

Custodial Operations Policy and Procedures

10.11 Managing Child Visitors

CSNSW provide appropriate visiting facilities for children to maintain positive contact with adults that they have significant relationship with.

CSNSW is responsible for the safety of visitors under 18 years of age and ensures children are not placed at risk of harm when they visit a correctional centre.

Inmates known as child-related offenders are identified and assessed in relation to their visits with children. Restrictions may be placed on inmates relating to their access to visits with children.

The Child Protection Coordination and Support Unit manage applications, assessment and decision making in relation to visits with children.

Management of Public Correctional Centres Service Specifications

<i>Outcome</i>	Safety and Security
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Date of Effect:	
Next Review Date:	
File Reference:	D17/462111
Version number:	1.0

Scope

This policy applies to inmates in all correctional centres in NSW, and all CSNSW employees

Related Documents

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Offender Registration) Act 2000

Crimes (Administration of Sentences) Act 1999

Crimes (Administration of Sentences) Regulation 2014

Management of Public Correctional Centre Outcome Specifications

Related Policy and Procedures

10.1 Visits General controls and conditions

10.2 Visitor Restrictions and Prohibitions

10.3 Visits to Inmates

Forms and Annexures

CCAP Inmate Referral, Information and Acknowledgement

CCAP Application Form

CCAP Information for Families, Friends and Young People

Child-Parent Activity Days- Information to Carers

Definitions

AVO	Apprehended Violence Order
CCAP	Child Contact Assessment Policy
COPP	Custodial Operations Policy and Procedures
CPCSU	Child Protection Coordination and Support Unit
CCP	Child Protection Panel
CSNSW	Corrective Services New South Wales
FACS	Family and Community Services
IIO	Inmate Identification and Observation form
MOSP	Manager, Offender Services and Programs

OIC	Officer in Charge
OIMS	Offender Integrated Management System
SAPO	Services and Programs Officer

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1 Managing Child Visitors

It is important that children maintain positive contact with adults that are a significant parent/carer. Child visitors should not be disadvantaged due to the behaviour of their adult parent/carer.

Many correctional centres make arrangements to ensure a child has contact visits when the inmate or accompanying adult is subject to non-contact visits. Allowing children to have a contact visit with their inmate parent/carer is not intended to weaken sanctions imposed for the good order and security of a correctional centre, but intended to put the focus on the best interests of the child.

Governors are encouraged to exercise their discretion to allow children to have a contact visit with their inmate parent/carer, if appropriate. In such circumstances, only the inmate and child will have contact, any accompanying adult would not have contact with the inmate unless deemed necessary by the Governor.

1.1 Recording Child Visitors

If the visitor is, or suspected to be, less than 18 years of age they may only visit an inmate if they are accompanied by a responsible adult 18 years or above.

If information relating to a child visitor is provided and recorded on the visitor information form the details are to be recorded in OIMS by the visits officer.

1.2 Face Covering

If a child is required for identification purposes to remove any part of a face covering (***refer to section 10.1 General Controls and Conditions***).

1.3 Age Appropriate Behaviour

Correctional staff are expected to be tolerant of children exhibiting age appropriate behaviour. While correctional staff must have regard to safety and security and the rights of other visitors in the visits area, a reasonable balance needs to be struck to ensure unrealistic demands are not imposed on children.

1.4 Searching of Child Visitors

A correctional officer has no lawful authority to strip-search visitors. Correctional staff are not permitted to ask or allow a child's carer to remove a child's nappy or clothing in the presence of correctional staff for the purpose of checking for contraband. If intelligence exists that indicate drugs or contraband may be contained in a child's nappy and a search is considered appropriate, the police must be contacted as required for any strip search of a visitor (***refer to COPP section 17.3 stop, detain search of visitors and staff***).

1.5 Provisions for Babies and Toddlers

Child visitors under the age of three may have specific food and provision needs which cannot be met by vending machines. Correctional staff must be sympathetic to the

different dietary needs of children in this age group and exercise discretion when accommodating these needs. With approval from the Governor, a baby's parent/carer may be permitted to bring in adequate provisions to meet a young child's needs during visits.

Restrictions are not to be placed on where and when nursing mothers may feed their child. While some correctional centres may offer female visitors a more private area to breastfeed, at no stage should correctional staff direct a nursing mother to remove herself from the visit area.

1.6 Procedure

	Procedures	Responsibility
1.	Approval to bring some of the following dietary items into a visits area or retained by correctional staff for use as needed: bottles of breast milk, sterilised water, formula powder or made up formula bottles, sealed jars/cans of baby food.	Governor
2.	Correctional centres unable to provide nappies, baby wipes and other items deemed necessary for child visitors, adult visitors should be allowed to bring these items into the visits area or be retained in a secured area by the correctional staff.	Governor
3.	Put in place a local operating procedure to ensure staff and visitors are aware what items are approved and allowed to enter the visiting centre	Governor

1.7 Discipline of Children in Correctional Centres

CSNSW has zero tolerance for the physical discipline of a child in a correctional centre. CSNSW policy states that children should not be physically disciplined by an inmate or visitor during a visit to a correctional centre.

1.8 Procedure

	Procedures	Responsibility
1.	Intervene by explaining to the inmate and accompanying adult visitor that physical discipline of a child is not permitted during a visit.	OIC Visits
2.	Not terminate the visit unless the behaviour continues	OIC Visits
3.	Terminate the visit if the physical discipline is of such a nature that may threaten the safety and security of the centre or, there is a record indicating the inmate or adult visitor has previously been warned in relation to this issue	OIC Visits
4.	Immediately report the incident to the OIC of the correctional centre	OIC Visits

5.	Report the incident in the OIMS IRM.	OIC Visits
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1.9 Unlawful Assault of a Child

Correctional staff should be aware that it is a criminal offence for a person to use physical force to any part of the head or neck of a child. Likewise the use of physical force to any other part of a child's body is not permitted if it causes harm to the child that lasts for more than a short period. Correctional staff have the same powers as any member of the public to intervene and detain the alleged offender until police arrive.

1.10 Procedure

If correctional staff witnesses the assault of a child either inside or within proximity of a correctional centre they will;

	Procedures	Responsibility
1.	Terminate the visit if one is in progress	OIC Visits
2.	Intervene appropriately to protect the child	OIC Visits
3.	Contact the police	OIC Visits
4.	Report the incident to the Family and Community Services (FACS), Helpline 132 111 further information is available at: http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/community-corrections/child-protection-coordination-and-support-unit/determining-risk-of-significant-harm.aspx http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/community-corrections/child-protection-coordination-and-support-unit/reporting-to-facs-helpline.aspx	OIC Visits
5.	Report the incident to the OIC of the correctional centre	OIC Visits
6.	Report the incident in the OIMS IRM.	OIC Visits

2 Child Contact Assessment Policy

The Commissioner of Corrective Services NSW may direct that a person who is under the age of 18 years, be prevented from visiting an inmate at a correctional centre. Decisions will be balanced against the rights of children as set out in legislation *Children and Young Persons (Care and Protection) Act 1998*.

All inmates in custody who have current or prior child-related convictions and those currently on remand for child-related offences, must apply to receive visits from children aged under 18 years. These inmates are referred to as child-related offenders.

The Child Protection Coordination and Support Unit (CPCSU) process all applications, and complete risk assessments and make decisions under the Child Contact Assessment Policy (CCAP). The CPCSU may be contacted at Child Protection Coordination and Support Unit Level 7, Henry Deane Building Tel: (02) 8346 1008 / 1009 Fax: (02) 8346 1204 Email: child.protection@justice.nsw.gov.au.

Child contact assessments will also be conducted on other inmates who may pose a risk to children but whose offences were not against a child. CSNSW has responsibilities to ensure children are not placed at risk of harm, particularly when they visit or reside in correctional centres.

2.1 Identification of referral of Child Related Offenders

The CPCSU rely on the assistance of CSNSW front line staff to identify inmates with child related offences and may be subject to the CCAP. This will generally occur during the reception and screening process after the inmate comes into custody. Additionally staff involved in classification or case management processes assist in identifying these inmates.

To identify a child related offender, the following factors must be taken into account:

- current or prior offence history stating the age of the victim
- the inmate discloses that their victim was aged under 18 years
- profile/publicity surrounding the inmate and/or the victim
- the inmate is or has been on 'protection' due to the nature of their offence
- police facts, pre-sentence reports, Judge's sentencing remarks, discharge summary or police custody management record
- the inmate is recorded as requiring a Child Protection Notice under the *Child Protection (Offender Registration) Act 2000*.

Inmates that will be subject to the CCAP are those who are or have been charged, convicted or subject with any the following

- a sexual or sexually motivated offence against a person aged under 18 years; including offences related to child pornography, child prostitution and offences with an intent to commit a sexual offence against a child
- a violent offence/s against a person aged under 18 years
- an intent to commit a violent offence against a child
- abuse or neglect against a person under the age of 18 years
- significant domestic violence in the presence of a child.
- serving a sentence for child-related offence/s
- on remand for a child-related offence
- prior conviction/s for child-related offence/s
- anyone who is a registrable person in accordance with the *Child Protection (Offender Registration) Act 2000*. Where a child has witnessed an offence or is directly impacted by an offence, the inmate must be referred to the CPCSU. The referral must state the reasons why the inmate should be considered under the CCAP.

Child related offenders who return to custody for non-child-related offences, are not required to re-apply for contact with children previously approved. All existing alerts should be reviewed to confirm previously approved child visits remain valid, and no new prohibitions or restrictions are in place. Any additional children will need to be assessed and new CCAP forms completed.

2.2 Procedure for recording identification of child related offenders

	Procedures	Responsibility
1.	Clearly note on the Inmate Identification and Observation (IIO) form if a child related offender is coming into custody	Court cell/reception staff
2.	Check the warrant and any other available information including historical offences, to confirm the child-related offender status	Reception officer
3.	Complete the referral to the CPCSU or refer inmates who met the CCAP criteria to the Services and Programs Officer (SAPO) via a Priority 1 referral in the Offender Integrated Management System (OIMS).	Reception/screening staff
4.	Action the referral	Authorised officer
5.	Enter a case note and alert with the appropriate comment on the OIMS	Authorised officer
6.	For inmates who do not wish to apply for visits or cooperate, the following comment will be placed in the alerts screen under the category of child protection: <i>“The inmate is not permitted visits with any child under 18, even if the AVO permits”. Declined to apply. Contact (02) 8346 1008 / 1009”.</i> No expiry date is to be added to this alert. The child protection alert will continue to remain active until the CPCSU determine otherwise.	Authorised officer
7.	For inmates who do wish to apply for visits the following comment will be placed in the alerts screen under the category of child protection: <i>“The inmate is not permitted visits with any child under 18, even if the AVO permits”. Contact (02) 8346 1008 / 1009”.</i> No expiry date is to be added to this alert. The child protection alert will continue to remain active until the CPCSU determine otherwise.	Authorised officer

2.3 Procedure for referring for CCAP

	Procedures	Responsibility
1.	Assist the inmate if required to complete part A and C of the CCAP Inmate Referral, Information and Acknowledgement form	Authorised officer
2.	Provide part B of the CCAP Inmate Referral Information and Acknowledgment form to the inmate for information regarding the CCAP process	Authorised officer
3.	Ensure that the inmate reads part B, or the information is explained to the inmate and signs part C to acknowledge this	Authorised officer
4.	Scan part A and C of the Inmate Referral, Information and Acknowledgement form and email to the CPCSU at child.protection@justice.nsw.gov.au or fax to 02 83461204	Authorised officer
5.	Indicate on the form if the inmate refuses to sign or cooperate	Authorised officer
6.	Provide a CCAP application form if the inmate indicates they wish to be assessed for visits with children	Authorised officer
7.	File original documents on the inmates case management file	Authorised officer

2.4 Child Contact Assessment Policy Application

Child-related offenders who wish to receive visits from children while in custody must submit a CCAP application form to the CPCSU. No visits from children to the inmate will be permitted until approval is given by the CPCSU.

A separate CCAP Application Form must be completed for each child who has a different primary carer/guardian. The offender must contact the primary carer/guardian of each child and advise them that visits from children are not permitted until approval is obtained.

The assessment process will not begin until all forms are returned to the CPCSU. Should any consent forms not be completed the application may not be processed. The inmate will be informed through the SAPO/MOSP that the application has been closed.

2.5 Procedure

	Procedures	Responsibility
1.	Provide CCAP application form on request	Authorised officer
2.	Provide assistance to complete the CCAP application form if required, and sign the application	Authorised officer
3.	Provide any information available to assist the CPCSU in the assessment process including but not limited to police facts, judge's sentencing remarks and Apprehended Violence Order (AVO) information. Attach documents and send to the CPCSU	Authorised officer
4.	Provide assistance to the inmate if required for contact with the young person or children's carer/guardian, to request they contact the CPCSU to be sent carers consent forms	Authorised officer
5.	Decisions regarding child visits are made by either the CPCSU or the Child Protection Panel (CCP).	CPCSU
6.	A decision regarding the outcome of the application will be provided to the child-related offender via the MOSP.	MOSP
7.	No visits from children are permitted until approval is given by the CPCSU.	Visits staff
8.	If an application has been either partially approved or not approved, a letter will be provided to the inmate setting out the reason(s) for the decision and will include information regarding the review process. The outcome of the application will also be recorded by the CPCSU on the OIMS Visitor Restriction and Alerts screens.	CPCSU
9.	Documentation relating to applications under the CCAP must be filed in the inmates case management file.	Authorised officer
10.	The outcome of an application and contact with the inmate must be recorded as a case note on OIMS.	Authorised officer
11.	Reports prepared by the CPCSU must not be provided to the child-related offenders. Only the letter outlining the reason/s for the decision and the process involved in appealing a decision should be provided to the inmate.	Authorised officer

2.6 Review of assessment decision

Child-related offenders and/or family members can request that a decision made by the CPCSU be reviewed by the child protection panel, particularly if there is new information that they believe should be considered. If the original decision is upheld, the inmate may request the matter be considered by the Director Operations (Community Corrections).

The MOSP or SAPO at the correctional centre can forward the inmates request for a review to the CPCSU via email: child.protection@justice.nsw.gov.au.

CPCSU will advise the MOSP in writing of this final determination, who is then responsible for notifying the inmate.

After a decision is made, if a family member requires further advise they should be provided with the CCAP **Annexure 15.15 Families, Friends and Young People**. Alternatively, contact details for the CPCSU can be provided to them.

If advice or clarification is required by staff members the CPCSU can be contacted.

3 Child-Parent Activity Days

The purpose of child–parent activity days is to provide an opportunity for inmates and their children to develop and maintain relationships. They offer the opportunity for children to spend quality time with their inmate parent/carer. Activity days involve only inmates and children with whom there is a parental or carer relationship. If possible activity days should be held at least twice yearly.

SHINE for kids is a community-based organisation that provides a range of services to children who have parent(s) and/or family in custody. SHINE assists corrective services in the planning, coordination and supervising activity days.

3.1 Assessment and Eligibility

Inmate applications will be assessed by CSNSW and the community based organisation (SHINE). If there are any concerns or doubts about the inmate's parental/carer responsibilities toward the child, the inmate may be required to provide verification of the relationship.

Any inmate who has been or is subject to child related offences, subject to or under consideration from the CCAP or has an AVO in place protecting any child wanting to participate in the child – parent activity day, is automatically precluded from participating.

All assessment outcomes need to show the benefit of participating in the activity day and how it would be significant to the child.

3.2 Procedures

	Procedures	Responsibility
1.	Put in place local procedures relating to the parameters and operation of child-parent activity days. Identify a authorised officer to participate in the planning of activity days and liaison with SHINE	Governor
2.	Contact SHINE to identify a contact person and assist with the planning of the activity day	Authorised officer
3.	Approve a suitable date for holding an activity day following liaison with SHINE	Governor

4.	Approve the number of inmates/children permitted to participate in the activity day	Governor
5.	Facilitate a planning meeting with SHINE	Authorised officer
6.	Identify SHINE staff who will participate in the activity day	Authorised Officer
7.	Ensure that participating SHINE staff have completed Criminal Record Inquiry checks and have been authorised to enter the correctional centre (refer to COPP 10.1 General Controls and Conditions)	Authorised officer
8.	Notify and distribute application forms to inmates	Authorised officer
9.	Receive completed applications from inmates	Authorised officer
10.	In cooperation with SHINE identify inmates to participate in the activity day. Complete comprehensive checks to ensure the inmate is eligible to participate in the activity day. Including: • check the Offender Integrated Management System (OIMS) to identify the frequency of visits between the inmate and nominated child • check OIMS alerts for any child sex offences or any offences against children • check criminal history • undertake Apprehended Violence Order (AVO) checks • check visitor restrictions • check current status under the child contact assessment policy • assess the risk or potential risk posed to children by inmates who have applied to participate • applications will be assessed only if the child's current community based carer has signed the required consent forms supplied by SHINE	Authorised officer
11.	provide the Governor or delegate with details of recommended inmate participants for approval	Authorised officer
12.	advise SHINE which inmates/children have been approved by the Governor to attend the activity day, so they can liaise with the children's current community based carers.	Authorised officer
13.	ensure that all documentation relating to an inmate's application and assessment is placed on their case management file	Authorised officer
14.	ensure that correctional centre staff are aware of SHINE's role	Authorised

	in facilitating, supervising and participating in the activity day	officer
15.	inform inmates of the format of the activity day including their responsibilities	Authorised officer
16.	Provide a local security briefing to authorised visitors attending the activity day	Authorised officer
17.	Brief staff involved in the activity day on the format and their duties for the day	Authorised officer
18.	Process all visitors into the centre	Visits staff
19.	Manage the activity day in cooperation with SHINE	Authorised officer
20.	Meet with inmates within two weeks following the activity day to distribute a questionnaire to inmates	Authorised officer
21.	Provide feedback to the Governor	Authorised officer

4 Document history

Version	Date	Reason for Amendment
1.0		Initial publication (<i>Replaces section 15.26 and 15.28 of the superseded Operations Procedures Manual</i>)