

Corrections Management (Policy, Operating Procedure and Instruction) Policy 2016 (No 2)

Notifiable instrument NI2016-442

made under the

Corrections Management Act 2007, s 14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Policy, Operating Procedure and Instruction) Policy 2016 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make the Policy, Operating Procedure and Instruction Policy, attached to this instrument, to facilitate the effective and efficient management of correctional services.

4. Revocation

This instrument revokes the *Corrections Management (Policy, Operating Procedure and Instruction) Policy 2016* [NI2016-356].

Don Taylor
A/g Executive Director
ACT Corrective Services
10 August 2016



POLICY, OPERATING PROCEDURE AND INSTRUCTION POLICY ALL FACILITIES

Purpose	1
Authority	1
Objective	2
Information dissemination	2
1. Operating Procedure	2
1.1 Policy or Operating Procedure	2
<i>Restricted Policy or Operating Procedure</i>	3
1.2 Executive Director's Instruction	3
1.3 General Manager's Instruction	3
<i>Temporary General Manager's Instructions</i>	4
1.4 Other restricted documents	4
1.5 Hierarchy of authority	4
1.6 Review, implementation and compliance	4
2. Forms and Templates	5
3. Related Policies and Operating Procedures	5
4. Relevant Documents	5
5. Relevant Memorandums of Understanding	5
6. Legislation Requirements	5
7. Document Properties	5

Purpose

To outline the principles and processes which underpin the operation of correctional centres in the ACT, and to provide clear guidelines to be followed for creating, updating and reviewing Policies, Operating Procedures, Executive Director's Instructions (EDIs) and General Manager's Instructions (GMIs). These documents facilitate the effective and efficient management of correctional centres in the ACT consistent with legislation.

The impact of this Policy on a detainee's human rights has been considered consistent with the *Human Rights Act 2004*. A detainee's human rights are limited only to the extent that it is reasonably and demonstrably justifiable.

Authority

Corrections Management Act 2007, section 14 and 15.

Objective

ACT Corrective Services (ACTCS) staff operate within the requirements of legislation, regulations, Policies, Operating Procedures, EDIs and GMIs.

Policies, Operating Procedures and Instructions aim to support and ensure:

- legislative compliance;
- the secure detention of detainees;
- justice, security and good order of correctional centres;
- detainees are treated in a decent, humane and just way;
- the promotion of rehabilitation of detainees and their reintegration into society;
- quality, safety and efficiency;
- high standards of practice, ethics and professionalism; and
- the active management of risk addressing security and safety matters.

Information dissemination

All ACTCS staff are to be familiar with legislation, Policies, Operating Procedures and Instructions governing the operations of ACT correctional centres.

All Policies and Operating Procedures are legislative instruments notified on the ACT Legislation Register, or available to view on request at an ACT correctional centre.

Policies and Operating Procedures that are excluded under section 15 of the *Corrections Management Act 2007* (the Act) are not able to be viewed on the ACT Legislation Register, or on request at an ACT correctional centre, due to sensitive nature of these documents. These Policies and Operating Procedures are 'restricted' and able to be viewed by ACTCS staff on the ACTCS Intranet.

All Instructions are considered internal documents and are not able to be viewed on the ACT Legislation Register or on request at an ACT correctional centre. Instructions are able to be viewed by ACTCS staff on the ACTCS Intranet.

Relevant staff will be informed of the introduction or amendment of a Policy, Operating Procedure or Instruction. Information will be provided to staff through a number of channels which may include in the shift handover, briefing notes, and/or an email.

1. Operating Procedure

1.1 Policy or Operating Procedure

The Executive Director may make a Policy or Operating Procedure under section 14 of the Act, to facilitate the effective and efficient management of correctional services in the ACT.

A Policy provides the purpose, authority and overarching set of principles which guide staff working in an ACT correctional centre to make decisions in compliance with the Act.

An Operating Procedure describes specific activities or steps that are required to be completed by staff working in an ACT correctional centre, to ensure consistency and compliance with the Act.

Policies and Operating Procedures are to be reviewed by the Executive Director in consultation with relevant staff and stakeholders, and amended where required on a regular basis, determined by level of risk.

Restricted Policy or Operating Procedure

The Executive Director may exclude a Policy or Operating Procedure from being available for public viewing on the ACT Legislation Register, if they believe after consultation with the General Manager, Custodial Operations (General Manager) on reasonable grounds, that disclosing the information may endanger public safety or undermine justice, security or good order at a correctional centre, or safety or privacy of detainees or staff. This is in accordance with section 15 of the Act.

Excluded Policies and Operating procedures must be clearly labelled “RESTRICTED”.

All excluded Policies or Operating Procedures must be available for inspection, on request, by any of the following:

- a Judge or Magistrate;
- a Member of the ACT Legislative Assembly;
- an Official Visitor;
- the Human Rights Commissioner;
- the Public Advocate; or
- the Ombudsman.

Only the Executive Director or General Manager (or delegate) can approve the release of an excluded Policy or Operating Procedure for this purpose, or any other purpose deemed appropriate.

1.2 Executive Director’s Instruction

The Executive Director may issue an Instruction relating to the corporate operation of ACTCS staff or correctional centre (Executive Director’s Instruction, EDI).

EDIs are internal ACTCS documents and are not available to be viewed on the ACT Legislation Register or on request at an ACT correctional centre. Approval must be sought by the Executive Director, prior to the release of these documents to a person or agency external to ACTCS.

EDIs are to be reviewed by the Executive Director on an annual basis to ensure alignment and consistency with newly issued requirements.

1.3 General Manager’s Instruction

The General Manager may issue an Instruction relating to the day-to-day operation of a correctional centre (General Manager’s Instruction, GMI).

GMI's are internal ACTCS documents and are not available to be viewed on the ACT Legislation Register or on request at an ACT correctional centre. Approval must be sought by the General Manager or above, prior to the release of these documents to a person or agency external to ACTCS.

GMI's are to be reviewed by the General Manager on an annual basis to ensure alignment and consistency with newly issued requirements.

Temporary General Manager's Instructions

These relate to an event or situation that has a specific start and end date, such as a change to the visiting hours of a correctional centre for the purpose of a staff meeting or public holiday.

The GMI must clearly state the date and time that the Instruction takes effect and the date and time that it lapses.

1.4 Other restricted documents

Any document held by ACTCS relating to operational arrangements at an ACT correctional centre (for example, design plans) are considered restricted documents, and not available to be viewed on the ACT Legislation Register or on request at an ACT correctional centre.

Approval must be sought by the Deputy General Manager or above, prior to the release of these documents to a person or agency external to ACTCS.

1.5 Hierarchy of authority

The Act is the primary source of authority for ACTCS staff and the provisions included in the Act must be adhered to at all times.

Policies and Operating Procedures are legislative instruments that support the Act, and ACTCS staff are required to read and comply with any notified Policy or Operating Procedure.

Instructions are not legislative instruments; however, ACTCS staff are required to read and comply with any Instruction issued.

If there is any conflict between the legislation, Policy, Operating Procedure or Instruction, the Act takes precedence, followed by a notified Policy or Operating Procedure, then an issued Instruction.

1.6 Review, implementation and compliance

Policies, Operating Procedures and Instructions are to be regularly reviewed in consultation with relevant stakeholders where considered appropriate, to ensure applicability, improvements and to support best practice.

Proper adherence by ACTCS staff to Policies, Operating Procedures and Instructions is critical to the effective and legitimate operation of ACT correctional centres.

ACTCS staff compliance with Policies, Operating Procedures and Instructions will be actively monitored and reviewed.

Non-compliances are to be identified and, where required, corrective action taken.

Failure to comply with legislation, Policies, Operating Procedures and Instructions relating to ACT correctional centres may be dealt with by internal disciplinary action or criminal prosecution.

2. Forms and Templates

Nil

3. Related Policies and Operating Procedures

Nil

4. Relevant Documents

ACT Corrective Services Compliance Framework 2015-17

ACT Corrective Services Compliance and Risk Working Group Terms of Reference

5. Relevant Memorandums of Understanding

Nil

6. Legislation Requirements

Corrections Management Act 2007

Crimes (Sentence Administration) Act 2005

Human Rights Act 2004

Public Sector Management Act 1994

7. Document Properties

Document Properties	Approval Details
Date approved:	10 August 2016
Date effective:	
Approved version:	Version 3
Approved by:	Acting Executive Director, ACT Corrective Services
Review date:	-
Expiry date:	-

Amendment History Version No	Issue date	Notifiable Instrument No
Version 1	24 June 2011	NI2011-299
Version 2	15 July 2016	NI2016-356