

*Youth Justice Policy Determination 4.7:
Leave of Absence*

REFERENCE	61:F2018/286-19	
POLICY APPROVER	Name Title	Jeanette Kerr Deputy Chief Executive Officer Operations
	Date	14 February 2018
POLICY OWNER	Executive Director Youth Justice	
POLICY RESPONSIBILITY	Senior Director Youth Justice Programs	
IMPLEMENTATION RESPONSIBILITY	Manager Youth Programs - Superintendent	

Document Control

VERSION HISTORY	EFFECTIVE DATE	REASON FOR UPDATE
Version 1.2	19 February 2018	Amended Leave Permit approval authority to CEO.
Version 1.1	January 2018	Updated to reflect the Leave of Absence Permit requirement, position titles and policy determination references
Version 1.0	January 2018	Deputy Chief Executive Officer Operations approval

NEXT REVIEW DATE	January 2020, or as directed prior to the scheduled review date.
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Policy Purpose

To provide guidance on the facilitation of a young person's access to services and activities that are provided external to a youth detention centre.

Authority / Responsibility

The Executive Leadership Group and Senior Managers have responsibility for ensuring that supervisors and employees understand and comply with this policy.

This policy applies to all Territory Families staff and young people admitted into a detention centre.

Policy Statement

During the period of a young person's detention, there may be circumstances where it is necessary or reasonable for a young person to be provided with the lawful authority to be absent from the youth detention centre.

Section 165 of the *Youth Justice Act* provides the Superintendent with the authority to permit a young person to be absent from a youth detention centre for a period of up to 12 hours to participate in education, social, recreation or vocational programs.

Where the young person will be supervised by a person listed in Section 165 of the *Youth Justice Act*, the Manager Youth Programs - Superintendent may approve an absence for any period of time.

Whilst absent from a youth detention centre on an approved Leave of Absence, a young person remains in the legal custody of Territory Families.

Assessment

All leave of absence requests must be subject to a security risk assessment. The Manager Youth Programs - Superintendent may delegate this risk assessment to another staff member, such as the young person's Case Manager. Factors which must be considered as part of the risk assessment include:

- The young person's behaviour and wellbeing, including any current or previous at risk placements;
- Any previous escapes, or attempted escapes, from custody;
- Any previous leave of absence history;
- Nature of the activity;
- How the activity contributes to the young person's wellbeing, rehabilitation and reintegration;
- Any risks that participation in the activity may present to the young person, the public or the security of the detention centre;
- Location of the activity or service;
- The views of the young person and their parents/caregivers;
- The length of the young person's period of detention;
- Any victim contact issues relevant to the activity/location;
- Any health or medical needs of the young person; and
- Any other relevant matters.

The Manager Youth Programs - Superintendent must consider all available information and balance the decision on risk and the young person's best interest. Regardless of the decision, the young person must be informed of the outcome.

Where a decision is made not to approve a leave of absence, the young person must be informed of the reasons for the decision, and how they can appeal the decision. A young person may require additional support following a decision and staff must ensure that any required supports are available to the young person.

Conditions of a Leave of Absence

The Manager Youth Programs - Superintendent may apply any reasonable conditions to the approval of a Leave of Absence. Conditions may only be applied to ensure the safety of the young person or the public and to ensure the security of the young person's custody. Examples of conditions include that the young person:

- Must be supervised during the period of absence;
- Is not to have contact with a stated person, or be at or near a particular place; and/or
- Is subject to the use of an approved restraint.

Supervision Levels

A Leave of Absence may be approved as:

- Escorted;
- Supervised; or
- Accompanied.

ESCORTED

The young person must be escorted and supervised for the duration of the Leave of Absence Permit. When a Leave of Absence is approved subject escort by a trained Youth Justice Officer, [Youth Justice Policy Determination 2.6: Escorts](#) can be referred to for guidance on escort procedures.

SUPERVISED

The young person must be supervised by a Territory Families employee who is not a trained Youth Justice Officer. This may include a Youth Outreach and Re-Engagement Officer, the young person's Case Manager or other Territory Families employee approved by the Manager Youth Programs - Superintendent.

ACCOMPANIED

The young person does not require supervision by a Territory Families staff member, but will be accompanied by a responsible person, such as a respected community member, prospective employer, vocational trainer or other approved person.

Leave of Absence Permit

Where approved, the Manager Youth Programs - Superintendent must sign a [Leave of Absence Permit](#) (refer to Appendix A) which provides the authority for the young person's absence from the centre. The Leave of Absence Permit must be completed accurately and is to be completed in addition to the Temporary Movement Order that is to be generated from IOMS. It is of particular importance that all conditions applied by the Manager Youth Programs - Superintendent are clearly documented on the Leave of Absence Permit.

Leave of Absence

A young person who is participating in an approved Leave of Absence must carry the signed Leave of Absence Permit with them at all times while absent from the youth detention centre. Where the young person is escorted or supervised, the Territory Families employee may carry the permit on the young person's behalf.

A young person should be provided the opportunity to wear their own clothes when participating in an approved Leave of Absence. The Manager Youth Programs - Superintendent may also request that any supervising Youth Justice Officers wear smart, casual clothes rather than the designated uniform.

If the young person is required to be escorted or supervised during the absence, the staff member must use appropriate discretion to protect the dignity of the young person. This is particularly important for absences approved on compassionate or cultural grounds.

Youth Justice Officers must be trained in appropriate behaviours and supervision techniques where they are required to supervise an Aboriginal young person's attendance at a funeral or cultural activity.

Contravention of a Leave of Absence Permit

If a young person fails to comply with the conditions of an approved Leave of Absence Permit, the authority may be cancelled and the young person may be immediately returned to the youth detention centre.

ESCORTED LEAVE OF ABSENCE

Where the contravention does not cause harm or present a security risk, the Youth Justice Officer should provide verbal feedback or a verbal warning to the young person prior to making a decision whether or not to return to the young person to the youth detention centre.

Supervising Youth Justice Officers must decide to cancel the Leave of Absence if the Officers have any concern about the safety or secure custody of the young person under escort, their own safety, or the safety of another person.

If a young person attempts to escape, or has escaped, lawful custody whilst participating in an escorted Leave of Absence, the supervising Officers must notify the Officer of Charge immediately and enact the attempted escape or escape procedures. Refer to the [Youth Justice Policy Determination 6.0: Emergency and Incident Management](#).

SUPERVISED OR ACCOMPANIED LEAVE OF ABSENCE

If a young person is on a supervised or accompanied Leave of Absence and the Manager Youth Programs - Superintendent receives information that the young person is not complying with the conditions of the absence, they may revoke the approval for the absence and notify the Police of the contravention. The Manager Youth Programs - Superintendent may determine that the young person has attempted to escape, or has escaped, lawful custody and enact the attempted escape or escape procedures.

If being supervised by a Territory Families staff member and it becomes likely that the Leave of Absence authority will expire prior to their return to the youth detention centre, the supervising staff member must telephone the youth detention centre and advise of the reason for the delay and the expected time of return.

If the young person is on an accompanied Leave of Absence and they have not returned to the youth detention centre at the expiration of the permit, the Officer in Charge must make attempts to contact the responsible person to determine the young person's whereabouts.

If the responsible person is transporting the young person and advises that they are in transit to the youth detention centre, but have been delayed, the Officer in Charge must determine an appropriate return time with the responsible person, based on a direct route to the centre.

If the responsible person is not transporting the young person, the Officer in Charge must determine when the responsible person last observed the young person. If it cannot be determined that the young person is making a direct return to the youth detention centre, the Officer in Charge may determine that the young person has attempted escape, or has escaped, custody.

If the young person has not returned to the youth detention centre within one (1) hour of the expiration of the authority (and an immediate return time has not been agreed with the responsible person), then the young person is to be considered to have escaped from custody. The Officer in Charge must enact the escape procedures.

For guidance on attempted escape and escape from custody, refer to the [Youth Justice Policy Determination 6.0: Emergency and Incident Management](#).

Reporting

All applications and permits must be recorded appropriately on IOMS and kept on the young person's case management file. Refer to [Youth Justice Policy Determination 1.2: Records Management](#).

Any incidents must be reported in accordance with [Youth Justice Policy Determination 2.3: Incident Recording and Reporting](#).

The young person's participation, behaviour and compliance with the permit conditions should be documented and provided to the young person's Case Manager at the completion of the activity, where the young person was supervised or accompanied by a Territory Families staff member. The Case Manager should seek this information from the responsible person if the young person was unsupervised.

