

Corrections Management (Working with Families) Operating Procedure 2023

Notifiable instrument NI2023-677

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Working with Families) 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.

4 Revocation

Nil.

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
15 November 2023



OPERATING PROCEDURE	Working with Families
OPERATING PROCEDURE NO.	OR11
SCOPE	Alexander Maconochie Centre

PURPOSE

To provide instruction to case managers on how to engage with detainees and their families and significant support networks as integral partners in the case management and rehabilitation process.

For the purpose of this operating procedure, the term case manager includes the following:

- Induction and Screening case managers
- Alexander Maconochie Centre (AMC) case managers
- Reintegration case managers
- Transitional Release staff

GENERAL

ACT Corrective Services (ACTCS) recognise that families are an important source of support for people in custody and the strengthening of family ties can be a motivating factor in helping a detainee desist from reoffending.

ACTCS acknowledges that detainees may have important connections and support from various sources beyond what is typically considered as “family”. These could include relationships within the Aboriginal and/or Torres Strait Islander kinship structure, other culturally meaningful connections, and prosocial support networks.

For the purposes of the OP, nominated family members should be defined by the detainee and may include people not biologically related.

PROCEDURES

1. Early engagement and identifying supportive relationships for detainees

- 1.1. Case managers should start talking to detainees about connecting with their families and support networks as early as possible.
- 1.2. Case managers must ensure detainees understand that a nominated family member cannot include individuals who have been victims of their current offence or victims of current domestic violence (FDV) by the detainee. This also applies when there are protection orders that name the detainee as the respondent and the nominated family member as the applicant/protected person.

- 1.3. During these discussions, the case manager may assist detainees to identify who are or could be prosocial supports in their life, particularly family, close personal relationships and other professional support networks.
- 1.4. During these discussions with detainees, case managers will explore how these relationships can be supported and strengthened to positively support the detainee's reintegration back into the community.

2. Decision making

- 2.1. Case managers must explain that ACTCS' decision to collaborate with a nominated family member will take various factors into account.
- 2.2. Detainees must be informed that information gathered during the decision process, including comments made during the initial contact with the nominated family member, will remain confidential.

3. Information sharing

- 3.1. Case managers must explain to detainees how they will work with their nominated family member and explain what information about their incarceration may be shared. This may include:
 - a. how their information is shared (phone calls, emails, case conferences, home visits)
 - b. types of personal information that may be shared, such as:
 - i. an update on how the detainee is adjusting to being in custody
 - ii. a copy of the detainee's case management plan
 - iii. information on the detainee's progress throughout their incarceration
 - iv. referrals to relevant support and counselling services for nominated family members
 - v. referral to the ACTCS Family Worker for complex family situations.
 - c. types of general information that may be shared, such as:
 - i. the purpose of case management and the support case managers can provide
 - ii. information on the purpose of case planning and reintegration planning
 - iii. the running of ACT Correctional Centres, which does not breach the safety or security of the correctional centre
 - iv. information about the court and/or parole processes
 - v. information about available programs and interventions
 - vi. information about the transitional release process.
- 3.2. It is important for case managers to emphasise this sharing of information is carried out with respect to the detainee's privacy and well-being, and it is intended to foster a supportive environment that contributes positively to their rehabilitation journey.
- 3.3. Detainees should be given the opportunity to ask questions and clarify any concerns they might have.

- 3.4. Case managers must ask the detainee if they would like to participate and seek their specific and time bound consent.
- 3.5. Case managers must obtain explicit written consent from the detainee before sharing or providing any information about the detainee's health to the nominated family member.
- 3.6. Detainees must be advised they can withdraw their consent at any time.
- 3.7. For Aboriginal and Torres Strait Islander detainees, case managers must contact the Aboriginal Services Unit for support in case the unit has existing relationships with nominated family members or additional information relevant to family connections and dynamics.

4. When and how to include nominated family members

- 4.1. Including a detainee's nominated family member is a dynamic process that can be initiated at any stage of the detainee's incarceration.
- 4.2. Engagement with the detainee's nominated family member may be initiated by either the case manager or a family member.
- 4.3. There are points across the detainee's incarceration where involving a family member is particularly vital. These include:
 - a. entry into ACT Correctional Centres
 - b. case management plan development or review
 - c. when submitting a Transitional Release application
 - d. when submitting a parole application
 - e. in the six months prior to a detainee's release
 - f. where a change to the detainee's level of need has been identified in line with the *Custodial Case Management Supervision and Case Plan Review Operating Procedure*.

5. Confirming Family Violence (FV) and/or Personal Protection (PP) Order status

- 5.1. Prior to contacting a detainee's nominated family member, case managers must confirm if there are any current protection orders (PO's) where the detainee is named as a respondent and the nominated family member is the applicant/protected person. This can be done by:
 - a. reviewing the detainee's alerts on CORIS
 - b. by contacting the Sentence Administration Section at SAS@act.gov.au
- 5.2. Case managers must also review CORIS records to ascertain whether:
 - a. the nominated family member is a victim of the current offences
 - b. whether the detainee's criminal history includes convictions for offences which were committed against the nominated family member
 - c. there is any other documented report of the detainee perpetrating FDV on the nominated family member(s).
- 5.3. If the case manager determines the nominated family member is an applicant or protected person of a protection order in which the detainee is a respondent and/or is a victim of the current offences, the case manager must not contact the nominated person.

- 5.4. Case managers must ensure they do not breach any conditions of protection orders that are in place.
- 5.5. In cases where the nominated family member(s) have been identified as a victim of past domestic violence (FDV), PO's or past offences, case managers must afford the family member their right to self-determination to participate. Case managers may contact the nominated family member in these situations in accordance with section 7.
- 5.6. Case managers may seek advice and/or refer complex situations to the Family Worker as appropriate.

6. Preparing for information sharing

- 6.1. Before sharing any information with the detainee's nominated family member, the case manager must:
 - a. ensure there is a signed consent form on file
 - b. ensure the detainee has provided the names and contact details of the nominated family member with whom information can be shared
 - c. note what information can be shared, the people it can be shared with and any information the detainee does not want shared.

7. Initial contact with the detainee's nominated family member

- 7.1. Case managers may contact the nominated family member to explain their potential role during the detainee's incarceration.
- 7.2. Case managers should enquire about the nominated family member's willingness to be involved in the case management of the detainee, determine the extent of their desired engagement, and identify their preferred method of communication such as phone, email, case conferencing, home visits.
- 7.3. Case managers must respect the level of involvement that a nominated family member agrees to.
- 7.4. Verbal consent from the nominated family member must be obtained if they would like to be included and a case note to reflect this recorded in CORIS.
- 7.5. Nominated family member's must be informed that they can withdraw consent to participate at any time.
- 7.6. If the nominated family member chooses not to participate and the detainee's wellbeing is significantly impacted by the nominated family member declining to participate, the case manager must consider a referral to the Supports and Interventions Unit to support the detainee.
- 7.7. All nominated family member comments during the initial contact must remain confidential and are not to be distributed or disclosed to the detainee.
- 7.8. The content of the initial discussion with a nominated family member must be case noted as a 'Secure Case note'. This case note will automatically have 'Sensitive: Case note information not to be released' as the header.

8. Limitations – Nominated family members under the age of 18 years

- 8.1. Case managers must not work with individuals under the age of 18 years, such as a detainee's children.
- 8.2. Any contact with individuals under 18 years of age must occur through that child or young person's parent, legal guardian and/or ACT Child and Youth Protection Services (or equivalent child protection agency from another jurisdiction).
- 8.3. In exception circumstances contact may be permitted on a case-by-case basis, subject to approval by the Assistant Commissioner Offender Reintegration.

9. Record keeping

- 9.1. The case manager must record all contact with a nominated family member on CORIS.
- 9.2. If a nominated family member provides information that is not to be shared with the detainee, this must be recorded on CORIS using note type 'Secure information'. This case note will automatically have 'Sensitive: Case note information not to be released' as the header.
- 9.3. Any case notes relating to victims must contain minimal information (e.g., who was spoken to, the relationship to the detainee, and the outcome of the conversation) and be securely recorded on CORIS as 'AMC– Sentence Management, third party contact'.

10. Maintaining safety and security

- 10.1. Involving nominated family members in a detainee's case management must be balanced between supporting family relationships, ensuring the safety and security of ACT Correctional Centres, and addressing community safety concerns.
- 10.2. If at any time a nominated family member shares information about being a victim of FDV, e.g., reveals details of a personal or private nature that relate to their safety and security, this information must not be communicated to the detainee under any circumstance. This information must be treated with sensitivity and recorded in CORIS in accordance with section 9.2.
- 10.3. Case managers must exercise discretion when facilitating communication between a detainee and a nominated family member so that the objectives and integrity of this procedure and the Working with Families– A Practice Guide is upheld and not exploited for personal or unauthorised communication purposes.
- 10.4. Case managers must not:
 - a. organise social visits
 - b. undertake welfare calls
 - c. provide legal advice.

RELATED DOCUMENTS

- Working with Families – A Practice Guide



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ACT Corrective Services
7 November 2023

Document details

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Responsible Officer:	Director, Offender Reintegration
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
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