

Australian Capital Territory

# Corrections Management (Prisoner Complaints and Grievances) Policy 2010

Notifiable instrument NI2010-387

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

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## 1 Name of instrument

This instrument is the *Corrections Management (Prisoner Complaints and Grievances) Policy 2010*.

## 2 Commencement

This instrument commences on the day after it is notified.

## 3 Policy

I make the

PRISONER COMPLAINTS AND GRIEVANCES POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

## 4 Revocation

This instrument revokes notifiable instrument NI2009-148.

James Ryan  
Executive Director  
ACT Corrective Services  
9 July 2010



Alexander Maconochie Centre (AMC)



## PRISONER COMPLAINTS AND GRIEVANCES POLICY

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### **Purpose**

To outline the prisoner complaints and grievances policy at the AMC.

### **Authority**

#### **Legislation**

*Corrections Management Act 2007*, section 14 and chapter 7.

### **Policy**

#### **Principles**

Prisoners may make complaints regarding the AMC's management of their incarceration or the operations of the AMC.

Prisoners are to be encouraged to make complaints internally as the most effective and fastest way to resolve their concerns.

Issues raised and/or complaints made, will be processed, investigated and followed up in a structured and impartial manner.

However, prisoners are permitted privileged access to external avenues for complaint. These avenues include:

- Ombudsman;
- Official Visitor;
- Human Rights Commissioner;
- Public Advocate; and
- ACT Policing.

#### **Internal Complaints handling**

When making an internal complaint, prisoners are to be encouraged to initially raise complaints with the CO1 in their accommodation area. However, other options are available to prisoners and prisoners will not be prevented from using these. The only exception to a complaint being made to the CO1 is where it relates to one or more of the following issues:

- allegations of assault (including sexual assault, or physical assault) by a staff member;
- inappropriate uses of force, including the use of restraints; and
- complaint about an incident.

Complaints of this nature may be raised directly with the Deputy Superintendent. Should a corrections officer of any rank below Deputy Superintendent become aware of a complaint of this nature the matter is to be referred directly to the Deputy Superintendent.

Where resolution is not possible at the CO1 and CO2 level, the CO2 will refer the complaint as soon as possible to the CO3 of the area. This process will continue until such time as the complaint reaches a level at which it can be resolved. 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 consent for information to be discussed with other persons.

It is a breach of discipline to interfere in any way with a prisoner's complaint.

Section 95 of the *Human Rights Commission Act 2005* provides that where a service is provided on a premises the provider must provide information at the premises about the right to make a complaint under the Act. The Human Services Commissioner has provided Corrections Health with posters that meet the requirements of section 95 for display in the Hume Health Centre and Crisis Support Unit at the AMC.

### **External handling of complaints**

Prisoners will be made aware of external avenues for complaint through the Prisoner Handbook. These include the Official Visitor, the Ombudsman, the AFP, the Public Advocate, and the Human Rights Commissioner. These agencies may be contacted by using the Common Auto Dial List on the Prisoner Telephone System.

Prisoners are not required to inform correction staff of the reasons for contacting any of these agencies. The reasons for contact with them and the content of any communication, is "privileged". This means that the confidentiality of the subject matter must be preserved, regardless of whether the information is provided verbally, in writing, or electronically. Corrections officers do not need to know this information.

Corrections officers should not attempt to elicit information from prisoners about reasons for their use of recognised external venues for complaint. Furthermore, it must be left to the external agencies to decide whether any matter raised with them should first be addressed by ACT Corrective Services.

### **Investigations**

Prisoners will be advised of the outcome of ACT Corrective Services investigations relating to the issue raised. Prisoners should be updated on the progress of the issue(s) raised at agreed follow up dates, and in cases where it has not been finalised within 14 days.

## **Forms and templates**

Prisoner Complaint Form

## **Related policies and procedures**

Prisoner Complaints and Grievances Procedure

Prisoner Discipline Procedure