

Australian Capital Territory

Corrections Management (Policy Framework) Policy 2020

Notifiable instrument NI2020-186

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Policy Framework) Policy 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes the *Corrections Management (Policy Framework) Policy 2019* [NI 2019-99].



Jon Peach
Commissioner
ACT Corrective Services
27 March 2020

POLICY FRAMEWORK

POLICY NO. A1

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that policy documents are created, reviewed and updated according to formalised processes to ensure compliance with legislation, directorate and whole-of-government frameworks, and internal objectives.

This policy establishes the requirements for the creation, review and updating of policy documents.

2 SCOPE

This policy applies to all ACTCS staff.

3 DEFINITIONS

Community instructions

Step-by-step instructions for Community Corrections and Release Planning staff to follow to enable compliance with policy and conduct their duties.

Commissioner Instructions

Temporary written directions issued by the Commissioner under section 16 of the Corrections Management Act 2007 (ACT) to bring immediate effect to a change in process or policy document. Reviewed every 12 months.

Commissioner's Rules

Written directions issued by the Commissioner under Corrections Management Act 2007 (ACT) for the management, control and security of detainees and correctional centres generally and/or the management and conduct of ACTCS employees.

General Manager Instruction (GMI)

Temporary written direction issued by a General Manager to bring immediate effect to a change in process or operating procedure. In effect for a maximum of six (6) months.

Custodial operations GMIs are made under section 16 of the Corrections Management Act 2007 (ACT).

Notices

Short formal documents issued by the Commissioner or Divisional Executives to disseminate information, but not instruction, to respective divisional staff, offenders or community members. Always titled 'Notice to...'. Notices are signed and dated.

Notifiable instrument

A policy document that is notified as an instrument under section 14 or 15 of the *Corrections Management Act 2007 (ACT)* as it relates to the management of offenders under that Act.

Available on the ACT Legislation Register at www.legislation.act.gov.au/a/2007-15#regulate.

Operating procedures

Step-by-step instructions for Custodial Operations and Corporate staff to follow to enable compliance with policy and conduct their duties. May apply to contractors and external service providers at a correctional centre.

Policy

A document which outlines mandatory controls and guides decisions, addresses legislative compliance and implements strategic goals of ACTCS. May apply to contractors and external service providers at a correctional centre.

Policy documents

Policies, annexes, forms, guidelines, operating procedures, notices, Commissioner Instructions, Commissioner's Rules, GMIs and templates.

Restricted policies or operating procedures

Policies or operating procedures that the Commissioner has restricted from public access under section 15 of the *Corrections Management Act 2007 (ACT)*.

4 GUIDELINES

4.1 Policies, operating procedures and community instructions are numbered according to the relevant category:

- A – Corporate Services
- C – Community Operations
- D – Detainee Management
- E – Emergency Management
- F – Finance
- H – Human Resources
- I – Infrastructure Management
- S – Safety and Security
- T – Court Transport Unit

4.2 Documents attached, or related, to a policy, operating procedure or community instruction will be assigned a document number relating to the governing document.

- 4.3 The decision to create a policy document will be made:
- a. for policies, guidelines, Commissioner Instructions and Commissioner’s Rules, by the Commissioner;
 - b. for operating procedures, community instructions and GMIs, by a Divisional Executive;
 - c. for forms, by the relevant responsible officer; or
 - d. for templates, by the Team Leader, Policy Unit.
- 4.4 The standard mode of access for staff to view policies, operating procedures and community instructions is via the ACTCS Intranet.
- 4.5 Access to unrestricted policies and operating procedures is provided to detainees via in-cell computers or the Alexander Maconochie Centre Library (*Detainee Access to Education, Library and Information Communication Technology Policy*).
- 4.6 The development and review of policy documents is to be included as a standard item in Performance Development Plans for staff members at SOGB grade and above in line with the policy review schedule approved annually by the Executive Governance Committee (EGC).

Commissioner Instructions and GMIs

- 4.7 Commissioner Instructions, GMIs and notices are numbered according to serial and year of issue.
- 4.8 Commissioner Instructions, Commissioner’s Rules and GMIs are not notifiable instruments. Commissioner Instructions, Commissioner’s Rules and GMIs relating to the management of detainees at a correctional centre are delegated directions under section 16 of the *Corrections Management Act 2007 (ACT)*.

5 ROLES AND RESPONSIBILITIES

Team Leader, Policy Unit

- 5.1 The Team Leader, Policy Unit, will maintain the *ACTCS Policy Register* listing the details of policy documents, including but not limited to:
- a. date of notification;
 - b. review schedule and dates; and
 - c. responsible officer.
- 5.2 The Team Leader, Policy Unit, will:
- a. provide monthly updates to the EGC on outstanding policy documents;
 - b. advise the Commissioner of any identified policy risks;

- c. ensure the ACTCS Intranet is current for all policy documents; and
- d. undertake appropriate external consultation.

Responsible Officer

- 5.3 The specified officer responsible for the review, oversight, implementation and updating of policy documents in line with the review schedule in the ACTCS Policy Register.
- 5.4 The responsible officer must:
- a. ensure policy documents are completed in the appropriate current template;
 - b. undertake internal consultation to inform the development, review and/or implementation of policy documents;
 - c. report identified policy risks to the Team Leader, Policy Unit;
 - d. consider the human rights implications and application to their policy document under the Human Rights Act 2004 (ACT);
 - e. submit an A1.F2: Policy Document Coversheet with each policy document to the Team Leader, Policy Unit; and
 - f. provide an open access recommendation to the relevant Divisional Executive and Team Leader, Policy Unit (Open Access Policy).

Divisional Executives

- 5.5 Once a community instruction or operating procedure has been reviewed to ensure consistency with policy, the Team Leader, Policy Unit, will provide the final version to the relevant Divisional Executive for endorsement.

Executive Governance Committee (EGC)

- 5.6 EGC members are required to:
- a. be consulted and review policy documents that are distributed by the Team Leader, Policy Unit;
 - b. provide feedback on policy documents within the timeframe specified by the Commissioner; and
 - c. approve policies.
- 5.7 Divisional Executives will confirm to the EGC that internal consultation has been considered in the development of policy documents and any internal conflict resolved or raised for decision by the EGC.

Commissioner

- 5.8 Once a policy document has been approved by the EGC, the Team Leader, Policy Unit, will provide the finalised version to the Commissioner to:
- a. review and endorse the policy document;
 - b. confirm the open access requirements and/or restriction of the policy document; and
 - c. approve for the policy document to be published and/or added to operational software for use.

6 POLICIES

- 6.1 A new policy will be created where a need is identified and an amendment to a current policy is not appropriate.
- 6.2 Policies will be reviewed:
- a. according to the specified timeframe and at least once every three (3) years; and/or
 - b. where there has been a change in legislation, or other requirement to amend the content.
- 6.3 The Team Leader, Policy Unit, will notify the responsible officer and their Divisional Executive three (3) months prior to the scheduled due date for review under section 6.2(a).
- 6.4 All reviews under section 6.2 must be completed within three (3) months from the scheduled due date for review.
- 6.5 The EGC will track all policies under review from the date of notification under section 6.3 to the date of finalisation.

Drafting or reviewing policies

- 6.6 New or reviewed policy documents:
- be completed in the correct template
 - use simple, clear and concise English in short sentences and paragraphs
 - be well-researched and consistent with other policy documents, directorate, whole-of-government frameworks and legislation
 - use numbered points for ease of referencing
 - use position titles instead of names
 - clearly specify responsibility.

Consultation

- 6.7 Once a policy draft has been completed, the responsible officer must provide a copy to the Team Leader, Policy Unit, for consultation with other directorates, oversight bodies or other parties where relevant and appropriate.
- 6.8 The Team Leader, Policy Unit, will submit a schedule of consultation to the Commissioner for approval prior to consultation.
- 6.9 Where a policy document relates to the delivery of a health service in a correctional centre, the Team Leader, Policy Unit, will consult with Justice Health Services and/or Winnunga Nimmityjah Aboriginal Health and Community Service where relevant.

7 OPERATING PROCEDURES & COMMUNITY INSTRUCTIONS

- 7.1 Divisional Executives will establish operating procedures or community instructions where required under a policy.
- 7.2 Operating procedures and community instructions should be:
 - a. linked to a policy that sets out the overarching obligations, requirements and governance related to a function of ACTCS; and
 - b. detail the processes for completion of all necessary tasks.
- 7.3 Operating procedures and community instructions must be process or task specific and linked to specific roles. Lengthy documents should be avoided in favour of multiple operating procedures or community instructions.
- 7.4 Operating procedures and community instructions will be reviewed:
 - a. according to the specified timeframe and at least once every three (3) years coinciding with a review of the linked policy; and/or
 - b. where there has been a change in processes or responsibilities.
- 7.5 The Team Leader, Policy Unit, will notify the responsible officer and their Divisional Executive three (3) months prior to the scheduled due date for review under section 7.4(a).
- 7.6 Operating procedures and community instructions must be reviewed and submitted at the same time as the linked policy document under section 6.4, or in accordance with section 12.4.
- 7.7 The responsible officer must ensure that operating procedures and community instructions are consistent and comply with the requirements of a linked policy.

8 COMMISSIONER INSTRUCTIONS

- 8.1 The Commissioner will issue an Instruction where required to direct and/or inform staff of a change to processes or obligations:
 - a. in a current policy; or
 - b. for any other matter according to the Commissioner.
- 8.2 Commissioner Instructions will be reviewed every 12 months and/or revoked when a new or amended policy document is endorsed.
- 8.3 The Team Leader will maintain a register of Commissioner Instructions under section 5.1.

9 COMMISSIONER'S RULES

- 9.1 The Commissioner may make rules where required as a direction to staff on the exercise of their functions in accordance with legislation and policy.

10 GENERAL MANAGER INSTRUCTIONS

- 10.1 Where a General Manager wishes to issue a GMI to direct and/or inform staff of a change to an operating procedure, community instruction, or other process, they are responsible for:
 - a. submitting the draft GMI to the Team Leader, Policy Unit, for Commissioner review and approval; and
 - b. reviewing the GMI six (6) months from the date of endorsement.
- 10.2 GMIs that have been approved and endorsed by the Commissioner and General Manager must be submitted to the Team Leader, Policy Unit, to be added to the ACTCS Intranet.
- 10.3 General Managers are responsible for the notification and implementation of GMIs within their respective division.
- 10.4 The Team Leader will maintain a register of GMIs under section 5.1.

11 NOTICES

- 11.1 Divisional Executives are responsible for ensuring that notices for staff, offenders and community members are displayed where necessary and appropriate to ensure risks are mitigated and legislative obligations are adhered to.
- 11.2 Notices must be appropriately sized to ensure visibility and ease of reading.

- 11.3 Divisional Executives are responsible for maintaining a register of notices and reviewing as appropriate according to legislative and ACT Government obligations.

12 SUBMISSION AND ENDORSEMENT

- 12.1 Where the responsible officer for a policy document is not a Divisional Executive, their respective Divisional Executive must approve the policy document and A1.F2: Policy Document Checklist for submission to the Team Leader, Policy Unit.
- 12.2 On receipt of a policy document, the Team Leader, Policy Unit, will:
- a. undertake a quality assurance check of the policy document to ensure consistency:
 - a. with legislation and other ACTCS and ACT Government policies; and
 - b. in formatting;
 - b. liaise with the responsible officer to make any changes;
 - c. complete an A1.F1: Policy Impact Assessment for all policies to demonstrate that any identified risks and sensitivities have been considered and appropriately addressed;
 - d. provide all documents to the Commissioner for review; and
 - e. for policies, circulate to the EGC with the appropriate coversheet and A1.F2: Policy Document Checklist for confirmation of open access requirements.
- 12.3 EGC members will review policies and provide feedback between monthly EGC meetings. Should additional time be required, this should be no more than five (5) business days.
- 12.4 Where a policy has been approved by the EGC, the respective Divisional Executive is responsible for the development of operating procedures or community instructions. Operating procedures or community instructions should be finalised and provided to the Team Leader, Policy Unit, within one (1) month of approval.
- 12.5 As far as practicable, the date of endorsement of policies, operating procedures and community instructions will be determined by the EGC to allow sufficient time for operationalisation.

13 PUBLICATION AND NOTIFICATION

- 13.1 The Team Leader, Policy Unit, will:

- a. submit all notifiable instruments to the Ministerial Support Unit, Justice and Community Services Directorate, for notification;
 - b. upload policy documents to the ACTCS Intranet and operational software as required; and
 - c. provide open access policy documents to the Information, Communication and Technology team for publication.
- 13.2 Policy documents will be available to staff via the ACTCS Intranet or operating software as applicable:
- a. for notifiable instruments, on the day of notification; or
 - b. as soon as practicable following endorsement.

Notification

- 13.3 The Commissioner will notify the Minister for Corrections of all policies notified under the *Corrections Management Act 2007 (ACT)*.
- 13.4 Where an external agency has been consulted in the development of a policy, the Team Leader, Policy Unit, will prepare correspondence from the Commissioner notifying them of the finalised policy.
- 13.5 Once a policy, operating procedure, community instruction, Commissioner Instruction, or Commissioner's Rules, have been endorsed, the Commissioner will issue an all-staff message to advising staff of the updated document.
- 13.6 It is the responsibility of Divisional Executives to ensure their staff are appropriately consulted and informed of new or reviewed policies, operating procedures and/or community instructions.

14 RELATED DOCUMENTS

- A – A1.F1: Policy Impact Assessment
- B – A1.F2: Policy Document Coversheet
- C – Justice and Community Safety Directorate Policy Management Standard Operating Procedure



Jon Peach
Commissioner
ACT Corrective Services
27 March 2020

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