for children and young people.

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