

Australian Capital Territory

Corrections Management (Detainee Complaints and Grievances) Policy 2014 (No 1)

Notifiable instrument NI2014-548

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Detainee Complaints and Grievances) Policy 2014 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

DETAINEE COMPLAINTS AND GRIEVANCES POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes notifiable instruments NI2007-463 and NI2010-387.

Bernadette Mitcherson
Executive Director
ACT Corrective Services
21 October 2014



Alexander Maconochie Centre (AMC)
Court Transport Unit (CTU)



DETAINEE COMPLAINTS AND GRIEVANCES POLICY

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Purpose

To outline the detainee complaints and grievances policy.

Authority

Legislation

Corrections Management Act 2007, section 14 and chapter 7.

Policy

Principles

Detainees may make complaints regarding the management of their incarceration or custodial operations.

Detainees are to be encouraged to make complaints internally as the most effective and fastest way to resolve their concerns.

Issues raised and/or complaints made, will be processed, investigated and followed up in a structured and impartial manner.

However, detainees are permitted privileged access to external avenues for complaint. These avenues include:

- Ombudsman;
- Official Visitors;
- Human Rights Commissioner;
- Public Advocate; and
- ACT Policing.

Internal Complaints handling

When making an internal complaint, detainees are to be encouraged to initially raise complaints with the CO1 in their accommodation area (or at the CTU if the complaint relates to an issue while the detainee is at the CTU). However, other options are available to detainees and detainees will not be prevented from using these. The only

exception to a complaint being made to the CO1 is where it relates to one or more of the following issues:

- allegations of assault (including sexual assault, or physical assault) by a staff member;
- inappropriate uses of force, including the use of restraints; and
- complaint about an incident.

Complaints of this nature may be raised directly with the Operations Manager. Should a corrections officer of any rank below Operations Manager become aware of a complaint of this nature the matter is to be referred directly to the Operations Manager.

Where resolution is not possible at the CO1 and Supervisor level, the Supervisor will refer the complaint as soon as possible to the Area Manager of the area. This process will continue until such time as the complaint reaches a level at which it can be resolved.

Privacy and confidentiality will be respected in all instances. Details of matters raised will be made available only to those staff that need to know (due to the need for them to provide a response or other comment/action), except where the detainee has given their consent for information to be discussed with other persons.

It is a breach of discipline to interfere in any way with a detainee's complaint.

External handling of complaints

Detainees will be made aware of external avenues for complaint through the Detainee Handbook. These include the Official Visitor, the Ombudsman, the AFP, the Public Advocate, and the Human Rights Commissioner. These agencies may be contacted by using the Common Auto Dial List on the Detainee Telephone System.

Detainees are not required to inform correction staff of the reasons for contacting any of these agencies. The reasons for contact with them and the content of any communication, is "privileged". This means that the confidentiality of the subject matter must be preserved, regardless of whether the information is provided verbally, in writing, or electronically. Corrections officers do not need to know this information.

Corrections officers should not attempt to elicit information from detainees about reasons for their use of recognised external venues for complaint. Furthermore, it must be left to the external agencies to decide whether any matter raised with them should first be addressed by ACT Corrective Services.

Investigations

Detainees will be advised of the outcome of ACT Corrective Services investigations relating to the issue raised. Detainees should be updated on the progress of the issue(s) raised at agreed follow up dates, and in cases where it has not been finalised within 14 days.

Forms and templates

Detainee Complaint Form

Related policies and procedures

Detainee Complaints and Grievances Procedure

Detainee Disciplinary Policy

Detainee Disciplinary Procedure