COPP 7.2 Pregnant Detainees

Banksia Hill Youth Detention Centre

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| Principles In the context of the:  [Australian Human Rights Commission National Principles for Child Safe Organisations, 2018](https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf):  Detainees are informed about their rights, participate in decisions affecting them and are taken seriously.  Children, young people and families are provided with information about their rights and responsibilities in the Justice system. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Banksia Hill Youth Detention (BHYDC) Centre Custodial Officers and staff.

# Policy

The purpose of this document is to establish clear and consistent practices when working with pregnant detainees.

Pregnant detainees shall be provided services and support proportionate with community standards and a trauma informed approach.

Pregnant detainees shall be supported through a multi-disciplinary approach including the development of a Pregnancy Management Plan which considers the developmental needs of pregnant detainees and the care and protection of the detainee during ante and postnatal care.

The supervision of pregnant detainees shall occur in a manner which is sensitive and appropriate to the detainee’s individual needs. All detainees shall be treated with dignity, humanity, and respect.

The supervision of a pregnant detainee is governed by a rigorous recording and reporting regime which provides transparency and accountability.

All communications with pregnant detainees should be embedded in such a way that language, culture, religion and diversity is acknowledged and understood.

# Procedures

## Overview

### Pregnancy testing is conducted by Health Services on admission in accordance with Health Services policy [PM11 – Pregnancy Testing, Management and Care of Children](https://dojwa.sharepoint.com/sites/health-services).

### Where a detainee has verbally provided permission to inform the Superintendent and staff, they are pregnant, Health Services (HS) shall enter the pregnancy status on the Total Offender Management Solution (TOMS) ‘Medical Status’ page.

### Detainees are entitled not to share their pregnant status. Where a detainee does not wish to share their pregnant status, HS shall ask the detainee every two weeks if they have had time to further consider the request. The response shall be documented in the detainees Electronic Health Online (ECHO) record.

### Unit Managers shall ensure that Custodial Officers are informed of a detainee’s pregnancy where the detainee has opted to share this information.

### Custodial Officers shall also regularly check the TOMS ‘Medical Status’ to confirm a detainee’s pregnancy status.

## Accommodation

### The Assistant Superintendent Operations, in consultation with the Assistant Superintendent Security (or delegate), shall conduct a risk assessment before a pregnant detainee’s placement.

## Multi-Disciplinary Team

### The Superintendent shall organise a Multi-Disciplinary Team (MDT) meeting to discuss support, education, and care of the detainee during their pregnancy.

### The MDT should include the following staff:

1. Superintendent or Deputy Superintendent (chairperson)
2. Assistant Superintendent
3. Psychologist
4. Manager Case Planning and Programs Unit
5. HS Nurses or Medical Practitioner
6. Aboriginal Welfare Officer
7. Detainees Unit Manager
8. Case Manager from the Department for Child Protection and Family Support (DCPFS).

### The MDT shall develop a detainee Pregnancy Management Plan (PMP).

### A review of the PMP shall occur fortnightly, with updates provided from each relevant member of the MDT to address the following:

1. confirmation of referral to external health providers
2. referral to mental health team, if required
3. dietary requirements
4. transport and transfer issues
5. detainee education
6. recreational activities
7. approved birthing partner
8. progression of an application for resident child
9. postnatal treatment inclusive of a modified timetable, if required.

### The PMP will be discussed with the detainee in a manner, pace and language that the detainee may understand. The detainee shall be offered the opportunity to ask questions and inform the PMP as appropriate.

### If appropriate and with the detainee’s consent, the detainees Unit Manager shall liaise with the detainee’s responsible adult in regard to their care and support in detention.

## Antenatal care

### Staff shall encourage pregnant detainees to participate in daily activities, including exercise, in accordance with the requirements of their PMP.

### With the progression of the pregnancy, a review of the detainee’s activity level may be required by HS , for non-participation in activities and to be placed on the medical exemption list.

### Custodial Officers shall ensure where a pregnant detainee requires an extra pillow, the request is forwarded to the detainees Unit Manager for consideration and authorisation.

### The Superintendent (or delegate) shall ensure pregnant detainees are provided the opportunity to attend antenatal classes at King Edward Memorial Hospital (KEMH).

## Treatment

### Pregnant detainees shall be seen by a medical practitioner at the earliest available clinic at the Detention Centre to determine appropriate treatment, care and referrals.

### HS staff shall conduct regular general health checks of pregnant detainees.

### All antenatal checks shall be conducted at KEMH.

### Pregnant detainees shall have their babies delivered at KEMH.

### Where staff have significant concerns regarding the health of a pregnant detainee, a medical emergency shall be called.

### For non-urgent health concerns, the pregnant detainee can be escorted to the Health Centre.

## Nutrition

### HS staff shall provide pregnant detainees with dietary advice.

### The detainees Unit Manager shall ensure kitchen staff are notified of any new arrival of a pregnant detainee.

### Kitchen staff are to ensure pregnant detainees are provided small, frequent, freshly cooked meals. Kitchen staff are to ensure pregnant detainees are not supplied processed meats and soft cheeses in accordance with dietary advice from HS.

### Kitchen staff shall ensure a light supper is provided for each pregnant detainee consisting of a sandwich and piece of fresh fruit. Fruit should also be made available at all times and snacks should be compliant with the Australian Dietary Guidelines.

## Clothing

### The Superintendent (or delegate) shall ensure pregnant detainees are provided with adequate clothing requirements throughout the pregnancy.

## Use of force and restraints

### As a general rule, use of force and restraints should not be applied to pregnant detainees. Where the use of force or the application of restraints is required refer to COPP 8.2 – Use of Force and Restraints.

## Searches

### Custodial Officers shall consider adjusting standard searching procedures for a pregnant detainee or detainee suspected to be pregnant to maintain the dignity and respect of the person being searched. Refer to COPP 9.6 – Searching for procedures.

## Travel

### From 28 weeks pregnant, the Superintendent shall ensure that a Fitness to Travel Assessment is completed for any travel of a pregnant detainee in accordance with Health Services policy, [PM11 – Pregnancy Testing, Management of Pregnancy and Care of Children.](https://dojwa.sharepoint.com/sites/health-services)

### Where practical, the Superintendent shall ensure pregnant detainees are transported in a non-secure vehicle, in the back seat with Custodial Officers.

### Where practical, the Superintendent shall ensure at least one of the escorting officers is female.

### Where a pregnant detainee requires a higher level of supervision, the Superintendent may approve an alternative transport vehicle taking into consideration the physical condition of the detainee.

## Postnatal care

### The detainee may request to have her baby reside with her in the Detention Centre by submitting a Detainee Request, Complaint and Feedback Form. DCPFS staff must be notified of the application.

### Staff shall ensure postnatal detainees are seen by HS clinical staff within 1 hour of returning to the Detention Centre from KEMH for postnatal contact and the postnatal treatment identified in the PMP is applied.

### The MDT shall ensure postnatal detainees are offered support and referred to internal/external counselling services as required.

# Annexures

## Related COPPs and document

* [COPP 8.2 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [BHYDC COPP 9.6 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [PM11 – Pregnancy Testing, Management of Pregnancy and Care of Children.](https://dojwa.sharepoint.com/sites/health-services)

## Definitions and acronyms

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| Term | Definition |
| Assistant Superintendent | Officers designated by the Superintendent to be an Assistant Superintendent of Banksia Hill Detention Centre. |
| Commissioner’s Operating Policy and Procedures (COPP) | Operational Instruments that provide instructions to staff how the relevant legislative requirements are implemented. |
| Case Planning and Program Unit | Responsible for liaising with internal and external service providers and while coordinating and scheduling any program delivery for detainees. |
| Detainee | Means a person who is detained in a detention centre as defined in section 3 of the *Young Offenders Act 1994*. |
| KEMH | King Edward Memorial Hospital |
| Medical Practitioner | A person who is registered under the *Health Practitioner Regulation National Law (WA) Act 2010* in the medical profession. |
| Multi-Disciplinary Team (MDT) | A group composed of members with varied and complimentary experience, qualifications, and skills that contribute to the management of a detainee’s needs and risks, which can include, education, mental health and recreation. |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of section 11(1a)(b) of the *Young Offenders Act 1994*, in regulation 49(2) of the *Young Offenders Regulations 1995*:  a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.  b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.  c) Program support staff counsellors, program facilitators and librarians.  d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| Pregnant Detainee | Means a detainee confirmed to be pregnant by medical staff. |
| Pregnancy Management plan (PMP) | A tool for the MDT to report and update on the progress, needs and risks of a pregnant detainee. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to section 11 of the *Young Offenders Act 1994* |
| Staff | Any person or officer of the Department of Justice, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any contractor who provides services to the Department of Justice. |
| Superintendent | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’. |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of prisoners and detainees in custody. |
| Unit Manager | A Youth Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to section 11 of the *Young Offenders Act 1994*. |
| Yeeda Precinct | Separate accommodation area for female detainees within Banksia Hill Detention Centre. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |
| Youth Custodial Officer | An officer with custodial functions, appointed under section 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers. |

## Related legislation

* *Public Sector Management Act 1994*
* *Young Offenders Act 1994*
* *Young Offenders Regulations 1995*

# Assurance

It is expected that:

* BHYDC will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081).
* Women and Young People, Corrective Services, will undertake management oversight as required.
* Monitoring and Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081)
* Independent oversight will be undertaken as required.

# Document version history

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Updated following further feedback from the Project Steering Committee | 17 April 2020 | 21 April 2020 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Compliance and Contracts | 5 May 2021 | 05 May 2021 |
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