

Australian Capital Territory

Corrections Management (Transitional Release Sponsors (Family and Kinship)) Operating Procedure 2023

Notifiable instrument NI2023–78

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Transitional Release Sponsors (Family and Kinship)) Operating Procedure 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of corrections services.

Ray Johnson ^{APM}
Commissioner
ACT Corrective Services
15 February 2023



OPERATING PROCEDURE	Transitional Release Sponsors (Family and Kinship)
OPERATING PROCEDURE NO.	D26.9
SCOPE	Transitional Release

STATEMENT OF PURPOSE

To provide instructions to Transitional Release staff on processing sponsor applications for detainees accessing Transitional Release for family and kinship connections.

PROCEDURES

1. Nominating Sponsor(s)

- 1.1. The detainee may identify potential sponsors for family or kinship connections, as part of the Transitional Release application process and the development of the Transitional Release Case Plan.
- 1.2. In stage one of Transitional Release, the Case Manager and the Transitional Release Centre Operations Support Officer (TRCOSO) must work with the detainee to complete the assessment process for any potential sponsors who are pro social and will support the detainee's reintegration into the community

2. Assessing Sponsor(s)

- 2.1. The TRCOSO must ensure that any potential sponsors meet the following minimum criteria prior to commencing any assessment:
 - a. sponsors must be 25 years of age or older (sponsors aged 18-24 may be considered on a case-by-case basis)
 - b. sponsors must not have any pending charges and must disclose any previous offences they have been convicted of
 - c. sponsors must be willing to undertake a National Criminal History Check
- 2.2. Potential sponsors who disclose previous convictions (in accordance with section 2.1.b.) are not automatically excluded from being a sponsor. Decisions are made on a case-by-case basis, with regards to the nature of the previous conviction, the relationship to the detainee etc.
- 2.3. Once appropriate sponsors have been identified, the TRCOSO must contact them and request they fill out the D26.F8: Sponsor Nomination form. Each potential sponsor must fill in a form, and the TRCOSO may assist potential sponsors to fill in the form.
- 2.4. Once the potential sponsor meets the minimum eligibility criteria above and submits the D26.F8: Sponsor Nomination form, the TRCOSO must make contact with them to confirm their willingness to be assessed as a sponsor for the detainee and to undertake a sponsor assessment

- 2.5. A home visit assessment is required where a detainee will be attending a sponsor's home address for **any** period of time as part of any approved leave (see section 3).
- 2.6. If a home visit is not required, the TRCOSO and Transitional Release Team Leader (TL) must meet with the sponsor(s) at the TRC (Transitional Release Centre) or agreed venue offsite and guide the proposed sponsor through the *D26.F9 Sponsor Agreement* and answer any/all questions
- 2.7. The sponsor must agree to and sign the *D26.F9: Sponsor Agreement* for the sponsorship process to be able to continue. If the sponsor does not agree to sign, the application is unable to proceed.
- 2.8. A National Criminal History Check certificate must be received by ACTCS prior to any leave being approved. This process can commence once the *D26.F8: Sponsor Nomination* has been submitted to the TRCOSO. Potential sponsors must be provided with the following link so they are able to educate themselves about the dispute process in the event they do not agree with the outcome of the National Criminal History Check: <https://www.acic.gov.au/our-services/national-police-checking-service/find-out-more-information/appeals-and-disputes>. The TRCOSO must support the potential sponsor to access information through this link where required.
- 2.9. Once the *D26.F8: Sponsor Nomination* and *D26.F9: Sponsor Agreement* have been completed (and the home visit conducted where required), the TRCOSO must request information from the following parties regarding the suitability of the sponsor:
 - a. ACTCS Intelligence Unit
 - b. Victim Liaison Office (VLO)
 - c. the detainee's allocated Case Manager
- 2.10. The TRCOSO must provide all information gathered as part of the assessment process to the Transitional Release Team Leader, who must provide the following to the Director Reintegration for a decision on the suitability of the sponsor:
 - a. *D26.F8: Sponsor Nomination Form*
 - b. *D26.F9: Sponsor Agreement*
 - c. National Criminal History Check Certificate for all adult residents
 - d. TRC Sponsor Screening Report
- 2.11. Where possible, all sponsor agreements for family and kinships connections must be finalised within Stage One of Transitional Release.

3. Home Visit of Proposed Sponsor

- 3.1. Where a home visit is required, the TRCOSO must make an appointment with the potential sponsor(s) to attend their home.
- 3.2. Prior to conducting the home visit, the TRCOSO must make reasonable attempts to identify any potential risks by speaking with the nominated sponsor and verifying the home's location and its proximity to locations that present a risk due to the detainee's profile.
- 3.3. The TRCOSO and Transitional Release TL must ensure they follow the safety precautions for home and field visits in accordance with the *Home and Field Visit Community Instruction*.

- 3.4. The TRCOSO and Transitional Release TL must attend the sponsor's home address at the agreed appointed time, and bring with them:
 - a. their ACTCS photo identification
 - b. the D26.F8: Sponsor Nomination
 - c. the D26.F9: Sponsor Agreement
 - d. the Sponsor Screening Report
 - e. National Criminal History Check Certificate (if received)
- 3.5. An important objective of the home visit is to confirm:
 - the information that has been provided by the detainee
 - confirm the relationship between the sponsor(s) and detainee is genuine
 - the sponsor(s) represent a positive influence on the detainee's reintegration
 - determine the type of leave that the sponsor(s) are agreeable to. For example: day leave only, weekend leave, transport etc.
- 3.6. The TRCOSO and the Transitional Release TL must guide the potential sponsor through the D26.F9: Sponsor Agreement, and answer any questions they may have.
- 3.7. The sponsor must agree to and sign the D26.F9: Sponsor Agreement for the sponsorship process to be able to continue. If the sponsor does not agree to sign, the application is unable to proceed.
- 3.8. A brief tour of the home must be conducted to confirm adequate lodging facilities for the detainee, including property boundary, suitable bedding for the detainee, and any safety issues such as aggressive pets or excessive rubbish/property that may pose a risk to staff or the detainee.
- 3.9. The Transitional Release TL and TRCOSO must confirm the details of all residents at the property, including children.
- 3.10. All adult residents of the sponsor's address must undertake a National Criminal History Check prior to the detainee's attendance at the house being approved.
- 3.11. **If there is a concern or threat to personal safety, the home visit must be terminated immediately and all ACTCS staff are to exit the property.**
- 3.12. The TRCOSO must case note the home visit assessment on CORIS in accordance with the Case Note Policy.
- 3.13. The Transitional Release TL must complete the TRC Sponsor Screening Report.

4. Sponsor Approval

- 4.1. The Director Reintegration must consider all relevant information and decide whether to approve or reject the nominated sponsor. The outcome must be provided to the Transitional Release TL.
- 4.2. The detainee must be advised of the outcome by the Transitional Release TL.
- 4.3. Where a sponsor has been rejected, reasons must not be provided to the detainee or the nominated sponsor, where doing so would jeopardise the safety of any person, or security or good order at the correctional centre.

4.4. The TRCOSO must upload all documents relating to sponsorship onto CORIS

RELATED DOCUMENTS

- Transitional Release Policy
- Transitional Release Case Planning Operating Procedure 2022
- Transitional Release Case Management Plan Template
- Transitional Release Staged Approach to Reintegration Operating Procedure 2022
- Case Note Policy
- Home and Field Visit Community Instruction

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ACT Corrective Services
January 2023

Document details

Criteria	Details
Document title:	<i>Transitional Release Sponsors (Family and Kinship) Operating Procedure 2023</i>
Document owner/approver:	Assistant Commissioner Offender Reintegration, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Offender Reintegration
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2022</i>

Version Control			
Version no.	Date	Description	Author
V1	September-22	First Issued	L Spulak