

Working With Minors

Serco Immigration Services

Immigration Detention Centre Alternate Place of Detention Working With Minors Policy and Procedures

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1. POLICY

1.1 Legislative and Policy Framework

- New Directions in Detention
- Migration Act 1958
- Migration Amendment (Detention Arrangements) Act 2005
- Immigration (Guardianship of Children) Act 1946
- Convention on the Rights of the Child
- State child protection legislation

1.2 Principles and Values

Immigration Detention Values - Value 3 provides that minors are not to be detained in an IDC. Minors are accommodated at Alternative Places of Detention (APODs) which may be administered and supported by IDCs and their staff.

Serco will support the best interests of minors in the operation of the APOD. This will require that all minors will:

Be treated with respect and dignity

- Be treated with an understanding of their age, gender, culture and life experiences
- Be provided with a safe and supportive living environment
- Have access to health and welfare services
- Have access to education
- Have access to age appropriate recreational activities
- Be supported in their culture and religion
- Where capable of forming his or her own views, be consulted on matters affecting their case or management plans
- Be encouraged to engage with the wider community
- Have access to family, friends and other social supports
- Be provided with information about their family members
- Be able to complain

In addition:

- Family units will be maintained and supported whenever it is appropriate
- The role of parents and family members and, where appropriate members of extended families, in the lives of minors will be respected and supported.

2. AIM

This procedure has three purposes.

First, to clearly outline the rights, needs and entitlements of People in Detention who are under 18 years of age and to provide guidance to Serco staff on their responsibilities in relation to this cohort, members of which are henceforth referred to as “minors”.

The second purpose of this procedure is to ensure Serco staff give effect to the requirements of the contract with respect to People in Detention under 18 years of age.

The final purpose is to ensure that Serco staff understand and comply with State and Territory child protection legislation. A list of child protection legislation is contained at Annex A.

3. PROCEDURE

3.1 Introduction

The placement of minors will be the responsibility of DIAC.

Minors will not be placed in IDCs but may be accommodated at Alternative Places of Detention (APODs). Minors may also be placed in Immigration Residential Housing (IRH), Immigration Transit Accommodation (ITA) or in Community Detention.

3.2 Application

This procedure applies to all minors under the age of 18, including minors in the care of their families and unaccompanied minors.

3.3 References to other Serco Procedures

This Procedure is to be read in conjunction with the referenced Serco procedures for full information on all requirements.

Procedures covering the following topics are referenced and are those which are to be read in conjunction with this procedure:

- Safety and Security PPM
- Searching and Screening PPM
- Reception, Induction and Discharge PPM
- Incident Management Reporting PPM
- Personal Officer PPM
- Visitor Management PPM

3.4 Reception

The Reception and Induction processes are regarded as critical in the effective and appropriate management of People in Detention. These processes will be person-centred, with the needs of individual People in Detention and minors, where applicable, being the focus of attention.

The Centre Manager will ensure that where there is a mother and minor being received, the Reception process will be conducted by a female Client Service Officer (CSO) with appropriate accreditation in managing minors.

Where the minor is unaccompanied, the Reception will be conducted by two CSOs of the same gender as the minor. At least one of these CSOs will be accredited in the management of minors.

The Centre Manager will ensure that all minors or families with minors will be given priority in the Reception and Induction into the APOD. **All Receptions will be completed no later than 12 hours after arrival.**

The placement of the minor and or his/her family within the APOD will be made with the minor's safety and best interests as the key consideration. The minor and his/her family will be actively consulted and, where feasible, offered a choice in their placement within the APOD. The Centre Manager will alert DIAC to any noted concerns or safety issues relevant to the placement of the minor.

All minors/families will be offered a health assessment with the Health Services Provider (HSP) upon Reception.

Minors are entitled to retain their property within the APOD subject to the provisions of the *Migration Act 1958* (the Act) and relevant rules of the APOD and the supporting IDC. Prohibited and controlled items include weapons, other items capable of being used to inflict bodily injury, and items which may be used to help the person to escape from immigration detention (see *Entry and Exit Control PPM*).

Upon Reception to the APOD, families and minors will be issued with initial hygiene, clothing and food supplies to ensure their comfort during the first few days of accommodation.

3.5 Induction

The induction process will be conducted by an accredited CSO.

Induction provides key information on how the APOD operates and aims to help the child/family settle into their new environment. Induction will be conducted as soon as practicable after arrival and within two days. Where appropriate, induction will occur in groups to assist in the development of relationships and support.

Minors over the age of 12 will be provided with information about the site, the house rules, services and supports available to minors.

The CSO conducting the induction must offer each Person in Detention a health induction assessment. Where a Person in Detention declines an health induction assessment, the

CSO must record this information in Portal, and notify the Department Regional Management.

A key component of induction is taking the minor/family to the internal canteen or local shops in order to buy food and other supplies. Unaccompanied minors will receive active guidance on the purchasing of food and supplies.

During the induction process, the accompanied minor will have a Personal Officer assigned to the parent and the minor. Where a minor is accompanied, the Personal Officer will be of the same gender as the parent. The CSO will be required to have accreditation in managing minors. The role of the Personal Officer is described in the Personal Officer PPM.

Unaccompanied minors will have a Personal Officer assigned to them. Where the minor is unaccompanied, the assigned Personal Officer will be of the same gender as the minor and will have accreditation in working with minors.

3.6 Identification

Serco Reception and Induction CSOs will:

- Take reasonable measures to identify any People in Detention who are under the age of 18
- Immediately notify the Centre Manager if they are informed, or have a reasonable suspicion, that a Person in Detention may be under the age of 18
- Treat the Person in Detention appropriately according to their (suspected) age
- Assess and address any immediate special needs of the Person in Detention, taking into account the Person in Detention's (suspected) age, gender and background
- Where the Reception and Induction CSO suspects a minor has been or is suffering from abuse or neglect, he or she is to make an immediate report to the Centre Manager who will inform DIAC and the State appropriate child protection agency

While awaiting instruction from DIAC Regional Management in relation to a Person in Detention who is suspected to be a minor, the Reception and Induction CSOs will:

- Seek to determine whether the minor is accompanied, including asking families and People in Detention whether they are caring for children under the age of 18 other than their own, or whether they know of any children who are separated from their parents or relatives
- If the minor is accompanied, separate the minor and their guardian or nominated minder from the general population of People in Detention
- If the minor is unaccompanied, separate the minor from the general adult population of People in Detention, but keep in the company of Serco staff or other minors where possible
- Assess and address any immediate special needs of the minor, taking into account the minor's (suspected) age, gender and background
- Manage the minor in accordance with instructions provided by DIAC

Serco staff may be confronted with a Person in Detention whose claim to be a minor suggests further inquiry would be appropriate. This is not a Serco task and the matter is to be referred by Reception and Induction staff, through the Senior Operations Manager of the supporting IDC to DIAC Regional Management for action.

4. FILES AND RECORDS

4.1 Individual Management Plan

During Reception, CSOs will conduct a Security Risk Needs Assessment of each Person in Detention placed into the APOD. The needs assessment forms the basis of the Serco Individual Management Plan (IMP). The IMP's overarching goal is to plan, prepare and facilitate the family and/or minor for living within the APOD.

The IMP will record the care, support, training, education, health, recreational and social needs of the minor and will record appropriate plans to address these needs given the time available. DIAC and the Health Services Provider (HSP) will contribute to the IMP.

Minors may have their own IMP or may be included in a family IMP. Within a family IMP each minor will be the subject of separate assessment and planning.

4.2 Minor's Role in the Development of the IMP

The extent to which minors are consulted about their needs and are active in decision making will depend upon their age and maturity. A minor's IMP will be overseen by the assigned Personal Officer.

- All minors (where feasible) will be active participants in the development of their IMP
- Minors over the age of 12 will be actively consulted about their needs, and their opinions must be considered in planning
- Minors over the age of 15 will be encouraged to make positive decisions for themselves

4.3 Identifiers

A minor under the age of 15 years will not be asked to provide personal identifiers other than a photograph/image of their face.

A parent, guardian or independent person must be present when collecting any identifiers from minors.

No photographs, images or video footage can be taken of any minors in an APOD under any circumstances without the permission of DIAC.

5. GUARDIANSHIP

5.1 Parental Rights and Responsibilities

Serco acknowledges its duty of care obligation to People in Detention and, in particular to minors.

The Centre Manager of the IDC supporting the APOD is responsible for the duty of care extended to all minors within the APOD. The Centre Manager will ensure that APOD staff are aware of this responsibility.

Notwithstanding the duty of care and responsibility owed by the Centre Manager and CSOs to all People in Detention within the APOD, minors living with their families in detention are the responsibility of their parents and or primary caregivers. Parents will be supported by Serco staff to exercise their parental responsibilities. These include, but are not limited to:

- Responsibility for the child's health, welfare and wellbeing
- Providing permissions and consent
- Making decisions about education and recreation
- Providing access to culture and religion

The Centre Manager and CSOs will anticipate that some parents may find it difficult to adjust to parenting their minors in the different culture of an APOD. Serco staff will support these parents to understand the differences in culture and encourage them to allow their minors access to education, recreation and social activities, however the final decision remains with the parent(s) or guardian, unless it breaches Commonwealth or State law, or places the child at risk.

Wherever a parent does not consent to a school-aged minor attending school or engaging in programs and activities, the Centre Manager will report this to the DIAC Regional Manager.

5.2 Immigration (Guardianship of Children) Act 1946

The *IGOC Act 1946* makes provision for unaccompanied minors to be placed under the guardianship of the Minister. Guardianship powers are interpreted to mean all powers and duties usually exercised by a parent over a child.

The Centre Manager in consultation with the nominated DIAC delegate, will engage with experts in child welfare to ensure guardianship powers are exercised appropriately.

It is recognised that the Minister cannot delegate his or her guardianship powers, enshrined in the Act, to Serco staff.

5.3 Changes in Guardianship

The Minister can make changes to the guardianship of a minor at the APOD under section 4AA of the *IGOC Act 1946* when there is an irretrievable breakdown in the relationship between the minor and the parent or care, and the Minister is satisfied that it is in the best interests of the minor in order to:

- Protect the minor from injury or harm
- Protect the minor from moral danger
- Provide the minor with appropriate care and guidance.

Making changes to the guardianship of a minor would only be taken as a last resort once all other avenues have been exhausted.

When APOD CSOs have concerns about the care or guardianship arrangements for a minor in the APOD they will report them to the Centre Manager who will immediately advise the DIAC Regional Manager and Case Manager for a review of the arrangements.

6. HEALTH AND WELLBEING OF MINORS

The health and wellbeing of minors in an APOD site will include the provision of a comprehensive approach that includes health services, trauma services, social activities, education, and living skills programs. The Senior Care Manager will ensure that these various services, which lie within their sphere of authority, are provided.

6.1 Health Checks

The Serco Senior Care Manager, CSOs and Personal Officers will monitor for symptoms of trauma in minors and seek assistance, advice and support from HSP staff wherever necessary.

The CSOs will ensure that all minors are offered health checks upon reception. Where this is refused, the CSO will encourage parents/guardians to reconsider and will explain the benefits of a comprehensive health assessment. If the parents/guardians still refuse or the minor is unaccompanied, the Senior Care Manager, through the Centre Manager, will report this to the DIAC Regional Manager.

The Senior Care Manager or APOD CSOs will arrange an appointment with a clinical practitioner or other specialist health provider upon request or as required. This will be done through the supporting IDC HSP.

Wherever there is a requirement for the provision of transport to an appointment, APOD CSOs will liaise with the supporting IDC to provide the required transport.

6.2 CSOs Assigned to a Minor's Welfare

The Centre Manager will ensure that there is at least one staff member with child welfare qualifications on site at all times at each APOD where minors are housed. This staff member will be required to have at least Certificate III in Child Welfare with a minimum of two years experience and will be responsible for the oversight of the welfare of all minors.

6.3 Medication

Parents/Guardians will be responsible for administering medication or treatment to minors. Where the minor is unaccompanied or there are concerns about the parent's comprehension of the administration instructions, medications will be administered by a First Aid trained Serco Staff member in Accordance with written instructions provided by the Health Services Provider.

6.4 Special Needs Minors

The assigned personal officer in conjunction with the Health Services Provider will arrange community support for any minor with special needs or a disability through the relevant state government department. These minors will be able to access the same support and services as any other child with the same disabilities.

6.5 Individual Management of Minors

The assigned APOD Personal Officer will oversee the Individual Management Plan (IMP) of each minor assigned to them. This includes identifying any welfare, recreational, social, educational and learning needs of the minor and implementing these requirements in consultation with DIAC case management staff.

6.6 Allowance Points

Parents or guardians will manage and control the allowance program for their minors. The Senior Care Manager of the supporting IDC will ensure that CSOs provide guidance on spending the allowance.

Unaccompanied minors, with the requisite capacity, will be given responsibility for managing their own allowance program with the guidance of their Personal Officer.

6.7 Food and Cooking

Support will be available to guide parents to make appropriate food choices for their minors. In some locations, food will be provided from a central facility.

The CSOs will consult with HSP staff and review the Individual Management Plan to obtain dietary advice on the food to be provided to minors by food service providers, including those of hotels or motels.

6.8 Smoking

Minors are not to smoke cigarettes. This is firstly for their health, and secondly as a disincentive for adults to claim they are minors.

7. FAMILIES

7.1 Maintaining the Family Unit

Serco recognises that every minor in immigration detention is entitled to be accommodated with both parents unless:

- Separation from one or both parents is in the minor's best interest
- One parent is transferred elsewhere in the interest of that parent's health, the security of the APOD or the safety of other People in Detention or staff
- One parent is not in detention.

The Centre Manager will ensure that CSOs do not separate a minor in detention from their family/guardian, unless directed by DIAC through the Centre Manager.

The CSOs will, where possible, ensure families are housed together in appropriate accommodation with sufficient room for all family members. When this is not possible, accommodation for additional family members will be arranged as close as possible.

7.2 Parental Authority

All Serco staff will respect the authority of parents to parent their minors according to their cultural norms, provided these are consistent with Australian laws. Where necessary Serco staff may coach parents to assist them to take responsibility for their minors and to understand the essential elements of the relevant Australian law, particularly in relation to children and the use of physical punishment and force and access to education.

APOD CSOs will only intervene if there are legitimate concerns about the welfare of minors. Where concerns exist, the Centre Manager will ensure these are recorded and reported to DIAC Regional Management.

7.3 Family Autonomy

The Team Leader will ensure that Families will have the right to live independently, autonomously and privately within their unit. Serco staff will not enter family units unless invited in or if they have reasonable concerns about safety and security.

Any cleaning or maintenance work within a residential unit will be negotiated with the family and conducted at a mutually agreed time

7.4 Contact from Family

Families and minors are entitled to maintain contact with family and friends overseas or within Australia. Minors (over 10 years of age) will be allowed email accounts to send and receive emails. All mail addressed to minors will be passed on to them, if appropriate through their parents or guardians. Minors will be allowed access to the telephone for the purpose of making telephone calls at their own expense. Such email and telephone calls will be in accordance with the "Conditions of Use."

8. RECREATION AND PROGRAMS

8.1 Scheduling

The Programs & Activities Manager of the supporting IDC will oversee the development and prominent display of a monthly programs and activities schedule for the APOD. The development of the monthly schedule will be in consultation with People in Detention, parents/guardians and Personal Officers. It will also reflect comments made in the IMPs

The Programs & Activities Manager will ensure that the schedule will respond to changes in the makeup of the population of minors and to changes in their needs.

The APOD CSOs will maintain records of the attendance of minors at programs and activities and will inform the Senior Care Manager of regular non-attendance by minors. The Senior Care Manager will report this to DIAC Regional Management.

8.2 Toys and Equipment

The Senior Care Manager will ensure that minors have access to age appropriate toys and recreational equipment. Toys and equipment will be safe and in good order and repair. Toys and equipment will be maintained and regularly subjected to safety checks.

The APOD CSOs will inspect all toys and equipment as part of a documented OH&S program and will ensure that damaged and broken equipment is promptly replaced.

8.3 Social Activities

The Team Leader will have available a range of activities to families and minors to develop relationships and increase social support and a sense of community. Families and Minors will be encouraged to make suggestions for activities

8.4 Living Skills Programs

The Team Leader will ensure that all residents will be offered a range of living skills programs that assist them to adjust to life in Australia and develop independent living skills. Programs can be offered in different ways to suit the learning style of the participant such as one-on-one sessions, group discussions, incidental learning, workshops etc.

8.5 Computer Access

Computer and email access will be available to People in Detention through computers located in common areas fitted with filtering devices to prevent access to inappropriate websites or other services.

Minors will have access to the internet supervised by their parents.

Unaccompanied minors will have access to the internet supervised by Serco CSOs.

The CSOs will make certain that all computer users will be required to sign a computer use policy and share computer use in accordance with the "Conditions of Use." Parents or guardians will sign these on behalf of minors after explaining the obligations of computer use.

8.6 Excursions

The Team Leader will ensure that families and minors will be offered a range of age appropriate excursions. Serco staff will be responsible for arranging the activities, arranging transport and seeking necessary permission. The role of excursions is to involve the residents in Australian culture

8.7 Community Groups and Volunteers

Volunteers and community agencies play an important role in supporting minors and families in APODs and assisting the establishment of social supports. Volunteers who visit or support minors must have the required Working with Minors check in the State where their interaction with minors in detention is being carried out. The involvement of all volunteers and community groups will be in accordance with DIAC procedures.

9. EDUCATION

9.1 Schooling

The Senior Care Manager will have a program of educational access in place for all minors accommodated within the APOD. Minors have the right to education and are obliged to attend under the relevant State or Territory laws. Parents will be actively encouraged to send their school aged minors to school.

School-aged unaccompanied minors will be required to attend school. Unaccompanied minors will be supported by CSOs to participate in all school related activities.

Where a change of schooling arrangements is requested, the CSOs will refer this to the Senior Care Manager who will forward this request to the DIAC Regional Manager.

Parents will be responsible for any costs associated with private education should this be set under any distance learning arrangement.

The CSOs who take the minors to school, will make certain that they hand the minor directly to the designated/directed person. Under no circumstances will a minor simply be left at a school.

9.2 Preschool

Parents will also be encouraged to allow their pre-school minors to attend pre-school, kindergarten or play group, however this is not mandatory and non-attendance will not be reported.

9.3 Parent Refusal

Where parents in APODs refuse to send their minors to school this will be reported by the CSOs to the Senior Care Manager/Centre Manager for referral to DIAC Regional Manager.

9.4 Child Refusal

For some minors, leaving their parents to attend school is distressing and potentially traumatic and the adjustment to school overwhelming. In such instances, where there is a refusal to attend school, the Team Leader will advise the Department Regional Manager so that expert support can be implemented to support the minor and the parents through transition.

10. SAFETY OF MINORS IN AN APOD

10.1 Living in a Safe Environment

The CSOs will make certain that all minors residing in the APOD are safe and supported. If it became known that a minor does not feel safe, the CSOs will intervene immediately.

10.2 Safe Transport

It is acknowledged that minors and families will require transport in Serco vehicles. The CSOs will ensure that all passengers wear seat belts and minors must be transported in accordance with the state’s road safety legislation and requirements for child restraints outlined below.

All child restraints, car seats and booster seats will comply with *the Australian New Zealand Standard 1754*.

All child restraints will be properly fitted into the vehicle and adjusted to fit the child.

Child Car Restraint Requirements	
Victoria, Queensland & Western Australia	
Under 6 months	<ul style="list-style-type: none"> • Cannot travel in front seat if another seat is available • Must be in a rear facing child seat that is properly fitted to the vehicle and adjusted to size.
6 months to under 4 years	<ul style="list-style-type: none"> • Cannot travel in front seat if another seat is available • Must use EITHER an approved rearward-facing child restraint OR a forward-facing approved child restraint with an inbuilt harness that is properly fitted to the vehicle and adjusted to fit the child’s body correctly.
Minors aged 4 to under 7 years:	<ul style="list-style-type: none"> • Cannot travel in front seat unless all other seats are occupied by minors also under 7 • Must use EITHER an approved forward-facing approved child restraint with an inbuilt harness or an approved booster seat and be restrained with a properly fastened and adjusted seatbelt or child safety that is adjusted to fit the child’s body correctly.
New South Wales	
0 – 6 months	<ul style="list-style-type: none"> • Babies up to the age of 6 months must be restrained in the rearward-facing restraint.
6 months – 12 months	<ul style="list-style-type: none"> • For young minors from 6 months to 1 year of age a rearward or forward facing restraint must be used.
12 months – 4 year	<ul style="list-style-type: none"> • From 1 to 4 years of age the child must be restrained in a forward facing restraint.
4 years – 7 years	<ul style="list-style-type: none"> • From 4 years to 7 years of age, a booster seat must be used

10.3 Occupational Health and Safety (OH&S)

Serco is committed to the health and safety of People in Detention and staff in the APOD. The Serco APOD Manager, supported by the Senior Operations Manager, will actively encourage the identification and reporting of OH&S issues and will respond to all reports.

10.4 Compliance with Safety Standards

All minors' furniture, toys, car restraints and other equipment will comply with the relevant safety standards and will be regularly inspected by and maintained to ensure it is in safe working order.

10.5 Child Safety Checks

The APOD CSOs will ensure the completion of Child Safety Checks using the APOD Child Safety Checklist to provide for the ongoing safety of minors within the APOD. These checks will take into consideration the physical safety of the accommodation units and the surrounding areas. The Child Safety Check will be conducted with reference to the age of the minor, such that an environment that is not safe for a baby may be assessed as safe for an older child.

A Child Safety Check will be conducted every time a new family or minor is received into an APOD site and before they are placed within a unit. A family or minor cannot be placed in a unit that has been assessed as unsafe.

The Child Safety Checklist also identifies safety training needs that should be provided to parents or minors as part of their IMP.

A copy of the Child Safety Checklist is provided as Attachment 1 to this document.

10.6 Searching Minors

There are strict provisions controlling the screening and searching of minors in the *Migration Act 1958*.

The CSOs will ensure that screening and searches of minors are in strict accordance with the approved procedure.

A screening procedure of a minor should, where practicable, be conducted in the presence of a parent or guardian. However, their presence is not mandatory. If it is not acceptable to the minor to have their parent or guardian present, another person can be present, other than the authorised officer conducting the screening procedure, who is capable of representing the minor's interests and who, as far as practicable in the circumstances, is acceptable to the minor.

Screening and searching a minor constitutes a reportable Incident and must be reported by Serco staff in accordance with the procedural requirements.

10.7 Use of Force and Restraint

The Centre Manager and CSOs will ensure that the use of force or restraint devices should only be applied to minors in exceptional circumstances and in strict accordance with the *Migration Act 1958*. Refer to the *Use of Force – Control and Restraint PPM* for further information.

A minor is deemed by DIAC as a person of special consideration and so Serco staff will use greater care than would otherwise be required should reasonable force be warranted and approved.

The use of force or restraint on a child constitutes an Incident and will be reported as an incident.

10.8 Inappropriate Behaviour of Minors

Parents and guardians are expected to manage the behaviour of their minors and apply appropriate discipline. Parents who have difficulty managing their minors will be given coaching and support to manage more effectively. However, the safety and security of the site for all people in Detention is Paramount.

All minors are expected to behave in accordance with the site rules.

Where a minor's behaviour exceeds the control of their parent or guardian and repeatedly breaks the rules, the team leader will consider the following steps:

- Informal Counselling – An informal session that outlines the problematic behaviour to the minor and the expected behaviour.
- A behaviour Management Plan – A structured intervention developed by a child worker that monitors behaviour and using behaviour modification techniques to develop more appropriate behaviours
- Dispute Resolution – A dispute resolution process with the aggrieved party which may involve facilitation or mediation
- Relocation – If the behaviour continues to be problematic, the minor and his/her family will be relocated to another facility
- The team Leader will consult with the DIAC case management where further referral and case plan amendments may be required

10.9 Incidents

Any Incidents involving minors will be reported in accordance with the Incident Management Reporting Procedure. Incidents involving minors are generally considered more serious than those involving adults and have more stringent reporting requirements.

Incidents involving minors also have to be considered with a view to State Child Welfare and Protection Legislation

11. COMPLAINTS

Minors in detention have the right to make a complaint about any aspect of their care or accommodation within the APOD. The Centre Manager will ensure there are provisions whereby a minor can make a complaint.

The Centre Manager will have in place provisions whereby minors can request assistance from CSOs to make their complaint. When such support is requested the Serco staff member will maintain their objectivity, and will not attempt to influence the complaint and must relay the facts of the complaint as made by the minor.

A minor has the right to make a complaint confidentially.

All complaints made by minors will be documented and investigated by the Centre Manager or delegated senior manager.

12. VISITORS FOR MINORS

12.1 Visits with Minors

APOD visits will occur during specified visiting times unless otherwise approved by the Centre Manager.

All visitors will be advised of the conditions of entry and will have to sign in and out of the facility.

All visits will occur in a pre-approved place within the APOD.

The APOD Manager will ensure that the visits space for minors will be safe and hospitable.

The minor's parent or guardian will be responsible for exercising control over their minor and his/her visitors within the APOD. In the case of unaccompanied minors,

12.2 Supervision of Visits with Minors

There are different levels of supervision for visits with minors. Serco will provide the lowest level of supervision required to ensure the safety of the child.

Visits with minors may be:

- Supervised – a Serco APOD staff member will be present at the visit
- Unsupervised – Serco APOD staff will not provide any more supervision to the visit than would normally be exercised over all activities within the site. In this case the parents or guardians are responsible for overseeing the visit.

The Senior Operations Manager of the supporting IDC will determine the level of supervision required for a visit with a minor in an APOD. When determining the level of supervision, the Senior Operations Manager will consider the following:

- The advice of the APOD Manager
- The age of the visitor
- The age and maturity of the minor
- The relationship of the visitor to the minor
- Where the proposed the visit will take place
- Any vulnerabilities of the minor
- Any issues or concerns about the visitor.

Anyone regularly visiting a minor within a paid or volunteering position will not be permitted into the site without the Blue Card or Working with Children Check.

13. CHILD PROTECTION AND MANDATORY REPORTING PROCEDURE

13.1 State and Territory Legislation

All Australian States and Territories have child protection legislation and agencies charged with the implementation of that legislation. As a Commonwealth Authority, DIAC, and through them, Serco, has a mandatory obligation to report incidents of abuse and neglect. The reach of the legislation and the authority of the State agency will extend, with some limitations, to the IDCs and APODs. Broadly speaking, child protection agencies deal with the protection of children from abuse and neglect.

Minors in detention have the same rights to protection from abuse and harm as any other minor living in Australia.

Child protection legislation is a State or Territory responsibility and any allegations or reporting of abuse or neglect of a minor must comply with the relevant State or Territory legislation.

Serco staff have a duty of care to all minors in APODs. This duty of care extends to having the APOD Manager and CSOs monitor the safety and wellbeing of minors and reporting any concerns related to real or suspected abuse or neglect to the relevant State or Territory child protection agency.

13.2 Identifying Signs of Abuse and Neglect

Abuse may include physical, emotional, or sexual abuse or neglect. Potential signs of child abuse may include but are not limited to:

- **Physical:** fractures or broken bones, bruises, burns, poor hygiene, constant hunger
- **Behavioural:** caution with parents or guardians, age-inappropriate sexualised behaviour, wearing excessive clothing to hide bruises, burns, displaying minimal emotion or excessive friendliness toward strangers, inappropriate social relationships, significant changes in behaviour or attitude
- Disclosures by the minor that they have been abused

13.3 Reporting of Abuse/Neglect

Under DIAC guidelines all instances of suspected abuse or neglect of a minor are to be reported to the relevant State or Territory child protection agency, whether or not that State has a mandatory reporting requirement.

Where a Serco staff member believes that a child requires protection from abuse or neglect, this will be immediately reported to the DIAC Regional Manager, the minor's Case Manager, and the State or Territory child protection agency.

There is no requirement for Serco staff to substantiate the claim of abuse or neglect when making a notification to child protection staff.

Child abuse or suspected child abuse is classified as a critical incident and should be reported in line with Serco's *Incident Management PPM*.

When notified by staff of a child protection issue, the Centre Manager will immediately:

- Ensure all Serco management support the member of staff who made the report
- Confirm that a notification has been made to the relevant State or Territory child protection agency
- Confirm that the DIAC Case Manager / Regional Manager has been informed
- Advise the Regional Manager (East or West Coast, as appropriate)

The Centre Manager will ensure that Serco staff do not conduct their own investigations into the suspected child abuse or neglect. It is the responsibility of child protection agency staff to assess the notification and make any relevant investigations to ensure the child's safety.

13.4 Notifying the Child Protection Service

To make a notification for an at-risk minor, the Serco member of staff will contact the child protection agency in the relevant State or Territory and speak to a worker who may request the following information:

- The minor's name, location, contact information and age
- Indicators of harm – observations of abuse or neglect
- Safety assessment – details of any immediate danger to the minor
- The staff member's involvement with the minor
- Family information – any other relevant information known about the family.
- Cultural characteristics – any specific cultural information, needs for interpreter, or disability needs.

A notification should still be made regardless of whether all the above information is known.

13.5 Contact numbers for making a notification are below.

State	Contact
NSW	Department of Community Services 13 3627
QLD	Department of Families 07 3224 8045, 07 3235 9999 (crisis), 1800 177 135
VIC	Department of Human Services 13 12 78
SA	Department of Family and Community Services 131 478
WA	Department of community Development 08 9222 2555, 08 9223 1111 (A/H)
NT	Family and Children's Services Office 1800 688 009

13.6 Cooperating with Investigations

State and Territory child protection staff may seek to access immigration detention facilities to investigate child protection notifications. The *Commonwealth Places (Application of Laws) Act 1970* empowers State and Territory agencies to enter immigration detention facilities and other APODs to investigate specific allegations of child abuse.

All Serco staff will be required to fully cooperate with any investigations conducted by State or Territory child protection agencies. The Centre Manager will notify the DIAC Regional Manager and Serco Regional Manager of any such investigations..

14. STAFF RECRUITMENT, TRAINING AND DEVELOPMENT

14.1 Selection and Recruitment

The National Operations Manager will ensure that all prospective staff undergo selection procedures that ensure their personal integrity, humanity, professional capacity and personal suitability for employment in an immigration facility and for working with People in Detention, and in particular with minors. This will include Working with Children checks.

14.2 Working with Minors Clearance

The Centre Manager of the supporting APOD will ensure that all staff working within the APOD have complied with the relevant state requirements for working with children checks prior to engaging with minors.

The Human Resources Manager of the supporting IDC will ensure staff obtain their clearance, and will maintain a record of the clearances.

Staff deemed unsuitable to work with minors will not work within the APOD. The DIAC Regional Management will be advised by the Centre Manager of the outcome of the Working with Children Clearance checks.

14.3 Training

Serco ASPAC Training will ensure that child protection legislation and obligations, and DIAC and Serco policies and procedures in this area are included in staff induction and refresher training, and that this training satisfies State and Territory requirements.

The Centre Manager will ensure all Serco staff have completed the required induction training, including the child protection component before assuming duty in positions where they will interact with minors.

The Centre Manager will also ensure that the training is supported by the provision of posters in staff areas detailing the child protection reporting responsibilities and providing current contact details.

The Centre Manager will ensure that all Serco Staff working at the APOD have the following training:

- Legislative and policy base of detention
- First Aid
- Cultural Awareness
- Mental Health Awareness
- Human Rights
- Privacy issues
- Human Interactions
- Engaging Minors and Adolescents
- Recognising Signs of Abuse and Trauma
- Child Protection Procedure

14.4 Staff Performance Appraisal

The Human Resource Manager of the IDC supporting an APOD will implement Serco's Performance Management system to ensure the continued fitness of APOD staff to perform their duties in accordance with Serco's professional standards and DIAC's expectations

14.5 Child Welfare Worker

In all APODs in which there are minors, at least one CSO with Child Welfare qualifications will be employed. This worker will have a minimum of Certificate III in Child Welfare and at least two years experience working with minors.

15. COMPLIANCE

The National Assurance Manager will establish an audit and compliance program to ensure the management of minors in the APOD satisfies the legal obligations which flow from international treaties and domestic legislation and the requirements of the contract.

The Regional Managers will execute responsibilities detailed in the audit and compliance program.

The Regional Managers will establish a regular system of inspections to ensure that the provisions of this procedure are executed. This will sit within both Serco audit and continuous Improvement programs. The National Operations Manager will approve the frequency of and criteria for the Regional Manger's inspections.

Annex 1

Child Protection Legislation in Australian States and Territories

Jurisdiction	Principal Act	Other relevant Acts/Legislation
Australian Capital Territory (Office for Children, Youth and Family Support, Department of Disability, Housing and Community Services) www.legislation.act.gov.au	Children and Young People Act 2008 (ACT) (NOTE: Not all provisions are in force)	<ul style="list-style-type: none"> • Adoption Act 1993 (ACT) • Human Rights Act 2004 (ACT) • Human Rights Commission Act 2005 (ACT) • Public Advocate Act 2005 (ACT) • Family Law Act 1975 (Cth)
New South Wales (Department of Community Services) www.legislation.nsw.gov.au	Children and Young Persons (Care and Protection) Act 1998 (NSW)	<ul style="list-style-type: none"> • Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW) • Child Protection (Offenders Registration) Act 2000 (NSW) • Crimes Act 1900 (NSW) • Commission for Children and Young People Act 1998 (NSW) • The Ombudsman Act 1974 (NSW) • Family Law Act 1975 (Cth)
Northern Territory (Children, Youth and Families, Department of Health and Families) www.nt.gov.au/lant/hansard/hansard.shtml	Care and Protection of Children Act 2007 (NT) (NOTE: Not all provisions are in force)	<ul style="list-style-type: none"> • Information Act 2006 (NT) • Disability Services Act 2004 (NT) • Criminal Code Act 2006 (NT) • Family Law Act 1975 (Cth)
Queensland (Department of Communities) www.legislation.qld.gov.au/QPChome.htm	Child Protection Act 1999 (Qld)	<ul style="list-style-type: none"> • Commission for Children and Young People and Child Guardian Act 2000 (Qld) • Education (General Provisions) Act 2006 (Qld) • Public Health Act 2005 (Qld) • Adoption of Children Act 1964 (Qld) • Family Law Act 1975 (Cth)
South Australia (Families SA; Department for Families and Communities) www.legislation.sa.gov.au/index.aspx	Children's Protection Act 1993 (SA)	<ul style="list-style-type: none"> • Young Offenders Act 1994 (SA) • Adoption Act 1988 (SA) • Children's Protection Regulations 2006 (SA) • Family Law Act 1975 (Cth) • Family and Community Services Act 1972 (SA)
Tasmania (Child Protection Services, Department of Health and Human Services) www.thelaw.tas.gov.au/index.w3p	Children, Young Persons and their Families Act 1997 (Tas)	<ul style="list-style-type: none"> • The Family Violence Act 2004 (Tas) • Family Law Act 1975 (Cth)

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<p>Victoria (Children Protection and Juvenile Justice Branch; Department of Human Services) www.legislation.vic.gov.au/</p>	<p>Children, Youth and Families Act 2005 (Vic)</p>	<ul style="list-style-type: none"> • Working with Children Act 2005 (Vic) • Child Wellbeing and Safety Act 2005 (Vic) • The Charter of Human Rights and Responsibilities Act 2006 (Vic) • Family Law Act 1975 (Cth)
<p>Western Australia (Department for Child Protection) www.slp.wa.gov.au/statutes/swans.nsf</p>	<p>Children and Community Services Act 2004 (WA)</p>	<ul style="list-style-type: none"> • Working with Children (Criminal Record Checking) Act 2004 (WA) • Family Court Act 1997 (WA) • Adoption Act 1994 (WA) • Family Law Act 1975 (Cth)

Attachment 1

Child Safety Checklist

Facility:		Unit:	
Child/Family:		Age of Children:	
Auditor:		Date:	

Area	Y	N	N/A	Comments
Kitchen				
Oven bolted to the wall and floor to prevent it tipping over				
Back burners used on the stove and pot handles always turned away from the front of the stove to avoid scalds				
Power point covers fitted to avoid electrocution				
Fire blanket and/or fire extinguisher available in case of fire				
Power boards not overloaded				
Electrical appliances in good working order				
Fire extinguisher and fire blanket in the kitchen				
Fire escape route on display				
Matches and lighters out of reach of minors				
Hot water in kettles kept out of reach				
Placemats used instead of tablecloths				
Highchair is stable and fitted with a five point harness to prevent serious fall injuries				
All cleaning products kept in a locked cupboard				
Plastic bags kept out of reach of minors				
Appliances located within close range of each other, i.e. between sink, stove, fridge and workbenches				
Microwave positioned out of minors' reach				
Other				
Living Areas				
Corner covers on sharp edges of furniture				
Large objects (TVs, cabinets) secured to the wall				
Blind cords out of reach to avoid strangulation				
Fire and heater guards securely attached				
Matches and lighters kept out of reach of minors				

Area	Y	N	N/A	Comments
Heater at least one metre away from curtains or other flammable materials				
Toys stored within minors' reach				
Toys in good condition				
Toys for under 3 year olds have no buttons, beads ribbons or small parts				
Furniture kept away from windows				
Safety glass or shatter-resistant film fitted to low-level windows or glass doors				
Safety barriers on steps and stairs				
Layout and placement of furniture in each room allows a clear pathway to avoid tripping and collisions				
Power boards used instead of double adaptors				
Other				
Bathroom and Laundry				
All medications and cleaning products stored in locked cupboards				
All poisonous substances kept in their original containers				
Electrical appliances removed from the bathroom				
Nappy bucket has a firm fitting lid and placed off the floor				
Non-slip surface on bath or non-slip bath mat				
Power point covers installed to avoid electrocution				
Hot water delivered to the bathroom at a maximum 50°C to prevent serious scalds				
Bath taps inaccessible to young minors				
Other				
Balconies				
Balcony entry points locked to avoid balconies being used as a play area				
Minors supervised on balconies at all times				
Heavy furniture that minors cannot move to climb on railings				
Height of railing at least 1000mm (1 metre), but if balcony is higher than 3 metres off the ground, railing to be at least 1200mm high				
Railing is vertical so minors cannot climb railing like a ladder, with gaps between railing no wider than 100mm				
Balcony surface is non-slip to prevent falls, and all tripping hazards removed				
Other				
Bedroom				
Cots are Australian Standards approved for safer design to avoid serious injury				

Area	Y	N	N/A	Comments
Cot mattress fits snugly to avoid entrapment				
No mobiles, bumpers or pillows in cot to avoid suffocation				
Cot away from windows and blinds to avoid strangulation from cords				
Change table fitted with body harness, or baby changed on the floor to prevent serious fall injuries				
Toddlers over 90cms tall sleep in a bed				
No electric blankets on minors' beds to avoid fire and electrocution				
'Low Fire Danger' minors' nightwear worn to reduce fire risk				
Clothing not dried too close to heaters				
Smoke alarms fitted outside each bedroom with batteries checked regularly and replaced annually.				
Only minors over the age of 9 years permitted on the top of an Australian Standards approved bunk bed to avoid serious fall injuries				
Other				
Garage and Sheds				
Locks on garage and storage shed doors to prevent access				
Poisonous substances kept in original containers				
Paints, flammable liquids and poisonous substances in locked cupboards				
All power tools stored in locked cupboard				
Small objects (e.g. nails, screws etc.) stored up high				
Minors not permitted to play around machinery				
Other				
Outdoors				
Prams and strollers fitted with a five point harness				
A safe fenced area provided for minors to play				
Fences checked regularly and in good condition				
Minors encouraged to play in shade, wear hats and protective clothing to avoid sunburn				
SPF30+ sunscreen available				
Play equipment checked regularly and in good condition				
Soft surface under playground equipment maintained at a depth of 300mm				
Minors always supervised near dogs				
Grounds checked for poisonous plants				
No tree branches at child's eye level to avoid injury				
Other				

Area	Y	N	N/A	Comments
On the Road				
First aid kit and fire extinguisher checked in each unit				
Minors always travel in an Australian Standards approved child restraint				
Child restraints properly fitted and used at all times				
Child safety locks on car doors				
Minors always get in and out of the car on the kerb side				
Gate to the road kept closed				
Driveway separated from play areas				
Toddler's hand always held when near a road				
Traffic lights or pedestrian crossings used when available				
Helmets always worn when riding bicycles				
Wrist guards, knee and elbow pads, closed-toe shoes and helmets worn when riding skateboards, scooters and in-line skates				
Other				
Safety Lessons Provided/Required				
Parents taught to use kitchen appliances				
Parents taught to use fire extinguisher				
Parents/minors taught to be sunsmart				
Parents /minors taught to "stop look listen" when crossing roads				
Other				

Note:

This Child Safety Checklist was developed from the Home Safety Checklist (2008) developed by Safety Centre of the Royal Minors Hospital, Melbourne and the Home Safety Fact Sheet (2004) developed by the Minors' Hospital at Westmead, Sydney.