



# Youth Custodial Rule 203

## Detainee requests and complaints

Legislation referred to: [Inspector of Custodial Services Act 2003](#)  
[Young Offenders Act 1994](#)  
[Children and Community Services Act 2004](#)  
[Young Offenders Regulations 1995](#)

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### 1. Introduction

A detainee may make a request or complaint on any matter relating to their management or care whilst in a Youth Custodial Services (YCS) facility. The matter shall be progressed in a timely and expedient manner with impartiality, accountability and transparency.

This Youth Custodial Rule does not affect the right a detainee has to communicate in writing to the persons specified under “confidential mail” in [Youth Custodial Rule 603 Communications](#).

### 2. Scope

This Youth Custodial Rule applies to all YCS staff, volunteers and contractors and should be read in conjunction with all relevant Youth Custodial Rules and Standing Orders, Departmental policies and procedures and mandatory reporting requirements.

### 3. Principles

- 3.1 A detainee may make a request, complaint or allegation on any matter in relation to their management and care whilst in custody.
- 3.2 Detainees shall be encouraged to make appropriate requests or complaints to enhance the development of self expression and self determination.
- 3.3 Parents, caregivers or significant others may also make appropriate requests or complaints as the adult responsible for the detainee.
- 3.4 A detainee making a request or complaint concerning any matter affecting them may do so verbally or in writing to the Superintendent or their delegate.
- 3.5 All complaints shall be addressed in an appropriate, timely and courteous manner. All attempts shall be made to resolve any requests, complaints or grievances at the lowest level of authority possible.
- 3.6 Should a detainee not be satisfied with the determination of any matter, the detainee may request that the next higher authority consider the matter.

- 3.7** Where the Superintendent or their delegate is unable to resolve the complaint or unwilling to accede to the request, the detainee shall be advised of the appropriate course of action to have the matter reviewed.
- 3.8** The Superintendent or their delegate shall keep a record of all complaints.
- 3.9** A detainee may be interviewed by a Departmental investigator or external agency in relation to any complaint made by the detainee. Any request for an interview with a detainee for this or any other purpose shall be made through the Superintendent or their delegate.
- 3.10** The State Ombudsman (Parliamentary Commission for Administrative Investigations) and members of the Ombudsman's staff have the power during an investigation by the Ombudsman to visit the facility and interview a detainee without notice.

#### **4. False or frivolous complaints**

Pursuant to s170 (c) of the [Young Offenders Act 1994](#), where a detainee makes a complaint concerning YCS staff and an investigation finds that the complaint is false or frivolous, the Superintendent or their delegate may:

- counsel the detainee; and/or
- direct that the detainee may be charged under s170 (c) of the [Young Offenders Act 1994](#).

#### **5. Allegations of misconduct**

**5.1** Should an allegation of misconduct (sexual, physical or emotional) or suspected inappropriate sexual contact be made by a detainee towards another detainee, the following principles shall be followed:

- the safety and well being of the alleged victim is paramount
- the rights and protection of the detainee against whom the allegation is made shall also be considered
- a detainee who has made an allegation shall not be left on their own or be subjected to any form of pressure to change their allegation or complaint.

YCS staff must be aware of the vulnerability of detainees in this situation and shall provide support without exception.

**5.2** Sexual abuse is a criminal offence and must be reported to the police.

#### **6. Mandatory reporting**

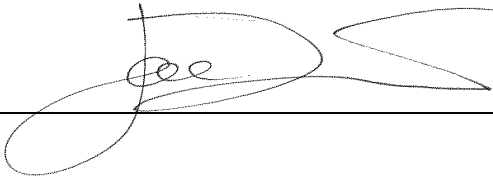
Teachers and medical staff employed by the Chief Executive Officer as defined in the [Young Offenders Act 1994](#) must report sexual abuse of children as per the [Children and Community Services Act 2004](#).

## Approval

Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and *Young Offenders Regulations 1995*, by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.


On the 13<sup>th</sup> day of March 2014

Minister



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Commissioner



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On the recommendation of the Deputy Commissioner Youth Justice Services and the Director Youth Custodial Services.



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Deputy Commissioner  
Youth Justice Services



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Director  
Youth Custodial Services

## Version history

<b>Version</b>	<b>Approved</b>	<b>Effective from</b>
First published as Juvenile Custodial Rule 203 - Requests and Complaints by Detainees	27 March 2002	27 March 2002
Above rules amended	17 July 2008	17 July 2008
Renumbered and renamed – Youth Custodial Rule 203 - Requests and complaints	27 August 2012	27 August 2012
Rule updated and procedural detail moved to Standing Orders	9 September 2013	9 September 2013
Rule updated and formatted	13 March 2014	5 May 2014