

## Custodial Operations Policy and Procedures

### 10.11 Managing child visitors

#### Policy summary

Corrective Services NSW (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

Service specifications	Safety and security
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## Scope

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

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# 1 Managing child visitors

## 1.1 Policy

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

## 1.2 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 the Offender Integrated Management System (OIMS) by the visits officer.

## 1.3 Face covering

If a child is required for identification purposes to remove any part of a face covering (**refer to COPP section 10.2 Visitor restrictions and prohibitions**).

## 1.4 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.

## 1.5 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 and search of visitors and staff**).

## 1.6 Items 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.

## 1.7 Procedure

	Procedures	Responsibility
1.	Provide approval to bring some of the following dietary items into a visits area or retained by correctional staff for use as needed: <ul style="list-style-type: none"><li>• bottles of breast milk</li><li>• sterilised water</li><li>• formula powder or made up formula bottles</li><li>• sealed jars/cans of baby food</li></ul>	Governor
2.	Provide approval for adult visitors to bring in: <ul style="list-style-type: none"><li>• nappies</li><li>• baby wipes</li><li>• other items deemed necessary for a child visitor</li></ul> into the visits area or to be retained in a secured area by correctional staff, if the correctional centre is unable to provide these items	Governor
3.	Implement a local operating procedure (LOP) ( <b>refer to COPP section 21.8 Local operating procedures</b> ) to ensure staff and visitors are aware what items are approved and allowed to enter the visiting centre.	Governor

# 2 Discipline of children in correctional centres

## 2.1 Policy

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.

## 2.2 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.	Officer in Charge (OIC) Visits
2.	Do not terminate the visit unless the behaviour continues.	OIC Visits
3.	Terminate the visit if: <ul style="list-style-type: none"><li>the physical discipline is of such a nature that may threaten the safety and security of the centre, or</li><li>there is a record indicating the inmate or adult visitor has previously been warned in relation to this issue.</li></ul>	OIC Visits
4.	Immediately report the incident to the OIC of the correctional centre.	OIC Visits
5.	Report the incident in the OIMS Incident Record Management (IRM).	OIC Visits

## 3 Unlawful assault of a child

### 3.1 Policy

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.

### 3.2 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. Information can also be found on the intranet about <a href="#">determining risk of significant of harm</a> and <a href="#">reporting to the FACS helpline</a> .	OIC Visits
5.	Report the incident to the OIC of the correctional centre.	OIC Visits

	Procedures	Responsibility
6.	Report the incident in the OIMS IRM.	OIC Visits

## 4 Child contact assessment policy

### 4.1 Policy

The Commissioner of Corrective Services (the Commissioner) may direct that a person who is under the age of 18 years, be prevented from visiting an inmate at a correctional centre, including by Audio-Visual link (AVL). 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) processes all applications and completes risk assessments to make decisions under the Child Contact Assessment Policy (CCAP). The CPCSU may be contacted by telephone on (02) 9295 6744 or via email at [child.protection@dcj.nsw.gov.au](mailto:child.protection@dcj.nsw.gov.au).

Child contact assessments may 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.

### 4.2 Identification and 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. The entering of a Child Protection ("B") alert is primarily the responsibility of the custodial officer during reception procedures when the inmate first comes into custody. Additionally, staff involved in screening, 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 are subject to the CCAP if they are charged with, or convicted of, or subject to 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
- domestic violence in the presence of a child.
- a sentence for child-related offence/s
- remand for a child-related offence
- prior conviction/s for child-related offence/s
- being 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.

#### 4.3 Procedure for recording identification of child related offenders

	Procedures	Responsibility
1.	Clearly note on the <i>Inmate Identification and Observation (IIO)</i> form if a child related offender is coming into custody	Police/Court cell staff/reception staff
2.	Check inmate charges and any other available information including historical offences, to confirm the child-related offender status ( <b>refer to COPP section 1.2 Reception – warrants and detainers</b> )	Reception staff
3.	Enter a Child Protection ('B') alert into OIMS. Place the following comment in the alerts screen under the category of child protection in OIMS: "Inmate NOT permitted visits (including AVL visits) with any child under 18, even if AVO permits. Inquiries <a href="mailto:child.protection@dcj.nsw.gov.au">child.protection@dcj.nsw.gov.au</a> or 02 9295 6744." No expiry date is to be added to this alert. The child protection alert will continue to remain active until the CPCSU determine otherwise.	OIC Reception/FM
4.	Once the B-Alert has been saved, OIMS will automatically generate a "child protection" type Offender Restriction. ( <i>Institutions &gt; Offender Contacts &gt; Offender Restrictions</i> ) The auto generated Restriction will detail:	OIMS system generated Offender Restriction entry



	Procedures	Responsibility
	“Inmate NOT permitted visits (including AVL visits) with any child under 18, even if AVO permits. Inquiries <a href="mailto:child.protection@dcj.nsw.gov.au">child.protection@dcj.nsw.gov.au</a> or 02 9295 6744.”	
5.	<p>Make a Priority 1 referral in OIMS for a CCAP package to be completed by a SAPO.</p> <p><b>Note:</b> if a screener identifies that an OIMS Child Protection (‘B’) Alert is required, the screener must enter the Child Protection (“B”) Alert in OIMS as outlined in the instructions in the screening procedure 2.1 Reception Screening Induction and Orientation.</p>	Screeener

#### 4.4 Procedure for completing a CCAP referral

	Procedures	Responsibility
1.	Complete part A of the <i>CCAP inmate referral, information and acknowledgement</i> form. Part A needs to be completed each time the inmate comes into custody.	SAPO
2.	Provide part B of the <i>CCAP inmate referral, information and acknowledgement</i> form to the inmate for information regarding the CCAP process.	SAPO
3.	Ensure that the inmate reads part B, or the information is explained to the inmate and the inmate signs part C to acknowledge this.	SAPO
4.	Indicate on the form if the inmate refuses to sign or cooperate.	SAPO
5.	<p>Scan part A and C of the <i>CCAP inmate referral, information and acknowledgement</i> form and email to the CPCSU at <a href="mailto:child.protection@dcj.nsw.gov.au">child.protection@dcj.nsw.gov.au</a></p> <p><b>Note:</b> confirmation that this process has been completed will be made in the <i>Programs and Services</i> screen in OIMS by the SAPO.</p>	SAPO
6.	Save CCAP referral into the inmate’s child protection EDRMS sub-folder.	CPCSU
7.	SAPO to save the CCAP referral in the inmate’s case management EDRMS folder, and keep the paperwork on site for at least 6 months before secure destruction locally, as per the DCJ Digital Imaging of Records procedure.	SAPO
8.	Provide a <i>CCAP application</i> form if the inmate indicates they wish to be assessed for visits with children.	SAPO

## 4.5 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 where there is a different primary carer or guardian.

The inmate will need to contact the child's carer or guardian (if there are no court orders prohibiting contact between the parties) and request that the carer / guardian contacts the CPCSU on 02 9295 6477 to request a consent and questionnaire form. If the carer / guardian does not contact the CPCSU, the application cannot progress.

## 4.6 Procedure for CCAP application

	Procedures	Responsibility
1.	Provide CCAP application form on request.	SAPO
2.	Provide assistance to complete the CCAP application form, if required.	SAPO
3.	Provide any information available to assist the CPCSU in the assessment process including but not limited to: <ul style="list-style-type: none"> <li>• police facts</li> <li>• judge's sentencing remarks</li> <li>• Apprehended Violence Order (AVO) information</li> </ul> Attach any documents to the application and send to the CPCSU.	SAPO
4.	If a young person or carer requests contact with the inmate, advise them to contact CPCSU and request carer's consent forms.	Authorised officer
5.	Ensure that no visits with children are permitted unless approval is given by the CPCSU.	Visits staff
6.	Determine whether child visits are approved or not approved and notify the MOSP. Record the outcome on the <i>Offender Restrictions and Alerts</i> screens in OIMS.	CPCSU
7.	Notify the inmate of the CCAP decision.	MOSP
8.	Where an application is not approved, provide a letter to the MOSP for forwarding to the inmate setting out the reason(s) for the decision and include information regarding the review process.	CPCSU
10.	Record a case note in OIMS on the outcome of the CCAP application and any contact with the inmate.	SAPO

	<b>Procedures</b>	<b>Responsibility</b>
<b>11.</b>	Ensure that reports prepared by the CPCSU are not 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.	All staff members

## **4.7 Review of assessment decision**

Where an application is declined, the child related offender can request that the decision made by the CPCSU be reviewed by the child protection panel. The review request needs to be submitted by the inmate in writing. The review request needs to detail any new information that the inmate believes should be considered and address the specific child protection concerns outlined in the decline letter.

If the original decision is upheld by the child protection panel, the inmate has a final avenue of review and can request the matter be considered by the Director Strategic Operational Management, Community Corrections.

Where a child related offender has exhausted both avenues of review and there is new information that relates to the previously identified concerns about child safety, the CPCSU may consider undertaking an additional assessment for child visits. This is at the discretion of the CPCSU Manager.

The MOSP or SAPO at the correctional centre can forward the inmate's request for a review to the CPCSU via email: [child.protection@dcj.nsw.gov.au](mailto:child.protection@dcj.nsw.gov.au)

The CPCSU will advise the MOSP in writing of the review decision. The MOSP is then responsible for notifying the inmate.

After a decision is made, if a family member requires further advice, they can be referred to the CPCSU.

Staff can contact the CPCSU for advice as needed.

# **5 Child-parent activity days**

## **5.1 Policy**

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 CSNSW in the planning, coordination and supervising activity days.

## 5.2 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.

## 5.3 Procedures

	Procedures	Responsibility
1.	Implement LOPs relating to the parameters and operation of child-parent activity days. Identify an 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 (CRI) checks and have been authorised to enter the correctional centre ( <b>refer to COPP section 10.1 Visits to inmates by family and friends</b> ).	Authorised officer
8.	Notify and distribute application forms to inmates.	Authorised officer
9.	Receive completed applications from inmates	Authorised officer
10.	Identify inmates to participate in the activity day, in cooperation with SHINE. Complete comprehensive checks to ensure the inmate is eligible to participate in the activity day, including:	Authorised officer

	<b>Procedures</b>	<b>Responsibility</b>
	<ul style="list-style-type: none"> <li>• check the OIMS to identify the frequency of visits between the inmate and nominated child</li> <li>• check OIMS alerts for any child sex offences or any offences against children</li> <li>• check criminal history</li> <li>• undertake AVO checks (<b>refer to COPP section 20.1 AVOs</b>)</li> <li>• check visitor restrictions</li> <li>• check current status under the child contact assessment policy</li> <li>• assess the risk or potential risk posed to children by inmates who have applied to participate</li> <li>• applications will be assessed only if the child's current community-based carer has signed the required consent forms supplied by SHINE.</li> </ul>	
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 in facilitating, supervising and participating in the activity day.	Authorised 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

## 6 Quick links

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

## 7 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Policy and Procedures.
AVO	Apprehended Violence Order
CCAP	Child Contact Assessment Policy
COPP	Custodial Operations Policy and Procedures
CPCSU	Child Protection Coordination and Support Unit
CMF	Case Management File
CRI	Criminal Record Inquiry
CSNSW	Corrective Services New South Wales
FACS	Family and Community Services
IIO	Inmate Identification and Observation form
IRM	Incident Record Management
LOP	Local Operating Procedure
MOSP	Manager, Offender Services and Programs
OIC	Officer in Charge
OIMS	Offender Integrated Management System
SAPO	Services and Programs Officer

## 8 Document information

<b>Business centre:</b>	Custodial Operations	
<b>Approver:</b>	Kevin Corcoran	
<b>Date of effect:</b>	16 December 2017	
<b>EDRMS container:</b>	18/7286	
<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0		Initial publication ( <i>Replaces section 15.26 and 15.28 of the superseded Operations Procedures Manual</i> )
1.1	12/03/20	General formatting update and improvements
1.2	19/08/20	Updated to include AVL visits in 4.1 <i>Child contact assessment policy</i> and 4.3 <i>Procedures for recording identification of child related offenders</i>
1.3	06/11/20	General formatting improvements and removal of the word 'significant' from 4.2 <i>Identification of referral of child related offenders</i>
1.4	08/11/21	Amendment to 4.3 <i>Procedure for identification child related offenders</i> to reflect that a Visitor Restriction (Child Protection) is automatically generated by the entry of a B alert.
1.5	25/01/22	Clarifications of which inmates come under the CCAP in subsection 4.2 <i>Identification and referral of child related offenders</i> .  Procedural clarification with regard to the CCAP referral form at subsection 4.4 <i>Procedure for completing a CCAP referral</i> .  An additional review option where new information becomes available (subsequent to panel and Director review process) at subsection 4.7 <i>Review of assessment decision</i> .
1.6	15/05/23	Amendments to steps [6] and [7] of subsection 4.4 <i>Procedure for completing a CCAP referral</i> – changes made to administrative procedures conducted by CPCSU and SAPOs to minimise duplications and align with existing OSP policy and procedures.
1.7	7/03/24	Amendment to 4.3 <i>Procedures for recording identification of child related offenders</i> to allow OS&P screeners to add B alerts where required.