

POLICY FRAMEWORK

POLICY NO. 1

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that policy documents are created, reviewed and updated according to formalised processes to ensure compliance with legislation, directorate and whole-of-government frameworks, and internal objectives.

This policy establishes the requirements for the creation, review and updating of policy documents.

2 SCOPE

This policy applies to all ACTCS staff involved in preparing policy documents.

3 DEFINITIONS

Business owner	The relevant Divisional Executive responsible for the policy document
Business Unit initiated	Policy documents that have been developed or reviewed by another business unit and provided to the Policy Unit for quality assurance review, co-ordinating stakeholder consultation and approvals.
Community instruction	<p>Procedural instructions for staff to follow to enable compliance with legislation and policy and conduct their duties in the Community Operations or Offender Reintegration areas of ACTCS. Community instructions apply to all staff, contractors and external service providers at the location of relevance.</p> <p>Note: this is a legacy term, Service Improvement and Community Operations now utilise operating procedures rather than community instructions.</p>
Commissioner Instruction	Temporary written directions (not notifiable instruments) issued by the Commissioner under section 16 of the <u><i>Corrections Management Act 2007</i></u> to bring immediate effect to a change in process or policy document. Reviewed regularly.
Divisional Executive Instruction (DEI)	Temporary written directions (not notifiable instruments) issued by a Divisional Executive to bring immediate effect to a change in process or policy document. In the case of the Assistant

Commissioner Custodial Operations, the direction is enabled under section 16 of the *Corrections Management Act 2007*.

Reviewed regularly.

Factsheet	Short (1-2 pages) provide factual and contextual information about practices or situations.
Guide, Practice guide	Longer (3 plus pages) guidance to staff providing contextual information about a situation or practice that requires a level of judgement or choice to be applied in response to the activity.
Notice	Short formal documents issued by the Commissioner or Divisional Executives to disseminate information, but not instruction, to respective divisional staff, offenders or community members. Always titled 'Notice to...'. Notices are signed and dated.
Notifiable instrument	A policy document that is notified as an instrument under: <ul style="list-style-type: none">• sections 14 or 15 of the <i>Corrections Management Act 2007</i> as it relates to the management of detainees under that Act. Available on the ACT Legislation Register at www.legislation.act.gov.au/a/2007-15.• sections 102 or 277 of the <i>Crimes (Sentence Administration) Act 2005</i>. Available on the ACT Legislation Register at https://www.legislation.act.gov.au/a/2005-59/.
Operating procedure	Procedural instructions for staff to follow to enable compliance with legislation and policy and conduct their duties in all areas of ACTCS. Operating procedures apply to all staff, contractors and external service providers at the location of relevance.
Policy	A document which outlines mandatory controls and guides decisions, addresses legislative compliance and implements strategic goals of ACTCS. May also apply to contractors and external service providers in some circumstances.
Policy documents	Collective term for policies, annexes, forms, guidelines, operating procedures, community instructions, notices, Commissioner Instructions, Commissioner's Rules, DEIs, work unit instructions and templates.
Policy Unit initiated	Policy documents that are initiated by the Policy Unit for development and/or review.

Responsible Officer	The specific officer identified to be responsible for the review, updating, oversight and implementation of policy documents in line with Executive Governance Committee (EGC) agreed priorities and schedules.
Restricted policy or operating procedure	Policy or operating procedure that the Commissioner has restricted from public access under section 15 of the <u>Corrections Management Act 2007</u> or other legislation, such as the <u>Freedom of Information Act 2016</u> .
Work Unit Instruction	Documents that outline administrative processes for a specific business unit which have minimal impact on stakeholders beyond that business unit.

4 PRINCIPLES

- 4.1 All policy documents will be written in as plain English as possible. Accessibility to all readers (including detainees) at all levels of literacy is a key aim for these documents.
- 4.2 Where a policy document is an overarching or Framework document, or a key resource for detainees or the public, development of a specific easy English version should be undertaken whenever possible.
- 4.3 All policy documents will be provided to staff and external stakeholders such as the Human Rights Commission, the Official Visitors and the Community and Public Sector Union (CPSU) to provide them with the opportunity to comment.
- 4.4 External stakeholders should only be excluded from the development or review process where there is a clear risk to the security or good order of an ACT correctional centre or urgent approval is required.
- 4.5 The default position for policies and policy documents is unrestricted, meaning the policy should be publicly available. Under the Open Access Policy, business owners are responsible for deciding if a policy or policy document should be restricted from open access.
- 4.6 Policy development and reviews will be conducted in line with the approved policy priorities.

5 HUMAN RIGHTS CONSIDERATIONS AND CONSIDERING DIFFERENT DIVERSITY GROUPS

- 5.1 The Human Rights Act 2004 details all the human rights applicable to detainees.
- 5.2 Aboriginal and Torres Strait Islander Peoples, and people from other minority cultural backgrounds, have distinct cultural rights under section 27 of the Human Rights Act 2004.
- 5.3 All individuals have the right to protection against discrimination under section 8 under the Human Rights Act 2004. Policy writers must consider whether a policy document treats a person unfavourably based on their personal characteristics or whether any mandated process would disproportionately impact a person due to one or more of their personal characteristics.
- 5.4 Limitations on a detainee's human rights must be authorised by law, reasonable and demonstrably justified in a free and democratic society.
- 5.5 Whether a limit is reasonable depends on whether it is proportionate to achieve a legitimate aim. Proportionality requires that the limitation be:
 - a. necessary and rationally connected to the objective
 - b. the least restrictive in order to accomplish the aim and
 - c. not have a disproportionately severe effect on the person to whom it applies.
- 5.6 All policies affecting ACT clients, detainees and community corrections clients must include human rights considerations, as guided by the Human Rights Act 2004 and the Human Rights Principles for ACT Correctional Centres.
- 5.7 Policy writers will seek advice from subject matter experts when developing policies for ACTCS clients which affect different diversity groups, including Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse people and people with disability, where practicable.

6 ACCESSING POLICY DOCUMENTS

- 6.1 Staff can view policy documents on the ACTCS Intranet. Staff can access these documents via the search function or by topic on the policy page.
- 6.2 Access to unrestricted policies and operating procedures is provided to detainees via white-listed websites and the Alexander Maconochie Centre Library (*Detainee Access to Education, Library and Information Communication Technology Policy*).

- 6.3 Unrestricted policies and operating procedures are also made available on the ACTCS publicly accessible website.

7 ROLES AND RESPONSIBILITIES

Director Policy Unit

- 7.1 In accordance with the Policy Development Operating Procedure, the Director Policy Unit, will:
- a. maintain the ACTCS Policy Register
 - b. provide advice to the ACTCS Executive on policy progress and risks
 - c. ensure policy documents are reviewed
 - d. ensure information on the ACTCS intranet and internet are current for all policy documents.

Senior Director, Policy and Risk Management

- 7.2 The Senior Director, Policy and Risk Management, will ensure regular external stakeholders are notified as tranches of policies and procedures are approved by the EGC. They will also be notified when significant revisions or reprioritisations of approved tranches of policies and procedures occurs.

Senior Policy Officer and subject matter expert

- 7.3 Senior Policy Officers and subject matter experts across ACTCS will work with the Responsible Officer to develop and review policy documents in accordance with the Policy Development Operating Procedure.

Responsible Officer

- 7.4 The Responsible Officer refers to the specific officer identified to be responsible for the review, updating, oversight and implementation of policy documents in line with EGC agreed priorities and schedules. The Responsible Officer is specified at the end of policy documents. The Responsible Officer will work with the Senior Policy Officer or subject matter expert to develop and review policies in accordance with the Policy Development Operating Procedure.

Divisional Executives

- 7.5 Divisional Executives retain ownership over the content of policy related documents in line with their business responsibilities. They guide the development of policy content to ensure it is deliverable and achievable within operational constraints.

- 7.6 Divisional Executives review policy topics proposed for review or development and agree on priorities and tranches of work and track progress on policies under review.
- 7.7 The relevant Divisional Executive will endorse final versions of policy documents provided by the Responsible Officer once they are satisfied the document meets their requirements.
- 7.8 The relevant Divisional Executive is responsible for ensuring appropriate implementation of new and revised policy documents, including staff briefing, training and appropriate mechanisms for ensuring compliance with the policy can be monitored.
- 7.9 Divisional Executives are responsible for ensuring that notices for staff, offenders and community members are displayed where necessary and appropriate to ensure risks are mitigated and legislative obligations are adhered to.
- 7.10 Divisional Executives are responsible for maintaining a register of notices and reviewing as appropriate according to legislative and ACT Government obligations.

Commissioner

- 7.11 Once a policy document has reached the final development stage and has been approved by the relevant Executive, the Director Policy Unit, will ensure the finalised version is provided to the Commissioner to:
 - a. review and endorse the policy document
 - b. confirm the open access requirements and/or restriction of the policy document and
 - c. approve the policy document/s to be published, promoted and implemented.

8 POLICIES AND OPERATING PROCEDURES

- 8.1 Policies and operating procedures will be developed and reviewed in accordance with this policy and the *Policy Development Operating Procedure*:
 - a. a new policy will be created where a need is identified and an amendment to a current policy is not appropriate
 - b. Divisional Executives will establish operating procedures where required under a policy.

9 GUIDES AND FACTSHEETS

- 9.1 Divisional Executives (or their nominated staff) will establish guides or factsheets where required to support a policy in accordance with the Policy Development Operating Procedure.

10 COMMISSIONER INSTRUCTIONS AND DIVISIONAL EXECUTIVE INSTRUCTIONS

- 10.1 The Commissioner or a Divisional Executive may issue a respective Instruction to direct and/or inform staff of a change to processes, obligations or procedures in accordance with the Policy Development Operating Procedure.
- 10.2 Instructions are temporary written directions to bring immediate effect to a change in process or policy document and are reviewed regularly.

11 RECORDS MANAGEMENT

- 11.1 Final documents and other appropriate records will be saved into the relevant records management system in accordance with the Territory Records Act 2002.

RELATED DOCUMENTS

- Corrections Management Act 2007
- Human Rights Act 2004
- Crimes (Sentence Administration) Act 2005
- Freedom of Information Act 2016
- Territory Records Act 2002
- Justice and Community Safety Directorate Policy Management Standard Operating Procedure
- Human Rights Principles for ACT Correctional Centres



Bruno Aloisi
A/g Commissioner
ACT Corrective Services
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