

Custodial Operations Policy and Procedures

10.8 Visits from officials, agencies and professionals

Policy summary

Corrective Services NSW (CSNSW) provides access to correctional facilities to certain authorised officials for the purposes of official business.

A person approved or authorised undertake any review, interview, investigation, inspection or performance monitoring, must be provided with free and unfettered access to the correctional centre, correctional complex, staff and inmates.

Security and safety of the correctional facility must be the primary consideration of the governor of the correctional centre during any visit by an authorised official.

Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW.

It also applies to all CSNSW employees, and where relevant to other personnel such as, contractors, subcontractors, and visitors.

For Security & Intelligence (S&I) staff, this policy must be read in conjunction with S&I Local Operating Procedures (LOPs).

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1 Visits by officials

1.1 Policy

Under the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation), the Commissioner of Corrective Services (the Commissioner) may visit and must be admitted to a correctional centre at any time.

Clause 78(2) of the Regulation provides that certain other persons also are to be admitted to a correctional centre. These persons can be admitted to a correctional centre without prior approval of the Commissioner. These include:

- a correctional officer or departmental officer employed at the centre
- the Minister responsible for corrective services
- an Official Visitor appointed to the centre
- the Inspector of Custodial Services
- a member of the Serious Offenders Review Council (SORC)
- a Judge of the Supreme Court or District Court, a Magistrate or Coroner
- a government official engaged on official duties
- any person in the exercise of a power conferred by or under an Act (including a Commonwealth Act).

All officials must produce proof of identity, and of their office or position. The Governor of the correctional centre must be satisfied that their office or position allows them to enter a correctional centre.

CSNSW will provide access to a private office, telephone and office facilities for officials when requested.

During any visit by the Commissioner or any official, the safety and security of the correctional centre will remain paramount. The Governor of the correctional centre is responsible for ensuring that all systems necessary to maintain the safety and security of the correctional centre and/or correctional complex are fully operational at all times.

Officials may be refused entry to a correctional centre only if a security operation is underway or where there are security concerns that override the need for the visitor to access the correctional centre. Intending visitors should be notified about restricted access to the correctional centre at the earliest possible time.

2 Minister responsible for corrective services

2.1 Policy

Where the Minister responsible for Corrective Services wishes to visit a correctional centre, the Departmental Liaison Officer in the Minister's office will contact the Commissioner's office.

2.2 Procedures

	Procedures	Responsibility
1.	Advise the relevant Governor and Director, Custodial Operations of arranged visit for Minister responsible for Corrective Services If a Briefing Note is required the Commissioner's office will ask Corrections Executive Services & Complaints Management to coordinate it with input from the correctional centre.	Commissioners Office
2.	Advise the centre's Official Visitor of the arrangements for the proposed visit and invite them to attend.	Governor

3 Inspector of custodial services

3.1 Policy

The Inspector of Custodial Services is appointed by the Minister responsible for Corrective Services. The functions of the Inspector of Custodial Services are defined under the *Inspector of Custodial Services Act 2012*. The NSW Inspector of Custodial Services also administers the Official Visitors Program.

The role of the Inspector of Custodial Services is to provide independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody. The Inspector has jurisdiction over all correctional facilities, including:

- publicly and privately-run correctional centres
- Juvenile Justice centres
- court custody centres
- police cells managed by CSNSW
- transitional centres
- inmate/detainee transport
- custodial residential facilities.

The Inspector is able to examine correctional and juvenile justice facilities at any time and make recommendations about issues of concern.

Inspections may be instigated by the Inspector or at the request of the Minister responsible for corrective services or a Parliamentary Joint Committee or any public authority or public official. Inspector may also exercise the power to conduct an unannounced inspection at any time without giving prior notice to CSNSW.

The Inspector reports to Parliament and is subject to oversight by the Parliamentary Committee on the Ombudsman, The Law Enforcement Conduct Commission (LECC) and the Crime Commission.

3.2 Procedures

The Inspector will alert the Commissioner of an intention to visit a correctional centre or facility. The office of Assistant Commissioner, Governance and Continuous Improvement (GCI) is the liaison point for these visits.

	Procedures	Responsibility
1.	Contact the Governor of the centre or facility, and the relevant Director, Custodial Services to inform of any intention to visit by the Inspector of Custodial Services.	Office of the Assistant Commissioner GCI
2.	Provide access to the Inspector of Custodial Services to inmates, staff and any area or records of the correctional centre they wish to visit. If an unannounced inspection occurs, the Inspector must still be granted full access to the correctional centre.	Governor

4 Official visitors

4.1 Policy

Official Visitors are appointed by the Minister responsible for Corrective Services and are independent of CSNSW. Official Visitors are assigned to specific correctional facilities which they must visit at least once each month, or fortnightly, for the purpose of giving interviews to inmates and staff, and to examine the facility. They must be admitted to correctional facilities without hindrance.

Photographs of the Official Visitors must be provided to correctional facilities, including their name and period of appointment. Official Visitors are issued with identification and name badges and are expected to wear them while in correctional centres or facilities.

Official Visitors generally are able to resolve inmate inquiries or complaints through discussion with staff or by bringing them to the attention of the Governor, Manager of Security (MOS) or relevant Functional Manager (FM).

Official Visitors must be able to examine correctional facilities without hindrance, and must be given free access to staff, inmates and relevant documentation in the course of their duties. Management and staff must treat Official Visitors with courtesy and respect and make every effort to assist them in their duties, including providing timely responses to queries raised by them.

In dealing with a complaint or inquiry, an Official Visitor must not interfere with the management or discipline of a correctional centre or give any instruction to any correctional officer, other staff of CSNSW, staff of JH&FMHN, or inmate. Official Visitors may interview inmates or staff only with their consent.

Official Visitors may not deal with an inquiry or complaint from a Category AA male inmate, Category 5 female inmate, Extreme High Risk Restricted (EHRR) or National Security Interest (NSI) inmates. Official Visitors are not authorised to conduct investigations or to carry out audits.

4.2 Procedures for reporting by official visitor

	Procedures	Responsibility
1.	Report to the Minister and the Inspector of Custodial Services at least once every six months, providing an independent view of: <ul style="list-style-type: none"> • conditions within correctional facilities • the types of issues that are of concern to the inmates and staff. 	Official Visitor
2.	Report quarterly to the Commissioner and provide statistics on the number of complaints and inquiries received from inmates.	Official Visitor
3.	Provide copies reports to: <ul style="list-style-type: none"> • the respective Governor responsible for the facility • the general manager, Operational Performance Review Branch (OPRB), CSNSW, for privately managed facilities. 	Official Visitor

4.3 Procedures for identifying official visitor

	Procedures	Responsibility
1.	Display photographs of the official in appropriate inmate accessible areas.	Governor/ Authorised officer
2.	Remove and replace any photographs that become damaged or out-dated. Requests for replacement photographs should be directed to: Official Visitor Coordinator, Inspector of Custodial Services at: lynn.davie@dcj.nsw.gov.au .	Authorised officer

5 NSW Ombudsman

5.1 Policy

CSNSW has a statutory responsibility to take all steps necessary to facilitate the making of a complaint by an inmate to the NSW Ombudsman. An inmate should be provided with information regarding access and the process for resolving requests and complaints with the Ombudsman.

A complaint may be made to the Ombudsman in writing, by telephone or in person when a staff member from the Ombudsman's office visits the correctional facility. The Governor of the correctional centre must be advised by telephone or email of the date of the proposed visit with a staff member from the Ombudsman's office.

The inmate should also be advised that communications between the inmate and the Ombudsman are not monitored or read by CSNSW.

5.2 Procedures prior to visit

	Procedures	Responsibility
1.	Ensure availability for any visit, or advise that visit by the NSW Ombudsman office be rescheduled when available, or make arrangements with the Ombudsman's staff for them to meet with a delegated officer.	Governor
2.	Advise the respective Director, Custodial Operations and the Official Visitor/s for the facility, of the date and arrangements for the visit.	Governor
3.	Ensure lists of inmates requesting an interview with Ombudsman's staff are collected prior to the day of the visit. This enables the Governor and Ombudsman's staff to properly co-ordinate their time in the centre.	Delegated officer

5.3 Procedures on the day

	Procedures	Responsibility
1.	Attend and facilitate the visit with the Ombudsman.	Governor or delegate
2.	Provide the necessary facilities for the Ombudsman's staff for the duration of the visit (such as an interview room and telephone).	Governor or delegate
3.	Provide all necessary assistance to staff from the Ombudsman's office. This includes providing access to inmates and CSNSW staff, as well as to documents, records and files if requested.	Governor or delegate
4.	Ensure that all inmates that have requested to see the Ombudsman's staff are readily available.	Governor or delegate
5.	Provide any necessary assistance throughout the day to the Ombudsman's staff, in order to assist with the resolution of complaints at the time of the visit. Attend an exit interview with the Ombudsman's staff.	Governor or delegate
6.	Record any concerns brought to their attention by the Ombudsman's staff.	Governor or delegate
7.	Undertake to resolve any outstanding matters.	Governor

6 ICAC

6.1 Policy

Staff of the Independent Commission Against Corruption (ICAC) who are dealing with complaints must be admitted to a correctional centre, and do not require prior authority from the Commissioner.

ICAC staff will advise the Governor of the date and time of the intended visit.

7 Anti-discrimination board

7.1 Policy

An officer of the Anti-Discrimination Board of NSW (ADB) who is dealing with a complaint must be admitted to a correctional centre and does not require prior authority from the Commissioner.

The ADB will advise the Governor of the date and time of the intended visit.

8 Members of parliament

8.1 Policy

Members of Parliament who wish to visit a correctional centre that is not in their electorate must contact the office of the Minister responsible for corrective services to seek approval. The Minister's office will consider the request and advise the Commissioner's office if the visit is approved.

If the visit is approved it will be managed in the same way as those found under **subsection 2.2 Procedures for Minister responsible for corrective services**. Should the Member of Parliament make direct contact with any CSNSW officer or centre, they should be advised to contact the Minister's office.

Members of the NSW Parliament who wish to visit a correctional centre or facility that is in their electorate may liaise directly with the Governor of their local centre/facility to arrange a visit.

8.2 Procedures

	Procedures	Responsibility
1.	Advise the relevant Director, Custodial Operations of all proposed visits by MPs.	Governor
2.	Advise the Commissioner's office of requests for such visits.	Director

9 Safework inspectors

9.1 Policy

SafeWork NSW inspectors may enter a correctional centre or other place of detention without notice in order to conduct a routine inspection of the premises or an inspection of a specific nature.

A SafeWork NSW inspector must produce formal authority and identification before being admitted to a correctional centre or other place of detention.

10 Members of the judiciary

10.1 Policy

Members of the judiciary will advise the Governor of the correctional centre of their requirement to visit a correctional centre, stating the:

- date
- time
- reason for the visit.

The Governor must advise the relevant Director, Custodial Operations of an intended visit by a member of the judiciary.

A member of the judiciary, and any staff member from the office of the Judicial Officer, is required to provide official identification. The Governor or a nominated officer must assist the Judicial Officer with all requests and requirements during the visit to the correctional centre.

11 Services Australia (Centrelink) employees

11.1 Policy

Under the Program Protocol between Centrelink and CSNSW the following arrangements and standards apply in all correctional centres in relation to approved Centrelink staff visiting offenders.

Correctional centres will facilitate access for Centrelink staff providing a service in correctional centres.

11.2 Procedures

	Procedures	Responsibility
1.	Provide timely, adequate, safe and supervised access to inmates by Centrelink staff subject to operational constraints.	MOS/FM Security
2.	Ensure Centrelink staff undertake security awareness	MOS/FM

	Procedures	Responsibility
	training and are kept informed of all local safety and security protocols.	Security
3.	Ensure Centrelink staff have access to debriefing mechanisms after critical incidents.	MOS/FM Security
4.	Provide adequate office facilities that take into consideration security, safety and confidentiality in an area where regular officer patrols occur.	Authorised officer
5.	Provide notification on inmate accommodation notice boards with regard to visiting timetables and access protocols.	Authorised officer
6.	Provide reasonable telephone, printer and facsimile access for Centrelink staff engage a telephone interpreter when required for interviewing purposes.	Authorised officer
7.	Ensure that the correctional centre provides assistance to Centrelink staff with offenders' proof of identity, with the offenders' informed consent. This occurs by providing any current proof of identity (or a certified copy) in the offender's possession and/or in CSNSW's safe keeping when Centrelink applications are being assessed.	Authorised officer

12 Visits from agency representatives and professionals

Agency representatives and professionals may visit an inmate at the request of their legal representative, a court, or at the inmate's own request for the purposes of an assessment or consultation.

These visitors will contact the correctional centre directly seeking the Governor's approval to meet with the inmate, stating the reasons for the meeting.

The visitor must produce personal identification and proof of their status as an agency representative or professional. The visit will take place in the centre's visiting area or other suitable venue.

12.1 Non-CSNSW psychologists

If an inmate requests to have contact with an external psychologist rather than a CSNSW psychologist, they must be interviewed by a CSNSW psychologist to determine relevant criteria to justify such contact and adhere to the following procedures:

	Procedures	Responsibility
1.	Complete the external psychologist inmate application form with the inmate and complete CSNSW psychology / OS&P consent forms as appropriate.	Psychologist
2.	Place relevant consent forms on EDRMS Case Management File as appropriate.	Psychologist
3.	Send application form to Senior Psychologist for review.	Psychologist
4.	Review application and make contact with the external psychologist as appropriate	Senior Psychologist
5.	Send information sheet and application form to the external psychologist for their review	Senior Psychologist
6.	Receive completed form from external psychologist, including declaration they understand their obligations and have current indemnity insurance.	Senior Psychologist
7.	Send all paperwork to Chief Psychologist for review and submission to Clinical Governance Team (CGT) (may be sent out of session).	Senior Psychologist/Chief Psychologist
8.	Review and delegate Chief Psychologist to liaise with Governor/MOS about recommendation from CGT	CGT/Governor/MOS
9	If approved, provide external psychologist with a Letter of Approval signed by Chief Psychologist and Governor/MOS	Governor/MOS/Chief Psychologist

The external psychologist (if approved) is required to provide feedback to designated CSNSW Psychologist/Senior Psychologist via the *Treatment progress summary sheet*.

This form of contact may be through professional visits in person, by phone or audio-visual link. External psychologists under these conditions do not have approval for entry into correctional centres beyond professional visits area. Rather, they will conduct their interviews as professional visitors. As such they are not required to undergo authorised visitor processes or CSNSW security training. They must present their Letter of Approval on each visit to the centre.

All feedback forms completed by the external psychologist that contain information about the inmate must be uploaded to the inmate's EDRMS psychology file by designated CSNSW Psychologist. This information is subject to release of psychological information parameters.

13 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

14 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures.
ABD	Anti-Discrimination Board
COPP	Custodial Operations Policy and Procedures
COS	Community Offender Services
CSNSW	Corrective Services NSW
Delegated officer	Any officer who occupies or acts in the following positions which the Governor has delegated certain Governor's functions to deal with correctional centre offences: <ul style="list-style-type: none">• Manager of Security• Functional Manager.
EHRR	Extreme High Risk Restricted
FM	Functional Manager
FMHN	Forensic Mental Health Network
GCI	Governance and Continuous Improvement
ICAC	Independent Commission Against Corruption
JH	Justice Health and Forensic Mental health Network
LECC	Law Enforcement Conduct Commission
LOPs	Local Operating Procedures
MOS	Manager of Security
NSI	National Security Interest
OPRB	Operational Performance Review Branch
S&I	Security and Intelligence, a branch of CSNSW
SORC	Serious Offender Review Council
WHS	Workplace Health and Safety

15 Document information

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