

Optional Protocol to the Convention against Torture in the Context of Youth Justice Centres

Roundtable Discussion Paper, May 2016

Youth Justice, Department of Health and Human Services, Victoria

In Victoria, the Department of Health and Human Services (the department) is responsible for the statutory supervision of young people in the criminal justice system. The department's Youth Justice program provides services and resources to assist young people placed on supervised community-based and custodial orders to develop the knowledge, skills and attitudes to manage their lives effectively without further offending. Youth Justice promotes opportunities for rehabilitation through supervision, offending-related programs access to education and linkages to appropriate support services.

The *Children, Youth and Families Act 2005* (the Act) is the principal legislation for the Youth Justice program, as well as providing the legislative basis for an integrated system of services for vulnerable children, young people and their families, including Child Protection and Family Services. The Act provides for the constitution of the Children's Court of Victoria – a specialist court that deals with matters relating to children and stipulates that the developmental needs of children and adolescents must always be considered in the court's decision making. These requirements are fundamental to the Department of Health and Human Services' administrative role with young offenders, as distinct from the Department of Justice.

The *Sentencing Act 1991* creates a dual-track system unique to Victoria. This system allows some 18 to 20-year-olds to be sentenced to youth justice instead of an adult prison if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

Roundtable submission

The National Children's Commissioner sought written submissions from jurisdictions regarding the following questions:

1. Are the current oversight, complaints and monitoring mechanisms relating to the treatment and rights of children and young people in detention (youth justice centres and adult facilities) adequate? If not, how could they be improved?

A number of external oversight bodies are legislated to monitor aspects of Victoria's youth justice custodial centres. These include the Victorian Ombudsman, the Victorian Auditor-General and the Commission for Children and Young People.

In addition, the Department of Health and Human Services has a range of internal monitoring mechanisms to review the safety and quality of services to young detainees in custody. Within the department, the Secure Services branch is accountable for the management and oversight of Youth Justice Custodial Services, and has a broad suite of options available for monitoring and reporting on young people's treatment, and for young people themselves to access.

External complaints and monitoring mechanisms include:

There are legislative requirements, and national and international commitments, to provide youth detention services that meet certain standards or lead to specific outcomes. Relevant Victorian legislation includes:

- Ombudsman Act 1973
- Corrections Act 1986
- Sentencing Act 1991
- Audit Act 1994
- Children, Youth and Families Act 2005
- Charter of Human Rights and Responsibilities Act 2006
- Coroners Act 2008
- Victorian Inspectorate Act 2011
- Commission for Children and Young People Act 2012.

A summary of existing legislative mechanisms that provide external oversight of Victorian custodial facilities is provided in Table 1. It can be seen that both adult and youth custodial facilities have independent visitor programs, which provide a degree of independent oversight through a complaints-based system. It can also be seen that some external bodies have particular investigative powers under legislation, specifically, the Victorian Ombudsman, the Victorian Auditor-General's Office, the Victorian Coroner, and the Commission for Children and Young People. The Ombudsman has his own motion capacity to inquire into the custodial system.

Table 1: Oversight and monitoring functions met by Victorian legislative mechanisms

Legislation	Oversight and monitoring function	Relevance for custodial facilities
<i>Ombudsman Act 1973</i>	Victorian Ombudsman is an independent officer of the Victorian Parliament who is accountable to Parliament and investigates complaints about state government departments, most statutory authorities and local government.	<ul style="list-style-type: none"> • Ombudsman investigative powers include investigating a range of services whose function is to support children, youth and families
<i>Corrections Act 1986</i>	A main purpose of this Act is to provide for the establishment, management and security of prisons and the welfare of prisoners	<ul style="list-style-type: none"> • Through the Independent Prison Visitor Scheme (administered by the Office of Correctional Services Review), independent advice provided to the Minister for Corrections about the operation of Victoria's prison system from a community perspective • Through the Office of Correctional Services Review (Department of Justice), the performance of prisons is internally monitored and reviewed
<i>Sentencing Act 1991</i>	Governs sentencing guidelines and penalties	<ul style="list-style-type: none"> • No external oversight and monitoring functions provided
<i>Audit Act 1994</i>	Victorian Auditor-General is an independent officer of the Victorian Parliament who is accountable to Parliament and the community on the management of public sector resources, and providing assurance on the financial integrity of Victoria's system of government.	<ul style="list-style-type: none"> • Victorian Auditor-General's Office (VAGO) is the organisational and resourcing unit to assist the Auditor-General in the discharge of the position's legislative functions • Performance audits undertaken within the public sector, including into services to young offenders (report 2007-08:28)

Legislation	Oversight and monitoring function	Relevance for custodial facilities
<i>Children, Youth and Families Act 2005</i>	Part 5.7 of this Act relates to the establishment of corrective services for children. Certain conditions for the form of care, custody or treatment are set out in s. 482(2) and prohibited actions in the management of detainees are set out in S. 487	<ul style="list-style-type: none"> • s. 482(3) requires annual (internal) reporting by Secretary DHHS to Minister for Community Services on extent of compliance with the form of care, custody or treatment set out in s. 482(2) • Through the Independent Prison Visitor Program (administered by the Commission for Children and Young People), external advice provided about the form of care, custody or treatment of young people in youth justice or residential centres to the Principal Commissioner, who reports to Parliament
<i>Charter of Human Rights and Responsibilities Act 2006</i>	Imposes an obligation on all public authorities to act in a way that is compatible with human rights right or, in making a decision, to give proper consideration to a relevant human right	<ul style="list-style-type: none"> • Challenges by individuals to correctional decisions and administration • Provides a reference framework for investigators into the conduct of public authorities
<i>Coroners Act 2008</i>	Special categories of death, called reportable deaths, must be reported to the Coroners Court. Reportable deaths include the death of a person who immediately before death was a person placed in custody or care	<ul style="list-style-type: none"> • The coroner may comment and make recommendations about public health or safety or the administration of justice aimed at helping to prevent similar deaths from happening
<i>Victorian Inspectorate Act 2011</i>	Key oversight body in Victoria's integrity system	<ul style="list-style-type: none"> • Provides for the independent oversight of the Ombudsman Victoria and the Victorian Auditor-General's Office
<i>Commission for Children and Young People Act 2012</i>	<p>Agency independent of government, annual report tabled in Parliament and outcomes of any systemic reviews initiated by the Commission. Relevant functions include:</p> <p>Promotion of continuous improvement in policies and practices relating to the safety and wellbeing of children and young people, particularly those who are vulnerable</p> <p>Conducting inquiries into the services provided or omitted relating to the safety and wellbeing of an individual or group of vulnerable children or young people</p> <p>Conducting inquiries into a health service, human service or school where there are persistent or recurring systemic issues and a review done within the Commission's resources would assist in the improvement of the provisions of those services to either an individual or group of vulnerable children and young people</p>	<ul style="list-style-type: none"> • Section 5 of the Act defines vulnerable children and young persons to include a youth justice client • Operates the Independent Visitor Program for Youth Justice Centres, which includes monitoring the safety and wellbeing of young people in custody and promoting their rights and interests • Undertakes inquiries into the deaths of children known to child protection, including young people on dual orders with youth justice

Victorian Ombudsman

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.

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

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

Staff can help young people to contact the Ombudsman by explaining the process or helping them write a letter, but are not permitted to advise them on whether or not they should proceed. The General Manager ensures that the Ombudsman's office has free access to the facility and conducts regular visits.

Commission for Children and Young People

The Office of the Commissioner for Children and Young People reviews all Category One Client Incident Reports occurring in custody, as well as overseeing the Independent Visitors Program and the Client Exit Interviews. They also initiate own motion reviews when they have a question or concern about an aspect of the services provided to young people in custody. Secure Services supports these reviews through the provision of relevant information and data.

Independent Visitor Program

Independent Visitors (volunteers with the Office of the Child Safety Commissioner) visit custodial precincts regularly (monthly at a minimum) to attend units and speak with young people and staff about any issues of concern. Concerns raised with the Visitors are referred to senior management for resolution. The Visitors will also talk to young people about other ways they can raise matters they are worried about, or dissatisfied with.

The program has a particular focus on the promotion and protection of young people's rights, interests and opportunities.

It is worth noting that external mechanisms for oversight of youth justice centres has previously been considered by the Department of Human Services, which has led to the development of oversight mechanisms as follows:

Client Exit Interviews

Independent Visitors are also responsible for undertaking Client Exit Interviews with all young people as they exit the custodial centres. This process was developed by Secure Services to ensure that young people are given the opportunity to talk about their experiences in custody, with a view to improving the services provided.

The interviews are voluntary, but the majority young people agree to be involved. A standard questionnaire is used with questions asked about:

- How safe the young person felt in custody
- How fairly they were treated
- How they felt about being searched
- If they were given information about how to make a complaint
- Were their cultural and family support needs met
- Did they enjoy attending the school and will what they learned be helpful in the future
- Whether there is a plan for when they leave
- Whether they are linked into community supports.

Apart from the structured questions, there are many opportunities for young people to express their views including an open invitation to talk about suggestions for improvement at the end of the interview.

Internal complaints and monitoring mechanisms include:

Departmental grievance procedures

Young people and their 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 using the Department of Health and Human Services formal complaints processes. Complaints received are managed externally to Secure Services by the Client Outcomes and Service Initiatives Branch of the Department of Health and Human Services.

Any complaints received are forwarded to the most appropriate Secure Services' senior manager for resolution. The information gained from the complaints received is used to improve service delivery in custodial precincts.

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

Allegations of police misconduct prior to a young person's admission to custody

Young people occasionally make allegations of mistreatment (including physical or sexual abuse) while in police custody prior to admission

These allegations are always treated seriously and Secure Services has developed a process whereby they are reported to police for investigation and a client incident report initiated.

Quality Governance Group Framework for Secure Services

In 2015, the Department of Health and Human Services commissioned the University of Melbourne to develop a Quality Governance Framework for Secure Services, which oversees the operation of youth justice precincts. This critical piece of work draws on clinical governance models in existence in Australia and overseas, and in particular the principles and elements identified by the Australian Institute of Company Directors.

The framework builds on and strengthens existing activity and assurance mechanisms within Secure Services and across the department, and identifies a series of actions required in order to establish and implement a robust quality governance framework.

The implementation of the framework will be overseen by a quality governance group which includes key departmental and other representatives. The group reports to the departmental Executive Board.

Office of Professional Practice

Secure Services works closely with the Department of Health and Human Service's Office of Professional Practice to improve client outcomes, ensure young people's rights and entitlements are met and to work towards best practice.

The Department of Health and Human Services has a focus on reducing restrictive intervention and Secure Services is working with the Office of Professional Practice towards this as a core goal for custodial centres.

Restraint and other reviews

Secure Services has recently proposed a process whereby each restraint occurring in custody will be independently reviewed, with relevant recommendations provided to senior management for implementation. This will be a two tiered process; every restraint receives a standard review and any restraint with further negative consequence (such as an injury or a complaint) will progress to a higher level of review overseen by the Secure Services Principal Practice Leader.

Other reviews of critical incidents include Operational Debriefs, Emotional Debriefs and a proposed process of wellbeing assessment following any client injury.

Quality of Support Reviews

An independent process is followed to analyse any incident involving an alleged assault of a young person by a staff member. The focus is on the effectiveness of the support provided to the client post incident.

The review process is managed by the Client Outcomes and Service Initiatives Branch of the Department of Health and Human Services and includes consultation with the young person's area-based youth justice worker.

Recommendations made as part of the review are implemented systemically and monitored by the Strategy and Innovation Unit of Secure Services.

Consideration of whether an independent body is required across youth justice, included analysis of the relationship between existing bodies, and potential duplication of the functions undertaken by these organisations as well as the authorising legislation.

Immediately following the Ombudsman recommendation, the department confirmed with the Commission for Children and Young People that the oversight and delivery of the Independent visitors program would remain with the Commission.

Table 2: High level analysis of review / inspectorate functions undertaken by bodies external to DHHS

Functions undertaken by existing independent bodies						
Body	Inspection & monitoring	Reviews			Independent visitors program	Public reporting and accountability
		<i>Thematic</i>	<i>Deaths</i>	<i>Specific</i>		
Victorian Ombudsman	With discretion and in response to complaints.	Occasional.	Yes.	Occasional.	N/A	As required.
Victorian Auditor General	Financial and management.	Occasional.	N/A	Previously for adult prisons only.	N/A	To parliament, as reports are completed.
State Coroner	Investigation of deaths.	N/A	Yes.	N/A	N/A	Through legal system and released to government.
Commission for Children and Young People	Broad remit, and at discretion of the Commission.	Yes.	Yes.	Yes.	Yes.	To parliament and via annual reporting.

Table 3: High level analysis of review / inspectorate functions undertaken by Divisions / Areas within DHHS

Functions identified by the OV report						
Departmental mechanism	Inspection & monitoring	Reviews			Independent visitors program	Public reporting and accountability
		<i>Thematic</i>	<i>Deaths</i>	<i>Specific</i>		
Secure Services – Youth justice oversight	Compliance in risk management, regular reviews.	Occasional.	Yes.	Occasional.	N/A	Internal monthly reporting.
Risk, Review & Evaluation Branch – Audit / DHHS Standards	Operational reviews. Accountability against DHHS standards (for youth justice services by	Yes.	Yes.	Yes.	N/A	Internal, ad hoc (at least every 3 years).

	2017).					
Client outcomes & Service Improvement (internal audit, north division)	Compliance with risk management & other reporting requirements.	Yes.	Yes.	Occasional.	N/A	Internal, quarterly reporting.

2. Are there particular examples of good practice in relation to the promotion and safeguarding of children's rights in detention facilities?

Client leadership council / consultative group

Parkville Precinct has established a leadership council consisting of representatives from the client group in partnership with the General Manager and the precinct's school, Parkville College. The leadership council meets monthly and discusses proposed improvements to the precinct with the school and with operational staff. They have had input into the behaviour management system in place at Parkville, the training of new staff and the types of programs provided within the centre.

Similarly, a client consultative group at Malmsbury provides young people with an opportunity to participate in decision-making within the centre and raise issues pertaining to their rights whilst in custody.

Trauma-informed operating model

Secure Services is developing a trauma-informed 'therapeutic operating model' to guide practice in all Secure Services' sites, including youth justice precincts. It will be based on contextualised, trauma-informed practice frameworks that provide a shared understanding of trauma and its impact on individuals and systems.

Key features of the trauma-informed way of working include dedicated, unit-based practice leader positions, trauma-informed training and clinical supervision for staff, and a developmentally appropriate approach to care. It is expected that the model will provide alternatives to the use of restrictive practices, such as restraint and isolation, to manage such behaviours.

The staff employed to support the therapeutic model include a Principal Practice Leader, a Senior Practice Leader and ten unit-based Practice Leaders, who will work closely with youth justice staff to embed the trauma-informed approach into daily practice.

The Principal and Senior Practice Leaders support the development of care plans for the most complex clients. They attend care plan meetings and provide secondary consultation to staff, enabling them to understand how trauma impacts on young people's behaviour and how to engage and intervene in that context.

3. How do children and young people in detention experience and understand the current oversight, complaints and monitoring mechanisms?

Every young person entering a youth justice precinct receives an orientation program that meets their developmental and gender requirements. This not only assists the young person to understand their new environment, but can also be a factor in the prevention of self-harm and suicide. Comprehensive induction procedures ensure that young people are aware and well informed of:

- youth justice precinct rules and regulations
- their legislative rights
- the availability of support services
- the process for making complaints.

The process of Client Exit Interviews was developed by Secure Services to ensure continuous service improvement through young people being given the opportunity to talk about their experiences in custody. Interviews are voluntary and undertaken by the Independent Visitors Program.

Data from the interviews is collated and a report developed twice yearly. This informs Secure Services' ongoing quality and service improvement processes. Some data from the most recent report July – Dec 2015 includes:

- 92% of clients felt safe at the facility
- 85% said when they were searched, staff made sure that they were not hurt or made to feel embarrassed or uncomfortable
- 82% said they were given information about how to make a complaint and who to complain to.

4. How well do children and young people in correctional detention (youth justice centres and adult facilities) understand their human rights, including those under the Convention on the Rights of the Child? What could be done to better promote the human rights of children in these facilities?

As noted above, young people are provided with information regarding their right to make a complaint to the Ombudsman on admission to the centre, and they have access to express this right at any time via the Arunta telephone system. Young people also complete exit interviews to provide Secure Services with feedback on their care and issues they may have experienced.

The Australia's Children's Commissioner and Guardians Group share information and work together on specific projects to help improve the wellbeing of children and young people across Australia. Their recent joint development of The Charter in 2014 provides a human rights framework which can be applied to Australian youth justice custodial centres.

The Victorian Commissioner for Children and Young People has also been developing a Charter for Children and Young People in Youth Justice Centres in a child-friendly, accessible format. This would better promote the human rights of children in youth justice custodial facilities.

5. How could the ratification of OPCAT and the establishment of a NPM benefit children and young people in detention (youth justice centres and adult facilities)?

Under the OPCAT, state parties agree to international inspections of places of detention and are also required to establish an independent National Preventive Mechanism to conduct inspections of all places of detention, which would include youth justice detention facilities.

A National Preventive Mechanism could be a useful check and balance process, which would support Victoria in ensuring recommendations from recent Victorian reports regarding the youth justice system are successfully implemented and upheld.

6. The age of criminal responsibility is 10 years in all Australian jurisdictions. The Convention on the Rights of the Child does not specify what such a minimum age of criminal responsibility should be. However the Committee on the Rights of the Child recommends 12 years of age should be the absolute minimum age. The Committee on the Rights of the Child has noted Australia's non-compliance with this standard and it has recommended Australia raise its minimum age of criminal responsibility. What is your view on this?

In the 2015 Youth Justice Annual Client Survey, which provides snapshot data of client demographics on a particular day, there were no young people aged ten years on an order supervised by Youth Justice. Of all young people on orders supervised by Youth Justice, 0.1 percent were on community-based orders aged 11 years and 0.3 per cent were aged 12 years.

Victorian Youth Justice approach to restrictive practices

Context

The focus of youth justice custodial services in Victoria is working with young people to reduce the use of restrictive practices such as restraint or isolation. The use of restrictive practices constitutes the most serious intervention available to youth justice staff and should only occur when there is immediate and significant risk of harm to the young person or to others.

The Victorian Youth Justice Best Interests Case Practice Model (2016) provides a trauma informed framework for youth justice practice across the State. Many young people under youth justice supervision have experienced trauma. For young people who are in custody, past traumatic experiences may emerge as difficulty in managing interpersonal relationships, including disruptive or violent behaviours. Historically, the responses to this have included the use of restrictive interventions aimed at managing young people's behaviours that put themselves, their peers, and the staff who support them at high risk of harm.

Current approaches to working with young people in custody occur on a continuum from proactive to reactive strategies and are compliant with the *Children Youth and Families Act 2005* (the Act). Proactive strategies are based around the development of positive relationships between staff and young people, the Promoting Positive Behaviour and Preventing Occupational Violence programs, and ensuring that young people are actively engaged in constructive activities to avoid boredom.

Restrictive interventions, which may be used to safely manage young people who are agitated, distressed or otherwise heightened include the use of restraint, isolation, separation and handcuffs. The use of restrictive practices such as isolation and separation constitutes the most serious intervention available to youth justice staff and only occurs when necessary to respond to negative behaviours that present immediate and significant risk of harm to themselves or others.

Victorian youth justice custodial services are actively working towards increasing the focus on trauma informed, positive practices with young people and subsequently avoiding a reliance on the use of restrictive practices. Key to a trauma informed model is ensuring staff are trained and supervised to understand how young people's experience of trauma in childhood impacts on their behaviour in custody.

Youth justice custodial staff are instructed that prior to the use of any restrictive intervention staff should utilise strategies for dealing with negative or unsafe behaviours that include:

- Intervening early so that unsafe behaviours are managed before they escalate.
- Sitting down with the young person to have a quiet, and private, conversation about their behaviour.
- Separating the young person from the group to avoid escalation of behaviour.
- Taking the young person for a walk (only if it is safe to do so and with the approval of the Unit Supervisor).
- Distracting the young person by getting them involved in another activity.

Access to education for young people in custody

One of the most significant enhancements to service provision for young people in custody has been the establishment of a registered specialist school (Parkville College), which now has campuses at both Parkville and Malmsbury youth justice sites as well as a Flexible Learning Centre for clients transitioning to the community.

The College embraces a therapeutic and trauma informed approach which complements the department's focus on rehabilitation and reintegration into the community. Classes operate seven days a week, every week of the year including school holidays. Education plans are tailored to each young person's needs, ensuring appropriate education is provided and a focus on transition to community allowed for.

The provision of education is a cornerstone in the management of young people's behaviour. Daily engagement in meaningful activity minimises disruptive behaviours caused by boredom and supports responsible and pro-social attitudes in young people.

Isolation

Isolation occurs when a young person is directed, or placed, into a room and the door is locked. This separates them from other young people and from the normal routines of the unit.

Section 488 of the *Children, Youth and Families Act 2005* stipulates that isolation is only to be used when all other reasonable steps have been taken to prevent the young person from:

- harming himself or herself or any other person or from damaging property; and
- the young person's behaviour presents an immediate threat to his or her safety or the safety of any other person or to property.

An Isolation Register must be kept and every isolation must be fully recorded in order to meet the requirements of the Section 488 (6) of the *Children, Youth and Families Act 2005*.

The youth justice custodial practice manual prescribes a specified and escalating authorisation level, dependent on the length of isolation of a young person and whether the young person identifies as Aboriginal.

Non Aboriginal young people

The lowest level of authorisation is the Unit Manager or Duty Manager, who can authorise an isolation period of up to two hours. All young people in isolation are placed on observation. Non-Aboriginal young people who are placed in isolation must be on a minimum of close observation (every five minutes).

Aboriginal young people

Any isolation of an Aboriginal young person must be authorised at a minimum by the precinct's General Manager, Operations Manager or Senior Manager On Call. Any Aboriginal young person placed in isolation must be under 'constant observation' (staff within arm's length at all times to ensure safety). An Aboriginal Cultural Support worker must be informed as soon as is logistically possible about an Aboriginal young person being placed in isolation.

Use of restraint

Section 487 of the *Children Youth and Families Act 2005* provides guidance on the use of physical force to restrain a young person in youth justice custody by specifically noting which actions are prohibited including:

- the use of physical force unless it is reasonable and
 - is necessary to prevent the person or child from harming himself or herself or anyone else or from damaging property; or
 - is necessary for the security of the centre

- the administering of corporal punishment, that is, any action which inflicts, or is intended to inflict, physical pain or discomfort on the person or child as a punishment..

The youth justice custodial practice manual specifies that restraint can only be used when all other less restrictive strategies have failed and there is an **immediate** risk of significant harm. Restraining young people for lack of compliance with staff instruction alone is prohibited. An immediate danger is one that would cause significant harm and that can be predicted to occur within a short space of time unless an intervention occurs to prevent it.

The “Use of restraint” procedure stipulates that:

- only the amount of force to bring about a safe resolution is used.
- only authorised restraint techniques are used
- the young person who has been restrained is safe and any ill effects are managed, and
- a transparent review process is followed to ensure that we are accountable in our management of young people.

Wherever possible, restraints are to be conducted by at least two staff with one staff member being responsible for communicating with the young person during the restraint and for monitoring their health and wellbeing during the restraint and ensuring any adverse outcomes are documented accordingly. This staff member must stay as close to the young person as is physically safe, in order to monitor their wellbeing and alert other staff if there are any concerns. If this staff member notices any of the following physical signs related to the client, they must immediately alert the other staff and adapt or cease the restraint if it is safe to do so.

Young people with particular vulnerabilities

When considering the need for restraint, there are a number of groups of young people that present with particular vulnerabilities that increase the potential for restraint to be traumatic. The youth justice custodial practice manual specifies that staff need to exercise an even higher level of caution when considering the use of restraint with any of the following groups:

- young Aboriginal people
- young women
- very young people (the 10 - 14 year old group)
- young people with intellectual disability or diagnosed mental health conditions
- young people with compromised physical health and pregnant young women
- young people with known histories of abuse.

Restraint Review

Every incident of restraint being used with a young person in custody is subject to a review process.

The review process has two tiers;

- Tier 1: All incidents involving the use of restraint are jointly reviewed by a Unit Manager and Practice Leader. A restraint that has resulted in an injury or complaint, or where inappropriate use of force is suspected, will trigger a Tier 2 review.
- Tier 2: Review by the General Manager and the Secure Services Principal Practitioner.

Results of the reviews are collated and provided to the Director of Secure Services to allow for continuous monitoring of the use of restraint.

Use of mechanical restraints

Handcuffs are the only form of mechanical restraint used in youth justice custodial centres in Victoria. Handcuffs can only be deployed by staff specifically trained in their use. They must be used in accordance with training, and

only to avoid immediate and significant harm to a young person or others, not to cause pain or injury. Handcuffs must only be used for the minimum amount of time and must be removed prior to the young person being secured in isolation or their bedroom.

Policy and practice development

Trauma informed care

Secure Services is well advanced in the shift towards trauma informed service delivery.

- A Therapeutic Practice Development Team has been established including a Principal Practice, two Senior Practice Leaders and 10 unit based practice leaders) to work alongside staff to inform their day to day practice with clients.
- Training of Secure Services operational managers in trauma based care has commenced with the roll out of training to all staff continuing through to March 2017. All new staff now complete four units of training in trauma informed care, and this has been incorporated into the newly nationally accredited Diploma of Secure Services.
- Therapeutic care plans are being trialled to drive a more individualised integrated approach to assessment, planning and service response that is informed by each client's presenting needs, including their experience of trauma.

Framework for the use of restrictive practices

The Victorian Department of Health and Human Services Office of Professional Practice is currently developing a framework for the use of restrictive practices across the department. The framework will provide an evidence base and guiding practice principles to ensure consistency in responding to client's behaviours of concern across departmental services. Use of the framework will support an informed decision making process for safely and positively managing the behaviour of departmental clients, including young people in custody, who cause harm to themselves and/or others.