

Australian Capital Territory

Corrections Management (Incentives and Earned Privileges) Policy 2022 (No 2)*

Notifiable instrument NI2022–417

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Incentives and Earned Privileges) Policy 2022 (No 2)*.

2 Commencement

This instrument commences on the 1st September 2022.

3 Policy

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

4 Revocation

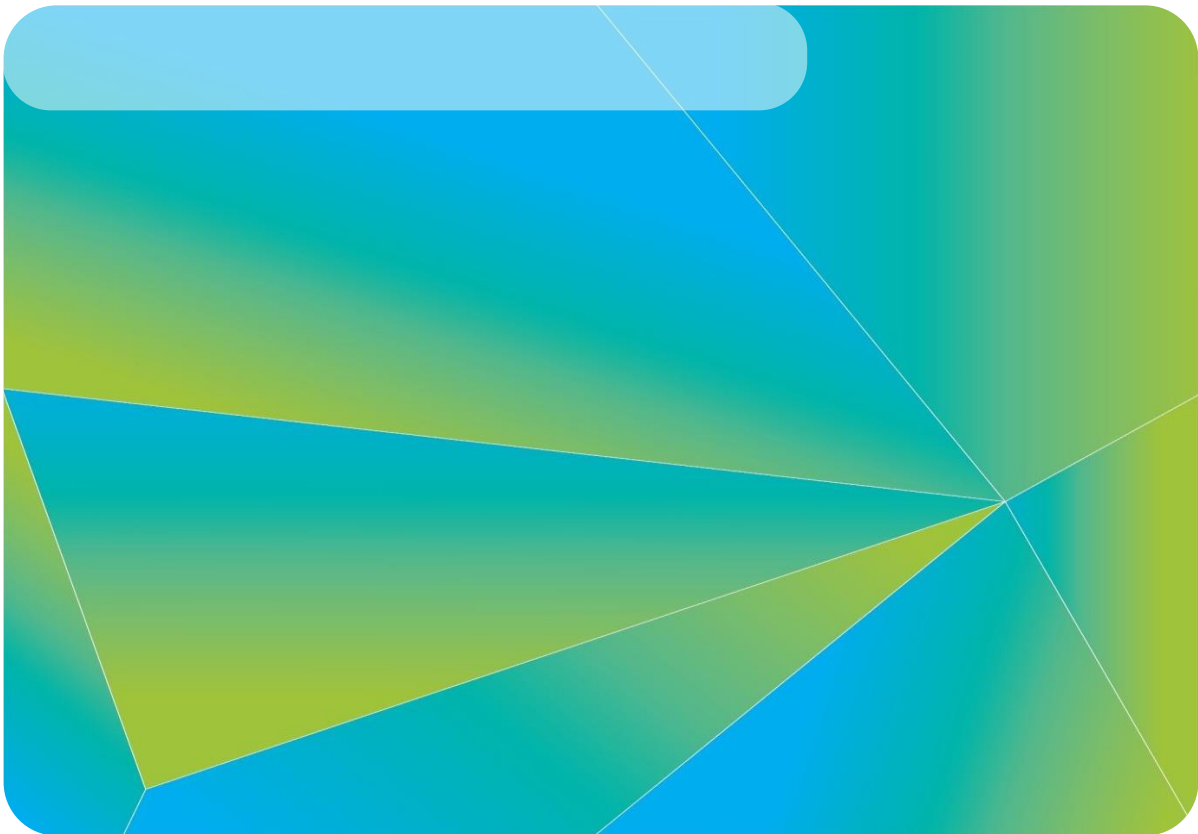
This policy revokes the *Corrections Management (Incentives and Earned Privileges) Policy 2012* [NI2022-216].

Ray Johnson APM
Commissioner
ACT Corrective Services
29 August 2022

*Name amended under Legislation Act, s 60

INCENTIVES AND EARNED PRIVILEGES

POLICY NO. D14



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to encouraging detainees in pro-social behaviour and engagement through the regime and rehabilitative interventions offered in ACT correctional centres.

This policy establishes instructions for an Incentives and Earned Privileges (IEP) scheme that encourages and rewards positive behaviours and engagement by detainees.

2 SCOPE

This policy applies to all correctional centres in the ACT as per the *Corrections Management Act 2007 (ACT)*.

Where required, the Deputy Commissioner Custodial Operations may establish operational procedures under this policy.

3 DEFINITIONS

Incentives and Earned Privileges (IEP)

A hierarchical scheme which encourages pro-social behaviour through the provision of different levels of access to privileges. The IEP scheme allows detainees to be managed in the least restrictive conditions consistent with their ongoing behaviour.

Privileges

As defined in section 154 of the *Corrections Management Act 2007 (ACT)* any amenity, facility, or opportunity the detainee may have the benefit of in detention, but does not include anything that is an entitlement for the detainee under chapter 6 of the *Corrections Management Act 2007 (ACT)*. The full list of privileges that are offered under the IEP scheme is at [Annex A](#).

Reasonable Adjustments

An adjustment to the behavioural expectations for a detainee's IEP level under this policy that allows a detainee with a disability – or other relevant factor – to participate in the IEP scheme equivalent to detainees without disability.

Behavioural Expectations

A list of behaviours – outlined in section 6.4 of this policy – that all detainees are expected to follow. Meeting these behavioural expectations is the minimum requirement for a Standard IEP level.

4 PRINCIPLES

- 4.1 The objective of the Incentives and Earned Privileges (IEP) scheme is to build a culture of pro-social behaviour within correctional centres.
- 4.2 Engagement and progression within the IEP scheme is based on:
- a. a detainee's behaviour, respect for others, and ongoing achievements and compliance with their case management plan
 - b. positive reinforcement and promoting pro-social behaviours and achievements by incentivising positive conduct.
- 4.3 The General Manager must ensure that the IEP scheme does not reduce or otherwise disrupt access to the *minimum living conditions* or *entitlements* as outlined respectively under section 12 and Chapter 6 of the *Corrections Management Act 2007 (ACT)*.
- 4.4 Detainees' human rights can be limited only to the extent that it is reasonably and demonstrably justifiable, and all staff must consider human rights when making a decision (*Human Rights Principles for ACT Correctional Centres*).
- 4.5 All detainees may request a review of their IEP level according to section 9 of this policy.
- 4.6 The General Manager must ensure that:
- a. the IEP scheme is not used to unlawfully discriminate against, retaliate against, or victimise any detainee (*Discrimination Act 1991 (ACT)*)
 - b. reasonable adjustments are implemented for detainees on the basis of disability, age or other relevant factors
 - c. the cultural rights of Aboriginal and Torres Strait Islander detainees under section 27 of the *Human Rights Act 2004 (ACT)* are considered.
- 4.7 Staff must promote a culture of positive pro-social behaviour by encouraging interaction and engagement with all detainees, including providing detainees with positive verbal reinforcement for good behaviour and recognising achievements.
- 4.8 Detainees on Basic level of the IEP scheme may require additional support and engagement and should be encouraged and provided with opportunities for positive behaviour and personal progress.

5 INCENTIVES AND EARNED PRIVILEGES (IEP) SCHEME

- 5.1 The Senior Director Accommodation must ensure that:

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- a. detainees are provided with details of the IEP Scheme during induction
 - b. detainees are not regressed or held at the same level for failing to meet behavioural expectations where there is a reasonable excuse for that failure, including:
 - i. due to an identified disability including mental illness; or
 - ii. where operational limitations have restricted access to activities or opportunities; and
 - c. as far as practicable, the individual circumstances and complex needs of a detainee are taken into account when applying behavioural expectations.

5.2 Detainee misconduct which results in an administrative penalty under the *Detainee Discipline Policy* may also prompt an IEP level review.

5.3 The list of Incentives and Earned Privileges is available at [Annex A](#). The General Manager is authorised to update the list as required, without the need to update and renotify this policy.

6 IEP LEVELS AND REQUIREMENTS

6.1 All detainees must be placed on Standard level on admission to a correctional centre.

6.2 Access to privileges is determined according to a detainee's IEP level in accordance with the table at [Annex A](#).

6.3 Detainees must exceed the Behavioural Expectations for their current level to progress to a higher level. Detainees must continue to meet the behavioural expectations for Standard or Enhanced levels to remain on those levels.

6.4 All detainees are required to meet the following Behavioural Expectations:

- a. treating other detainees and staff with respect
- b. respecting the communal environment of the correctional centre
- c. keeping noise at an acceptable level and being mindful of others, particularly at night
- d. cooperating with staff and following directions
- e. complying with the regime and rules of the accommodation area
- f. acting with integrity by being honest with staff
- g. maintaining personal hygiene and health, including suitability of clothing for the seasons

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- h. maintaining tidiness and cleanliness of cells and property
 - i. respecting property belonging to ACTCS or another detainee
 - j. respectful language and behaviour during visits and consideration of other detainees and their friends and family
 - k. engaging with work, education, rehabilitative programs and/or health services where appropriate
- 6.5 Detainees – including those on remand –will not be disadvantaged for not participating in work or programs where they are not eligible to participate.

Basic level (see Annex B)

- 6.6 Detainees who do not meet the Behavioural Expectations outlined in section 6.4 may be placed on Basic level.
- 6.7 The Senior Director Accommodation must ensure that detainees on Basic level are provided with an appropriate level of staff support and engagement on addressing their behaviours and progressing to Standard level.
- 6.8 Each detainee on Basic level must have an Individual Management Plan (D14.F2 Individual Management Plan Basic) outlining the expectations needed to progress and available supports, including individual interventions.
- 6.9 Detainees on Basic level may be managed by a specific regime aimed at encouraging prosocial and positive behaviours.
- 6.10 Detainees on Basic level will have their IEP status regularly reviewed to determine if they meet the Behavioural Expectations outlined in section 6.4, therefore becoming eligible for progression to Standard level.

Standard level (see Annex B)

- 6.11 Detainees who meet the Behavioural Expectations outlined in section 6.4 will be maintained at Standard level.
- 6.12 Detainees who exceed in meeting the Behavioural Expectations outlined in section 6.4 over a three-month period must be considered for progression to Enhanced level

Enhanced level (see Annex B)

- 6.13 In order for a detainee to remain at Enhanced level, they must:
- a. continue to exceed in meeting the Behavioural Expectations outlined in section 6.4
 - b. demonstrate full and proactive engagement with their Case Management Plan (CMP)

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- c. demonstrate full and exemplary engagement with work and education where applicable
 - d. demonstrate full engagement with health and treatment services where applicable
 - e. display exemplary behaviour towards staff, other detainees, and visitors
 - f. promote a positive culture in their accommodation area
 - g. not return a positive urinalysis result (as per the *Drug Testing in Correctional Centres Policy*).

6.14 Detainees who fail to maintain the behavioural expectations for Enhanced level over a three (3) month period may be regressed to Standard level in accordance with section 8 of this policy (noting that a review of IEP level could occur earlier in the three (3) month period depending on the nature of the detainee's behaviour – see sections 7.3 and 8.2).

7 COMMENDATIONS AND WARNINGS

- 7.1 Good behaviour and achievements must be recognised through immediate verbal commendations and recorded through case notes on a detainee's electronic record.
- 7.2 Where the behaviour or engagement of a detainee is inconsistent with the behavioural expectations for their IEP level, the detainee must be informed of this with a verbal warning. Any warning must be case noted on the detainee's electronic record and include the relevant behaviour.
- 7.3 Detainees who receive two (2) commendations or warnings between reviews must have their IEP level reviewed as soon as practicable.

8 PROGRESSION AND REGRESSION

- 8.1 A detainee's IEP level must be reviewed by an officer in accordance with section 8.7 of this policy in order to determine whether the detainee has met the requirements for progressing to the next level (*D14.F1: IEP Review Form*) or whether failure to meet behavioural expectations means they must be regressed. Other considerations apart from the behavioural expectations in section 6 of this policy are not relevant.

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- 8.2 Where there is documented evidence of serious or recurring non-compliance with behavioural expectations, an IEP review must take place to determine if the detainee should be downgraded to the next lower IEP level.
- 8.3 In determining whether there has been non-compliance with the behavioural requirements, the Accommodation Area Supervisor (CO2) must consider:
- a. a detainee's disciplinary history since the last review
 - b. case notes and other records on a detainee's electronic record
 - c. officer warnings or commendations, if any, since the last review
 - d. incident reports
 - e. police referrals
 - f. reports from the Intelligence Unit
 - g. the factors set out in section 5.1 of this policy including
 - i. any reasonable explanation the detainee may have for failing to meet expectations
 - ii. the individual circumstances and complex needs of the detainee and the effect on their behaviour.
- 8.4 When conducting an IEP review, an Accommodation Area Supervisor (CO2) must:
- a. make decisions that are reasonable, proportionate and justified according to records
 - b. take into account the views of the detainee
 - c. be able to demonstrate consistency with IEP decisions for other detainees
 - d. provide sufficiently detailed feedback to a detainee to ensure they understand the reasons for the decision, and the steps required to address their behaviour to progress within the IEP scheme.
- 8.5 The reasons for each decision to regress a detainee to a lower level must be clearly documented in the *D14.F1: IEP Review Form*.
- 8.6 COs conducting the review may refer to the Guide – How to Conduct an IEP Review.

8.7 The following regular reviews must be conducted for detainees:

IEP level	Reviewer	Frequency
Basic	Accommodation Area Supervisor (CO2)	Must review a detainee's IEP level regularly to decide whether a detainee has met the requirements for progression to the Standard level (section 6.10).
	Accommodation Area Manager (CO3)	Must review IEP level where requested (according to section 9.1).
Standard	Accommodation Area Supervisor (CO2)	Must review a detainee's IEP level once every 3 months to determine if detainee should be regressed to Basic, Maintained on Standard, or progressed to Enhanced (section 6.11). Must review after two (2) IEP Commendations or Warnings (section 7.3).
	Accommodation Area Manager (CO3)	Must review IEP level where requested (according to section 9.1).
Enhanced	Accommodation Area Supervisor (CO2)	Must review a detainee's IEP level once every 3 months to determine if detainee has maintained behavioural expectations for enhanced, or if detainee should be regressed to standard (section 6.13). Must review after two (2) IEP Commendations or Warnings (section 7.3).
	Accommodation Area Manager (CO3)	Must review IEP level where requested (according to section 9.1).

8.8 The Accommodation Area Manager (CO3) must ensure that detainees are informed:

- a. of the outcome of their IEP reviews as soon as practicable after a decision has been made (*D14.F1: IEP Review Form*)
- b. of the reasoning behind the outcome, including practical steps the detainee could take to maintain or increase their IEP level
- c. about the process for requesting a review under section 9.

9 DETAINEE REQUESTED REVIEWS AND APPEALS

- 9.1 Detainees may submit a detainee request form to the Accommodation Area Manager (CO3) to review their most recent IEP level decision. Each decision may only be reviewed once.
- 9.2 As far as practicable, requests for review must be responded to within seven (7) calendar days and the detainee notified of the outcome as soon as practicable.
- 9.3 Detainees may request an appeal on the grounds of a procedural failure, or if they can demonstrate that certain information was not considered when the decision about their IEP level was made.
- 9.4 Where a detainee is not satisfied with the outcome of a review under section 9.2, they may make a complaint under the *Detainee Requests and Complaints Policy*.
- 9.5 Detainees will remain on their current IEP level until their review or complaint is resolved.

10 DETAINEES REQUIRING REASONABLE ADJUSTMENT

Reasonable adjustment

- 10.1 Detainees must have equal opportunity and will not be disadvantaged or discriminated against due to:
- a. age
 - b. gender
 - c. disability
 - d. language or comprehension barriers
 - e. cultural background
 - f. other individual factors
- 10.2 The General Manager must ensure that detainees with limited comprehension of English are assisted to understand and meet the requirements and expectations of the IEP scheme, including through the use of interpreters where appropriate.
- 10.3 Examples of reasonable adjustments for detainee who are unable to understand the scheme or comply with its requirements due to cognitive or other limitations include:
- a. a modified plan that limits the behavioural expectations to what the detainee can reasonably maintain

adjustments to the timeframes in which the detainee is expected to maintain and/or exhibit behavioural expectations

Crisis Support Unit

- 10.4 Detainees managed under the *Management of At-Risk Detainees Policy* will have their privileges determined outside of the IEP scheme according to individual management plans.

Detainees who are Segregated or in Separate Confinement

- 10.5 Detainees placed on segregation must only have their access to IEP level privileges restricted to the extent necessary to protect the detainee concerned, or to maintain safety, security and good order at a correctional centre according to the *Management of Segregation and Separate Confinement Policy*.
- 10.6 Detainees who are separately confined as an administrative penalty under the *Discipline Policy* must have their access to privileges restricted on an individual basis according to the *Management of Segregation and Separate Confinement Policy*.

Detainees being managed under a Regime

- 10.7 Detainees managed under specific regimes relating to behaviour may have their access to privileges limited on an individual basis in accordance with the respective regime's policy.

11 RECORDS AND GOVERNANCE

- 11.1 The General Manager must conduct an annual review of the IEP scheme to consider:
- the impact on detainee behaviour
 - the consistent application of the scheme
 - current privileges and
 - improvements to the scheme.
- 11.2 The General Manager must report the outcomes of each annual review under section 11.1 to the Deputy Commissioner Custodial Operations.
- 11.3 The following records must be completed by the responsible officer:

Report	Responsible officer	Timeframe
D14.F1: IEP Review Form - Basic - Standard	Accommodation area Correctional Officers Grade 2 and 3	According to sections 8 and 9

- Enhanced		
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12 RELATED DOCUMENTS

- Annex A – IEP Policy list of Privileges
- Annex B – IEP Level Infographic
- D14.F1: IEP Review Form
- D14.F2: Individual Management Plan Basic
- Guide: How to Conduct an IEP Review
- Detainee Discipline Policy
- Management of At-Risk Detainees Policy
- Management of Segregation and Separate Confinement Policy
- D3.F2: Separate Confinement Authority Form
- Detainee Property Policy
- Detainee Work Policy

Ray Johnson
Commissioner
ACT Corrective Services
29 August 2022

Document details

Criteria	Details
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Responsible officer:	General Manager

Version Control			
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V1	February-19	First drafted	L Kazak
V2	September-21	First Revised	K Cullen
V3	April-22	Continual Revision	J Papadopoulo
V4	August-22	Continual Revision	J Papadopoulo