

Youth Justice Policy Determination 3.0: Communications

REFERENCE	61:F2018/286-8	
POLICY APPROVER	Name Title	Jeanette Kerr Deputy Chief Executive Officer Operations
	Date	18 January 2018
POLICY OWNER	Executive Director Youth Justice	
POLICY RESPONSIBILITY	Senior Director Youth Justice Programs	
IMPLEMENTATION RESPONSIBILITY	Manager Youth Programs - Superintendent	
LEGISLATIVE BASIS AND RELATED DOCUMENTS Youth Justice Act Youth Justice Regulations Youth Justice Policy Determination 3.1: Personal and Professional Visits Youth Justice Policy Determination 3.2: Official Visitors Program Youth Justice Policy Determination 5.1: Young People At Risk		

Document Control

VERSION HISTORY	EFFECTIVE DATE	REASON FOR UPDATE
Version 1.01	January 2018	Update to position titles and reference to policy determinations
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.	

Policy Purpose

To ensure young people have the opportunity to maintain contact with their family, friends, social and cultural networks and to facilitate access to legal representation and independent statutory agencies.

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 determination applies to all Territory Families staff, contractors, visitors and young people admitted into a detention centre.

Policy Statement

Appropriate, effective and engaging communication is essential to creating and maintaining a positive environment and building strong relationships within the youth detention centre. This also applies to the development and maintenance of relationships young people have with their external support networks.

The Manager Youth Programs - Superintendent must ensure that young people have the opportunity to communicate with their support networks, legal representatives and statutory authorities as required, whether by telephone, in writing or any other means of approved communication.

Verbal Communication within the Youth Detention Centre

At all times, young people and staff, visitors and contractors are to communicate with each other in a respectful manner, without the use of profanity or offensive language.

Verbal abuse, including the use of discriminatory or derogatory terms or name calling, will not be accepted within the detention centre. Instances of verbal abuse should be dealt with by counselling the individual to emphasise the inappropriate nature of such communication, and provide alternative pathways to resolve disputes.

Young people should address staff in a respectful manner, using their preferred name. Staff should address each other in the same manner.

Staff should address young people by their first name or their preferred name, excluding nicknames.

Written Communication

Sections 53, 54 and 55 of the *Youth Justice Regulations* provides for the management of personally addressed letters to and from young people accommodated in a detention centre.

The Manager Youth Programs - Superintendent must ensure that all young people have access to writing materials for the purpose of writing letters.

Territory Families is responsible for the payment of postage for private letters. Where there are concerns regarding the number of letters being written by a young person, this should be discussed with the young person's case manager to determine the reasons and identify any issues of concern.

PRIVATE LETTERS

Young people may send and receive as many private letters as they wish.

If requested, staff should assist young people to address envelopes correctly. Young people can give private outgoing letters to the case management unit who will record the letter in the outgoing mail register and ensure that the letter is placed in the courier bag for postage. Alternatively, a young person may give the letter to a Youth Justice Officer who must ensure that the letter is given to the case management unit at the first available opportunity and before the end of their shift.

All incoming and outgoing private letters must be processed without undue delay.

Inspection of private letters and parcels

The Manager Youth Programs - Superintendent must be notified if there is a concern that the contents of an incoming or outgoing letter or parcel may:

- Threaten or disturb the person to whom the letter or parcel is addressed, or any other person;
- Relate to an unlawful purpose; or
- Adversely affect the security, safety or good order of the detention centre.

If the Manager Youth Programs - Superintendent is satisfied that the concern is reasonable, they may open and inspect, or give direction to a staff member to open and inspect, the contents of the letter or parcel. Where the Manager Youth Programs - Superintendent authorises an Officer to inspect the contents of a letter or parcel, the authorised Officer must not, either verbally or in writing, communicate the contents of the letter or parcel to any other person, except to the Manager Youth Programs - Superintendent or their delegate.

If concerns are founded following an inspection, the Manager Youth Programs - Superintendent must take possession of the letter or parcel and deal with it in accordance with any directions given by the Senior Director Youth Justice Programs. The Senior Director may instruct the Manager Youth Programs - Superintendent to confiscate the letter or parcel. The Manager Youth Programs - Superintendent, or delegate, must then advise the young person that the letter or parcel has been dealt with under Regulation 54 of the Youth Justice Regulations.

CONFIDENTIAL LETTERS

Young people have the right to send and receive confidential letters to and from the:

- Chief Executive Officer, Territory Families;
- Minister of Territory Families;
- Northern Territory Children's Commissioner;
- Anti-Discrimination Commissioner;
- An Ombudsman; and
- Legal representatives.

A staff member must not delay, intercept, open or inspect a letter authored by a young person and addressed to any of the above.

If the Manager Youth Programs - Superintendent has cause to reasonably suspect that a letter addressed to a young person purporting to be from one of the above did not originate from that source, they may open and inspect the letter to the extent necessary to establish its origin. The young person must be advised if a confidential letter is opened under Regulation 55 of the Youth Justice Regulations.

Telephone Communication

Section 56 of the Youth Justice Regulations provides for telephone calls for young people.

If a young person experiences an upsetting telephone call, or has a personal call terminated by a staff member, Youth Justice Officers must ensure that the young person's welfare is monitored in accordance with their emotional response (refer to [Youth Justice Policy Determination 5.1: Young People At Risk](#)).

PERSONAL CALLS

All efforts should be made to allow young people to communicate with their support networks as much as possible. Young people must make telephone calls through the designated telephone system and must be aware that all personal calls may be subject to monitoring and recording.

Young people must be permitted to make and receive a minimum of one personal telephone call per week. The Manager Youth Programs - Superintendent is to determine the appropriate number of calls available to young people and the designated usage times of the telephone system. The Manager

Youth Programs - Superintendent may approve additional telephone calls where extenuating circumstances exist.

The Manager Youth Programs - Superintendent may give directions to deny or limit a young person's phone calls if the Manager Youth Programs - Superintendent suspects, on reasonable grounds, that the call may:

- Undermine safety and security of the young person or other people at a detention centre;
- Re-victimise a victim;
- Circumvent any process for investigating complaints or reviewing decisions;
- Have the purpose of causing community distress; or
- Cause harm to the young person;

And that the direction is necessary and reasonable to safeguard the best interests of the young person.

Young people whose support network resides in a different time zone must not be disadvantaged by the available hours of the telephone system and they must be allowed to make personal calls at an appropriate time.

To utilise the designated telephone system, the young person must provide the name and telephone numbers of people they wish to call to the Case Management Team. Staff must screen the proposed contacts to ensure that no restrictions on contact exist (for example, orders issued by a court prohibiting contact). Young people may request to change the list of approved contacts once per week.

The Manager Youth Programs - Superintendent may approve welfare calls to contacts outside of a young persons approved telephone list where extenuating circumstances exist.

Incoming telephone calls from parents and caregivers may be received by a young person in extenuating circumstances as approved by the Manager Youth Programs - Superintendent. It is the responsibility of the Youth Justice Officer receiving the call to make all attempts to confirm the identity of the caller.

A Youth Justice Officer who is monitoring private calls may deem it necessary to terminate a young person's private call if the young person's behaviour becomes aggressive or their language is inappropriate. The Youth Justice Officer is responsible for discussing the reasons for termination with the young person and ensuring that welfare checks on the young person's wellbeing are performed. Youth Justice Officers who terminate a personal call must report this to their supervisor and complete an incident report on IOMS, recording the reasons that the call was terminated and observations of the young person's welfare status after the call was terminated.

PROFESSIONAL CALLS

Professional calls are considered private and staff must allow young people privacy in which to conduct these calls. These calls are not to be monitored.

Young people have the right to contact their legal representatives or the Northern Territory Children's Commissioner at any time during business hours. Staff are to ensure that such requests from young people are addressed as soon as practicable, without undue delays.