



Inspector of  
Custodial Services

# Inspector of Custodial Services

## Child Safe Action Plan



## Inspector of Custodial Services

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# Overview

<b>Name of prescribed agency</b>	Inspector of Custodial Services (ICS)
<b>Nature of services or functions</b>	<p>The function of the ICS is to provide independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody. This is done through the regular inspection of custodial centres, including youth justice centres, identification of systemic issues, and recommendations to address identified issues through direct reporting to NSW Parliament.</p> <p>The ICS also manages the Youth Justice Official Visitor program. Official Visitors are statutory appointments and visit youth justice centres on a regular basis to handle the complaints and enquiries of children and young people in detention. Official Visitors also monitor the conditions of youth justice centres and the treatment of children and young people.</p>
<b>Key risks in relation to child safety</b>	<p>Youth justice centres are closed environments where children and young people are detained. The following characteristics of the youth detention environment have been identified in the <i>Royal Commission into Institutional Responses to Child Sexual Abuse</i> as key risks to child safety:</p> <ul style="list-style-type: none"><li>• Environmental, such as the lack of privacy afforded to children, which can normalise behaviours that are potentially abusive or are precursors to abuse.</li><li>• Operational, such as when staff are regularly afforded opportunities to be alone with, and have great autonomy over, children.</li><li>• Cultural, including cultures of disrespecting children or tolerating the humiliating and degrading treatment of children.</li></ul>
<b>Key levers for change</b>	Inspections of youth justice centres, ICS inspection reports and recommendations; Youth Justice Official Visitor program; ICS staff and Youth Justice Official Visitor training; referrals to the NSW Ombudsman, Law Enforcement Conduct Commission, Independent Commission Against Corruption and Health Care Complaints Commission as appropriate; referrals to the Office of the Children's Guardian in response to suspected child abuse; ICS policies and procedures; ICS' NSW Youth Justice Inspection Standards.
<b>Executive Sponsor</b>	Fiona Rafter, Inspector of Custodial Services
<b>Date endorsed</b>	24 February 2023
<b>Version</b>	2.0

# Roles and responsibilities – OCG and prescribed agencies

## Office of the Children's Guardian

The OCG has the role of implementing the Child Safe Scheme across NSW. To do so, the OCG will assist organisations implementation of the Child Safe Standards in several ways:

- Provide guidance to prescribed agencies in developing Child Safe Action Plans through consultation and review of plans.
- Provide generic and sector-specific support to build capability in organisations to implement the Child Safe Standards.
- Engage with key stakeholders, including children and the broader community, to raise awareness of the Child Safe Standards.
- Monitor, investigate and enforce the Child Safe Standards through ongoing risk assessments of priority sectors and organisations.

## The Inspector of Custodial Services

The ICS is committed to improving child safety in youth justice centres. The ICS is required to inspect all NSW youth justice centres at least once every three years, in accordance with section 6(1)(b) of the *Inspector of Custodial Services Act 2012*. The ICS has developed inspection standards for youth justice which incorporate the Child Safe Standards. Our role as an independent inspection and oversight agency is paramount to ensuring an open and accountable youth justice system and affording confidence in the care provided to children and young people in detention. Inspections serve as a preventative mechanism, consistent with the requirements of the Optional Protocol to the Convention Against Torture (OPCAT), allowing for independent examination and assessment of the conditions and operational practices of detention, and their impact on children and young people. Inspections also provide an opportunity for children and young people to speak confidentially with inspection staff and raise any issues of concern.



The ICS must report to NSW Parliament on each inspection and make recommendations for improvement. The ICS publishes all reports and Inspection Standards on its website.

In addition to inspections, the ICS conducts regular visits to custodial centres to inform inspection work, monitor the custodial environment and monitor the implementation of recommendations.


The ICS also manages the Official Visitor program in accordance with the *Children (Detention Centres) Act 1987*. Official Visitors are independent statutory appointments and each youth justice centre has two Official Visitors. In response to the overrepresentation of Aboriginal children and young people in custody, there is an Aboriginal Official Visitor appointed to each youth justice centre in NSW. Official Visitors must have relevant experience in working with children and must attend regularly to monitor the conditions at each centre. The ICS is responsible for providing ongoing training to Official Visitors. Children and young people in detention can meet confidentially with Official Visitors to raise concerns with a person who is independent of Youth Justice.


ICS staff and Official Visitors who have reasonable grounds to suspect that a child is at risk of significant harm, as defined by section 23 of the *Children and Young Persons (Care and Protection Act) 1998*, have a mandatory obligation to report their concerns.

## Child Safe Action Plan – Objectives and Outcomes

Step	Objective	Actions	Completion date	Owner	Desired outcomes	Data points	Ultimate outcomes
<p>Awareness raising</p>  	<p>Child safe organisations and the community are aware of the Child Safe Standards</p>	<ul style="list-style-type: none"> <li>- ICS publishes a public commitment to child safety and champions a child safe culture both inside and outside the organisation.</li> <li>- ICS incorporates child safe training into induction and ongoing training for ICS staff working with children and Youth Justice Official Visitors.</li> <li>- ICS reviews its NSW Youth Justice Inspection Standards to ensure that the Child Safe Standards are incorporated.</li> </ul>	<p>Within 12 months</p>	<p>Inspector of Custodial Services</p>	<ul style="list-style-type: none"> <li>- Increased community awareness of the Child Safe Standards and legislative requirements.</li> <li>- Increased organisational awareness of the Child Safe Standards and legislative requirements.</li> <li>- Increased level of community awareness of the role of ICS in promoting child safety in youth justice centres.</li> </ul>	<ul style="list-style-type: none"> <li>- Number of training sessions held on child safety / Child Safe Standards, including number and percentage of ICS staff and Youth Justice Official Visitors that complete child safe training per financial year.</li> <li>- Number of unique visits to webpage information about the Child Safe Standards.</li> <li>- Number of downloads of each child safe related resources from webpage.</li> </ul>	<p>NSW children and young people are safe in the organisations that they learn, play, and live in</p> <p>Prevention of and reduction in child abuse in organisational settings</p> <p>Improved responses and reporting of child abuse</p>

		<ul style="list-style-type: none"><li>- ICS publishes its inspection standards for Youth Justice and Aboriginal people in custody.</li><li>- ICS regularly reviews its inspection methodology to ensure it adheres to the Child Safe Standards and is culturally safe.</li></ul>					
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Step	Objective	Actions	Completion date	Owner	Desired outcomes	Data points	Ultimate outcomes
Capability building 	Child safe organisations build their capability to implement the Child Safe Standards	<ul style="list-style-type: none"> <li>- ICS provides ongoing training and other resources to ICS staff and Youth Justice Official Visitors on child safe practices, including identifying and responding to child safe risks, and reporting and responding to allegations or concerns about abuse or neglect.</li> <li>- Regular review of ICS staff performance and development plans.</li> <li>- ICS staff are trained in child safe recruitment practices and cultural safety.</li> </ul>	Within 12 months	Inspector of Custodial Services	<ul style="list-style-type: none"> <li>- ICS staff and Youth Justice Official Visitors have increased confidence to identify child safe risks and act to prevent and respond to abuse.</li> <li>- ICS has a culture of continuous improvement in child safe practice.</li> <li>- ICS staff and Youth Justice Official Visitors have suitable skills and experience to work with children.</li> <li>- ICS staff and Youth Justice Official Visitors demonstrate sound knowledge and skills in child safe practices.</li> </ul>	<ul style="list-style-type: none"> <li>- Number of training sessions conducted per year.</li> <li>- Number of ICS staff and Youth Justice Official Visitors who attend relevant training sessions.</li> </ul>	NSW children and young people are safe in the organisations that they learn, play, and live in  Prevention of and reduction in child abuse in organisational settings  Improved responses and reporting of child abuse

Step	Objective	Actions	Completion date	Owner	Desired outcomes	Data points	Ultimate outcomes
<p>Implementing the Child Safe Standards</p> 	<p>Child safe organisations implement the Child Safe Standards</p>	<ul style="list-style-type: none"> <li>- ICS incorporates the Child Safe Standards in the ICS' NSW Youth Justice Inspection Standards.</li> <li>- Inspections and thematic reviews relevant to Youth Justice have regard to the ICS' NSW Youth Justice Inspection Standards that incorporate the Child Safe Standards.</li> <li>- ICS reviews relevant office manuals and handbooks to ensure that they meet the Child Safe Standards.</li> <li>- Child friendly and accessible resources about the role of Youth Justice Official</li> </ul>	<p>Within 12 months</p>	<p>Inspector of Custodial Services</p>	<ul style="list-style-type: none"> <li>- ICS leads and champions a child safe culture in Youth Justice.</li> <li>- ICS embeds child safe practices in the office of the ICS and the Youth Justice Official Visitor Program.</li> <li>- A culture of continuous improvement in children and young people being confident to report child abuse to ICS staff and Official Visitors.</li> <li>- A culture of continuous improvement to respond to reports of child abuse in Youth Justice.</li> </ul>	<ul style="list-style-type: none"> <li>- Number of inspections, visits and reports relating to Youth Justice conducted by ICS.</li> <li>- Number of Official Visitor visits to Youth Justice facilities.</li> <li>- Number of Official Visitor appointments per youth justice centre, including number and percentage of Aboriginal Youth Justice Official Visitor appointments.</li> </ul>	<p>NSW children and young people are safe in the organisations that they learn, play, and live in</p> <p>Prevention of and reduction in child abuse in organisational settings</p> <p>Improved responses and reporting of child abuse</p>



		<p>Visitors and the ICS are developed. These resources are regularly communicated to children and young people in ways they can understand.</p> <p>- ICS reviews its existing complaints handling procedures for Youth Justice Official Visitors to ensure they are child-focused, child-friendly and culturally safe. In addition, the ICS incorporates feedback from children and young people in custody in the review.</p>			<p>- Children and young people understand their rights, including their right to feel and be safe, and to raise any concerns.</p>		
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