

1.10 DISABLED OFFENDERS

This policy manual section is developed from the NSW Government Disability Framework 1998 and the relevant legislation including the Disability Services Act 1993 and the NSW Anti-discrimination Act 1997.

The Disability Action Plan of the Department of Corrective Services sets out objectives for developing programs, services and facilities which are accessible to and supportive of people with a disability and which allow persons with a disability to use those services and facilities to the same extent as other people. The plan provides that there will be no discrimination in services or workplaces against persons with a disability, and that disability principles will be incorporated into the Department's policies and practices.

A person is in the target group if the person has a disability –

- a) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or impairments; and
- b) that is permanent or likely to be permanent; and
- c) that results in reduced capacity in one or more major life activities; and
- d) that requires support.

Disabilities include the following impairments and conditions –

- Total or partial loss of a person's bodily or mental functions;
- Total or partial loss of a part of the body;
- The presence in the body of organisms causing, or capable of causing, illness or disease;
- A disorder, malfunction or disfigurement of a part of a person's body;
- A disorder or malfunction that results in a person learning differently from others;
- A disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour;

And includes a disability that –

- Presently exists; or
- Previously existed but may no longer exist; or
- May exist in the future; or
- Is imputed to a person

Offenders may endure a single disability or combination of disabilities.

The Disability Action Plan 2001 – 2002 establishes generic outcomes and performance indicators concerning equitable offender access to Departmental programmes, providing the required additional support to disabled offenders and remandees and addressing post release needs. Section 8 of that Action Plan is particularly relevant to correctional industry programs.

The emphasis in strategy is the early identification and appropriate management of disabled offenders and remandees. Relevant staff are expected to work in multi-disciplinary teams towards this end. Identification and appropriate management of offender disability is expected via the initial reception and screening process and as a core outcome of ongoing case management.

Appropriate management includes sentence planning, pathways and programming based on high quality information sharing among case team members. The position of Manager Centre Services and Employment or the designated individual performing this function are pivotal CSI staff in disability management. The Department offers a two day training module named 'Managing Offenders with Mental Health Issues' which should be included in the Manager Centre Services and Employment individual training template and completed within the scope of the Action Plan for CSI at each Correctional Centre.

Recent surveys reveal that some 20% of offenders are disabled and are categorised into 'severe or serious mental illness', 'intellectual disabled' or 'other' disabilities. The ageing of the offender population is increasing the incidence of disability.

The CSI strategy for disabled offenders is to offer mainstream correctional industry programs according to the nature and severity of disability. Where appropriate local CSI staff are to contribute toward the development of special workplace programs.

The Manager Centre Services and Employment or designated officer is to work as part of the correctional centre case team in identifying and sentence planning for offender disability, and addressing post release planning as appropriate.

CSI staff will provide close attention to a correctional endeavour focused on –

1. supporting, developing and enhancing an offender's employability skills
2. contributing to case management records and reporting through the employability skills framework; and
3. take a close personal interest in the care, special needs and welfare of disabled offenders.

The Disability Services Branch is able to provide an extensive range of information through the Manager, Disability Services.

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