OBERSTOWN CHILDREN DETENTION CAMPUS

CARE
EDUCATION
HEALTH
WELLBEING

SINGLE SEPARATION POLICY

Final Version, Ref No: OCDC6

Policy Title	Single Separation, OCDC6
Version	Final Version 1.0
Owner	Deputy Director (Care Operations)
Approved by	Board of Management
Date	09/05/17
For Review	June 2018

Jennifer M. Hough

1. Purpose of Policy

The purpose of this policy is to outline the circumstances in which it is appropriate to separate a young person from his or her peers, and to outline the legal framework that supports separation. Separation from their peers has the potential to negatively impact young people, and the staff at Oberstown must thus be fully informed of the circumstances in which this is justified. This policy only refers to situations that conform to the description of single separation.[1]

2. Policy statement

The separation of young people from their peers is an exceptional measure that should only be used in certain limited circumstances and as a last resort. As part of a continuum of behaviour management techniques, separation can only be used when other interventions have been or would be ineffective to help the young person regain control or to prevent disruptive/risky actions or dangerous behaviour from threatening the safety, security and welfare of the young person and/or others.

Young people should only be separated from their peers when:

- the young person is likely to cause significant harm to her/himself or others, or
- the young person is likely to cause significant damage to property that would compromise security and impact on the safety of others.

Single separation must be used only after all other interventions have failed. However, the director of Oberstown has **sole discretion** to use single separation in the event that it is not possible to avail of other inverventions.

Single separation must **always** be only used for the shortest period necessary.

In line with national policy on single separation,[2] the use of this intervention must be **safe, effective, and proportionate.**

When separating a young person a risk assessment must be carried out by staff to inform the decision-making process. This process must be recorded clearly and the separation of a young person must be approved and monitored by relevant staff members in compliance with procedures.

3. Scope of Policy

The separation of young people is the final stage in a continuum of interventions that form the overall behaviour management policy at Oberstown. It is the responsibility of all staff to ensure they are following the most recent version of this policy and that they understand all elements of it.

This policy must be read in conjunction with the Oberstown separation procedure document, and the Department of Children and Youth Affairs, National Policy on Single Separation Use.[3]

4. Legal framework

It is the principal aim of Oberstown Children Detention Campus under s 158 of the Children Act 2001 to provide appropriate educational and training programmes for children referred to the Campus by a court and to promote their reintegration into society as persons who are

[1] See definitions for more information.
[2] Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016.
[3] Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016.

capable of making a positive and productive contribution to society. This must be secured by having regard to young people's health, safety, welfare, interests; providing them with proper care, guidance and supervision; preserving and developing young people's relationships with their families; exercising proper moral and disciplinary influences on young people and recognising their personal, cultural and linguistic identity.

According to s 180 of the Act, young people in Oberstown are in the lawful custody of the Director who is 'to do what is reasonable…in all the circumstances …. for the purpose of safeguarding or promoting the child's… health, development or welfare'.

These obligations are fulfilled, among other means, through the implementation by staff of Oberstown's policies and procedures.

In line with national policy, the decision to use single separation must be based on a risk assessment and take into account the young person's placement plan and their intervention crisis management plan (ICMP).[4]

The fundamental guiding principles underlying this policy are that the best interests of the young person are taken into account, and that the safety, dignity and privacy of children being placed in single separation are maintained.[5] Due regard should also be given to the interests of others who may be at risk of harm if separation does not take place. In this respect, it should be noted that staff are protected by health and safety legislation, namely the *Safety, Health and Welfare at Work Act 2005.*[6] Under the Act, employers are obliged to managing and conducting all work activities so as to ensure the safety, health and welfare of people at work.[7]

4.1 Human rights standards

The United Nations Convention on the Rights of the Child (UNCRC), to which Ireland is a party, sets out the rights to which all children, including children in detention, are entitled. The Convention requires that all children are entitled to enjoy their rights without discrimination, they must have their best interests taken into account in all matters concerning children and have their views taken into account in all matters affecting them in line with their age and maturity. Under Article 40 of the Convention, every young person in conflict with the law has the right to be treated in a manner consistent with the promotion of the their sense of dignity and worth, which reinforces the respect for the human rights and fundamental freedoms of others and which takes into account the young person's age and the desirability of promoting reintegration and assuming a constructive role in society.

Regard should also be had to the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990) and the European Guidelines on Child-friendly Justice (2010).

More generally, Ireland is also a party to the Convention for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (CPT) and to the European Convention on Human Rights (ECHR), both of which are relevant to children deprived of their liberty. Under the ECHR Act 2003, 'organs of the state' (a phrase likely to include Oberstown) are required to act in a manner consistent with obligations under the ECHR. These instruments make clear that separation in extreme forms may amount to solitary confinement which is likely to be harmful and contrary to the rights of the child.

5. Definitions

5.1 Single separation

[4] Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016, at 6.
[5] Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016, at 6.
[6] Safety, Health and Welfare at Work Act 2005
[7] See: HSA, A Short Guide to The Safety, Health and Welfare at Work Act, 2005, at 4.

Separation in this policy is when a young person is separated from his or her peers to a room designated for separation, for as short a period of time as is necessary, due to one or both of the following reasons:

- Where a young person is likely to cause significant harm to her/himself or others;
- Where a young person is likely to cause significant damage to property that would compromise security and impact on the safety of others."[8]

5.2 Protection room

This is a room designated by the Director of Oberstown specifically for the purposes of separation. Such a room or rooms shall be fitted with a call bell which allows staff to be contacted at all times, and CCTV which allows for monitoring of the young person. In addition, the room shall be designed to minimise the risk of the young person from harming him/herself or taking their life.

6. Related Documentation

- United Nations Convention on the Rights of the Child (1989)[9]
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)[10]
- European Guidelines on Child-friendly Justice (2010)[11]
- CPT, Juveniles Deprived of their Liberty Under Criminal Legislation, Extract from the 24th Report of the CPT, 2015[12]
- Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016.
- Oberstown Behaviour Management Policy
- Oberstown Safeguarding Policy
- Safety, Health and Welfare at Work Act, 2005
- Safety, Health and Welfare at Work (General Application) Regulations 2007

[8] Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016

[9] Available at: http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf.

[10] Available at https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.

[11] Available at : http://www.coe.int/en/web/children/child-friendly-justice

[12] Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ccb96