

Addressing The Barriers

Corrections Victoria Disability Framework
2007–2009



DEPARTMENT
OF JUSTICE

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Victoria

Addressing The Barriers

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2007–2009





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Foreword

I am delighted to introduce 'Addressing The Barriers' – the Corrections Victoria Disability Framework.

The launch of the Disability Framework represents a significant step forward for Corrections Victoria in responding to those offenders who have a disability. Rates of re-offending for this offender group in prison are higher than for other offenders, and a more customised response is needed if we are to provide more effective interventions and improved rehabilitation prospects. This framework provides a detailed blueprint for tackling the significant issue of offenders with a disability, and will drive better outcomes for them as individuals and for the community as a whole, as we seek to address re-offending. The Disability Framework provides a clear articulation of why we need such a response and outlines what we plan to do over the next three years and beyond for offenders with a disability.

The Disability Framework builds on the Department of Justice Disability Action Plan 2005–2008, and has been developed in consultation with a wide range of internal and external stakeholders, including the disability sector. The collaboration through which the Disability Framework was developed will continue in its implementation phase. Working in close partnership with other areas of the Justice Portfolio, government departments, such as the Department of Human Services, and the disability sector is a key objective of the Disability Framework.

Embedding responsiveness to disability in the everyday practice of Corrections Victoria will require changes to the way Corrections' services and functions are undertaken. To achieve this, actions within the Disability Framework aim to establish reliable prevalence and assessment data, enhance access to programs and services, and equip the Correctional workforce with the necessary skills to appropriately manage offenders with a disability.

Change in any organisation is challenging. We aim to meet this challenge through strong leadership on the issue of disability at all levels of Corrections Victoria operations and through the clear directions set out in the Disability Framework. This will assist Corrections Victoria in achieving its mission to deliver a safe and secure corrections system in which we actively engage offenders and the community to promote positive behaviour change.

I acknowledge the work of the many people and agencies who have contributed to the development of the Disability Framework, and the stakeholders who will support our change program over the next three years.



KELVIN ANDERSON
Commissioner
Corrections Victoria
June 2007

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Vision

Of The Corrections Victoria Disability Framework

Corrections Victoria has a vision of addressing the issue of disability by integrating it into all aspects of planning, training, program development and infrastructure projects. In this way, 'disability' would be considered as mainstream business rather than as an add-on or afterthought. However, this long-term aspiration will require leadership and ongoing commitment to ensure cultural change. The strategy to realise this vision within Corrections is three-fold:

- Development and implementation of immediate responses to known populations and issues.
- Scoping work to better identify 'hidden' disability populations.
- A Disability Framework comprised of this policy statement and rolling three-year workplans.

Statement Of Principles

The Corrections Victoria Disability Framework has adopted a Statement of Principles¹ to underpin the provision, management, development and planning of services, programs and policy for offenders² with a disability.

Corrections Victoria is committed to the following four principles.

Providing Fairer Access To Services

- All offenders with a disability have the same rights as non-disabled offenders to access and participate in services and programs that are appropriate to their needs. Every attempt will be made to reduce the barriers that prevent participation in services and programs.
- Where it is demonstrated as necessary, additional measures will be supported to ensure all offenders have access to services and programs.

Supporting Improved Access To Justice

- All staff will receive the necessary leadership, training, support and preparation to work effectively and appropriately with offenders with a disability.
- Staff will be made aware of the legislative and procedural provisions that protect the rights of offenders with a disability who have an impaired capacity for decision-making.
- The provision of effective correctional practice in relation to offenders with a disability will be based on research and best practice to ensure quality outcomes and best value for the resources available.

...ongoing commitment to ensure cultural change.

¹ In developing these principles, the contribution of the following sources is acknowledged: *Goals, values and principles*, Rikosseuraamusvirasto (Finnish Prison and Probation Service); *Statement of purpose and Prison service orders*, Her Majesty's Prison Service, United Kingdom; *Mission of the Correctional Service of Canada*, Correctional Service of Canada; *State disability plan 2002–2012*, Department of Human Services, Victoria.

² The term 'Offenders' refers to those sentenced to prison and to those on a community-based disposition. Where the term is used in the context of prisons, the term offender should be read to mean 'prisoners'.

Equality of opportunity for offenders with a disability...

Protecting And Promoting Diversity

- In valuing difference, the diversity (race, culture, ethnicity, nationality, health, sexuality and gender) of offenders with a disability is recognised and respected. The development and implementation of best practice initiatives will encourage and support this diversity.
- Equality of opportunity for offenders with a disability will be actively promoted, and unlawful discrimination will not be tolerated.

Strengthening Our Partnerships

- Close partnerships with the disability, mental health and broader health and community systems are integral to providing better outcomes for offenders with a disability in addressing re-offending and enhancing community safety. Such partnerships will help achieve consistency of responses and integrated service systems.

Objectives

The Corrections Victoria Disability Framework encompasses seven themes:

- *Ensuring Policy Alignment:* bringing all existing and new standards, policies and procedures governing corrections interventions and administration into line with the Disability Framework.
- *Building The Evidence Base:* establishing reliable prevalence and assessment data.
- *Improving Access And Infrastructure:* ensuring access to buildings, equipment and

information for offenders with a disability meets legal and building code requirements.

- *Enhancing Systems:* aspiring to an enhanced continuum of care for offenders with disabilities entering and exiting the criminal justice system.
- *Enhancing Skills:* equipping the Corrections workforce with the necessary skills to appropriately manage offenders with a disability.
- *Ensuring System Transparency:* establishing independent and ongoing monitoring, evaluation and reporting on the responsiveness of Corrections interventions to offenders with a disability.
- *Ensuring Stakeholder Communication And Support:* establishing ongoing consultative mechanisms through which Corrections Victoria engages formally and regularly with stakeholders, specifically concerning the issue of offenders with disabilities.

Introduction

'Addressing The Barriers' – The Corrections Victoria Disability Framework (the Disability Framework), articulates a systematic and integrated approach to tackle the barriers to services and programs that offenders with a disability face, and to assist them to adopt a crime-free lifestyle. This document is a public commitment by Corrections Victoria that outlines the initiatives proposed to address those barriers. It actively seeks to eliminate any discrimination by:

- Addressing the access of offenders with a disability to standard services, while also developing and delivering specialist services and programs, as required.
- Enhancing partnerships between Corrections Victoria and other key stakeholders within and external to the criminal justice system. Partnerships with other Department of Justice business units, such as the courts, as well as the Department of Human Services, will help to develop a continuum of care that is designed to achieve consistent responses and an integrated service system.

The Disability Framework sits within the broader context of the Department of Justice *Disability Action Plan* 2005–2008. The objectives of the Disability Framework are consistent with the priority strategies identified in the Department of Justice *Disability Action Plan*, with particular relevance to Priority Strategy 1: Creating accessible services and Priority Strategy 2: Access to the Justice

system. Corrections Victoria is committed to actively participating in the implementation of the Department of Justice's *Disability Action Plan* and expects all of its staff to comply with its requirements.

Offenders with a disability are at the edges of an already marginalised population. There is an over-representation of people with a range of disabilities in the criminal justice system in Victoria³, which requires thoughtful and thorough responses from government and the community to address this significant issue. Concurrently, Corrections Victoria is increasingly taking a differentiated approach to dealing with the needs of different offender populations so that re-offending is better addressed and community safety enhanced.

The population of offenders with a disability within the correctional system has traditionally received a different response from non-disabled offenders, if only to ensure that offenders with intellectual disabilities, or those with a mental illness who may be vulnerable or at risk of self-harm due to their disability, are kept safe in prison. Over and above this primary responsibility for offender safety, Corrections Victoria is committed to systematically considering disability in its service response to provide better individual and community outcomes in terms of reducing re-offending.

These broader responsibilities require Corrections Victoria to work toward integrated service responses as

...adopt a crime-free lifestyle.

³ Attorney-General 2004, *New directions for the Victorian justice system 2004–2014*, Corporate Communications, Department of Justice, Victoria.



offenders with a disability exit prison into the community, or live with community-based dispositions. The Corrections Victoria Disability Framework is the vehicle for that change agenda. Corrections Victoria has simultaneously sought to enhance existing services and programs, while the Disability Framework seeks to address service gaps that place increasing strain on prison infrastructure, correctional management and services, and to provide more positive rehabilitation outcomes for offenders with disabilities.

Background

About Corrections Victoria

As a Department of Justice business unit, Corrections Victoria is responsible for the direction, management and operation of Victoria's adult corrections system, which incorporates prisons and Community Correctional Services.

Corrections Victoria manages some 50 Community Correctional Services locations across the state. It is also responsible for managing Victoria's 11 public prisons and overseeing the contracts relating to the management of two privately operated prisons. The current prison population totals around 4,100 men and women, both sentenced and on remand on a daily basis. Community Correctional Services supervises in the order of 7,600 offenders on community-based dispositions at any one time.⁴

Legislative And Policy Context

The Corrections Victoria Disability Framework has been developed in the context of a hierarchy of standards, policy, guidelines and legal parameters. There is a range of relevant international instruments to which Australia is a signatory.

International legal instruments

- Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)

- United Nations Declaration on the Rights of Mentally Retarded Persons (1971)
- United Nations Declaration on the Rights of Disabled Persons (1975)
- International Convention on the Rights and Dignity of People with Disabilities (currently being developed)
- Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988)
- Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1993)

National And State Legislation

- *Disability Discrimination Act 1992* (Cwlth)
- *Human Rights and Equal Opportunity Commission Act 1986* (Cwlth)
- *Equal Opportunity Act 1995* (Vic.)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic.)
- *Intellectually Disabled Persons Services Act 1986* (Vic.)
- *Disability Services Act 1991* (Vic.)
- *Disability Act 2006* (Vic.)⁵

Correctional Standards

- United Nations Standard Minimal Rules for the Treatment of Prisoners (1957)
- National Guidelines for Corrections in Australia (2004)
- Correctional Management Standards (Victoria) for Prisons (2006) and CCS (2005)
- Health Standards (2005)

⁴ 31 May 2007

⁵ The *Disability Act 2006* (Vic.) came into operation on 1 July 2007, replacing both the *Intellectually Disabled Persons Services Act 1986* (Vic.) and *Disability Services Act 1991* (Vic.).

...target the causes of offending ...

In this policy context, Corrections Victoria has developed this Disability Framework after taking account of the Victorian Government's social policy agenda, which is outlined in the following policy statements:

- *Growing Victoria together: a vision for Victoria to 2010 and beyond* (2005)
- *A Fairer Victoria* (2005)
- Attorney General's Justice Statement (2004)
- Victorian State Disability Plan 2002–2012 (2001)
- Department of Justice Disability Action Plan 2005–2008 (2005)

What Is Disability?

Consistent with the Department of Justice's Disability Action Plan 2005–2008, the Corrections Victoria Disability Framework has adopted the definition of 'disability' contained in the Commonwealth *Disability Discrimination Act 1992*.⁶ The breadth of this definition ensures the range of people with various disabilities is included within this Disability Framework and the ongoing operations of Corrections Victoria. This definition includes:

- cognitive impairment, including intellectual disability and acquired brain injury
- mental illness
- sensory disability
- physical disability

The impact of disability in the general community is significant. The general rate of disability across Australia,

inclusive of the range of disability outlined above, is 19 per cent of the total population, and the disability results in a specific restriction in around 15 per cent of cases. Of this 15 per cent, some 38 per cent of people with a core activity restriction have a mild level of restriction associated with their disability. A further 23 per cent have a moderate level, 21 per cent a severe level, and 19 per cent a profound level of restriction. The offender population will reflect this profile, to some extent.⁷ As yet, the specific disability profile of offenders is incomplete and remains a significant challenge for Corrections Victoria to identify (see *Offenders With A Disability* page 7).

Rationale

The Corrections Victoria Strategic Plan 2006–2007 has the stated goal of implementing:

A system which combines a high level of supervision with opportunities to address the causes of offending, and which meets community expectations and changing demands.

To realise this goal, Corrections Victoria employs three key strategies:

- Deliver proven programs that target the causes of offending and are empirically supported.
- Improve the assistance given to offenders making the transition from prison back into the community.
- Improve the management of sex offenders.⁸

⁶ Commonwealth *Disability Discrimination Act 1992* (Preliminary, Part 1 Section 4).

⁷ Australian Bureau of Statistics 2001, 4443.1–Disability, New South Wales

⁸ Corrections Victoria Strategic Plan 2006–2007.

The development of the Corrections Victoria Disability Framework has been driven by three underlying concerns:

- *Community Safety:* Corrections Victoria is committed to enacting the Government's vision of a safer community. As most offenders in prison will eventually return to the community, and those on community-based orders reside in the community, it is imperative to maximise the effectiveness of efforts to rehabilitate offenders. Evidence shows rehabilitation must take account of individual needs, including different learning styles.⁹ Therefore, to most effectively address recidivism and target those at high risk of re-offending, the presence of a disability needs to be taken into account.
- *Compliance And Rights:* Corrections Victoria is committed to meeting its various compliance obligations as outlined in Victorian and Commonwealth disability legislation and policy. There is a strong human rights and social justice imperative supporting the need for this Disability Framework.

Australia is a signatory to a range of international instruments detailing the rights of people with a disability. These instruments have been enacted in Commonwealth and State legislation, and underpin the broader social

approach in Australia that enables people with a disability to be active and contributing members of Australian society.

These state, national and international obligations strengthen a fundamental humane concern for the physical and mental wellbeing of offenders with a disability. They support the principle of equivalence that requires offenders with a disability to have the same rights of availability, access and quality of services as other offenders, and that the needs of offenders with a disability are addressed on the basis of equity and a non-discriminatory approach.

- *Differentiated Responses:* Local and international evidence suggests that recidivism rates for offenders with an intellectual disability are higher than those of non-disabled offenders.¹⁰ This may point to a failure in the effectiveness of universal approaches to correctional service delivery for those with disabilities.

With the advent of the influential 'What works' approach within the correctional arena, there is now a significant body of international evidence to indicate the range of interventions that have a positive impact on recidivism. A series of principles has been developed from this evidence base that can drive initiatives to reduce re-offending.

⁹ One of the principles drawn from 'What works', the international body of evidence that articulates the key principles that underlie effectively addressing re-offending, is the responsivity principle. With reference to offenders with a disability, responsiveness means addressing the various barriers those offenders with a disability experience in participating in programs and services that address re-offending.

¹⁰ Cockram, J 2005, 'Careers of offenders with an intellectual disability: the probability of re-arrest', *Journal of Intellectual Disability Research*. vol. 49, no. 7, pp. 525–536.

...maximise opportunities for rehabilitation...

Responsivity is one of these key principles. It refers to the particular learning styles or other needs of offenders (in this case, those with a disability) being used to help shape offending behaviour programs and how they are delivered. This can be through program adaptation or enhancement. Tailoring programs to the needs of those with a disability seeks to maximise opportunities for rehabilitation and, ultimately, can contribute to enhanced community safety. Similarly, a differentiated approach informed by an offender's disability could lead to more effective day-to-day management of those offenders in prison and improve the compliance of offenders supervised by Community Correctional Services.

Impact Of Disability

Many of the issues concerning offenders with and without disabilities are similar. However, there is often an added complexity to the needs of those with a disability. Research suggests offenders with an intellectual disability are likely to come from fractured and violent family

backgrounds, have concomitant psychiatric or substance abuse problems, be homeless, be a victim of abuse, and have poor social and communication skills.¹¹ These factors may be part of the profile of offenders generally, but are often more pronounced and severe in the case of those with a disability. Within the known populations of offenders with a disability, the ideal response often involves integrated and longer term interventions such as provision of secure and supported long-term accommodation, ongoing programs to address habilitation needs, psychiatric care, suicide prevention, substance abuse, and adequate health care.¹² It may well be that offenders with an intellectual disability have skills deficits that differentiate them from non-disabled offenders which require attention.¹³ Some researchers have contended that offending may be precipitated by disinhibition, and poor social and heterosocial skills.¹⁴ Understanding the profile of offenders with a disability will inform 'constructive ways of working with offenders to prevent crime'.¹⁵

¹¹ Hayes, S 2005, 'Prison services and offenders with intellectual disability – the current state of knowledge and future directions', paper presented at the 4th International Conference on the Care and Treatment of Offenders with a Learning Disability, 6–8 April 2005, University of Central Lancashire, Preston, UK.

¹² Hayes 2005.

¹³ Glaser, W & Deane, K 1999, 'Normalisation in an abnormal world: a study of prisoners with an intellectual disability', *International Journal of Offender Therapy and Comparative Criminology*, vol. 43, no. 3, pp. 338–356.

¹⁴ Glaser & Deane (1999), Hinsburger et al. (1991) and Luiselli (2000) cited in Lindsay, W 2002, 'Research and literature on sex offenders', *Journal of Intellectual Disability Research*, vol. 46, supplement 1, pp. 74–85.

¹⁵ McMurrin & Hollin cited in Lindsay, WR, Taylor, JL & Sturmey, P 2004, *Offenders with developmental disabilities*, John Wiley and Sons, England, pp. xiii.

Continuum Of Care

People with a disability often move between the criminal justice system and the forensic disability and generic welfare systems. The Disability Framework seeks to provide the foundations for service integration where disability, custodial, education, health, recreation and vocational services come together to provide a holistic response to effectively respond to the range of issues that underpin dealing with re-offending effectively. This requires coordination within other areas of the Department of Justice, such as courts and with its key partner, the Department of Human Services (DHS). Current work being undertaken by Corrections Victoria and the Statewide Forensic Service, Disability Services, DHS, will provide the foundation for a coordinated approach across agencies, and ensure sex offenders with an intellectual disability, for example, receive consistent treatment to address re-offending.

Offenders With A Disability

A key focus in the development of the Disability Framework has been the identification of offenders with a disability, and specific information about their type of disability.

Corrections Victoria 'disability-related' information is limited to those who have an intellectual disability and are registered with DHS. In developing the Disability Framework, Corrections Victoria has demonstrated its commitment to identifying offenders with a disability in a more systematic manner by undertaking research in

2005 and 2006 into 'hidden' disabilities such as acquired brain injury and hearing loss. Both studies are at the forefront of national and international research. Preliminary research into acquired brain injury found data, albeit indicative, that was compelling enough to warrant a full study. A study exploring the prevalence and nature of hearing loss among Indigenous offenders in prison has provided an evidence base to inform system responses.

Baseline data has been supplemented with additional data from other Australian and international jurisdictions. Screening and identification of offenders with a disability is the first step in developing a system that will better address the range of issues associated with the presence of a disability among offenders. The presence of a disability can impact on the process of rehabilitation to reduce re-offending, and the daily management of offenders.

... identification of offenders with a disability is the first step...

Mental Health

Serious mental illness is over-represented in the Victorian correctional system¹⁶, and in similar jurisdictions around the world.¹⁷ As a result, there has been a strong demand on forensic mental health services provided by Corrections Victoria and DHS through the Victorian Institute of Forensic Mental Health (Forensicare).

The Disability Framework complements the work currently being undertaken to design an improved model for responding to offenders with mental health issues in prison. The latter piece of work is a collaboration between DHS and the Department of Justice. Work is also under way to enhance Corrections Victoria practices to further reduce the risk of suicide by offenders in prison as well as those supervised by Community Correctional Services. There is also recognition of the specific needs of women, and the *Better Pathways* strategy (2005) includes specific initiatives to address the mental health needs of female offenders in prison.

Intellectual Disability

Previously, the available data on the extent of disability among offenders with a disability in the Victorian correctional system was somewhat limited as available data was confined to those offenders registered with DHS as having an intellectual disability. This diminished the system's capacity to develop and implement appropriate responses.

Offenders registered as having an intellectual disability comprise only a small proportion of the offenders in the Victorian prison system. A study found the imprisonment rate of offenders registered as having an intellectual disability over 1994–1998 ranged from 1.4 per cent to 1.8 per cent.¹⁸ With a prison population of approximately 4,100, the actual number of male offenders registered as having an intellectual disability is approximately 65, and the number of women offenders with an intellectually disability is two or three¹⁹; this equates to 1.7 per cent of the total prison population.

¹⁶ The Victorian Prisoner Health Study (Corrections Victoria 2003) indicates prevalence rates of a major mental disorder among prisoners at three to five times what might be expected to be seen in the community.

¹⁷ A range of prevalence studies on mental illness in correctional systems has been undertaken. For example, a Canadian study found that 5 per cent of inmates were 'severely psychiatrically disabled' and 10 per cent 'significantly psychiatrically disabled'. These rates were significantly higher than that found in the general population (Ogloff, J 2002, 'Offender rehabilitation: from 'nothing works to what next?', *Australian Psychologist*, vol. 37, no. 3, pp. 245–252).

¹⁸ Lambrick, F. (2002). Issues surrounding the risk assessment of sexual offenders with an intellectual disability. *Psychiatry, Psychology and Law*, 10(2), 353–358.p. 356.

¹⁹ As at 30 September 2006.

Comparisons with the general prison population are problematic given the small numbers; however, preliminary data from Corrections Victoria research indicate that offenders registered with an intellectual disability enter the Victorian prison system at a younger age and, in general, have a greater number of prior terms of imprisonment.

These offenders were more likely to have a property offence and less likely to have had a drug offence as their most serious offence compared with non-disabled prisoners; they were no more or less likely to have other offences such as murder, other homicides, assaults and sex offences as their most serious offences than non-disabled prisoners.

There may be a small number of offenders with an intellectual disability who have not been registered as having an intellectual disability²⁰. There is also likely to be a significant number of offenders who have a borderline intellectual disability (and therefore are not eligible to be registered as having an intellectual disability). The Disability Framework seeks to identify these two groups through improved screening processes.

Diversity

Disability cuts across a range of other diversity issues that, in turn, need to be considered when developing appropriately differentiated responses. These include gender, Indigenous status, and cultural and linguistic diversity (CALD). Diversity creates another level of complexity that requires consideration when developing initiatives to better address the needs of these sub-populations.

Women Offenders

The integrated response to address the issues associated with female offenders, through the *Better Pathways* strategy²¹, is a prime example of the differentiated approach to diverse offender populations. Within *Better Pathways* are a number of key initiatives that seek to address primary concerns, particularly mental health, through the Dame Phyllis Frost Centre's new flexible intensive support unit that will provide acute psychiatric care for women offenders.

Indigenous Offenders

The Victoria Aboriginal Justice Agreement Phase 2 (2006), born out of the Royal Commission into Aboriginal Deaths in Custody, seeks to address

The issue of Indigenous people with a disability has received little attention...

²⁰ The current process of eligibility and registration may alter with the proclamation of the Disability Act 2006 on 1 July 2007.

²¹ The *Better Pathways* strategy has been developed in response to the 84 per cent increase between 1998 and 2003 in the number of women in prison. The Victorian Government provided \$25.5 million for the implementation of *Better Pathways* over the four years 2005–06 to 2008–09 in the May 2005 State Budget. The strategy includes 37 initiatives to address the increase in women's imprisonment. Of these, 28 are specific projects to be implemented over the next four years which focus on reducing women's imprisonment, re-offending and victimisation.

the over-representation of Indigenous people in the criminal justice system. A differentiated response is made more complex when disability is considered. The issue of Indigenous people with a disability has received little attention and presents another challenge for correctional systems. Corrections Victoria has commenced this work by scoping the issue of hearing loss among Indigenous male and female offenders in the Victorian prison system.

Culturally And Linguistically Diverse (CALD) Offenders

Access for this sub-population may appear as simple as the provision of interpreters. However, as with non-disabled offenders from CALD backgrounds, there may be cultural considerations that need to be considered that are specific to the issue of disability. Given the breadth of offenders²² from CALD backgrounds in the Victorian correctional system, responses to offenders with a disability are likely to be individual.

²² As at 30 June 2006, 17% of offenders were born in countries other than Australia, New Zealand, United Kingdom, Ireland, USA and Canada. This equated to 660 prisoners and 1,215 offenders being supervised by Community Correctional Services. These figures are likely to be an under representation of the actual number of CALD offenders in the Victorian correctional system.

Disability Framework

What Is The Corrections Victoria Disability Framework?

Purpose

The purpose of the Disability Framework is to deliver cohesive action that will:

- Ensure offenders with a disability have access to the full range of services provided to non-disabled offenders.
- Support additional measures to pursue equal access where it is demonstrated as being necessary.

Corrections Victoria is seeking to embed the issue of disability in all of its planning, training, program development and infrastructure projects.

Scope

The Disability Framework consists of this policy statement and a workplan. Its scope will include:

- All offenders under community-based supervision, and those on remand and sentenced to prison.
- Strategic policy/planning.
- Operational and service development and implementation.

How Was The Corrections Victoria Disability Framework Developed?

The project governance and consultation process reflected the various areas in the 'pathway' that many offenders with a disability follow when they move in and out of the correctional, broader criminal justice, forensic disability and generic welfare systems.

Project Governance

A project board chaired by Kelvin Anderson, Commissioner, Corrections Victoria oversaw the development of the Disability Framework. Project board membership comprised:

- Kelvin Anderson, Commissioner, Corrections Victoria
- Paul Delphine, Deputy Commissioner, Prisons, Corrections Victoria
- Michael Carroll, Director, Offender Management Services, Corrections Victoria
- David Arblaster, Manager, Diversity Issues Unit, Department of Justice
- Donna Scott, General Manager, Strategic Policy and Diversity Unit, Corrections Victoria
- Janelle Morgan, Manager, Courts and Programs Development Unit, Department of Justice
- Julian Gardner, Public Advocate, Office of the Public Advocate
- Brenda Boland, Director, Community and Individual Support Branch, Disability Services, Department of Human Services

Consultation

Consultation with internal and external stakeholders has been an important input in the development of the Disability Framework. Information was distributed on the proposed Disability Framework and feedback was received in writing and through meetings with stakeholders. Those external to Corrections Victoria who were canvassed included government and non-government forensic disability service providers, the Indigenous community, as well as courts and other broader criminal justice system stakeholders.

Corrections Victoria is seeking to embed the issue of disability in all of its planning, training, program development and infrastructure projects.

Consultation with internal and external stakeholders has been an important input in the development of the Disability Framework.

However, given the nature of the correctional service system, consultation with 'users of the service' is difficult compared with consultation with clients in other services or forms of business. Acknowledging the sensitivity of this area, Corrections Victoria has depended on systemic advocacy and advisory structures set up by the Victorian Government. Primarily this has occurred through the Disability Advisory Council of Victoria (DACV) and the Office of the Public Advocate (OPA).

Corrections Victoria has also undertaken some limited consultation with offenders with a disability to identify barriers that may hinder rehabilitation and, in turn, impact on recidivism. Focus groups and individual interviews were conducted with offenders with an intellectual disability at different prison locations. These provided a means to test assumptions and investigate the alignment between individual situations and system initiatives, and supplemented the advice from the OPA and DACV.

Supporting The Implementation Of The Disability Framework

The Disability Framework focuses on exploring ways to improve Corrections Victoria's response to offenders with a disability. Many of the directions articulated are about adapting the ways that Corrections Victoria does business. Implementing the sixty-four actions arising from the Disability Framework will require changes to the way in which Corrections' services and

functions are undertaken, as better practices are embedded in its operations. To support such change, Corrections Victoria will review existing policies and procedures and provide training and other resources. Changes will also be supported through strong leadership within Corrections Victoria and clear communication about what the Disability Framework aims to achieve.

Objectives –

Achievements And Plans

During the development of the Disability Framework, Corrections Victoria has already commenced implementing a number of important initiatives, rather than waiting for the formal Disability Framework to be completed. These initiatives have targeted the shortcomings of existing services and programs for offender populations with a disability that may be undermining rehabilitation and impacting on community safety. These initiatives will complement the comprehensive range of planned actions detailed in the workplan that are to be implemented over the next three years, and are consistent with Disability Framework objectives.

The achievements to date and the workplan actions are listed below under each of the Disability Framework's seven objectives.

Objective 1: Ensuring Policy Alignment

Outcome: Bringing all existing and new standards, policies and procedures governing corrections interventions and administration into line with the Disability Framework's statement of principles.

What We Have Already Done

- Prison locations have initiated a review of policy and procedures to take account of offenders with a disability. For example, the Melbourne Assessment Prison is developing a local operating procedure for offenders with a disability.
- The protocol between Corrections Victoria and Disability Services,

DHS concerning services for offenders with a disability is being updated. This is strengthening the partnership between the two organisations.

What We Will Do Over The Next Three Years

- Systematically review Corrections Victoria's policies and practices to meet the needs of offenders with a disability.
- Develop a strategy to ensure diversity issues, including disability, are incorporated when developing organisational business plans.
- Consider existing internal complaints mechanisms to ensure equitable access for offenders with a disability.

Objective 2: Building The Evidence Base

Outcome: Establishing reliable prevalence and assessment data.

What We Have Already Done

- The partnership of *arbias* Ltd, La Trobe University and Corrections Victoria has developed a prototype tool to screen offenders for acquired brain injury.
- Research has been undertaken to investigate the presence of acquired brain injury and hearing loss among Indigenous offenders in the Victorian prison system.
- A research agenda has been developed in partnership with RMIT University and Statewide Forensic Services, DHS to investigate the effectiveness of programs to address sex offences committed by



- people with an intellectual disability.
- Corrections Victoria is researching the profile of offenders with an intellectual disability in the Victorian prison system, and will publish a research paper later in 2007.
- The Victorian Intervention Screening Assessment Tool (VISAT), a risk needs screening tool which includes a module on disability, has been implemented in Community Correctional Services.

What We Will Do Over The Next Three Years

- Explore the issues involved in delivering services to Indigenous offenders with a disability.
- Develop clinical, rehabilitative and service responses to offenders with a hearing impairment.
- Undertake a full screening and identification study of acquired brain injury in the Victorian correctional system.
- Establish the capacity to meet the requirements of older offenders with age-related disabilities.
- Develop joined-up processes to screen and identify people with a disability, in cooperation with other agencies in the criminal justice system.
- Establish an electronic database to hold individual and aggregated information about offenders with a disability.
- Implement the Victorian Intervention Screening Assessment Tool (VISAT) in prisons, to systematically identify offenders with a disability across the Victorian prison system.

Objective 3: Improving Access And Infrastructure

Outcome: Ensuring access to buildings, equipment and information for offenders with a disability meets legal and building code requirements.

What We Have Already Done

- The current capacity of Victorian prison cells for offenders with a physical disability has been scoped.
- The development of the Disability Framework has been publicised among key external stakeholders and on the Department of Justice (DOJ) website and intranet (J-NET).

What We Will Do Over The Next Three Years

- Develop and distribute guidelines for the provision of accessible information.
- Adopt recognised guidelines to ensure all Corrections Victoria documentation is produced in accessible formats. This will consider font size and type, document formatting and headings.
- Develop and distribute guidelines on accessible complaints processes.
- Review all Corrections Victoria website information and DOJ websites, and progressively ensure they comply with the AA or AAA rating of the World Wide Web Consortium's Web Accessibility Initiative.
- Review the status of current DOJ premises audits and, where necessary, conduct new audits. This process will include audits of

- assistive listening and communications systems.
- Progressively improve physical access to DOJ premises for people with a disability.
- Ensure prisoner transportation – fleet fitout, scheduling and routing – has the capacity to meet the needs of offenders with a disability.
- Review, and where necessary, implement improvements to emergency evacuation procedures to ensure the safety of offenders with a disability.

Objective 4: Enhancing Systems

Outcome: Aspiring to a continuum of responsibility for offenders with disabilities entering and exiting the criminal justice system.

What We Have Already Done

- The cognitive skills program for offenders with a cognitive impairment has been developed and delivered.
- An introductory program co-facilitated by Corrections Victoria and the Statewide Forensic Service, DHS for male offenders with an intellectual disability has been delivered as preparation for rehabilitation programs to address recidivism at the Port Phillip Prison.
- A Manager, Disability Pathways was appointed in Corrections Victoria to lead operational initiatives across prisons and Community Correctional Services. These initiatives are designed to improve access to existing programs and services.

- A Clinician, Disability Pathways in Corrections Victoria was appointed to facilitate offending behaviour programs and provide specialist advice about offenders with a disability.
- The 2005 Disability and Criminal Justice Conference was co-convened, with the Australian Community Support Organisation (ACSO) and the Office of the Public Advocate (OPA).
- Standards were developed for the delivery of offending behaviour programs to offenders with a cognitive impairment.
- A tripartite reference group of Port Phillip Prison, Statewide Forensic Service, DHS and Corrections Victoria was established to guide the further development of the 35 bed specialist unit at Port Phillip Prison for male offenders with an intellectual disability.

What We Will Do Over The Next Three Years

- Organise events to raise awareness about disability issues including an annual celebration of the International Day of People with a Disability.
- Deliver appropriate rehabilitation programs designed to address recidivism for offenders with a cognitive disability in prisons and community corrections.
- Develop and implement disability portfolio positions in CCS locations and prisons.
- Enhance partnerships with the courts to improve the continuum of care for offenders through the criminal justice system.

- Examine the current provision of post-prison housing, with appropriate support for offenders with a cognitive impairment.
- Enhance correctional practices to further reduce the risk of offender suicide.
- Interface with the Better Pathways strategy to ensure the needs of female offenders with a disability are addressed.
- Examine the restorative justice approach in relation to offenders with a disability, in partnership with the recently opened Neighbourhood Justice Centre.
- Examine the prison and transitional service provision for offenders with age-related disability.
- Implement treatment communities for offenders with a cognitive impairment to trial the effectiveness of an holistic therapeutic approach to address recidivism.
- Co-convene with the Australian Community Support Organisation (ACSO) and the Office of the Public Advocate (OPA), a national Disability and Criminal Justice Conference in 2007 and 2009.
- Establish an expert forensic disability committee to guide the development of systems and treatment responses to offenders with a disability.
- Enhance access to prison industries and education services for offenders with disabilities in light of the implementation of the Bearing Point Review of Education and Training Provision in Victorian Prisons.
- Examine service improvements for offenders with a psychiatric disability.

Objective 5: Enhancing Skills

Outcome: Equipping the Corrections workforce with the necessary skills to appropriately manage offenders with a disability.

What We Have Already Done

- Custodial staff in specialist units for offenders with an intellectual disability have been trained by Corrections Victoria and Disability Services, DHS.
- Current specialist training information on opportunities in forensic disability studies has been distributed.

What We Will Do Over The Next Three Years

- Develop a training strategy to provide a range of training appropriate to staff roles.
- Facilitate access to information about relevant training and study opportunities in forensic disability studies for correctional staff.
- Develop a range of training for prisoners undertaking the role of mentors with offenders with a disability.
- Provide information regarding the Disability Framework during staff induction processes, staff development activities and promotional initiatives.

Objective 6: Ensuring System Transparency

Outcome: Establishing independent and ongoing monitoring and reporting on Corrections' responsiveness to offenders with a disability.

What We Have Already Done

- The Office of the Public Advocate, Disability Services (DHS) and the Courts Integrated Services Program (DOJ), through their membership of the project board, have contributed to the development of the Corrections Victoria Disability Framework by examining relevant documentation and policy settings.
- Regular engagement has occurred with the Disability Advisory Council of Victoria on the needs of offenders with a disability.

What We Will Do Over The Next Three Years

- Ensure Corrections Victoria Leadership Team members will be accountable for the Disability Framework by including an explicit commitment in their work performance plans to progress its implementation.
- Register the Corrections Victoria Disability Framework with the Human Rights and Equal Opportunity Commission.
- Develop and adopt a new Corrections Victoria Disability Framework for the next three-year cycle, 2010–2012.
- Internally review service and/or program delivery for offenders with a disability.

Objective 7: Ensuring Stakeholder Communication And Support

Outcome: Establishing ongoing consultative mechanisms through which Corrections Victoria engages formally and regularly with

stakeholders about the issue of offenders with a disability.

What We Have Already Done

- An extensive consultation process has been undertaken with internal and external stakeholders as part of the development of the Corrections Victoria Disability Framework. This included the Disability Advisory Council of Victoria and the Office of the Public Advocate.
- Public briefings were provided at a range of forums including the Corrections Victoria Stakeholders Forum and the Disability and Criminal Justice Conference 2005.

What We Will Do Over The Next Three Years

- Develop a strategy to increase the participation of appropriately qualified people with disabilities on relevant Corrections Victoria boards, committees and working parties.
- Table the Disability Framework as a major agenda item of the DOJ Diversity Issues Unit half-yearly Disability Stakeholders Forum.
- Establish a Corrections Victoria Disability Framework Implementation and Monitoring Committee that will be chaired by the Commissioner, Corrections Victoria.
- Develop a consultation process for Corrections Victoria to utilise when engaging and consulting with offenders with a disability.

Conclusion

Corrections Victoria is committed to enhancing the safety of the Victorian community. The Corrections Victoria Disability Framework is an important element of its strategy to realise this aim. The organisation's intent is demonstrated through the adoption of a three-year cycle where the Disability Framework is developed, implemented and reviewed, and the next three-year Disability Framework is then developed.

Corrections Victoria has also signalled its commitment to working in partnership with the wide range of stakeholders who play a part in the lives of offenders with a disability. This work needs organisational leadership to succeed, and the Disability Framework Implementation and Monitoring Committee, chaired by the Commissioner, Corrections Victoria will be critical in achieving the is goal. Progress reports on the implementation of the Disability Framework will be provided to the Department of Justice Disability Stakeholders Forum, which will include stakeholders such as the Disability Advisory Council of Victoria and the Office of the Public Advocate.

