



ACT
Government

Justice and Community Safety

ACT CORRECTIVE SERVICES INTEGRITY FRAMEWORK

JUSTICE AND COMMUNITY
SAFETY DIRECTORATE

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DEFINITION OF TERMS

Term	Definition
ACTCS	ACT Corrective Services
CCC	Crime and Corruption Commission Queensland
CMTEDD PSU	Chief Minister, Treasury, Economic Development Directorate Professional Standards Unit.
Conflict of interest	A situation where a staff member is confronted with choosing between their work responsibilities and their private interests.
Corruption	Seeking, obtaining or receiving any benefit, other than lawful salary and allowances, on the understanding that the person will do or refrain from doing anything in the course of their duties or will attempt to influence any other employee on behalf of any person.
Culture of Integrity	A culture that promotes and values integrity, that ensures decisions are made and authority exercised with integrity and that is resistant to and lacks tolerance of fraud and misconduct.
Detainee	A person accommodated in a correctional facility, either under sentence or on remand.
Fraud	Taking or obtaining by deception, money or another benefit from the government when not entitled to the money or benefit, or attempting to do so - this includes evading a liability to government
IIU	ACTCS Intelligence and Integrity Unit
JACS PWS	Justice and Community Safety Directorate People Workplace Strategy
Integrity	Behaviours, actions and the exercise of authority consistent with legal requirements and the values and principles of the ACT Public Service.
Misconduct	An act or omission which breaches the standards of behaviour as set out at ACT Public Service Code of Conduct.
Offender	A person sentenced to a community corrections order, including an Intensive Corrections Order, a Good Behaviour Order or a Drug and Alcohol Treatment Order.

Term	Definition
Perceived conflict of interest	A situation where a reasonable person could believe a conflict of interest exists.
SERBIR	Senior Executive Responsible for Business Integrity Risk

1. PURPOSE

The purpose of this framework is to explain how ACT Corrective Services (ACTCS) ensures its integrity through deterring fraud and misconduct, detecting fraud and misconduct and enforcement where fraud or misconduct has been proven.

2. SCOPE

This framework applies to all ACTCS staff members across Custodial Operations, Community Operations and Corporate Services.

The framework should be read in conjunction with the following documents:

- > Public Sector Management Act 1994
- > Public Sector Management Standards 2016
- > Government Procurement Act 2001
- > ACT Public Service Code of Conduct
- > ACT Public Service Integrity Policy
- > JACS Director-General’s Financial Instructions
- > JACS Risk Management Plan
- > JACS Governance Framework
- > JACS Fraud and Corruption Control Framework
- > Gifts, Benefit, Bribes and Hospitality Fact Sheet
- > ACTCS Ethical Conduct and Dress Standards Policy (No 2).

3. BACKGROUND

The corrections industry presents an extremely unique environment which presents integrity challenges that not evident within the wider public service.

Some of these challenges which present increased risks to integrity were explored in December 2018 by the Crime and Corruption Commission (CCC) as part of Taskforce Flaxton. The CCC concluded that the following factors unique to correctional centres increase the risk of corrupt activities:

- > Overcrowding
- > A complex, diverse and high-needs detainee population
- > A closed environment
- > Relationships and interactions between correctional officers and prisoners
- > Private prisons

Taskforce Flaxton also identified the following corruption risks in Queensland Corrective Services:

- > Failure to report corruption
- > Inappropriate relationships
- > Excessive use of force
- > Misuse of authority
- > Introduction of contraband
- > Misuse of information.

With the exception of private prisons, ACTCS has all of the above integrity risks to a greater or lesser extent.

The unique challenges for community corrections officers include:

- > A complex and challenging cohort of offenders
- > Maintaining appropriate relationships with offenders
- > Managing a large number of offenders
- > Ensuring appropriate conduct during home visits

One issue unique to the ACT that affects both custodial and community corrections is its small geographic area and population. This small size increases greatly the likelihood that detainees, offenders and ACTCS staff know each other in a private or professional capacity. This increases the likelihood appropriate boundaries between detainees, offenders and ACTCS staff will not be maintained.

This framework lays out the methods by which ACTCS addresses these integrity risks as well as the broader integrity risks faced by any ACT Public Service agency.

4. FRAMEWORK STATEMENT

ACT Corrective Services (ACTCS) is committed to integrity in all our work. It is one of our core values and permeates all work we undertake, whether in a custodial environment, working with offenders in community corrections or in administration.

5. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Executive Director, ACTCS	Promoting integrity, ensuring ACTCS staff decision making on misconduct matters, approving Integrity Framework, supervisor of Manager IIU
General Managers/Directors	Promoting integrity, actioning ED directions on integrity matters
Function Heads	Promoting integrity, actioning ED directions on integrity matters
Manager IIU	Promoting integrity, processing Integrity Reports, conducting initial investigations into integrity matters, advising the ED on integrity matters, drafting Integrity Framework, supervisor of Team Leader IIU
Team Leader IIU	Promoting integrity, processing Integrity Reports, conducting initial investigations into integrity matters, advising the ED on misconduct matters
All staff	Acting with integrity and reporting possible breaches of integrity.

6. DETAILS OF THE POLICY

6.1 THE FOUR PILLARS OF INTEGRITY

The four pillars of this Integrity Framework are:

- > Deterrence
- > Detection
- > Investigation
- > Enforcement

6.2 DETERRENCE

Deterrence is the first line of defence against fraud and misconduct. By promoting integrity ACTCS becomes a workplace where neither fraud nor misconduct are tolerated or accepted, making it a workplace hardened against both.

Primary responsibility for promoting this culture of integrity rests with the Executive and Senior Management Team group who must embody and promote integrity in all their actions and decisions. However, it is also incumbent on all members of staff regardless of rank or position to do the same.

Responsibility for strategy development to drive a culture of integrity rests with Intelligence and Integrity Unit (IIU).

6.2.1 SPECIFIC MEASURES TO DETER FRAUD AND MISCONDUCT

ACTCS engages in the following measures to deter fraud and misconduct:

- > The Executive, Heads of Function and Managers promote a culture of integrity where neither fraud nor misconduct is either tolerated or ignored in all their actions and decisions. This includes:
 - Open and transparent decision making in line with legislative, policy and procedural requirements.
 - Regular discussions with staff about integrity matters.
 - Never tolerating or ignoring allegations of fraud or misconduct and reporting all they are aware of.
 - Reinforcing with all staff the need to report conflicts or perceived conflicts of interest and allegations of fraud or misconduct.
- > Manager or Team Leader IIU delivers integrity awareness training to new staff members at the following training courses:
 - Custodial Recruit Training (CRT) – the training course for new Custodial Officers
 - Mandatory Primary Training (MPT) – the training course for new Community Corrections Officers
 - ACTCS Induction Course – the induction training received by all non-custodial members of staff.
- > Manager or Team Leader IIU delivers regular refresher integrity training for all ACTCS staff.
- > All new members of staff attend the mandatory Fraud and Ethics Training course provided by the Justice and Community Safety (JACS) Directorate with 12 months of engagement.
- > All ACTCS staff act with integrity and refer any allegations of misconduct and conflicts of interest to the IIU.

6.2.2 CONFLICTS OF INTEREST

Conflict of interest and perceived conflicts of interest within ACTCS may include:

- > Where a staff member has a family member, former colleague or friend in custody or on a community corrections order.
- > Where a staff member has a family member or friend applying for a position and the staff member is part of the selection panel.
- > Where a staff member or their family has a financial interest in a company or business that is providing goods or services to ACTCS.

Reporting and managing perceived conflicts of interest is an important way to deter and prevent misconduct.

It is the responsibility of all ACTCS staff members who think they may have a conflict or perceived conflict of interest to report it using the Declaration of Conflict of Interest form available on the ACTCS Intranet.

Should a conflict or perceived conflict of interest change, it is the responsibility of the staff member to submit an updated form.

6.3 DETECTION

Detection refers to methods by which ACTCS will detect misconduct. These include:

- > Receiving Integrity Reports from ACTCS staff and staff from partner agencies working in correctional centres regarding allegations of misconduct.
- > Receiving information from members of the community.
- > Receiving information from ACT Policing.
- > Receiving information from other law enforcement, corrections or government agencies.
- > Pro-active intelligence gathering and monitoring.

ACTCS staff and staff from partner agencies working in correctional centres must report allegations of misconduct using any of the following methods:

- > The web form located on the ACTCS Intranet home page.
- > Emailing ACTCS-Integrity@act.gov.au
- > Leave a message on 02 6207 2183
- > Call the IIU Manager on 02 6207 2529 or the IIU Team Leader in the Manager's absence on 02 6207 5533
- > Arrange to speak with the IIU Manager or the IIU Team Leader in the Manager's absence.

Allegations of misconduct from members of the public can be sent by email to ACTCS-Integrity@act.gov.au. Alternatively, members of the public can leave a message on 02 6207 2183. These methods will be advertised to the public in correctional centres, community corrections reception and on the ACTCS website.

Allegations of misconduct from law enforcement or other government agencies will be emailed to either ACTCS-Integrity@act.gov.au or ACTCS-Intelligence@act.gov.au.

All allegations of misconduct are received by the IIU recorded in the IRIS iBase database.

All allegations of misconduct are initially investigated by the IIU. These initial investigations determine the seriousness of the allegation, whether corroborating information is held and whether the allegation is linked to larger issues.

Once the initial investigations are complete, the IIU will provide the results to the Executive Director. If the allegation relates to the Executive Director ACTCS, it will be reported to the JACS SERBIR.

The Executive Director then makes a decision on next steps. These next steps could include the following:

- > Referral to General Manager Custodial Operations, General Manager Community Corrections and Release Planning or Director Corporate Services for discussion with the relevant staff member.
- > The Executive Director discussing the matter directly with the relevant staff member.
- > The Executive Director liaising with the JACS SERBIR where fraud or corruption are assessed to have occurred to discuss further action.

- > Referral to JACS PWS.
- > Referral to the CMTEDD PSU.
- > Referral to the ACT Integrity Commission.
- > Referral to ACT Policing.

6.4 INVESTIGATION

Investigation refers to a formal process by which the facts of alleged fraud or misconduct are established and recorded for possible further action.

There are two options for investigations:

1. Where a matter relates to low-level misconduct, further investigations will be undertaken by the Executive Director, General Manager Custodial Operations, General Manager Community Corrections and Release Planning or Director Corporate Services. The results of such investigations will be passed to the IIU for recording in IRIS.
2. Where a matter relates to fraud or mid-range to serious misconduct, the matter will be referred to one or more investigative bodies as outlined below.

ACTCS will cooperate fully on all integrity investigations being conducted by external agencies on ACTCS staff. Any non-cooperation with such an investigation will constitute misconduct and will be considered as a separate matter. ACTCS will also provide support to any staff required to participate in any such investigation.

Agencies to whom matters could be referred for investigation include, but are not limited to:

- > JACS PWS
- > CMTEDD PSU
- > ACT Integrity Commission
- > ACT Policing

The appropriate agency to which matters are referred is determined by the Executive Director in consultation with the JACS SEIRBIR.

When a matter has been referred to CMTEDD PSU, they will be provided a nominated liaison officer. For any other agency, the IIU Manager or IIU Team Leader in the Manager's absence will act as the contact.

6.5 ENFORCEMENT

Enforcement refers to measures taken once fraud or misconduct has been proven in an investigation or after an admission prior to or following an investigation.

Enforcement may be done informally through a written admonishment or through formal measures taken after fraud or misconduct are proven include. These formal measures include but are not limited to:

- > A written warning

- > Performance management
- > Level downgrade
- > Suspension of employment
- > Termination of employment
- > Referral for prosecution

It should be noted that these outcomes are not mutually exclusive.

7. NON-COMPLIANCE WITH THIS FRAMEWORK

Compliance with this framework is the responsibility of all staff working at ACTCS. Primary responsibility for ensuring compliance rests with the Executive Director ACTCS and through this position, the General Managers and Directors.

Non-compliance with this framework could constitute a misconduct matter which will be dealt with in accordance with this framework.

All instances of non-compliance with this framework should be reported to the IIU using the methods outlined above

8. REVIEW

This framework will be reviewed on an ongoing basis, with a formal review to occur at a minimum every two years.

9. ENQUIRES

Direct enquiries on this framework to:

Intelligence and Integrity Unit
ACTCS-Integrity@act.gov.au or (02) 6207 2529



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