

**DEPARTMENT OF CORRECTIVE SERVICES**

**POLICY FOR EXTERNAL PROGRAM  
PROVIDERS IN CORRECTIONAL  
SETTINGS**

**May 12<sup>th</sup> 2006**

## 1. Introduction

The New South Wales Department of Corrective Services provides a range of programs to offenders in custody and in the community. The purpose of these programs is to provide opportunities for offenders to acquire insights and skills to positively address offending behaviour.

Most programs are delivered by officers of the Department but programs can also be delivered by members of community organisations, religious groups and other voluntary agencies. Some of these programs are provided on a voluntary basis and some are provided with support from the Department's Community Grants Scheme.

Offence-related programs provided by the Department must be **accredited** through the Offender Programs Unit (See *Accreditation Strategic Framework*, April 2003) and other programs, such as health and well-being or readiness programs, must be **approved** in the same way.

This policy provides guidelines to non-government organisations in relation to programs they are delivering / wish to deliver to offenders in custody. Offenders in the community are able voluntarily to access programs provided by organisations external to the Department.

## 2. Policy

The New South Wales Department of Corrective Services (DCS) welcomes and values the contribution made by community organisations and individuals in the provision of programs to offenders. The Department will enter into partnerships with non-government organisations from time to time to facilitate the delivery of programs.

Programs delivered by non-government organisations or 'external programs' are subject to the same accreditation and approval process as programs delivered by DCS staff. External programs will undergo an assessment process before non-government organisations are able to deliver the programs to offenders. Broadly, the following questions will be taken into account when assessing suitability of the program:

- a. Whether the program content and delivery are aligned with the Department's wider policy (see Guidelines for Making a Submission for Program Accreditation) with regard to offender programs?
- b. Whether the organisations and individuals who propose to deliver the program are considered competent to do so?
- c. Whether the program is needed at a particular location?
- d. Whether the organisations and individuals who propose to deliver the program are suitable persons to be allowed access to a correctional centre and / or to have contact with offenders?

The first two questions will be determined by the Manager of the Offender Programs Unit, the second question will be determined by the District Manager (in Community Offender Services ) or the Manager of Offender Services and Programs (in a Correctional Centre), and the fourth question will be determined by the Authorised Visitor Scheme approval process.

### **3. Legislation:**

The following legislation is relevant to this document:

#### **3.1 Crimes (Administration of Sentences) Regulation 2001.**

Division 5 Inmate services and programs

Clause 60 Inmate services and programs

- (1) The Commissioner may provide an inmate with services and programs that:
  - (a) offer the inmate an opportunity to develop skills, behaviours and attitudes that lessen the likelihood of the inmate re-offending, or
  - (b) contribute to the inmate living in society after release from custody, or
  - (c) promote the health, safety and well-being of the inmate.
- (2) Without limiting subclause (1), such services and programs may include:
  - (a) welfare services,
  - (b) services for inmates who have disabilities,
  - (c) alcohol and other drug counselling services,
  - (d) psychological counselling services,
  - (e) literacy and numeracy programs,
  - (f) educational and vocational training programs, including the provision of libraries,
  - (g) pre-release and post-release programs to enable inmates to adapt to normal lawful community life,
  - (h) sports and recreational activities.
- (3) In the exercise of a function under this clause, the Commissioner must give special attention to the needs of inmates who have low literacy or numeracy.

- (3A) The Commissioner must also give special attention to the needs of inmates who have a disability.
- (4) Services and programs may be provided by correctional officers or by other persons approved by the Commissioner.
- (5) A person employed or otherwise engaged in the provision of a service or program:
  - (a) is subject to the directions of the Commissioner in respect of the nature and scope of the service or program and its method of delivery, and
  - (b) is subject to the directions of the General Manager in respect of any matter affecting the good order and security of the correctional centre.

Clause 61 Behaviour of inmates participating in services and programs

While participating in a service or program provided under this Part, an inmate must comply with any lawful and reasonable direction of the person employed or otherwise engaged in the provision of the service or program.

**Note.** Failure by an inmate to comply with the requirements of this clause is a correctional centre offence.

### 3.2 Crimes (Sentencing Procedures) Act 1999

#### Clause 85 Definitions

In this Part:

**assessment report** means a report prepared under section 89.

**assigned officer** has the same meaning as it has in Part 5 of the Crimes (Administration of Sentences) Act 1999.

**development program** means a personal development, educational or other program.

#### Clause 90 Court may impose conditions on community service order

(1) A court may impose such conditions as it considers appropriate on any community service order made by it, other than conditions requiring the person to whom the order relates to make any payment, whether in the nature of a fine, compensation or otherwise.

(2) The conditions imposed by the court:

- (a) may require an offender to participate in development programs, and
  - (b) may require the offender to undergo testing or assessment for alcohol or drug use in accordance with the directions of the offender's assigned officer.
- (3) A community service order requiring an offender to participate in development programs:
- (a) must not require the offender to participate more than 3 times in any one week, and
  - (b) must not require the offender to participate for a total period of more than 15 hours in any one week, and
  - (c) must not specify a total period of less than 20 hours for participation.

### **Clause 95A Intervention program as condition of good behaviour bond**

- (1) A good behaviour bond may contain a condition requiring the offender to participate in an intervention program and to comply with any intervention plan arising out of the program.
- (2) A good behaviour bond may not contain such a condition unless the court is satisfied:
- (a) that the offender is eligible to participate in the intervention program in accordance with the terms of the program, and
  - (b) that the offender is a suitable person to participate in the intervention program, and
  - (c) that the intervention program is available in the area in which the offender resides or intends to reside, and
  - (d) that participation by the offender would reduce the likelihood of the offender committing further offences by promoting the treatment or rehabilitation of the offender.
- (3) This section does not limit the power of a court under section 95 (c) to impose a condition on a good behaviour bond as to participation in any program for treatment or rehabilitation that is not an intervention program.
- (4) This section does not limit the kinds of conditions that may be imposed on an offender by means of any other order or direction under this or any other Act, so that such an order or direction may include a condition of a kind referred to in subsection (1) or (3).

### **Clause 95B Referral of offender for assessment**

Before a court makes an order providing for an offender to enter into a good behaviour bond that contains a condition referred to in section 95A (1), the court may refer the offender for assessment as to the suitability of the offender to participate in an intervention program.

**Note.** Regulations may be made for or with respect to the assessment of the suitability of a person to participate in an intervention program under the Criminal Procedure Act 1986.

#### 4. Related policies

- Guidelines for Making a Submission for Program Accreditation (NSW DCS, May, 2005)
- Accreditation Criteria, Section A Program Accreditation (NSW DCS, April 2003)
- Accreditation Criteria, Section B Site Accreditation (NSW DCS, April 2003)

#### 5. Definitions

offender group program	A structured intervention designed to change patterns of behaviour or thinking in such a way it has maximum impact in terms of reducing risk of re-offending (DCS 2005)
non-government organisation (NGO)	Private not-for-profit community managed organisations some of whom receive State and Territory government funding specifically for the purpose of providing a variety of support services
accreditation	The formal recognition of a course by the accrediting body in accordance with the published criteria (in DCS, The Strategic Framework 2003)
accrediting authority	A body with the authority and responsibility for accrediting courses and training programs (in DCS, The Offender Programs Unit)
Accreditation Submission	Formal document indicating in what ways the subject program meets the published criteria
Departmental Program Accreditation Panel (PAP)	Panel that will be convened from time to time by the Manager, Offender Programs Unit comprising persons suitable by virtue of their knowledge and experience in the design and delivery of offence-related programs

## 6. The role of the Offender Programs Unit

The Offender Programs Unit manages the accreditation and approval process. It receives or prepares applications for programs and sites to be accredited or approved. It organises Program Accreditation Panels and Site Accreditation Panels according to the *Strategic Framework* (April 2003). The Unit also specifies training requirements for staff delivering accredited and approved programs, and monitors program delivery for quality assurance and program integrity. The Unit collaborates with Corporate Research, Evaluation and Statistics to provide evaluations of process and outcomes.

### 6.1 Responsibilities of the Manager, Offender Programs Unit

- To review the material received and advise whether the program proponent should proceed with a submission for accreditation or approval
- To seek appropriate advice on the suitability of the program
- To advise the applicant in writing of the decision made
- If the program is Accredited or Approved, to advise the applicant in writing what the organisation or individual is permitted to do, where, and for what time period.

## 7. Responsibilities of the Program Accreditation Panel

The Panel is responsible for assessing the program for accreditation or approval in the usual way. For details, see the document Accreditation Criteria, Section A Program Accreditation (NSW DCS, April 2003).

## 8. Responsibilities of the Authorised Visitors Scheme Committee

Where an organisation has received approval to deliver a program, it will be necessary for each individual belonging to that organisation that will be involved in the delivery of a program/service also to obtain clearance under the Authorised Visitors Scheme (copies of the Authorised Visitors Policy and explanation of the process for Assessment for Organisations to gain Authorised Visitor Status are available on the Department's website).

## 9. Quality assurance

The DCS will maintain the right to conduct quality assurance audits of programs delivered by external providers to ensure that quality is maintained. The auditing process will be such as is described from time to time by the Manager, Offender Programs Unit.

## 10. Review date

This policy is due for review by April 1<sup>st</sup> 2008