COPP 6.3 Anti-Bullying

Youth Detention Centre

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| PrinciplesIn context of the [Australian Human Rights Commission National Principles for Child Safe Organisations, 2019](https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf):Ongoing supervision and people management is focused on child safety and wellbeing.Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.In context of the [Australasian Juvenile Justice Administrators, Juvenile Justice Standards 2009](https://www.ayja.org.au/wp-content/uploads/2020/03/2009-AJJA-Juvenile-Justice-Standards-Part-1-and-2.pdf):Children, young people and families are provided with information about their rights and responsibilities in the Justice system.Custodial environments are safe and secure. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Youth Detention Centre (YDC) Custodial Officers and staff.

# Policy

The purpose of this document is to establish clear standards and procedures around the identification and management of detainee bullying behaviour.

Detainees are provided information relating to detainee bullying as part of their orientation (refer to [COPP 5.1 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)).

All staff shall work with detainees to eliminate all forms of bullying behaviour, providing an environment that is safe, secure and free from intimidation. Responsibility for safety and well-being is both a shared and individual responsibility.

All staff shall create an environment that promotes open discussion and self-reporting on bullying with allegations of bullying responded to immediately by staff.

All staff shall ensure victims of bullying are provided support and opportunities to develop skills for dealing with intimidation.

The management of detainee bullying is governed by a rigorous recording and reporting regime which provides transparency and accountability.

Detainees who are not able to communicate in spoken and/or written English are made aware of:

* their right to communicate in their language
* when and how to ask for an interpreter
* complaints processes

Translators may be requested in accordance with [COPP 2.2 Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Awareness and Support

## Introduction

### The Department is required to provide a safe, hazard-free environment as far as is reasonably practicable. Anti-Bullying practices must be in place and bullying should be treated as any other hazard and as unlawful.

### Bullying can present in various ways and may include:

1. psychological pressure, name calling and threats
2. vandalising property
3. unprovoked attacks
4. deliberate isolation or exclusion of persons
5. slander or gossip intended to harm another’s reputation
6. deliberate acts to undermine a person’s confidence
7. deliberately belittling or aiming to humiliate another
8. leading others to relate to another or treat another in accordance with a certain attitude or behaviour
9. inciting aggravation or violence between parties
10. the intention to cause fear or harm to the victim
11. repeated occurrences of any 1 or more of the above.

### Staff are encouraged to work with detainees to reduce bullying behaviour to promote a safe environment.

### Detainees shall be made aware of what to do if they experience or witness bullying at their initial orientation in accordance with [COPP 5.1 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Staff shall ensure every effort to provide and explain information to detainees regarding the detrimental impact of bullying and the potential sanctions that can be imposed in a manner, pace and language that the detainee may understand.

## Awareness

### Staff shall not discount insignificant incidents as trivial as this may indicate a pattern of a detainee’s engagement in bullying behaviour.

### Staff shall be alert to vulnerable detainees and the possibility of bullying as detainees may cover up the bullying for fear of further harassment.

### Suspicions of bullying may include but is not limited to:

1. information from a third party
2. self-harm
3. unexplained injuries
4. lack or loss of possessions
5. efforts to change accommodation – sometimes through deliberate breaches of discipline
6. change in behaviour
7. withdrawal from education, programs or activities
8. changes in routine.

### Staff shall ensure they continue to monitor interactions between the relevant parties. Interactions shall be documented in TOMS and the occurrence book.

### Additionally, an incident report shall be documented in TOMS in accordance with [COPP 8.1- Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

## Anti-Bullying procedures

### Where a Custodial Officer receives allegations, suspects or is aware of bullying behaviour, the behaviour shall be managed immediately. Detainees shall be managed in a confidential and sensitive manner.

### Custodial Officers shall ensure the actions taken to address bullying behaviour shall target the detainee who is demonstrating the behaviour rather than the victim.

### The Custodial Officer shall ensure the matter is reported to the Unit Manager and documented accordingly in TOMS and the handover and occurrence books.

### The Unit Manager shall investigate the bullying behaviour and record the incident and interventions in TOMS and the occurrence book.

### Additionally, an incident report shall be documented in TOMS in accordance with [COPP 8.1- Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### The Unit Manager shall inform the relevant Senior Officer.

### Where a detainee engages in bullying behaviour, the Unit Manager or delegate shall refer the detainee to Psychological Services and Case Planning and document the referral in TOMS.

### The Unit Manager shall discuss at unit debriefs any reported bullying behaviours in order to alert Custodial Officers to continue to observe detainee behaviour.

### The detainee engaged in bullying behaviour shall have their behaviour managed in accordance with [COPP 6.1 – Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) and [COPP 6.4 – Offences and Charges.](https://justus/intranet/prison-operations/Pages/bhdc-copps.aspx)

### Where a detainee completes a Detainee Request, Complaint and Feedback Form to report bullying, this form shall be placed on the file(s) of those detainee(s) alleged to have committed the bullying.

## Supporting the victim

### Staff shall ensure that any detainees who claim or are suspected of being bullied, should be treated in a professional, sensitive and confidential manner. Their claim shall be dealt with discretely and immediately by staff.

### Staff shall sensitively interview the detainee to encourage and draw out information.

### Staff shall ensure interventions do not compromise the identity of detainee’s who provide information to staff in confidence.

### Staff shall ensure the wellbeing and safety of the victim is a priority in any responses to incidents of bullying behaviours.

### Staff shall encourage and reinforce the positive steps taken by the detainee reporting an incident of bullying.

### Where a detainee is a victim to bullying behaviour the Unit Manager or delegate shall refer the detainee to Psychological Services and other appropriate internal supports.

### Staff shall adhere to the procedures detailed in [COPP 7.4 – Detainees at Risk of Self- Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) where there are any concerns in relation to the “at risk” status of a detainee.

### Staff shall closely monitor and provide ongoing support to the detainee, where:

1. there is insufficient evidence to prove they are being bullied
2. the detainee verbalises they do not want any action taken.

### Staff shall brief the victim on any actions taken to address the bullying behaviour.

# Annexures

## Related COPPs and documents

* [COPP 5.1 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 6.1 – Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 6.4 – Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 7.4 – Detainees at Risk of Self- Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Definitions

| Term | Definition  |
| --- | --- |
| Bullying | Behaviour by an individual or group, repeated over time, which hurts another individual or group either physically or emotionally |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Custodial Officer | An officer with custodial functions, appointed under section 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers.  |
| Detainee | Means a person who is detained in a detention centre as defined in s.3 *Young Offenders Act 1994*. |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of s 11(1a)(b) of the *Young Offenders Act 1994*, in r 49(2) of the *Young Offender Regulations 1995*:(a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.(b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.(c) Program support staff counsellors, program facilitators and librarians.(d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| Public Service Officer  | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer (SO) | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994* |
| Staff | Any person or officer of the Department of Justice, Corrective Services, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any contractor who provides services to the Department of Justice. |
| Superintendent  | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners and detainees. |
| Unit Manager | A Youth Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994*.The Senior Officer managing the unit in which the prisoner is located. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |

## Related legislation

* *Work Health and Safety Act 2020*
* *Public Sector Management Act 1994*
* *Young Offenders Act 1995*
* *Young Offenders Regulations 1995*

# Assurance

It is expected that:

* The Detention Centre will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081).
* The Women and Young People, Head Office will undertake management oversight as required.
* Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081)
* Independent oversight will be undertaken as required.

Document version history

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the Director Operational Projects, Policy Compliance and Contracts | 21 January 2021 | 22 February 2021 |
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