

Australian Capital Territory

Corrections Management (Interview Support Person) Policy 2019

Notifiable instrument NI2019-322

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Interview Support Person) Policy 2019*.

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.



Jon Peach
Executive Director
ACT Corrective Services
24 May 2019

INTERVIEW SUPPORT PERSON

POLICY NO. A10

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

Contents

1	PURPOSE	4
2	SCOPE.....	4
3	DEFINITIONS	4
4	PRINCIPLES	4
5	ARRANGEMENTS FOR SUPPORT PERSONS	5
6	ROLE OF A SUPPORT PERSON.....	6
7	RELATED DOCUMENTS.....	7

1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that offenders can access appropriate support to maximise their engagement in sentence planning and management activities.

This policy provides instructions on the use of support persons for interviews between eligible offenders and ACTCS.

2 SCOPE

This policy applies to all offenders managed by ACTCS in custody and the community.

Where required, the respective General Managers will develop operational procedures under this policy.

3 DEFINITIONS

Offender

A detainee in custody, or an offender supervised by Community Corrections and Release Planning.

Sentence planning and/or management activities

Includes sentence management plan, pre-sentence report, pre-release report and other interviews that may take place in a correctional centre, community corrections office or alternative reporting centre.

Support person

A person who provides emotional support to an offender and supports the offender to understand the content of an interview.

4 PRINCIPLES

- 4.1 Offenders have no legal right to a support person for interviews with ACTCS.
- 4.2 ACTCS will exercise discretion to allow offenders to nominate an eligible support person where there is an identified need.
- 4.3 Offenders with an intellectual, or cognitive/neurological disability have specific needs and must be offered the opportunity to nominate a support person under this policy.

- 4.4 Staff will ensure that a copy of all records under this policy are stored on a offender's electronic record system and file.

5 ARRANGEMENTS FOR SUPPORT PERSONS

- 5.1 Where an offender wishes to have a support person for an interview under this policy, they must make a request to the relevant officer and include the specific needs for the request.
- 5.2 Support persons will be approved where the following circumstances are met:
- a. the support person:
 - i. is not associated with the offender's offence;
 - ii. is not also the offender's legal representative;
 - iii. is not under the custody or supervision of ACTCS;
 - iv. does not pose a safety or security risk; and
 - v. has not previously been managed under section 6.7.
- 5.3 Staff will consult with any relevant stakeholders in making a decision under section 5.2, including the Intelligence and Integrity Unit where required.

Approved support persons

- 5.4 Where a support person is approved for an offender, staff will make all reasonable attempts to arrange for the support person to attend the interview, without causing unnecessary delay to the purpose of the meeting.
- 5.5 The Team Leader or above can approve an interview to occur without a support person where arrangements cannot be facilitated within operational timeframes.

Offenders with a disability

- 5.6 All offenders under section 4.3 will be asked to nominate one (1) of the following to act as a support person for the offender where available:
- a. legal guardian;
 - b. service provider case manager; or
 - c. support worker.
- 5.7 Nominations will be assessed under sections 5.2-5.3.
- 5.8 Where a suitable support person isn't available, staff will make all reasonable attempts to engage an appropriate service professional or other suitable person to act as support person for the offender.

5.9 Where all reasonable attempts have been made to arrange for a support person for an offender with a disability to attend the interview, but it cannot be facilitated in the required timeframes, staff will make alternative arrangements in accordance with section 5.8.

6 ROLE OF A SUPPORT PERSON

- 6.1 Where a support person has been requested to attend an interview, they must sign the A10.F1: Confidentiality Agreement as a condition of their participation and agree to abide by the conditions of this policy.
- 6.2 A copy of the A10.F1: Confidentiality Agreement must be provided to the support person and stored in accordance with section 4.4.
- 6.3 The role of a support person is limited to:
- a. providing emotional support to an offender; and
 - b. assisting the offender to take notes where requested.
- 6.4 In addition to section 6.3, a support person for an offender with a disability can ask clarifying questions only where necessary to ensure an offender understands the contents of the interview.
- 6.5 It is not the role of a support person to:
- a. represent the offender, advocate or speak on their behalf; or
 - b. request information from ACTCS on behalf of an offender, including where the offender has approved the support person to receive that information.
- 6.6 Consideration of requests under section 6.5(b) will only be made where the support person has legal guardianship of an offender. All such requests should be referred to the respective functional manager with overall responsibility for the meeting.
- 6.7 Where there are reasonable grounds to believe that a support person has breached the requirements of the A10.F1: Confidentiality Agreement or their conduct is not appropriate to the role, they may be:
- a. directed to leave an interview; or
 - b. have their participation in an interview revoked.
- 6.8 Where a support person for an offender with a disability has been found not suitable under section 6.7, the respective functional manager will ensure that an alternative support person is arranged in accordance with section 5.8.

7 RELATED DOCUMENTS

- A – A10.F1: Confidentiality Agreement
- B – Detainee Request Form



Jon Peach
Executive Director
ACT Corrective Services
24 May 2019

Document details

Criteria	Details
Document title:	Corrections Management (Interview Support Person) Policy 2019
Document owner/approver:	Executive Director, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	Three years after the notification date
Compliance with law:	This policy reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2019</i>
Responsible officer:	Head of Sentence Management

Version Control			
Version no.	Date	Description	Author
V1	April-19	First Issued	L Kazak