



Queensland Youth Detention Centres Inspection Charter

Revised 2011

Linda A. Apelt
Director-General of the Department of Communities
October 2011

Inspection Charter

This Charter outlines the main role, purpose and the standard operating environment of the Youth Detention Inspectorate (the Inspectorate) within the Department of Communities (the department). It supplements the Queensland Youth Detention Centres Inspection Framework. The Charter has been prepared having due regard to the requirements of the:

- *Youth Justice Act 1992* (YJA)
- *Youth Justice Regulation 2003* (YJR)
- relevant international covenants and standards to which Australia is signatory; for example, the *United Nations Rules for the Protection of Young People Deprived of Their Liberty* (1990); *United Nations Rules for the Administration of Juvenile Justice ('The Beijing Rules')* (1985); and the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (1977).

1. Role

- 1.1 Under s263(1) of the YJA, the Chief Executive is responsible for the security and management of detention centres and the safe custody and wellbeing of children detained in detention centres.
- 1.2 The Inspectorate's primary role is to inspect and monitor each Queensland youth detention centre at least once every three months in accordance with s263(4) of the YJA. The purposes of these inspections are to:
 - ensure centre operations are consistent with the Chief Executive's responsibilities
 - ensure that current operations reflect current policy and the legislative framework.

2. Authority

- 2.1 The Chief Executive's powers to monitor the operation of detention centres are delegated to the Inspectorate pursuant to s312 of the YJA.
- 2.2 In performing its function, the Inspectorate has the authority to: determine the nature and scope of inspections; develop methods of inspection for the

appraisal of operations and outcomes; and conduct unannounced inspections. (see Rule 72 - United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990).

- 2.3** In carrying out their duties and responsibilities, the Inspectorate will have full, free and unrestricted access to all staff, young people, buildings and detention centre locations, and electronic and paper records, as authorised by the Chief Executive in accordance with the approval of this Charter.
- 2.4** From time to time, the Inspectorate will gather evidence voluntarily provided by parents, care providers and relevant agencies. Parties can refuse to participate in discussions at any time and are welcome to have a support person present.

3. Independence

- 3.1** The Inspectorate is independent from the Regional Service Delivery Operations (RSDO) area within the department. Accordingly, the Inspectorate shall:
- have no executive or managerial powers, authorities, functions or duties except those related to inspections
 - not be responsible for the detailed development or implementation of new operational systems
 - at the request of the Chief Executive or delegate, undertake any extraordinary inspections, if required.

4. Conduct of work

4.1 Inspection planning

- 4.1.1** The Inspectorate will develop and maintain a code of Expectations derived from relevant authorities and recommendations from Commissions of Inquiry that the government has agreed to implement. Each Expectation is underpinned by test criteria and example data sources that may be used to inform inspection focus areas across the full range of the Chief Executive's responsibilities under s263 of the YJA.
- 4.1.2** A forward program of inspection focus areas will be devised annually. The inspection program will be based on the Inspectorate's Expectations and Risk

Framework (which is reviewed annually). Other issues or risks relevant to the Chief Executive's responsibilities that have been noted by Inspectors in the course of previous inspections or that emerge on site will also be examinable.

- 4.1.3 The Chief Executive may also request extraordinary inspections, if the Chief Executive deems this is required.

4.2 Inspection activities

- 4.2.1 The Inspectorate's inspection activities will examine the issues of: wellbeing and safe custody of young people in detention, and the security and management of detention centres. This will include assessing the compliance of centre practices with relevant authorities and reviewing the monitoring systems utilised within detention centres.
- 4.2.2 The Inspectorate may conduct announced or unannounced inspections during or outside of normal business hours, as required. For announced inspections, a notification letter will be issued to the relevant Centre Director and Statewide Services.
- 4.2.3 The Inspectorate will attach a checklist to the notification letter detailing the business requirements of the inspection (e.g. workspace, furniture, network connections, and telephones) for provision by the relevant Centre Director or delegate. The Inspectorate will also inform the Centre Director of any mobile telephones, cameras, laptop computers or other equipment that Inspectors will need to bring into the centre during the inspection and the names of all inspection team members.
- 4.2.4 The Inspectorate will be provided with allocated keys for the purposes of inspections and will draw their keys from the centre's key safe using codes previously supplied by the detention centre.
- 4.2.5 The Inspectorate may make specific requests to speak with any staff member or young person who may have information relevant to a focus area. Participants will be advised beforehand of the focus areas under inspection, and that the information they supply is on a voluntary basis and may be subsequently used in inspection reports.
- 4.2.6 The Inspectorate will be provided with access to all paper and electronic records (including CCTV footage) that it considers relevant to an inspection focus area (including for ongoing independent monitoring purposes). This will

include, at minimum, provision of permanent access to all folders on detention centre computer servers related to behaviour development, case management, incident management and reporting, monitoring and risk management systems, operations, programs and visits. The Inspectorate will also be granted full, read-only access to the Integrated Client Management System (ICMS) and Detention Centre Operational Information System (DCOIS) databases.

- 4.2.7 The Inspectorate may, from time to time, take detention centre records off site for further analysis and will inform the nominated inspection liaison officer of same prior to removing the records.
- 4.2.8 The Inspectorate will make recommendations within inspection reports that are based on an assessment of a centre's implementation of the department's legislative and policy frameworks, including potential risks to the organisation, and which identify opportunities for continuous improvement consistent with national and international good practice. In the absence of sufficiently detailed legislation, policies or standards, the Inspectorate may refer to inspection standards and reports and good practice examples from comparable institutions in other jurisdictions.
- 4.2.9 Inspectors will manage the design, development and maintenance of a monitoring system for the implementation of recommendations arising from inspections and reviews, including the provision of regular reports to the Chief Executive and updates to the Commissioner for Children and Young People and Child Guardian.

4.3 Competence of inspectors and confidentiality provisions

- 4.3.1 Inspectors will perform their function objectively, carry out their work with rigour and due care and will diligently report all relevant findings, regardless of complexity or sensitivity.
- 4.3.2 As part of their function, Inspectors may identify systemic trends and issues from inspection data and provide expert high level advice to other areas of the department responsible for improving the effectiveness of the youth detention system in Queensland.
- 4.3.3 The Inspectorate will seek advice on the analysis and interpretation of legislation from relevant experts as appropriate, and inform themselves of

policy and other relevant authorities and research findings throughout the planning, conduct and analysis phases of inspections.

- 4.3.4 Inspectors will maintain technical competence through a program of continuing education and development in areas relevant to inspections and youth justice, including liaising with relevant departmental stakeholders to ensure they are aware of any relevant program, policy and procedure developments. Annual achievement planning will assist in identifying any areas of skill deficiency requiring attention.
- 4.3.5 Inspectors will be skilled and experienced in forming and maintaining collaborative relationships with Aboriginal and Torres Strait Islander and non-Indigenous young people; detention centre staff; members of detention centre and Regional Service Delivery Operations (RSDO) management and other internal and external stakeholders.
- 4.3.6 Internal staff members, as well as external individuals may be consulted or engaged for matters that require specialist advice or skills. Negotiations for contracted services will be conducted under the direction of the Head of Internal Audit and Compliance Services.
- 4.3.7 Inspectors and contractors/consultants will be required to disclose any real or potential conflicts of interest and to maintain the confidentiality of information obtained in the course of their duties in accordance with the department's policies and procedures. Inspection reports will not be released to third parties unless this is required and authorised by the Director-General.

4.4 Quality assurance

- 4.4.1 In accordance with s263(4) of the *Youth Justice Act 1992*, Inspectors will ensure that, at minimum, four inspections of each detention centre are conducted (and four inspection reports are completed) annually. The Head of Internal Audit and Compliance Services shall oversee the conduct of inspection activities to ensure ongoing quality control.
- 4.4.2 Feedback from Centre Directors is welcomed after each inspection with a view to continuous improvement while simultaneously ensuring the wellbeing and safe custody of young people in detention.

- 4.4.3 The Inspectorate will, where possible, work collaboratively through the consultation process with Statewide Services during its reviews of centre policies and procedures and in making its recommendations.