

**2008 No. 427**

**CRIMINAL JUSTICE**

**Juvenile Justice Centre Rules (Northern Ireland) 2008**

*Made* - - - - - *20th October 2008*

*Coming into operation* *12th November 2008*

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The Secretary of State makes the following Rules in exercise of the powers conferred by Article 52(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998(a).

## PART 1 PRELIMINARY

### **Citation and commencement**

1. These rules may be cited as the Juvenile Justice Centre Rules (Northern Ireland) 2008 and shall come into operation on 12th November 2008.

### **Interpretation**

2. In these rules the following expressions have the meanings hereby assigned to them:—

“centre” means a juvenile justice centre provided under Article 51 of the Order;

“chaplain” means a minister of any denomination approved by the director;

“Chief Constable” has the same meaning as in section 77 (1) of the Police (Northern Ireland) Act 2000(b);

“DHSSPS” means the Department of Health, Social Services and Public Safety;

“director” means the person for the time being having the management or control of a centre;

“doctor” means a registered medical practitioner who provides primary services;

“education” means all education including vocational training, physical education, programmes and activities designed to tackle offending behaviour;

“food” includes drink;

“healthcare officer” means a member of the medical and nursing professions employed in a centre;

“inspector” means any authorised person exercising his powers under Article 55 of the Order;

“legal adviser” means, in relation to a child, the child’s counsel or solicitor and includes an accredited clerk acting on behalf of a solicitor;

“the Order” means the Criminal Justice (Children) (Northern Ireland) Order 1998;

“parent” includes the legal guardian or authority who has for the time being responsibility for the child;

“police officer” has the same meaning as in section 77 (1) of the Police (Northern Ireland) Act 2000;

“school” includes other educational alternatives;

“single separation” means a child being locked in a room on his own, other than in his own bedroom at normal bedtime;

“staff” means staff employed in a centre.

### **Revocation**

3. The Juvenile Justice Centre Rules (Northern Ireland) 1999(c) are revoked.

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(a) S.I. 1998/1504 (N.I. 9)

(b) 2000 c. 32

(c) S.R. 1999 No. 28

## **Statement of aims**

**4.**—(1) The aims of a centre are to:—

- (a) protect the public by accommodating children ordered to be detained therein in a safe, secure and caring environment; and
- (b) work to reintegrate children into the community.

(2) These aims shall be achieved having regard to the following principles:—

- (a) children shall be held in a safe, secure and caring environment which promotes their health, well-being and best interests;
- (b) a centre shall provide a positive and purposeful environment offering high standards of education and programmes to support learning, challenge offending behaviour and promote active citizenship;
- (c) children and their families shall be treated fairly, equitably and with dignity and respect, and children and their families shall be encouraged and enabled to contribute to decisions which affect them;
- (d) a centre shall work to develop and maintain links with family, school and other sources of support to assist the reintegration of the children into the community;
- (e) children shall retain all rights and entitlements except those limited as a consequence of their detention in a centre;
- (f) a centre shall work in partnership with other statutory or voluntary agencies and, in particular, those responsible for a child's supervision under a juvenile justice centre order;
- (g) a centre shall have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial or ethnic group, age, marital status or sexual orientation, between male and female generally, between persons with a disability and persons without; and between persons with dependants and persons without;
- (h) due regard shall be paid to the privacy of the children consistent with safety, security and communal living.

(3) These principles, taken together, are intended as a guide to the interpretation and application of these rules.

(4) A copy of these rules shall be made available and accessible to each child committed to a centre on remand or detained in a centre under a juvenile justice centre order and to the parent of such a child.

(5) A child friendly version of these rules shall be included as part of the information provided under rule 11.

(6) A statement of the aims in this rule and how they are to be achieved shall be prepared and displayed in a centre and shall be made available on request.

## **Application of rules during an emergency**

**5.** Where there is an emergency affecting the safe and secure operation of a centre the Secretary of State may direct that these rules shall only have effect to the extent consistent with action necessary to deal with that emergency.

# **PART 2 MANAGEMENT**

## **Role of a director**

**6.** A director discharges his duties and responsibilities under the Order by:—

- (a) the implementation of these rules through the application of a range of policies and procedures which set out how the centre will be run; and

- (b) the efficient running of the centre consistent with the safety and well-being of children, staff and other people visiting or working there.

### **Policies and procedures**

7. A director shall establish, implement and keep under review a set of policies and procedures which comply with current statutory provisions and is published and which shall include all of the following:—

- (a) assessment and management of risk
- (b) care and protection of children;
- (c) education and activities;
- (d) programmes for tackling offending;
- (e) healthcare;
- (f) security and safety;
- (g) management and staffing;
- (h) involvement with families; and
- (i) partnership working with agencies.

### **Authority for detention**

8.—(1) A child shall not be received into a centre without a valid order of committal, warrant or certificate authorising his detention in a centre.

(2) The details of such order, warrant or certificate and any subsequent direction of a court shall be immediately recorded.

### **Additional needs**

9. A director shall ensure that procedures are in place to enable a child with additional needs to be given such individual support, aids and equipment as he may require as a result of any disability, health need, learning or language difficulty.

### **Consultation and participation**

10. A director shall ensure that the children are encouraged and enabled to express their views on matters that concern them and the services they receive and that due weight is given to such views in accordance with the age and maturity of the child.

### **Information to children**

11.—(1) A centre shall provide timely and relevant information regarding the operation of the centre to children received into the centre.

(2) Each child shall be provided as soon as practicable after his reception into a centre with sufficient information to enable him to understand:—

- (a) the requirements of the centre and the facilities and programmes available;
- (b) the provisions of these rules as they are relevant to the child;
- (c) the proper methods of seeking further information and making contact with his parent, relatives, a legal adviser or an independent representative; and all such matters which are necessary to enable the child to fully understand his rights and obligations while in the centre.

(3) Particular attention shall be paid to ensuring that the child is aware of and understands the procedure for making a complaint.

(4) Information provided under this rule shall be made available in writing and in accessible formats for a child to consult in his own time.

(5) The director shall explain the information provided in a way which takes account of the age and understanding of the child.

(6) Where a child is not fluent in English all reasonable steps shall be taken to provide the services of an interpreter, in particular during medical examinations and disciplinary proceedings.

### **Information to parents**

**12.** The director shall provide timely and relevant information to the parent of a child received into custody throughout the child's stay and on the child's transfer or release.

### **Inspections**

**13.—**(1) The director shall facilitate an inspection of a centre by a person authorised by the Secretary of State under Article 55 of the Order.

(2) A person conducting an inspection under this rule or a person accompanying him may for the purpose of that inspection:—

- (a) enter any part of the premises of the centre;
- (b) conduct an interview with any person; and
- (c) examine records relating to the centre subject to any issues of confidentiality which may require consent.

(3) A person who has been authorised to conduct an inspection under this rule shall report in writing to the Secretary of State and the report shall be published in such manner as the Secretary of State may direct.

### **Monitoring visits**

**14.** A centre shall be visited at least once a month by a person approved by the Secretary of State. The person carrying out the visit may:—

- (a) conduct an interview with any person;
- (b) inspect the premises;
- (c) examine relevant records relating to the centre subject to any issues of confidentiality which may require consent; and
- (d) submit a written report to the Secretary of State and the director.

## **PART 3**

### **CARE AND PROTECTION OF CHILDREN**

#### **Initial interview and assessments**

**15.—**(1) The director shall interview a child at the time of reception and in any case within 24 hours and shall ensure that any relevant matters or concerns are noted and dealt with appropriately.

(2) Subject to the period of detention of a child a range of assessments shall be undertaken which shall include:—

- (a) a risk assessment within 24 hours;
- (b) an initial health assessment by the healthcare officer within 24 hours and an assessment by a doctor within 7 days;
- (c) an education assessment; and
- (d) an assessment of need.

(3) Based on these assessments a plan shall be prepared for the management and care of a child in custody.

(4) Such assessments and plans shall be kept under review on a timely basis.

(5) The preparation and reviewing of a plan prepared under paragraph (3) shall be undertaken in consultation as appropriate with:—

- (a) the child;
- (b) the other statutory or voluntary agencies and, in particular, those responsible for the child's supervision under a juvenile justice centre order; and

(c) the child's parent.

(6) The director shall nominate a member of staff to prepare, supervise and review the care plan of each child and to carry out the consultation referred to in paragraph (5).

### **Food**

**16.**—(1) The director shall ensure that children have access to fresh drinking water at all times and are provided with food which:—

- (a) is served in adequate quantities and at normal meal times;
- (b) is properly prepared and presented, wholesome, palatable and nutritious;
- (c) is suitable for their age and needs and meets their reasonable preferences;
- (d) is sufficiently varied; and
- (e) meets any special dietary need of a child which is due to health, religious persuasion, racial origin or cultural background.

(2) The director shall ensure that the condition, quality and quantity of food and the conditions under which it is prepared and cooked are inspected frequently and that reported shortcomings are rectified as soon as possible.

### **Clothing**

**17.**—(1) The director shall ensure that children are adequately and appropriately clothed.

(2) Subject to the provisions of this rule, a child shall be permitted to wear his own clothes at all times.

(3) The director may refuse permission for a child to wear his own clothes or an item of clothing if he considers that they are unsuitable and shall inform the child of the reason for his decision.

(4) The centre shall provide clothes which are adequate for the climate and for the health of the child:—

- (a) if the child does not provide his own clothes;
- (b) if permission has been refused under paragraph (3) for the child to wear his own clothes; or
- (c) if the clothes provided by the child are unsuitable for the purposes of participation in an activity.

(5) A child shall be permitted to wear his own clothes when leaving a centre for any purpose.

(6) All clothing shall be kept in a clean and proper condition and arrangements shall be made for items to be changed as often as necessary for the maintenance of good health and hygiene.

### **Personal property**

**18.**—(1) A child shall be permitted to retain personal property in accordance with the directions of the director.

(2) The director, subject to such conditions as he may reasonably impose, shall be responsible for the safekeeping of any personal property which a child is not allowed to retain for his own use in a centre and shall make arrangements for the recording and handling of such property or items sent to a child or otherwise received at a centre.

(3) Any money which a child has at a centre shall be paid into an account under the control of the director and the child shall be credited with the amount in the books of the centre.

(4) All lawful personal property and money held by a centre shall be returned to the child or his parent on release.

### **Privileges**

**19.** A centre shall have in place a system of privileges and incentives appropriate to the child's age, and assessed risk.

### **Personal hygiene**

20.—(1) Each child shall be provided with an appropriate range of toiletries necessary for his health and cleanliness, which shall be replaced as necessary.

(2) Facilities and opportunities shall be provided to enable and encourage children to maintain an acceptable standard of personal hygiene.

### **Exercise and recreation**

21.—(1) The director shall ensure that recreational activities are provided which include, subject to weather conditions and assessed risk, access to open air and that each child is encouraged to participate commensurate with his age, physical abilities and reasonable preferences.

(2) Where necessary, special arrangements shall be made, in consultation with a healthcare officer, for remedial physical education or therapy to be provided.

(3) Where such facilities cannot be provided within a centre, the director may, with the approval of the Secretary of State, grant permission for a child to attend facilities outside the centre.

### **Religious observance**

22.—(1) A child shall be supported in his right to observe the requirements of his religious and spiritual life.

(2) Religious observance shall be provided in a format and with a frequency which takes account of the reasonable preferences of the children for whom it is being provided and the right of a child not to participate shall be respected.

(3) The director shall approve such chaplains as he considers necessary to provide for the spiritual and religious needs of children in the centre.

(4) A chaplain shall have reasonable access to make pastoral visits to a child at the child's request.

### **Supervision**

23.—(1) A child may be supervised by members of staff of either gender and to the extent and in the manner necessary to ensure the safety and well-being of children, staff and other people visiting or working there.

(2) In circumstances in which privacy would be expected a child shall be supervised by a member of staff of the same gender.

(3) A child may be placed in any location in a centre at the discretion of the director taking into account the assessed risk or any other factor which he may consider relevant.

### **Child protection**

24.—(1) A centre shall have in place a policy on child protection approved by the Secretary of State.

(2) The director shall also have in place a policy on public interest disclosure approved by the Secretary of State.

### **Untried children**

25. The director shall, subject to any directions of the Secretary of State, make such provision as is necessary and appropriate and in the best interests of a child in order to recognise his untried status.

### **Girls in custody**

26.—(1) The director shall have in place a policy for the care of girls in custody, subject to any directions by the Secretary of State, which makes such provision or arrangements as are considered necessary and appropriate to meet the needs and reasonable preferences of girls, including the provision of separate accommodation within a centre.

(2) The director may vary the regime to meet the needs of girls.

## PART 4 HEALTHCARE

### **Health**

**27.**—(1) Each child shall receive appropriate medical care, both preventative and remedial, including dental, ophthalmological and mental healthcare, as well as pharmaceutical products and special diets as medically indicated.

(2) All such medical care shall, where possible, complement and incorporate as far as practicable the continuing services from the child's own locality and the services of the community in which the centre is located.

(3) Guidance, support and advice on healthcare and personal care issues shall be provided for each child appropriate to his needs and wishes including help to counteract any addiction or dependency.

### **Duties of healthcare officer**

**28.**—(1) A healthcare officer shall be informed about a child who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties and shall assess the child as soon as practicable and shall make arrangements for appropriate care to be provided.

(2) A healthcare officer shall be informed immediately of any child who appears to be seriously ill and shall ensure that the child is examined by a doctor without delay.

(3) A healthcare officer shall inform the director about anything in the centre or the treatment of children detained therein which appears to him to require consideration on medical grounds.

(4) A healthcare officer may excuse a child from any activity on medical grounds.

(5) A healthcare officer shall as far as is practicable attend any incident involving physical restraint and shall medically examine a child who has been physically restrained or who has been the subject of an assault or alleged assault as soon as practicable after such an incident.

(6) A healthcare officer may consult with another member of the medical profession or a member of an associated profession at his discretion.

### **Medical examination**

**29.**—(1) A healthcare officer shall separately examine each child upon reception, or if this is not possible, within 24 hours, and shall record the result.

(2) If a child has any medicine in his possession on reception it shall be for a healthcare officer to decide on its use, retention or disposal.

(3) If a child is found to have any infectious disease or to be in any condition which may threaten the health and well-being of himself or others, a healthcare officer shall take the necessary action for the child to receive appropriate treatment and report the matter to the director.

### **Mental health and other conditions**

**30.**—(1) A healthcare professional with an appropriate mental health qualification shall have input into the initial and ongoing assessment of children in the centre.

(2) A healthcare officer shall report in writing to the director on the case of any child whose mental health is likely to be injuriously affected by continued detention or by any conditions of detention.

(3) The director shall send the report referred to in paragraph (2) to the Secretary of State without delay together with his own recommendations.

(4) A healthcare officer shall pay attention to a child whose mental health gives cause for concern and, where appropriate, make special arrangements which appear necessary for his wellbeing.

(5) A healthcare officer shall inform the director immediately if he suspects that a child has suicidal intentions, and the director shall take appropriate measures to safeguard the child and to inform the parent of the child.

#### **Notification of incidents, illness or death**

**31.**—(1) If a child dies, becomes seriously ill, sustains a severe injury or is removed to hospital the director shall take all reasonable steps to inform the child's parent immediately and also any person whom the child may reasonably have asked to be informed.

(2) If a child dies the director shall immediately inform the coroner having jurisdiction, the police, the Secretary of State, and the person authorised by the Secretary of State under Article 55 of the Order.

(3) The director shall at the same time notify DHSSPS and shall carry out an interim review into the circumstances of the death in order to take any steps necessary to remove potential risk to others.

(4) A child shall be informed at the earliest appropriate time of the death or serious illness or serious injury of or to any immediate family member.

(5) The director may grant permission for a child who has been detained in a centre under a juvenile justice centre order to attend the funeral of an immediate family member or to visit an immediate family member who is seriously ill or seriously injured.

#### **Pregnancy, confinement and babies**

**32.**—(1) Where a girl is pregnant on admission arrangements shall be made to provide her with pre and post-natal care and treatment.

(2) Where a girl's confinement is expected to take place during her period of detention, she shall, if possible, be temporarily removed from the centre to a suitable hospital for the confinement and for any period following delivery which a healthcare officer considers necessary.

(3) The Secretary of State shall be notified of any such impending confinement and may thereupon direct appropriate planning for the release of the pregnant girl under such conditions as he thinks fit.

(4) The Secretary of State may, subject to any conditions he thinks fit, permit a girl to have her baby with her in a centre and everything necessary for the baby's maintenance, care and development shall be provided there.

## **PART 5**

### **COMMUNICATIONS**

#### **Communications**

**33.** Subject to the restrictions imposed by rule 38, a child shall be enabled to have contact with the wider world as provided in these rules and, in particular, to have such contact as will assist him in his preparation for his reintegration to the community.

#### **Family and other relationships**

**34.**—(1) Special attention shall be paid to the maintenance of the relationship between a child and his family.

(2) A child shall be encouraged and assisted to maintain good relationships with family members and other persons or representatives of agencies outside a centre as may, in the opinion of the director, promote the best interests of the child and his reintegration following release.

(3) In furtherance of paragraphs (1) and (2) the director, with the approval of the Secretary of State, may grant permission for a child who has been detained in a centre under a juvenile justice

centre order to leave the centre to visit his parent or other family member either as part of a planned programme in preparation for release, or in exceptional circumstances, at such time and for such period as the director considers appropriate.

(4) Where any restriction on contact of any kind between a child and his family is considered necessary by the director the views of the child, his family and the agency responsible for supervision after release shall as far as practicable be taken into account.

(5) In any case where for any reason contact is not maintained between a child and his family the director may arrange for an independent person to visit and befriend and make representation on behalf of the child as provided for in rule 42(3).

### **Letters and other communications**

**35.**—(1) A child shall, subject to such conditions as the director may reasonably impose, be entitled to send and receive letters or other communications, the cost of which shall be met by the centre.

(2) Where it is available a child may be permitted to use the internet for the purpose of learning and development, maintenance of family relationships and reintegration into the community subject to any directions or restrictions determined by the director.

(3) Except as provided by these rules every letter or communication to a child shall be opened by the child in the presence of a member of staff.

### **Telephone calls**

**36.** The director shall have in place a policy for the use of telephones which shall permit a child to make one paid telephone call daily and other calls under such conditions as the director may reasonably impose.

### **Visits**

**37.**—(1) There shall be established at a centre arrangements for children to receive visits.

(2) Such arrangements shall take account of the need:—

(a) to promote contact between a child and his family;

(b) to keep to a minimum any disruption of his education and attendance at programmes; and

(c) to support the reintegration of a child into the community.

(3) Subject to the provisions of these rules, the director may give such directions as he thinks fit for the supervision of visits to children, either generally or in a particular case.

### **Restrictions on communications**

**38.** Subject to rule 40, if the director has reason to believe that written or verbal communication is not consistent with a child's best interests or may put the good order of the centre at risk, he may delay, examine, interrupt or prevent communication to or from a child and shall, other than in exceptional circumstances, communicate his reasons to the child.

### **Legal advisers**

**39.**—(1) The legal adviser to a child who is a party to any legal proceedings, civil or criminal, shall be afforded reasonable facilities for consultation in connection with those proceedings.

(2) Subject to rule 37 a child's legal adviser may consult with the child in the sight of but not in the hearing of a member of staff.

(3) A child's legal adviser may, with the director's permission, consult with the child in connection with any other legal business.

### **Correspondence in connection with legal matters**

**40.**—(1) A child who is party to any legal proceedings may correspond with his legal adviser or any court, national or international, in connection with those proceedings.

(2) A child may correspond with a solicitor for the purpose of obtaining legal advice concerning any matter in relation to which he is or may become a party to legal proceedings or for the purpose of instructing the solicitor to issue proceedings or to allow him to conduct any legal business.

(3) A child shall on request be provided with any writing materials necessary for the purpose of paragraph (1) or (2).

(4) No correspondence to which this rule applies shall be opened by the director unless he has reason to believe that it contains matter not related to actual or potential legal proceedings or other legal business.

(5) A child shall be given the opportunity to be present when any correspondence to which this rule applies is opened and shall be informed if it or any enclosures is or are to be read or stopped.

(6) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of a child to whom paragraph (1) applies shall be afforded reasonable facilities for examining him in connection with the legal proceedings and may do so out of hearing but in sight of an appropriate member of staff.

### **Police interviews**

**41.** A police officer may, on production of an order issued by or on behalf of the Chief Constable, interview any child and an interview under this rule shall take place in accordance with statutory provisions in force at the time and such other conditions as the director may impose.

### **Complaints and representation**

**42.—**(1) A centre shall have in place a policy for complaints approved by the Secretary of State.

(2) A child and his parent shall be provided with a written copy of that policy in a suitable format.

(3) Arrangements shall be put in place for persons who are independent of the operation of the centre and approved by the Secretary of State, to visit and make representation on behalf of a child.

## **PART 6**

### **LEARNING AND DEVELOPMENT**

#### **Education, vocational training, programmes and activities**

**43.—**(1) Arrangements shall be made at a centre for the education of each child according to his age and his needs.

(2) A child shall be occupied in and encouraged to develop his potential and skills through education, vocational training, physical education and programmes and activities designed to tackle offending behaviour.

(3) The education and vocational training provided under this rule shall, so far as practicable, be such as will foster personal responsibility and a child's interests and skills and help to prepare him for his reintegration into the community.

(4) In the case of a child who is of compulsory school age, the curriculum shall be appropriate to his age, aptitude and ability and to any special educational needs he may have, and shall as far as possible satisfy the requirements of Article 4 of the Education Reform (Northern Ireland) Order 1989(a) so that after release a child may continue his education.

(5) A diploma or education certificate gained by a child while in detention shall not indicate that the diploma or certificate was gained in custody.

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(a) S.I. 1989/2406 (N.I. 20)

(6) The director, with the approval of the Secretary of State, may grant permission for a child who has been detained in a centre under a juvenile justice centre order to attend education and vocational training and employment or other facilities outside the centre in preparation for his reintegration into the community on release.

### **Resource centre**

**44.** A resource centre shall be provided in a centre and shall contain a range of instructional and recreational books, media and other items suitable for the learning and development of children who shall be encouraged and enabled to make full use of the resource centre, under such conditions as the director may determine.

### **Reintegration into the community**

**45.—(1)** From the beginning of a child's period of detention in a centre consideration shall be given, in consultation as appropriate with the child's parent, other statutory or voluntary agencies and in particular, those responsible for his period of supervision under a juvenile justice centre order, to the child's future and to the help to be given to him in preparation for his reintegration into the community.

(2) Before the end of a child's period of detention under a juvenile justice centre order the director shall give to the child a careful explanation of his liability to supervision after release and the requirements with which he must comply.

(3) The plan prepared for a child in accordance with rule 15(3) shall have regard to the need to help the child in preparation for and after his return to the community.

(4) In the case of a child who will be of compulsory school age on his release contact shall be made with the relevant education authority so that arrangements can be made for his return to education in the community.

## **PART 7**

### **SECURITY AND SAFETY**

#### **Maintenance of good order and discipline**

**46.** Good order and discipline shall be maintained in a centre, but with no more restriction than is required in the interests of safety, security and well-ordered community life.

#### **Search**

**47.—(1)** Each child shall be searched on his reception into a centre and subsequently as the director considers necessary in accordance with guidelines approved by the Secretary of State.

(2) A search shall be carried out in a manner consistent with discovering anything concealed while maintaining the dignity of the child and shall be conducted by two members of staff of the same gender as the child.

(3) The searching procedure and reason for the search shall be explained to the child prior to a search taking place.

(4) A child shall not be undressed or required to undress, other than to remove a hat, coat or overcoat, for the purpose of a search:

- (a) without the authority of the director; or
- (b) in the sight of another child or any persons other than the members of staff conducting the search.

(5) Where a child refuses to co-operate with a search, the minimum effort necessary to effect the search may be used subject to the provisions of rule 51.

(6) A record shall be kept of any search to which paragraph (4) or (5) applies.

(7) The child shall be informed of the content of the record kept under paragraph (6) and encouraged to contribute to it as far as practicable.

### **Record and photograph**

**48.**—(1) A personal record of each child shall be prepared, maintained and preserved in such manner and for such period as is approved by the Secretary of State, but no part of the record shall be disclosed without legitimate reason.

(2) Each child may be photographed on reception or subsequently but no copy of the photograph shall be given to any person not authorised to receive it.

(3) Such photographs shall be taken in a way which does not indicate that they have been taken in a centre.

### **Observation of child by means of an overt closed circuit television system**

**49.**—(1) The director may make arrangements for any child to be placed under constant observation by means of an overt closed circuit television system while the child is in a bedroom or other place in the centre if he considers that:—

(a) such supervision is necessary for

(i) the well-being of the child

(ii) securing or maintaining security or good order and discipline in the centre; and

(b) such supervision is proportionate to what is sought to be achieved.

### **Managing behaviour**

**50.** The director shall have in place a policy for the management of difficult behaviour and maintenance of discipline.

### **Physical restraint**

**51.**—(1) Physical restraint shall only be used as a last resort in order to prevent:—

(a) injury;

(b) escape;

(c) serious damage to property;

(d) serious disorder;

(e) incitement of another child to any of the above;

and then only when all other reasonable efforts to defuse and de-escalate the situation have been unsuccessful or no alternative method of preventing the incidents specified in any of paragraphs (a) to (e) is available.

(2) Only methods approved by the Secretary of State shall be used and only by a member of staff who has undergone a course of training approved by the Secretary of State.

(3) Physical restraint shall not be used as a punishment and where it is used it shall be for the shortest time possible and the child and, as far as practicable, the parent of the child, shall be informed of the reasons for such action.

(4) On each occasion that a child is physically restrained a report of the circumstances shall be made to the director without delay and a written record completed.

(5) The child shall be informed of the content of the written record referred to in paragraph (4) and encouraged to contribute to it.

(6) A healthcare officer shall be informed of any incidents of physical restraint to enable him to fulfil his duties under rule 28(5).

(7) The director shall regularly review the use of physical restraint in a centre to ensure that its use is appropriate and proportionate and in accordance with these rules.

### **Single separation**

**52.**—(1) Single separation shall be used only where it is necessary in the best interests of a child or as part of an overall strategy to prevent or defuse any of the incidents specified in any of paragraphs (a) to (e) of Article 51(1).

(2) Where single separation is used it shall be for the shortest time possible commensurate with the circumstances and in accordance with time limits and arrangements approved by the Secretary of State.

(3) Single separation shall not be used as a punishment and shall normally take place in a child's own bedroom unless that is impracticable.

(4) A written record shall be kept of each occasion on which single separation is used and the child in question shall be informed of the content of that record and encouraged to contribute to it.

(5) The director shall regularly review the use of single separation in a centre to ensure that its use is appropriate and proportionate and in accordance with these rules.

(6) Nothing in this rule shall restrict a child's right to receive visits or to make a complaint or to consult with his legal adviser, chaplain or doctor.

### **Prohibited articles and substances**

**53.**—(1) Except with the permission of the director no child shall have in his possession or conceal or deposit anywhere within the centre any article or substance which has been prohibited by the director.

(2) The director shall display prominently a list of prohibited articles and substances.

(3) The director may take reasonable steps to prevent prohibited articles and substances coming into the centre.

(4) Except as permitted by the director no person may—

(a) bring, send, throw, or cause to be taken into or out of a centre by post or otherwise; or

(b) deposit in any place with intent that it should come into a child's possession;

any prohibited article or substance.

(5) Any prohibited article or substance may be confiscated by the director and shall be dealt with as he thinks fit.

### **Alcohol, tobacco and drugs**

**54.**—(1) Intoxicating liquor shall not be permitted in any part of a centre.

(2) No child shall be permitted to smoke or to have tobacco or tobacco products in his possession.

(3) A child shall not be permitted to have in his possession any drug except under a written order of a healthcare officer specifying the nature and quantity of same and the name of the child in question.

(4) Smoking shall not be permitted in any part of a centre.

### **Control of persons and vehicles**

**55.**—(1) Subject to rules 13 and 14:—

(a) no person may enter a centre without the permission of the director;

(b) any person entering or leaving a centre may be stopped, examined and, with his consent, searched;

(c) the director may deny access to the centre to any person who does not consent to being searched and may direct the removal from a centre of any person who does not leave on being required to do so.

(2) Under this rule a search of a person may include a search of any item in that person's possession or of a vehicle.

## PART 8 PREMISES

### **Accommodation**

**56.**—(1) Each child in a centre shall be provided with a separate bedroom.

(2) The bedrooms shall be of such size and shall be lit, heated, ventilated and furnished in such a manner as is necessary to maintain good health and human dignity.

(3) Bedrooms shall be provided with means by which a child may communicate at any time with a member of staff in a centre.

(4) Each child shall be provided with a bed and bedding adequate for warmth, health, safety and comfort, which shall be clean when issued, kept in good order and changed often enough to ensure cleanliness.

(5) The director shall have in place a policy for the searching of areas of the centre to maintain good order and discipline.

### **Cleanliness of a centre**

**57.** The director of a centre shall ensure the cleanliness and hygiene of all parts of the centre in which children, members of staff and any others live, work or otherwise have reason to be.

### **Health and safety**

**58.**—(1) The director shall ensure that all parts of a centre are kept in good structural repair externally and internally and comply with all relevant statutory provisions, including those relating to fire prevention, health and safety and the Disability Discrimination Act 1995.

(2) In order to ensure such compliance the director shall grant reasonable facilities to approved persons for the inspection of those parts of the centre in which they have a proper interest.

## PART 9 MANAGEMENT AND STAFFING

### **Order and discipline**

**59.** The director and each member of staff in a centre shall encourage good order and discipline in a centre through positive influence and example and promoting mutual respect.

### **General duties of members of staff**

**60.**—(1) It shall be the duty of every member of staff to conform to these rules and the policies and procedures of a centre, to assist and support the director in their maintenance and to comply with and act upon his lawful direction.

(2) A member of staff shall respect the privacy of each child in a centre consistent with the nature of the centre and communal living and shall not disclose information concerning a child or his family to anyone not authorised to receive it.

(3) A member of staff shall perform his duties conscientiously and shall be courteous towards other staff and members of the public.

(4) A member of staff shall inform the director promptly of any breach of these rules or of any abuse or impropriety which comes to his knowledge.

(5) No member of staff shall take part in any business or pecuniary transaction with or on behalf of a child without the permission of the director.

(6) Each member of staff shall promote and safeguard the best interests of children in a centre.

(7) A member of staff in a centre shall inform the director, or a healthcare officer, promptly of a child who appears to be unwell, or whose behaviour or attitude indicates, in the opinion of the member of staff, that he may have suicidal intentions or otherwise require further attention or advice.

(8) A member of staff shall not contact a person whom he knows to have been held in a centre or a relative or friend of such a person except as permitted in policy promulgated by the director.

### **Gratuities**

**61.**—(1) A member of staff shall not receive any unauthorised fee, gratuity or other consideration in connection with his office.

(2) If a member of staff is offered a fee, gratuity or any other consideration by any person he shall inform the director.

### **Contracts**

**62.** Except with the permission of the Secretary of State, a member of staff shall not directly or indirectly have any interest in any contract or tender connected with the centre nor receive a fee, gratuity or other consideration from any contractor, or from any person tendering, or any other person whatever in connection with any such contract or tender.

### **Communications with the media**

**63.**—(1) Except with the permission of the Secretary of State, a member of staff shall not directly or indirectly communicate to a representative of the press, television or radio or to any other person matters which he has come to know in the course of his duties.

(2) A member of staff shall not, without the permission of the Secretary of State, publish any matter or make any public statement relating to the administration of a centre or to any child detained or formerly detained therein.

## **PART 10**

### **ADDITIONAL RULES RELATING TO THE DIRECTOR**

#### **Status of the director**

**64.**—(1) The director shall be in charge of a centre.

(2) The director shall be responsible for the safe custody of each child received into a centre until the expiration of the period for which he is ordered to be detained.

(3) The director shall be responsible for safeguarding the rights of children, for their protection and treatment according to law and for the maintenance of good order and discipline in a centre.

(4) Subject to any directions of the Secretary of State, the director shall have authority over all members of staff in a centre.

(5) The director shall ensure the safe custody and proper disposal or use of all monies, equipment and materials in a centre and shall keep whatever records and accounts are required, subject to any directions of the Secretary of State.

#### **Delegation by the director**

**65.** Subject to rule 23 and any directions of the Secretary of State, the director may delegate any of his powers and duties under these rules to another member of staff.

### **Absence of the director from a centre**

**66.** In the absence of the director, the centre shall be in the charge of a designated member of staff who shall be competent to perform and shall perform any duties required of the director.

### **Powers and duties relating to members of staff**

**67.—(1)** The director shall superintend the conduct of all members of staff under his control and shall deal with misconduct and breach of these rules subject to any directions of the Secretary of State.

(2) The director may suspend from duty any member of staff if there is prima facie evidence of misconduct or breach of these rules and shall, without delay, report the matter fully to the Secretary of State and shall carry out any directions given by the Secretary of State.

(3) The director shall record all his directions relating to the management and discipline of the centre and shall have such directions communicated to appropriate members of staff.

(4) The director shall keep such records of conduct of members of staff as the Secretary of State may direct.

(5) The director shall forward without delay any report or complaint which a member of staff wishes to make to the Secretary of State and may add any comments he feels appropriate.

(6) The director shall ensure that members of staff possess the skills and knowledge required for their roles and responsibilities and receive regular supervision and training.

### **Duties in relation to the medical care of children**

**68.—(1)** Without prejudice to his other duties under these rules the director shall put in place and promulgate policies for the management of risk, prevention of suicide and self-harm and shall, without delay, draw the attention of a healthcare officer to any child whose physical or mental health appears to require attention.

(2) The director shall satisfy himself that all members of staff who may be in contact with children are aware of the proper procedures for seeking to identify and for dealing with a child who, for whatever reason, may be regarded as a suicide risk, and shall satisfy himself that these procedures operate effectively.

### **Other duties of the director**

**69.** The director shall provide such information as the Secretary of State may direct and shall publish annually information which shall include the number of single separations, complaints, child protection referrals, incidents of suicide or self-harm, physical restraints, escapes, assaults and other incidents as directed by the Secretary of State.

## **PART 11 BREACH OF THE RULES**

### **Breach of the rules**

**70.** Where staff fail to observe these rules they may be subject to disciplinary proceedings.

*Shaun Woodward*

Northern Ireland Office

One of Her Majesty's Principal Secretaries of State

Dated 20th October 2008

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules revoke the Juvenile Justice Centre Rules (Northern Ireland) 1999 and make provision for the management and discipline of juvenile justice centres.

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£5.00

Dd. N3766. C2. 10/08. Gp. 130. 14567.

ISBN 978-0-337-97557-8

