

Corrections Victoria Disability Framework 2016-2019

Expanding the opportunities

Strategic Policy and Planning



Contents

1	Foreword	3
2	Introduction.....	4
3	Why have a dedicated response?.....	5
4	The Disability Framework.....	6
4.1	Scope	6
4.2	Vision.....	6
4.3	Objectives.....	6
4.4	Principles.....	6
4.5	Opportunities for the future - outcomes and priorities.....	9
Appendix 1	Broader policy context.....	11

1 Foreword

Corrections Victoria strives to promote equality across the corrections system and to protect the rights of all prisoners and offenders with a disability. This includes ensuring that prisoners and offenders with a disability are supported to actively participate and engage in suitable programs and services, relevant to their specific needs.

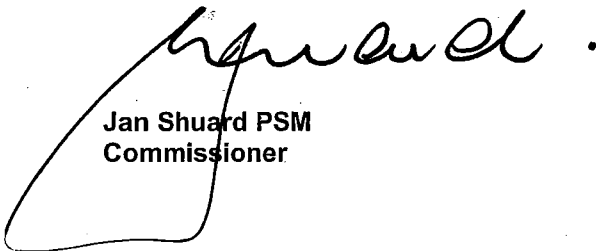
Our current response to prisoners and offenders with a disability reflects the sustained evolution of services over the last nine years. This has resulted in a number of improved outcomes for this complex cohort, including, for example, specialised pathways for prisoners and offenders with an intellectual disability or acquired brain injury.

Poor recidivism outcomes and recognition of the need to be responsive to the discreet requirements of prisoners and offenders with a disability are key drivers for Corrections Victoria to be committed to a targeted approach for this cohort.

The *Corrections Victoria Disability Framework 2016-2019 - Expanding the opportunities* outlines Corrections Victoria's platform to build on our achievements and to offer offenders and prisoners with a disability access to the full range of services provided to other cohorts, as well as additional supports where necessary.

The Framework outlines the objectives and principles that will guide our response over the next four years. It also includes outcomes and priorities that will further inform the development of a Corrections Victoria service delivery action plan, which will outline the key initiatives to be undertaken to put the Framework into operation.

I am pleased to deliver the *Corrections Victoria Disability Framework 2016-2019 - Expanding the opportunities* and look forward to continuing this work to better address the needs of prisoners and offenders with a disability.



Jan Shuard PSM
Commissioner

2 Introduction

Corrections Victoria is responsible for the direction, management and operation of Victoria's adult corrections system, including over 50 Community Correctional Services locations, 11 public prisons, and one transition centre, as well as the oversight of two privately operated prisons.

Corrections Victoria has a commitment to enhance community safety and reduce reoffending through the effective administration of prison sentences, the enforcement of community correction orders, and the delivery of evidence-based offender centric rehabilitation pathways that are responsive to the risk and needs of all offenders and prisoners. This includes services and programs that address the disadvantages and complexities associated with prisoners and offenders with a disability by responding proportionately to their needs, risks and offending profile.

Equal access to quality services for offenders and prisoners with a disability contributes significantly to their quality of life and ability to participate fully in programs that can contribute to their rehabilitation prospects.

The first policy aimed at addressing the specific needs of prisoners and offenders with a disability, the *Corrections Victoria Disability Framework 2007-2009 – Addressing the Barriers*, was introduced in 2007.

Building on the success of this initial policy, Corrections Victoria has continued to develop its coordinated plan for improved outcomes for offenders and prisoners with a disability. This has been achieved through two further disability policy frameworks - the *Corrections Victoria Disability Framework 2010-2012 – Committing to the Challenges*, and the *Corrections Victoria Disability Framework 2013-2015 – Embracing the Challenges*.

The *Corrections Victoria Disability Framework 2016-2019 – Expanding the Opportunities* (the Framework) is Corrections Victoria's fourth targeted disability framework. It builds on the work of previous frameworks and provides a platform to further improve outcomes for offenders and prisoners with a disability.

The Framework provides the policy context for achieving one of the initiatives in the *Corrections Victoria Strategic Plan 2015-2018 – Strategic Priority 2: Reducing Reoffending*, Addressing the needs of specific cohorts – redesigned service delivery of Acquired Brain Injury (ABI) and disability services for prisoners with an ABI or disability.

Corrections Victoria is committed to continually examining what works in all areas of programs and service delivery. This includes ensuring that prisoners and offenders with a disability are adequately supported within the corrections system to reduce their likelihood of reoffending and to maximise their opportunities to successfully reintegrate into the community.

The Framework has a strong focus on three broad themes:

- reducing the barriers for offenders and prisoners with a disability to services, programs and facilities (**support, programs and services**)
- strengthening workforce expertise and capacity, to increase specialist support opportunities (**workforce development**)
- developing a collaborative approach between government specialist services to ensure that the complexities of prisoners and offenders with a disability are better understood, recognised and responded to (**collaboration**).

These are expanded on in Section 4.5 under *Opportunities for the future – outcomes and priorities*.

National Disability Insurance Scheme

This Framework is being introduced while the Victorian disability service system is undergoing considerable reform through introduction of the National Disability Insurance Scheme (NDIS).

A three-year trial of the NDIS commenced on 1 July 2013 in the Barwon Area, with full rollout of the scheme across Australia scheduled to commence on 1 July 2016¹ and be achieved by 2019.

Established under the *National Disability Insurance Scheme Act 2013* and supported by a series of rules, principles and tables of support, the NDIS changes the way that disability care and support is delivered in Australia by taking an insurance-based approach to service funding and delivery.

¹ NDIS full scheme rollout across Victoria will commence on 1 July 2016 in North Eastern Melbourne (covering part of the Department of Justice and Regulation's North West Metropolitan Region – further details regarding the remainder of rollout can be found at www.ndis.gov.au).

This Framework has been developed with reference to the changing disability service system in Victoria.

Broader policy context

Both Victorian and Australian Governments have recognised the need for a policy focus on disability within the criminal justice system as part of broader planning for people with a disability.

This Framework takes account of several key local and national plans and strategies, including:

- Department of Justice & Regulation Disability Action Plan 2012-2016
- National Disability Strategy 2010-2020
- Victorian State Disability Plan 2013-2016
- Aboriginal Justice Agreement Phase 3 (AJA3).

Through the initiatives, programs and services outlined in this Framework, Corrections Victoria strives to incorporate, as appropriate, the key themes, principles, goals and priority areas identified in these plans and strategies

Each of these plans and strategies are outlined in further detail in Appendix 1.

The Framework also helps to ensure that Corrections Victoria, as a public authority, meets its obligations set out in the *Charter of Human Rights and Responsibilities Act 2006*.

3 Why have a dedicated response?

The purpose of Corrections Victoria is “*Delivering effective correctional services for a safe community*”.² This applies to both prisoners and offenders on community-based dispositions. In order to achieve this, the approach to prisoners and offenders with a disability must respond to a range of needs relevant to their management and to their risk of reoffending.

The profile of this cohort is characterised by the typical indicators of social disadvantage³ – homelessness, poor family and social networks, substance abuse,⁴ low level of education and lack of employment – as well as other factors more associated with specific disabilities, such as poor communication skills and an absence of everyday living skills. Accordingly, a targeted response is needed to provide interventions that are more effective in improving rehabilitation prospects for prisoners and offenders with a disability.

While Corrections Victoria has, over time, achieved a range of service improvements and system enhancements for this cohort, there are ongoing opportunities to improve the way in which we manage prisoners and offenders with a disability.

It is essential that Corrections Victoria seeks to identify and address the disadvantages experienced by this cohort. This can be achieved by delivering relevant and accessible programs that support individuals to meet the challenges associated with everyday life in a pro-social manner and to better enable them to adopt law-abiding lifestyles.

A targeted disability framework will encourage Corrections Victoria to look at ways to provide this cohort with more comprehensive and effective assistance. This should include:

- strengthened connections between community-based services and offenders and prisoners
- the timely planning of flexible transition arrangements (pre and post-release support), including continuity of care and reintegration into the community
- addressing long-term and complex challenges, such as those associated with obtaining education, training and employment, housing and living skills
- identifying opportunities to better connect individuals with the community more broadly.

This Framework provides the platform for Corrections Victoria to build on its achievements and to offer offenders and prisoners with a disability access to the full range of services provided to other cohorts, as well as additional supports where necessary.

² Corrections Victoria Strategic Plan 2015-2018.

³ As referenced in *Embracing the Challenges, Corrections Victoria Disability Framework 2013-2015*, p. 6.

⁴ As referenced in *Embracing the Challenges, Corrections Victoria Disability Framework 2013-2015*, p. 6.

4 The Disability Framework

The new four-year Framework aims to strengthen and streamline services and supports for prisoners and offenders with a disability in the areas of identification, assessment, intervention and support.

This Framework is intended to underpin and complement a service delivery action plan, which promotes equal, fair and inclusive opportunities for rehabilitation and reintegration of all prisoners and offenders with a disability – and which contributes to minimising their risk of reoffending and maximising community safety.

The Framework acknowledges the challenges encountered by prisoners and offenders with a disability as they engage with the correctional system and the community; and through the operation of the policy principles, it encourages a consistent state-wide approach to service delivery.

4.1 Scope

This Framework adopts the definition of 'disability' in the *Disability Discrimination Act 1992*⁵, which is consistent with CV's previous disability frameworks. This includes the four main categories, which are cognitive impairment (intellectual disability and acquired brain injury), physical disability, psychiatric disability and sensory impairment.

A disability may be permanent or temporary. It may also be visible or hidden.

The target group for the Framework includes prisoners with a disability who are sentenced and on remand or parole, offenders on community-based dispositions, and people on post-sentence orders. It also includes those offenders and prisoners that are suspected of having a cognitive impairment, but who have not been diagnosed.

4.2 Vision

To provide offenders and prisoners who have a disability and are within Victoria's corrections system with the best possible opportunity for rehabilitation and reintegration to reduce their risk of reoffending and maximise community safety.

4.3 Objectives

The objectives of this Framework are:

- improved community safety
- contribution to a reduction in reoffending for offenders and prisoners with a disability
- delivery of effective and responsive management and intervention strategies.

These objectives are complemented by more specific intended outcomes, and corresponding priorities for action across three broad areas:

- program and service support
- workforce development
- collaboration.

These are examined in Section 4.5 below.

4.4 Principles

This Framework identifies four core principles designed to support and encourage consistent evidence-based correctional practice, in working with prisoners and offenders with a disability. These build on the principles⁶ developed as part of the original Corrections Victoria disability framework released in 2007.

These principles are intended to help develop the capacity of correctional staff to deliver effective case management of prisoners and offenders with a disability across the system, and to respond appropriately to their needs, risks and offending profile.

⁵ Adopting this definition of 'disability' is also consistent with the definition of disability included adopted in the Department of Justice & Regulation Disability Action Plan 2012-2016.

⁶ These principles are adopted, and the contribution of the sources referred to in developing these principles duly acknowledged, in previous iterations of the Corrections Victoria disability frameworks.

The Framework incorporates Corrections Victoria's *Offender Management Framework* into its principles. The Offender Management Framework describes the approaches that need to be used in working with prisoners and offenders. It is focused on engaging offenders in positive behaviour change in order to provide a safer community.

Consistent with the Offender Management Framework, the Framework's principles recognise that:

- prisoners and offenders with a disability may require different ways of communication and interaction to effectively engage with them
- a positive working relationship is key to motivating positive behaviour change
- developing broad pro-social relationships is an effective way of changing offending behaviour
- it is important to be responsive to the complexities of individual offenders.

The following principles should underpin the management, development, planning and provision of services, programs and policy responses for prisoners and offenders with a disability.

Principle 1 – Targeted response

Corrections Victoria is committed to providing offenders and prisoners with a disability with access to a range of services, programs and activities in a way that responds to their identified needs.

Why?

Prisoners and offenders with a disability often present with a range of needs that are distinctive and complex compared to the general prisoner and offender population, and which require specific support.

Prisoners and offenders with a disability have a greater risk of experiencing disadvantage and face barriers that potentially hinder their access to programs and services offered in the correctional system, which may be more readily available to the general offender and prisoner population.

Evidence continues to highlight the complexity of need relevant to prisoners and offenders with a disability. As highlighted above, prisoners and offenders with a disability typically experience a range of social disadvantage, including homelessness, poor family and social networks, substance abuse, low level of schooling and lack of employment. This is in addition to other factors associated with specific disabilities, such as poor communication skills and an absence of everyday living skills.

The challenge for the corrections system is to better understand the complex interplay of the various needs associated with this cohort, and to respond appropriately to the assessed range of needs, addressing both those that are disability related and those related to the risk of reoffending.

Providing this cohort with the best opportunity to build on their skills is more likely where correctional practices respond effectively to the unique characteristics, life experiences and circumstances of prisoners and offenders with a disability. This requires targeting practices to the right stage of the individual's journey through the correctional pathway, including transition and reintegration programs to prepare for return to the community. Services and programs need to be delivered in a style and mode that the prisoner or offender with a disability will respond to and engage with.

This Principle sets the platform for Corrections Victoria to deliver improvements to its programs and services in order to achieve greater coverage and impact for offenders and prisoners with a disability, and better support their access to these services and opportunity to participate fully.

Principle 2 - Strengthening relationships

Corrections Victoria is committed to maximising positive outcomes for offenders and prisoners with a disability by working more closely and effectively with relevant stakeholders.

Why?

Corrections Victoria recognises that the provision of effective correctional practices, which deliver quality outcomes for prisoners and offenders with a disability, requires working more closely and effectively with relevant stakeholders across the broader disability sector. This includes working with the sector when an individual is transitioning from prison to the community.

Much of the specialist expertise and information relevant to this cohort lies beyond Corrections Victoria. Therefore, close partnerships with key agencies within the justice, disability, mental health and broader health sectors (including the Adult Parole Board, Justice Health, the Department of Health & Human Services and the NDIS) are integral to providing better outcomes for this cohort. Close partnerships with Aboriginal and Torres Strait Islander stakeholders are also important to ensure effective programs and services are delivered to Aboriginal and Torres Strait Islander prisoners and offenders with a disability.

Rigorous assessment and information-sharing processes are important to the way that Corrections Victoria works with relevant stakeholders as well as directly with prisoners and offenders with a disability. These will help Corrections Victoria to more effectively access relevant information for individuals and to more efficiently coordinate their access to appropriate programs, services and activities and support transition from prison to the community.

Principle 3 – Improving a skilled workforce capacity

Corrections Victoria is committed to providing the relevant support and training to staff to assist them in the effective management of prisoners and offenders with a disability.

Why?

A skilled workforce with specialist knowledge will extend the organisation's capacity to work effectively with prisoners and offenders with a disability (including those with a cognitive impairment and acquired brain injury).

Relevant training and support (including mentoring) helps to maintain the integrity of the programs and services that we deliver to this cohort, as well as enhancing the ways in which they are delivered.

Effective training will reinforce the attitudes and skills required for the management of prisoners and offenders with a disability, and help ensure that these are maintained and integrated into staff members' practices. Such training could include communication strategies that promote positive behavioural outcomes.

Principle 4 – Protecting and promoting diversity

Corrections Victoria is committed to supporting diversity within correctional environments and promoting the rights of prisoners and offenders with a disability. It is also committed to a zero-tolerance approach to discrimination.

Corrections Victoria is committed to providing Aboriginal and Torres Strait Islander prisoners with access to culturally specific disability services and supports.

Why?

All prisoners and offenders with a disability have the right to be valued and to have their individual needs and diverse characteristics (including age, religion, culture, ethnicity, nationality, health-status and sexuality) respected throughout the correctional service system.

The Framework is based on the acknowledgment that while there are potentially common threads in the experience of prisoners and offenders with a disability across corrections environments, it is important that broader diversity issues also be addressed.

All services and programs delivered to prisoners and offenders with a disability must respond effectively to the diversity of their experiences and needs.

Corrections Victoria recognises that Aboriginal and Torres Strait Islander prisoners and offenders with a disability are likely to have a different understanding and experience of disability⁷ than the wider community, and are likely to face multiple barriers to addressing the challenges related to their disability.

As recognised in the AJA3, key drivers of Aboriginal and Torres Strait Islander contact with the justice system are located in the disadvantage experienced by Aboriginal and Torres Strait Islander communities. This disadvantage interacts with disability in a circular fashion. For example, poor education and employment outcomes can lead to poor lifestyle choices, while poor mental health or alcohol and drug misuse may lead to impairment on either a temporary or permanent basis. This cycle further entrenches disadvantage and makes it much harder for individuals to access services and supports or become independent in the community. Corrections Victoria understands that disability services and programs involving Aboriginal or Torres Strait Islander prisoners and offenders need to have a holistic approach, which takes into consideration the broader contributing factors and barriers to optimise the prospects of their successful reintegration into their community upon release.

This principle sets the platform for Corrections Victoria to consider initiatives aimed at improving outcomes for Aboriginal and Torres Strait Islander prisoners and offenders with a disability. Programs and services that are responsive to the unique needs of Aboriginal and Torres Strait Islander prisoners with a disability will improve Corrections Victoria's capacity to effectively meet the needs of this cohort, and contribute to reducing reoffending in the long term.

⁷ In many cultural or family settings, disability is often accepted as a part of who the person is, and the individual is no different to others by virtue of their disability. While such attitudes promote inclusiveness, they can also mean that individual specific needs may be overlooked. This can place an additional burden on family and community members to fill carer and support roles.

4.5 Opportunities for the future - outcomes and priorities

This Framework builds upon the *Corrections Victoria Disability Framework 2013-2015 – Embracing the Challenges*.

The Framework's priorities outlined below underlie Corrections Victoria's commitment to delivering targeted services for prisoners and offenders with a disability that complement mainstream services and, where appropriate, are integrated with them.

These identified priorities are intended to drive an inclusive and targeted correctional response by promoting programs and services that are accessible to prisoners and offenders with a disability and which effectively respond to their distinctive needs. They are grouped into three broad themes or focus areas: support, programs and services; workforce development and collaboration.

The outcomes indicate in broad terms what Corrections Victoria wants to achieve in each of these focus areas, while the priorities express in more detail, the specific organisational expectations.

These priorities will further inform the development of a Corrections Victoria disability action plan, which recognises the unique complexities and challenges associated with delivering effective management and intervention strategies for this cohort.

Support, Programs and Services

Outcome we are working towards: *providing specialised programs and services that are responsive to the diverse needs of offenders and prisoners with a disability.*

What are Corrections Victoria's priorities over the next four years?

- Delivering the necessary and relevant support to meet the needs of prisoners and offenders with a disability.
- Maintaining, monitoring and improving programs and services to address demand and identified service gaps.
- Improve system and processes, including enhanced assessment processes, refinement of program and service pathways for persons with a disability, and improving data collection and reporting. This may include adapting current programs as well as developing more specific support services and interventions relevant to particular disabilities.
- Supporting prisoners with a disability to progress along a pathway from maximum security through to minimum security prison and transition and reintegration into the community.
- Delivering a correctional response that identifies and adequately addresses multiple disadvantage, including those relevant to Aboriginal and Torres Strait Islander prisoners and offenders with a disability.
- Supporting offenders with a disability on community-based dispositions in completing their orders.

Workforce development

Outcome we are working towards: *further develop the specialist knowledge and capacity of correctional staff, including clinical staff, to work more effectively with offenders and prisoners with a disability.*

What are Corrections Victoria's Priorities over the next four years?

- Providing correctional staff with adequate training and support in their work with offenders and prisoners who have a disability.

Collaboration

Outcome we are working towards: *maximise positive outcomes for offenders and prisoners with a disability by working more closely and effectively with relevant stakeholders.*

What are Corrections Victoria's priorities over the next four years?

- Maintaining and further building collaborative partnerships across government, with key disability organisations and continuing to engage with the National Disability Insurance Agency to establish processes that will ensure eligible prisoners and offenders with a disability are able to access the National Disability Insurance Scheme during rollout and when fully implemented across Victoria.

Support, Programs and Services

- Aligning Corrections Victoria's corrections response with key department, state and national initiatives.

Appendix 1 Broader policy context

Department of Justice and Regulation Disability Action Plan 2012-2016

The Department of Justice & Regulation Disability Action Plan 2012-2016 outlines the department's approach to issues of disability as relevant to justice staff with disabilities, as well as to users of the justice system who have disabilities. It was developed in recognition that all Victorians have a right to access the justice system and that reducing barriers for people with a disability is essential to building an inclusive community.

The Disability Action Plan's development was guided by the department's obligations under the *Disability Act 2006*, the National Disability Strategy and the Victorian State Disability Plan (see below).

The plan is underpinned by a number of principles and outlines a number of goals for the department, including:

- protecting rights and prompting full participation
- access to justice information, goods, services, programs and facilities
- inclusive and responsive justice systems
- Aboriginal Justice Agreement Phase 3.

The National Disability Strategy 2010-2020

The Victorian Government is a signatory to the National Disability Strategy 2010-2020, developed by the Commonwealth, State and Territory governments under the auspices of the Council of Australian Governments.

The National Disability Strategy vision is for "an inclusive Australian society that enables people with a disability to fulfil their potential as equal citizens."

The strategy presents six priority areas for action to improve the lives of people with disabilities:

- inclusive and accessible communities
- rights protection, justice and legislation
- economic security
- personal and community support
- learning and skills
- health and wellbeing.

Victorian State Disability Plan

The Victorian State Disability Plan 2013-2016⁸ sets out how the Victorian Government will work with the disability sector and the broader community to break down the barriers faced by people with a disability. This significant statewide policy guides the Government's approach to issues of disability as they impact on Victorian citizens.

The State Disability Plan has four high-level goals:

- a strong foundation in life
- upholding rights and promoting participation
- accessing information, transport, buildings and place
- a contemporary approach through disability system reform.

The development of this Framework reflects key themes set out in the State Disability Plan as appropriate to the corrections system.

Corrections Victoria notes that the Government has announced that it will soon begin consulting on a new State Disability Plan for 2017-2020.

⁸ Corrections Victoria notes that the Victorian Government has announced that it will soon begin consulting on a new State Disability Plan for 2017-2020. The current State Disability Plan will continue during 2015 and 2016.

Aboriginal Justice Agreement Phase 3

The Aboriginal Justice Agreement Phase 3 continues the partnership between the Victorian Government and the Koori community. It builds on the work of the first two phases, to address disadvantage and inequity, reduce Koori contact with the criminal justice system, and improve justice outcomes for Koories.

In particular; strategy 3.1.2b includes addressing the needs of Koori prisoners with a disability through a range of measures.