

Corrections Management (Prisoner Requests, Complaints and Grievances) Policy 2007*

Notifiable instrument NI2007-463

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 (Prisoner Requests, Complaints and Grievances) Policy 2007*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

PRISONER REQUESTS, COMPLAINTS AND GRIEVANCES
POLICY

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
17 December 2007

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)
Court Transport Unit (CTU)
Symonston Periodic Detention Centre (PDC)**



PRISONER REQUESTS, COMPLAINTS AND GRIEVANCES POLICY

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Purpose

To provide an effective system by which prisoners can raise issues, complaints and grievances.

Authority

Legislation

Corrections Management Act 2007, section 14 and chapter 7

Policy

1 Principles

- 1.1 Prisoners are to feel as though they can draw attention to areas of concern without fear of recrimination.
- 1.2 Issues raised, and complaints made, will be processed, investigated and followed up in a structured and impartial manner.
- 1.3 Prisoners will be advised of the outcome of ACTCS investigations relating to the issue raised.
- 1.4 Prisoners should be updated on the progress of their issue raised at agreed follow up dates, and in other cases where it has not been finalised within 14 days.

2 Information dissemination

- 2.1 Information regarding the complaints process will be included in the Prisoner Information Handbook.

3 Complaints handling

- 3.1 Prisoner complaints are initially to be addressed with the CO1 in the prisoner's accommodation block.
- 3.1.1 The only exception to this are complaints regarding the following issues:
- allegations of assault (including sexual assault, or physical assault) by a staff member where the alleged victim is a prisoner, or where the victim is a minor;
 - uses of force;
 - use of instruments of restraint; or
 - any complaint about any incident that is classified as critical or major.
- Complaints of this nature may be raised directly with the Duty Chief. Should a Corrections Officer of any rank below Duty Chief becomes aware of a complaint of this nature the matter is to be referred directly to the Duty Chief.
- 3.1.2 Except in the circumstances laid out in 3.1.1 the CO1 who received the initial complaint will endeavour to resolve the issue.
- 3.1.2.1 Where resolution is not possible at the CO1 level, the CO1 will refer the complaint as soon as possible to the CO2 of the area. This process will continue to occur until such time as the complaint reaches a level at which it can be resolved.
- 3.2 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 prisoner has given their authority for information to be discussed with other persons.
- 3.3 It is a disciplinary offence to interfere in any way with a prisoner's issue/complaint.

4 Complaint submission

- 4.1 Prisoners must submit complaints verbally.
- 4.1.1 Where a prisoner has difficulty reading and or writing a corrections officer may assist the prisoner by taking a verbal complaint.
- 4.1.1.1 Where an issue/complaint is raised verbally with a Corrections Officer, the Corrections Officer will record the information on a Prisoner Request Form. The prisoner will be asked to sign the form.

Should a prisoner refuse to sign the form, the refusal will be noted. The Request Form will be passed to the next level as soon as possible (e.g. CO2, CO3, Deputy Superintendent, or Superintendent).

- 4.2 Prisoners may complete the Request Form themselves. Corrections Officers must provide appropriate assistance to prisoners completing the form.
- 4.3 If a Corrections Officer receives a sealed envelope containing a complaint they should endeavour to establish the nature of the complaint.
 - 4.3.1 If a complaint is in relation to one of the issues outlined in 3.1.1, the complaint is to be referred to the Duty Chief without delay.
 - 4.3.2 If the complaint is in relation to any other issue, the Corrections Officer should attempt to address the issue. If the prisoner refuses to discuss the issue, the Corrections Officer should forward the sealed envelope to the person to whom the prisoner wishes with an accompanying Officer's Report stating the efforts of the Corrections Officer and the responses of the prisoner.

5 External handling of complaints

- 5.1 Prisoners will be made aware of external avenues for complaint through the Prisoner Information Handbook.
- 5.2 These include the Official Visitor, the Ombudsman, the Public Advocate, and the Human Rights Commission.
- 5.3 Prisoners will be advised that these agencies may be contacted by using the Common Auto Dial List on the prisoner's telephones.

6 Investigations

- 6.1 A manager without line management responsibility for the area that is the subject of the inquiry may be asked to conduct an inquiry.
 - 6.1.1 This may include a manager from Business, Policy, and Coordination.
 - 6.1.2 In exceptional circumstances, a qualified independent investigator may conduct the inquiry.
- 6.2 The aim will be to complete inquiries within ten working days from receipt.

- 6.2.1 Where this is not possible, an interim response will be given to the prisoner, in writing, including an expected date of finalisation of the investigation.

7 Vexatious or untruthful complainants

- 7.1 A prisoner must not make a formal complaint knowing that the complaint is baseless.
- 7.1.1 Should a prisoner knowingly makes a false complaint that has the potential to impact upon the rights and reputation of others, and that complaint is subsequently shown to be baseless, this will be considered a disciplinary matter and treated accordingly.

Forms/Templates

Prisoner Request Form

Related policies and procedures

Prisoner Requests, Complaints, and Grievances Procedure

Prisoner Discipline Policy

Prisoner Discipline Procedure