

**Model policies**  
**on**  
**working with young people**  
**for**  
**non-residential youth services in NSW**

by Nick Manning

Youth Action & Policy Association (NSW)

2004

**Part 3**  
**Rights and**  
**responsibilities**

# Model policies on working with young people for non-residential youth services in NSW

by Nick Manning

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The model policies are available from [www.yapa.org.au/youthwork/modelpolicies](http://www.yapa.org.au/youthwork/modelpolicies), as:

- PDF files for easy printing and reading
- web pages for quick viewing of particular policies
- Word files for easy copying + pasting into your own policy documents.

## Warning!

These are model policies for agencies to adapt to suit their circumstances. We have done the best we can within our resources, but it is not possible to write a single policy which meets the requirements of the wide range of youth services in NSW. You should not rely solely on the information here, but should refer to other publications and authorities and if necessary get qualified advice for your specific situation.

We have attempted to include all the relevant legal requirements as at 2004. However the law is sometimes complex and open to interpretation, and applies to different youth agencies in different ways. If necessary you should get legal advice about your own policies. The information here is not legal advice. If there is a real possibility of legal action, you should talk to a lawyer before you decide what to do.

These policies reflect law which applies in NSW, which may be quite different to law in other states and territories of Australia. Using these policies outside NSW without checking the law, may put your agency, staff and volunteers at risk of breaking the law.

## Acknowledgements and thanks

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<http://www.yapa.org.au/youthwork/modelpolicies>**

## **Part 1:**

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- Drop-in & use of centre facilities
- Young people's use of computers
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copy + paste the text, at [www.yapa.org.au/youthwork/modelpolicies](http://www.yapa.org.au/youthwork/modelpolicies)

# Young people's rights to their personal information

## Aims

This policy aims to fulfil the agency's legal and ethical obligations regarding openness and accuracy about the personal information we hold about young people.

This policy fulfils a legal requirement of NSW and Australian privacy laws which apply to most youth services and activities.

### **Which information does this policy apply to?**

This policy applies to all *personal information* the agency holds, in whatever form. Personal information is any information which might identify a young person (whether a client, ex-client or non-client). The agency might have personal information in, for example:

- a casework file
- paperwork for an excursion or camp
- a risk assessment which names a young person
- records of consequences for breaches of the rules, including a ban
- feedback or a complaint
- a child protection assessment or report
- an accident report or incident report
- a day book
- a report to a supervisor or management
- any other record or information which names or identifies a young person.

(See the Privacy policies for examples of personal information).

This policy does not apply to employment records.

### 3. Rights and responsibilities: Young people's rights to their personal information

## Procedure

If a young person asks, the agency must give them access to the personal information the agency holds about them, except for any parts of that personal information where access would:

- breach the privacy of others, or
- pose a serious threat to the life or health of any person.

If the young person asks, the agency must correct, delete or add to the information to keep it relevant, accurate, complete, up-to-date and not misleading.

If the agency is not willing to change the record, it must, if the young person asks, attach to the record a statement provided by the young person detailing the correction, deletion or addition they asked for.

Where the agency has corrected, deleted or added to the information, it must, if the young person asks, notify previous recipients of the information about the changes.

The agency must provide reasons if it denies access or refuses to correct personal information.

The agency must keep the original file or record after the young person stops being a client. The agency should provide a copy to the young person if they want one.

If another agency wants the file to assist with their work with the young person, the agency must provide a copy (not the original), but only with the written, informed consent of the young person (see the policy Privacy: Disclosing personal information with consent).

#### **Does the young person own their file?**

You may use an approach to casework where the young person owns a folder or portfolio recording their goals, progress etc, which they may keep with them if they wish. However such a folder is distinct from the agency's file (if needed). An agency file:

- **is not necessary** for one-off work such as information, referral, street work etc
- **is necessary** for ongoing casework to meet certain requirements such as risk assessment, informed consent etc
- is the legal property of the agency (though the young person has certain rights regarding the information in the file)
- should be kept at the agency both while the young person is a client and after the young person stops being a client (see the policy Keeping and destroying records).
- must be shown to the young person on request (under privacy laws).

# Keeping and destroying records

## Aims

The agency needs to find a balance between:

- the need, for privacy reasons, to destroy records containing personal information about young people when they are no longer needed, and
- the potential for a young person to need certain records for legal proceedings in the future.

The agency also needs to comply with legal requirements to retain certain records.

## Procedure

### Keeping records

INSERT HERE YOUR AGENCY OR TEAM POLICY. SEE THE INFORMATION ELSEWHERE IN THIS POLICY.

### Destroying records

Securely destroy records which the agency no longer needs to keep.

Paper records should be shredded.

Computer records should be destroyed in such a way that they cannot be reconstructed. Just deleting the file or deleting the record from a database does not necessarily erase the information, so:

- floppies, CDs and DVDs: break up into pieces
- hard drives: get technical advice about completely erasing hard drives before computers are sold, thrown out or moved to other parts of the agency.

#### **Your agency or team policy:**

Your agency or team needs to develop its own policy, taking into account:

- the sorts of information which you record
- the capacity of the agency to securely maintain records
- the requirements, if any, of legislation and or funding bodies.

See the background information below.

### 3. Rights and responsibilities: Keeping and destroying records

#### How long should you keep your files and other written records?

In NSW there is no general legal requirement to keep client records for any length of time at all. Some exceptions (there may be others):

- **OH&S accident reports:** keep for at least 7 years
- **Government agencies:** check for departmental policies
- **Local council agencies:** check if there is any relevant NSW legislation or council policy
- **Non-government health agencies** must keep health records for at least 7 years after the last time that a service was provided **and** at least until the client turns 25, (ie. whichever comes later) (*NSW Health Records and Information Privacy Act 2002*)
- records relating to a **child protection allegation against an employee** (Designated Agencies only) should be kept on a file separate to the employee's personnel file and must be kept **permanently** (See *Child Protection in the Workplace* at <http://www.ombo.nsw.gov.au>)
- records relating to **child protection disciplinary proceedings** reported to the NSW Commission for Children and Young People must be kept **permanently**. If your agency closes down, all these records should be forwarded to the Commission.

#### Otherwise, how long should you keep client records?

Despite what some people will tell you, there is no exact answer to this question. Privacy guidelines say you should destroy records as soon as you don't need them. However for the (few) clients who may need something in your records as evidence in future legal action, you should keep these records for many years. (Some negligence cases have gone to court 40 or 50 years after the original incident, and such cases often suffer because records are unavailable). This is not a legal requirement but is good casework practice.

It is not always possible to predict which files might contain evidence which might be needed in future legal action. The client may not decide to take action, or even realise their right to take action, until after they stop being a client of yours. And you may not realise this possibility either.

If possible, keep the following records permanently:

- case files, in particular case files of clients who have experienced assault, domestic violence, abuse, neglect, any experience of trauma (eg. as a victim or witness to a crime or an accident), discrimination, harassment, vilification, unfair treatment or negative experiences of agencies (such as out-of-home care, police, detention, jail, school, work, health care or welfare agencies etc)
- records relating to child protection reports (to DoCS, police, Ombudsman or Commission for Children and Young People)
- reports of serious accidents and injuries at the agency
- complaints and allegations against the agency, records which may shed light on these allegations and complaints (eg. day books, incident reports) and details of the resolution of these complaints and allegations
- day books and other records such as internal memos or reports, containing any of the above.

If you do destroy old case files, consider contacting the ex-clients to see if they want to keep their file instead. (Ensure that nothing in the files might breach another person's privacy).

Keep other records, such as attendance lists, consent forms, vehicle log books etc, which are unlikely to contain information which might be needed at a later date, for a limited time eg. around 2 years, unless specific legislation or funding bodies require otherwise.

# Code of conduct for staff

## Aims

This policy aims to ensure that volunteer and paid staff behave at all times in ways which keep young people safe, and which maintain the reputation of the agency, while allowing a friendly, natural environment where young people's needs can be met.

### Child protection

This Code, and its implementation, is an essential part of the agency's child protection responsibilities, while also addressing some other issues.

## Procedure

Paid staff, volunteers, students and contractors (all referred to as *staff*) must comply with the following code of conduct. They must also report to the Manager any allegations, breaches, and complaints relating to other staff.

### Code of conduct for staff

#### General

- Treat everyone with respect, equality and honesty.
- Be professional in all your interactions with others.
- Be a positive role model to young people in all your interactions with them.

#### Smoking

- Do not buy cigarettes for, or sell them to, young people.
- Do not give a young person a cigarette except in exceptional circumstances.
- Staff who smoke: Always be professional, while also being honest and genuine, in your interactions with young people in relation to smoking.

#### Alcohol and illegal drugs

Do not:

- consume or be under the influence of alcohol or illegal drugs while at work
- provide alcohol or illegal drugs to, or share or consume them with, young people from the agency, including away from the agency
- possess illegal drugs while at work

### 3. Rights and responsibilities: Code of conduct for staff

- come to work with a hangover or other after-effects of drug use if this would interfere with your work
- be judgemental to young people about drug use, or promote or glorify drug use to young people
- disclose your own drug use to young people unless it will assist your work (tell the Manager about these disclosures at the time).

If in your private life you come into contact with young people who use the agency while you are drinking, be natural and honest, while remaining professional. Do not drink or socialise with them.

If in your private life you might be seen drinking to excess, by young people who use the agency, or by adults connected to the agency, then find a balance between:

- your responsibility as a role model to the young people,
- your responsibility not to damage the reputation of the agency, and
- your right to a private life.

#### **Dealing with police**

At all times deal with police professionally and as outlined in the policy Crime and Police.

#### **Expression of religion, culture and lifestyle**

At all times comply with the policy Inclusiveness: Expression of religion, culture and lifestyle.

#### **Harassment, vilification and excluding behaviour**

Do not:

- sexually harass others
- harass, bully, or ostracise (ignore and exclude) other people
- vilify (put down), or make jokes, comments or actions, play music or display material (including on clothes and bags) which may be offensive to or derogatory about people at the agency, or generally about women, men, transgender people, pregnant women, carers, gay men, lesbians, refugees, any ethnic group, any religion, people with disabilities, people with mental illnesses, or people with learning difficulties.

#### **Physical contact**

Physical contact with a young person is OK in the following situations if it is part of fulfilling a legitimate youth work purpose and is acceptable to both the young person and the staff member:

- for first aid
- when appropriate in sport and recreation
- when appropriate to assist a young person with a disability
- as part of non-sexual comfort or emotional support (eg. a hug)
- to get the person's attention.

### 3. Rights and responsibilities: Code of conduct for staff

Avoid other physical contact with young people. Any intentional physical contact of a sexual nature is a serious disciplinary matter, and in some circumstances may be a criminal matter.

#### **Personal interactions**

Do not:

- have a special relationship (or appear to have a special relationship) with a young person that could be seen as favouritism or special treatment
- personally give a young person a gift (a gift from the agency is OK)
- have a social relationship with a young person outside of work.

Do not, (except in exceptional circumstances with the Manager's permission in advance):

- have contact (professional or social) with a young person outside of work
- have personal communications with a young person (phone, text, email, letter, note etc) outside of work
- let a young person find out your home address or phone number
- take a young person to your home.

Always:

- If a young person gives you a gift, report it to the Manager. Generally gifts will be kept by the agency (or if food, be offered to everyone to share).
- If you think that a young person has a 'crush' on you, report this to the Manager and follow their advice and directions as to how to manage the situation.

#### **Sexual interactions**

Do not have any sexual interaction with a young person using the agency, including:

- a romantic relationship
- any sexual contact or activity
- inappropriate conversations of a sexual nature
- suggestive remarks or actions, sexual jokes, obscene gestures, or sexual exhibitionism
- showing them pornographic images.

Any sexual interaction with a young person (of any age) using the agency is a serious disciplinary matter, and in some circumstances may be a criminal matter.

#### **Unclear situations**

If it is unclear whether this policy applies, or it is unclear how to apply this policy, eg:

- it is not clear whether a young person is "a user of the agency" or not
- you know a young person independently of the agency
- it is not clear whether this policy applies to you (eg. you are a young person who uses the agency yourself **and** you are an agency volunteer/tutor etc),

you must discuss the situation as soon as possible with the Manager and follow their advice and directions as to how to manage the situation.

### 3. Rights and responsibilities: Complaints

# Complaints

## Aims

This policy aims to:

- encourage young people, parents and anyone else who is not happy with something about the agency, to make comments and complaints
- resolve complaints in ways which deliver natural justice and increase satisfaction with the agency
- allow us to learn from complaints and improve the way we do things.

### External & internal complaints

This policy deals with external complaints: complaints from young people, their families or other people outside the agency.

For internal complaints (between staff, volunteers, management and individual management committee members), see the agency grievance procedure or other internal policies.

### Legal and contractual requirement

This policy fulfils the requirements of:

- NSW *Community Services (Complaints, Reviews and Monitoring) Act* 1993 which requires all agencies funded by NSW Department of Community Services to have a complaints process.
- NSW Department of Community Services Service Agreement 2004-2005 (section 4.6 "In particular the right to: ... d. without fear of recrimination, have access to an effective complaints mechanism which you must provide.")
- NSW Department of Community Services Service Standards 2004 draft (section 2.1)
- Commonwealth Department of Family and Community Services (June 2004 draft) Youth Program Guidelines (section 3.14.2)

## Procedure

### Publicising the complaints policy

The document *Your comments and complaints about this agency* (below) explains how people can make complaints.

- Display it prominently in all agency premises.
- Give it to all casework clients.
- Offer it to other clients.

### 3. Rights and responsibilities: Complaints

- Offer it to all people who make verbal complaints.
- Offer it to all people who want a service but don't get it (eg. we can't fit them in, we ban them etc).

## Receiving complaints

### Volunteers receiving complaints

If someone complains to a volunteer about the agency or one of the staff (including the volunteer), the volunteer should ask the person to speak to a paid staff member if one is available at the time. If not, they should follow the procedure (below) for paid staff.

### Paid staff receiving complaints

If someone complains to a paid staff member about the agency or one of the staff, then follow this procedure, even if you think that the complaint is not justified or if the person complaining says they don't want to take it to the Manager:

- Try to listen and be as open as you can.
- If the complaint is about you, ask them if they would prefer to speak to you or to someone else.
- If you are having trouble giving them a fair hearing for any reason, suggest to them that it is better if they speak to someone else.
- Let them know that you will pass on their concerns, and if they wish, the Manager will get back to them. Write down the details and pass them on to the Manager as soon as possible.
- Let them know that they can make a formal complaint if they wish. Offer them a copy of *Your comments and complaints about this agency* and explain their options if necessary.
- Pass on all written complaints (letters, emails etc) to the Manager as soon as possible.

### Very serious complaints

If a complaint is about a very serious issue, for example:

- breach of privacy
- serious injury
- harassment or discrimination
- assault or violence
- crime

then immediately refer them to the Manager. If the Manager is not available, then refer them to the most senior person available, who must report it to the Manager as soon as possible.

You may need to follow other policies depending on the circumstances, eg:

- Child Protection policies (which override this policy where they conflict)
- Crime and Police
- Non-violence

### 3. Rights and responsibilities: Complaints

- Rules and Consequences.

#### **Comments box**

Put a comments box in a prominent place in the building. Let young people and others know that they can make informal comments or give feedback (positive or negative). Comments can be anonymous.

#### **Privacy**

All volunteers, paid staff and management must maintain people's privacy at all times (see the Privacy policies). Except as required, do not tell paid staff, volunteers, young people or anyone else about:

- the identity of a person making a complaint
- the identity of a person being complained about
- the details of a complaint.

The Manager:

- will tell any staff member that they are the subject of a complaint, so they have a chance to tell their side of the story
- may need to ask other people questions in order to check facts
- will tell management about some complaints about staff
- may have to report certain complaints to outside authorities.

#### **Manager dealing with complaints**

If a complaint is about the Manager, offer the person complaining the choice to speak to someone else, if possible someone more senior.

The Manager will deal with each complaint as they see fit, aiming to:

- show support to the person complaining, without taking sides
- give the person complaining every opportunity and assistance to make their complaint, including allowing them to use an advocate or support person, and if necessary assisting them to access an interpreter
- give any person complained about every opportunity and assistance to tell their side of the story, including allowing them to use an advocate or support person
- check the facts if they are in dispute
- base judgements on facts and reasonable beliefs, not superficial assumptions, unsubstantiated allegations or rumours
- base judgements on information about individuals, not generalisations about a "group" they belong to (eg. an ethnic group, or people with a particular mental illness)
- deal with the complaint as informally as possible, while being fair to all concerned
- resolve the complaint as quickly as possible, while being fair to all concerned
- find a resolution which is acceptable to the person complaining, any person complained about and the agency as a whole
- give the agency the chance to learn from the complaint and improve services.

### 3. Rights and responsibilities: Complaints

#### **Employment laws & policies**

If the complaint alleges any behaviour by an employee which could affect the employee's employment at the agency, see relevant employment laws, awards, and the agency's employment / grievance / performance appraisal policies.

#### **Feedback on the complaint**

The Manager will give feedback on the resolution of the complaint to:

- the person who complained
- any person complained about
- staff, volunteers and management when necessary (eg. if they are aware of the complaint, are affected by its resolution or could learn from the complaint).

In each case the Manager will limit the feedback to what each person needs to know, as much as possible maintaining the privacy of the person who complained, any young person involved, any staff involved and any other people connected to the complaint.

#### **Complaint file**

The Manager will keep all documents related to each complaint in a complaint file in a secure storage for the same number of years required for employment files or casework files, whichever is longer (see the policy Keeping and Destroying Records). Put a file note in any relevant casework file and any relevant employment file, noting that there is a related complaint file.

#### **Register of complaints**

The Manager will also maintain a confidential register of complaints including:

- a short summary of each complaint received
- how it was resolved (eg. apology/ change of practice/ found to have no substance/ unresolved to date)
- whether there was any report to an external agency
- any lessons or implications for the future.

The Manager should review the register of complaints at least annually.

#### **Regular reports**

The Manager will report all complaints in their regular reports to management. These reports can comprise the details in the register of complaints. As much as possible, these reports should avoid identifying any young person or other member of the public.

The Manager will provide a brief summary of the number and nature of complaints received and their resolution annually in the annual report to members. This summary should as much as possible avoid identifying any staff member, and must not identify any other person (eg. a person who complained or a young person).

### 3. Rights and responsibilities: Complaints

## Your comments and complaints about this agency

We welcome positive comments and complaints about our services and activities. We respond to complaints quickly and try to resolve them.

Who can complain?

- Young people
- Parents
- Other agencies or their staff
- Other people outside this agency.

What can you complain about?

- How we treated you or someone else
- How we handled an incident
- Inappropriate services or activities
- Wrong priorities
- Anything else you are not happy about.

You might complain about:

- Our staff
- Our volunteers
- Our management committee
- Other young people at our agency
- Anyone else, or anything else, at this agency that you are not happy with.

### **Support**

You can have an advocate or support person help you with your complaint. They might be a friend or relative, or a worker from another agency. If you need an interpreter, we will try to help you to get one.

### **Privacy**

Your complaint is confidential. We will only tell those people who need to know about your complaint:

- Legally we have to report some very serious complaints to government authorities.
- If you complain about a staff member, we will tell them, so they have a chance to tell their side of the story.

You can complain anonymously (without giving your name). This may limit what we can do to fix things.

### 3. Rights and responsibilities: Complaints

#### **Very serious complaints**

If your complaint is very serious (for example, privacy, serious injury, harassment, discrimination, violence or crime) then you should immediately contact the Manager (see option D below).

#### **How do I complain or say something positive?**

There are several ways:

- A. Put a note in the Comments Box (you don't have to put your name), or
- B. Talk to the person you are not happy with, or
- C. Talk to the person's supervisor, or
- D. Contact the Manager, or
- E. Contact the independent complaints agency.

#### **A. Put a note in the comments box**

You don't have to put your name. However, sometimes we need more information from you, especially for very serious complaints (eg. about privacy, injury, harassment, discrimination, violence, crime).

#### **B. Talk with the person you are not happy with**

If you feel comfortable, talk to the person you are unhappy with. If this doesn't work or you don't feel able to do this, go to option C.

#### **C. Talk to the person's supervisor**

You can speak to the person's supervisor, over the phone or make an appointment to come and see them. If this doesn't work or you don't feel able to do this, go to option D.

#### **D. Contact the Manager**

Write a letter, email, phone or make an appointment to see the Manager. Their contact details are:

INSERT CONTACT DETAILS OF MANAGER

They will usually get back to you within a few days. If they cannot resolve your complaint straight away, they will let you know roughly how long it might take.

If this doesn't work, go to option E.

### 3. Rights and responsibilities: Complaints

#### **E. Contact the independent complaints agency:**

**INSERT THE APPLICABLE INDEPENDENT COMPLAINTS AGENCY AND CHECK THEIR CONTACT DETAILS ARE UP-TO-DATE**

**DOCS-FUNDED AGENCIES AND LOCAL COUNCILS SHOULD INSERT:**

Contact the NSW Ombudsman. They are an independent government agency which deals with complaints about government departments, councils and many community service organisations in NSW.

Phone: 02 9286 1000

Toll free: 1800 451 524

TTY: 02 9264 8050

email [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

**FACS-FUNDED AGENCIES SHOULD INSERT:**

Contact the Department of Family & Community Services

(INSERT HERE THE CONTACT DETAILS OF YOUR FACS PROJECT OFFICER)

#### **Other options:**

##### **Privacy complaint**

If your complaint is about a breach of privacy, you can also contact:

Commonwealth Privacy Commissioner

Phone 1300 363 992

[privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)

##### **Discrimination complaint**

If your complaint is about harassment or discrimination, you could also contact:

NSW Anti-Discrimination Board

Phone (02) 9268 5555

Toll free 1800 670 812

TTY: (02) 9268 5522

##### **Advice**

You can get advice from a community legal centre or the Legal Aid Commission.

# Rules and consequences

## Aims

This policy aims to:

- make agency activities and services safe and enjoyable for everyone
- provide consistency in enforcement of the rules
- provide an opportunity for young people to learn appropriate social behaviour in a supportive environment.

### **Rules rules!**

For the rules and consequences to work, young people need to be able to have input. When young people 'own' the rules they are more likely to support them.

An effective set of rules for young people:

- is discussed and debated by young people
- deals with things that are important to young people in the agency
- has been developed collectively
- is in ordinary language written by young people
- is accepted as fair and reasonable by young people and adults
- is widely promoted
- must be explained and discussed with young people when they first come to the agency.

## **Approach**

Staff should apply this policy in respectful, non-discriminatory, supportive, developmental and creative ways. The priorities for staff when responding to rule-breaking are:

### **1. Prevention:**

- Staff should plan and run activities and services which are engaging and meet the needs of young people. Staff, premises, facilities and the rules should all help young people to feel valued and respected. Staff should use youth participation strategies to maximise the sense of ownership that young people feel towards the agency or activity.
- Consider running programs to educate all young people about issues behind the rules (eg. sexual harassment, computer rules etc).
- Where staff see a problematic situation developing, divert young people's energy and attention to other things, if possible.
- Respond to individual needs which may otherwise be expressed through rule-breaking, eg. provide more intensive support to a young person in crisis.

### 3. Rights and responsibilities: Rules and consequences

**2. Education:** In imposing consequences staff should wherever possible educate the young person (and sometimes the other young people present), eg. through:

- a short chat about appropriate behaviour
- the young person listening to the victim (if any) say how they have been affected
- an agreement or contract about future behaviour.

**3. Restoration:** Where possible, ask the young person to "put things right", eg:

- apologise
- clean up a mess they made
- fix or pay for damage.

Restorative approaches work best where the young person has admitted the rule-breaking and is genuinely sorry.

**4. Punishment:** Punishments which are unlikely to have any developmental, educative or therapeutic role are a last resort for very serious rule-breaking only. The following consequences usually fall into this category:

- asked to leave
- banned
- police called.

## Procedure

### Rules for young people at the agency

Develop the rules for the activity in conjunction with young people.

Display the *Rules for young people at the agency* prominently in each space used by young people.

Explain the *Rules for young people at the agency* to young people in a friendly way when they first come to the agency.

### Rules for young people at the agency

- You can smoke outside in the designated smoking area. If we go away from the premises, you can smoke in some situations (ask staff if it is OK).
- Be drug free at this agency: No alcohol, illegal drugs or drug implements. Don't turn up under the influence of alcohol or illegal drugs. No selling or trading illegal drugs or prescription drugs.
- You can wrestle or fight if you both want to and nobody gets hurt. But no verbal abuse, aggression, weapons, threats (even as a joke). No violence or hurting people.

### 3. Rights and responsibilities: Rules and consequences

- Express yourself, but not by damaging our buildings, equipment and stuff.
- Be artistic if you feel like it, but no graffiti.
- Socialise and have fun, but no sex, and no sexual harassment.
- Feel free to be yourself... and let other people be themselves too: Do not bully, harass or ostracise (ignore and exclude) anyone. Do not vilify (put down), or make jokes, comments or actions which may offend or hurt other people. Do not play music or display material (including on clothes and bags) which may offend or hurt others.
- Treat everyone with respect.
- Do your own thing, but do what the staff ask too.

There are other rules for particular activities (eg. computers, excursions).

#### **Consequences**

If you break the rules, staff will impose one or more of these consequences, depending on what you did and whether you have broken rules before:

- a quick comment to say that what you did is not OK
- ask you to stop and warn you that it is against the rules
- discuss with you the reasons for the rule
- ask you to apologise to someone
- ask you to clean up or do some other job
- make an agreement or contract with you about your future behaviour
- not let you participate in a particular activity for a period of time
- not let you in to the agency (if you try to bring in something which is banned)
- time out for a while
- ask you to leave for the rest of the day or for up to a week
- 1 week - 3 month ban from the Manager
- tell the police if you commit crime, or if you won't leave when we ask you to.

#### **Rights**

You also have some rights at the agency:

- We keep information about you private (there are a few exceptions). Ask staff for a copy of *Your privacy at this agency*.
- You can see any information we have recorded about you, and ask us to correct it if it is wrong.
- You can tell us what you think about the agency, or make a complaint. Ask staff for a copy of *Your comments and complaints about this agency*.

### 3. Rights and responsibilities: Rules and consequences

#### Consequences

You should:

- follow the priorities listed at the beginning of this policy
- try to be consistent with each other in enforcing rules and consequences
- ensure that you don't overreact or "lose it" with young people.

#### Other policies

Deal with these behaviours according to these other policies:

- Alcohol and illegal drugs
- Crime and police
- Non-violence (see below).

If appropriate, you can also apply consequences later.

#### Violence

Apply the Non-violence policy if:

- a person has a potential weapon on agency property or during services and activities without a satisfactory reason
- you feel unsafe when another person engages in verbal abuse, harassment, aggressive or threatening behaviour, or violence against property
- a person is violent ('play violence', such as wrestling is OK if it is consensual and safe).

#### Keep a record

Keep a record of the more serious breaches and consequences.

#### Time out / ask to leave

If you believe that a young person should leave for a period of time, there is a scale of consequences the agency can use:

- time out
- ask the young person to leave for the rest of today, or for up to a week
- a ban of 1 week, which the Manager can extend to a maximum of 3 months.

You should always use the least serious consequence you can to achieve the desired outcome.

#### **Don't lose it with young people!**

Be careful to apply the rules fairly and in proportion to the situation. Youth work can be very stressful, so if you notice yourself getting stressed:

- pause and take a breath
- have a 1 minute break
- if you are at risk of losing control regularly, discuss with the Manager some strategies to address your needs at the time eg. change your duties, take some annual leave, etc.

#### **Time out... Ask to leave... Ban... What's in a name?**

It helps to use language which is not unnecessarily legalistic or stigmatising and does not inflame the situation:

- *Time out* sounds less punitive and more therapeutic.
- To *ask a young person to leave* is in fact a short ban, but allows them to save face.
- Longer bans are very serious consequences and should be identified as such by use of a word such as *ban*.

### 3. Rights and responsibilities: Rules and consequences

#### **Time out**

*Time out* is an informal and flexible consequence where the young person leaves the activity or the area they are in for a short time. They do not necessarily have to leave the premises and may spend some time alone, or talking with the staff member, or with other young people. Use time out as you see fit. Do not ask a young person to take time out in an unnecessarily legalistic or punitive way.

#### **Ask the young person to leave for the rest of today, or for up to a week**

Only ask a young person to leave when all the less serious consequences have failed or are definitely not appropriate. Do not apply this consequence in an unnecessarily legalistic or punitive way.

Ask them to leave the current activity and, if appropriate, any other activities which you are responsible for (but not activities and services which other staff are responsible for), but:

- always give them a chance to put their side of the story before you decide
- always give reasons
- always let them know that they are welcome back at the end of the time.

### **1 week – 3 month ban**

#### **Principles of banning**

- Only consider a ban for behaviour which threatens health and safety (eg. violence, serious threats, serious repeated harassment) where there is no realistic alternative.
- Always give the young person the chance to put their side of the story before making a decision (this is part of the legal principle of *natural justice*).
- Allow the young person to have a support person (eg. another young person) with them while they put their side of the story at a meeting with the Manager.
- Be alert to the issues such as the young person's history of rejection, or the possibility of the young person's relationship with agency staff or other young people being a protective factor against suicide for the young person.
- Only ban the person from certain agency services or activities, unless it is essential for health and safety reasons to ban them from other agency services and activities.
- Only ban the person from agency premises in the most serious cases, as a breach of this ban amounts to trespass, which is an offence.
- Always give reasons for a ban.
- Always consider referrals and other alternatives for the young person during the ban.

#### **How to initiate a ban**

Always give the young person a chance to put their side of the story before you decide on a ban. Explain to the young person:

- you are banning them from that activity for a week (see above) and give reasons

### 3. Rights and responsibilities: Rules and consequences

- you will ask the Manager to decide whether a longer ban is called for (up to 3 months)
- the Manager can also decide whether to ban them from other agency activities and services too
- the young person will get to put their side of the story to the Manager, if they wish, before the Manager decides
- they should turn up to see the Manager on such-and-such day, or let them know that the Manager will contact them to make a time to meet
- they can bring someone to support them while they talk with the Manager.

Report the details to the Manager as soon as possible.

#### **Manager's decision**

As the Manager you need to decide whether to:

- not extend the ban past the original 1 week ban
- extend the ban for any length of time up to 3 months
- extend the ban and widen it to other agency activities and services too (but only if there is no reasonable alternative and only after the relevant staff have had the chance to put their views)
- only ban the young person from the agency premises completely if there is a serious safety risk (eg. there has been serious violence or serious threats against the agency, its staff or young people).

#### **Written ban notice?**

A written ban notice is not legally required and is not recommended for most bans. Consider the following in deciding whether to provide a written notice:

- can the young person read?
- is the young person likely to keep the notice or lose it?
- might a legalistic ban notice just inflame the situation?

In the rare event that you expect that, in the future, you will have to take legal proceedings against the young person for trespass, then:

- a written notice is still not required, but may assist you to prove that the young person had been banned
- consider informing the police about the ban.

In these very serious cases you may also consider an Apprehended Violence Order.

#### **Written ban notice?**

If you extend the ban to more than a week, decide whether to give the young person a written ban notice or not. If so, it should be on agency letterhead and include all relevant information as outlined on the *Sample ban notice* (below).

### 3. Rights and responsibilities: Rules and consequences

#### **Longer ban?**

The maximum ban is 3 months. If staff wish the ban to continue after 3 months, then towards the end of the 3 months they can make a report to the Manager asking for another ban. The young person will get to put their side of the story to the Manager before the Manager decides.

#### **If they refuse to leave**

If someone refuses to leave when you ask them to, calmly try to persuade them to leave. Explain that if they leave now they can come back at the specified time, but if they refuse to leave and you call the police, they may get another longer ban.

If they still refuse to leave, call the police, and take steps to consider extending the ban.

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**Sample ban notice**

INSERT DATE

John Smith

INSERT ADDRESS

Dear John

I have decided to ban you from the following agency activities and services:

INSERT ACTIVITIES AND SERVICES

from now until INSERT DATE.

This is because of INSERT REASONS.

OPTIONAL:

I have also decided to ban you from the agency premises at:

INSERT ADDRESSES

from now until INSERT DATE.

If you come onto the premises at that address before that date, we will consider calling the police and asking them to prosecute you for trespass.

OPTIONAL:

Do not contact other staff. If you wish to talk about this ban or anything else, you can contact INSERT STAFF MEMBER on INSERT PHONE/ EMAIL/ or in writing to the address above.

OPTIONAL:

You can still access the following agency services:

INSERT SERVICES EG. CASEWORK, ALTERNATIVE ADDRESSES ETC

If you want to appeal against this ban, you can write to the INSERT BOARD/MANAGEMENT COMMITTEE/DIRECTOR ETC and give your reasons.

If you want to complain about anything at this agency, please see the attached document *Your comments and complaints about this agency* for details of government departments which take complaints about this agency.

During the ban, you may want to use the services and activities at:

INSERT DETAILS OF OTHER AGENCIES/ REFERRALS

You will be welcome back after the ban ends as long as you follow the rules.

Yours sincerely