

Custodial Operations Policy and Procedures

9.6 Inmate Complaints to the Ombudsman

Policy Summary

Corrective Services NSW (CSNSW) has a statutory responsibility to take all steps necessary to facilitate the making of a complaint by an inmate to the NSW Ombudsman (the 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 inmate should also be advised that communications between the inmate and the agency is not monitored or read by staff.

Management of Public Correctional Centres Service Specifications

Outcome	Decency and Respect
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

Related Documents

Crimes (Administration of Sentences) Act 1999

Crimes (Administration of Sentences) Regulation 2014

Management of Public Correctional Centre Outcome Specifications

Ombudsman Act 1974

Related Custodial Operations Policy and Procedures

8.1 Inmate Mail

8.2 Inmate Telephones

10.8 Visits from Officials

Definitions

COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW

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1 Inmate Complaints to the Ombudsman

1.1 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 complaints with the Ombudsman. The inmate should also be advised that any communication between the inmate and the Ombudsman is not monitored or read by staff.

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 (**refer to COPP section 10.8 Visits from Officials**). In seeking a resolution to a complaint, the Ombudsman's staff may telephone the correctional centre, or speak with staff and/or inmates during a visit to the centre.

CSNSW is required to provide all necessary assistance to staff from the Ombudsman's office. This includes providing access to inmates and staff, as well as to documents, records and files if requested. Inmates should not be obstructed or prevented from telephoning or corresponding with the Ombudsman, regardless of whether they have not first attempted to resolve their complaint within the correctional facility.

1.2 Procedure for Written Complaints

	Procedure	Responsibility
1.	Assist an inmate who has requested to make a written complaint to the NSW Ombudsman by ensuring that: • paper is available for inmates to write to the Ombudsman • envelopes are available for inmates to post written complaints to the Ombudsman. The cost of envelopes and postage is to be met by CSNSW • all mail addressed to the Ombudsman from inmates is to be posted without being opened, inspected or read. This includes mail from inmates designated Extreme High Risk Restricted and National Security Interest, and those classified AA and Category 5 • all mail addressed to inmates from the Ombudsman is to be given to the inmate without being opened, inspected or read. This includes mail for inmates designated Extreme High Risk Restricted and National Security Interest, and those classified AA and Category 5	CSNSW staff
2.	Provide any mail received from the Ombudsman to the inmate and instruct them to sign the attached receipt.	CSNSW staff

1.3 Procedure for Telephone Complaints

	Procedure	Responsibility
1.	Ensure that an inmate is provided with the opportunity to make a telephone complaint to the Ombudsman	CSNSW staff
2.	Ensure that: - the inmate is advised that they may contact the Ombudsman's office on the Common Auto Dial List by selecting #8. The cost of these telephone calls to the Ombudsman is met by CSNSW - telephone calls made to the Ombudsman's office by the inmate must not be monitored by CSNSW staff - the right to make telephone calls to the Ombudsman is not to be withdrawn from an inmate while in segregation or for the purposes of punishment.	CSNSW staff

1.4 Procedure following a Visit from the NSW Ombudsman

Following a visit from the NSW Ombudsman's office, the following procedures should be implemented:

	Procedure	Responsibility
1.	The Ombudsman's Office may provide a written report and request a response to issues raised	Ombudsman's Office
2.	A response to the issues raised should be prepared by the Governor and reviewed by: - the respective Director, Custodial Operations - General Manager, State-wide Operations. This response should be forwarded and received by the Ombudsman within seven days.	Governor

Where the Ombudsman's office has raised any matters that:

- are relevant to an area of CSNSW other than Custodial Corrections, it is to be referred to the Assistant Commissioner for that area
- have state-wide implications, it is to be referred to the General Manager State-wide Operations, Custodial Corrections who will alert the Director, Corrections Executive Services and Complaints Management, if warranted
- should be brought to the attention of the Commissioner, it is to be referred to the Assistant Commissioner, Custodial Corrections.

2 Document Information

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