

## Inmate Classification and Placement Corrective Services NSW

# Inmate Request for Review (Appeal) of Classification and Placement

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# Inmate Request for Review (Appeal) of Classification and Placement

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# 1 Overview

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The policy and procedures within this document must be utilised in conjunction with the [OVERARCHING POLICY - Policy for Inmate Classification and Placement](#).

All staff must be familiar with the overarching policy prior to utilising this document.

The overarching policy and the instructions and procedures within this document apply to all staff involved in the inmate classification and placement processes within NSW correctional centres.

The Manager or Deputy Manager Classification and Placement (M/DMCP) must allow every inmate the right of review against their decision, as long as it is not vexatious or frivolous. Such a review, following the required procedures, is to be forwarded to the Business Improvement & Reporting Officer BI&RO at Newington House.

## 2 Related documents

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This document is to be read and implemented in conjunction with:

- [Management of Public Correctional Centres Services Specifications](#)
- [Inmate Classification and Placement - Reviews](#)

## 3 Procedures for inmate request review of classification and placement

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Inmates have the right of appeal against a classification and placement review decision. An inmate is able to seek a review of the M/DMCP decision.

In the event the inmate was not present at the Classification and Placement Team (CPT) review, due to a legitimate reason, e.g. due to attending a medical appointment, the inmate is able to request a review of the decision/s.

The following are not grounds for review/appeal:

- dissatisfaction with the decision is not in itself grounds for a review;
- inmates cannot request a review of the determination of the inmate's initial classification and/or placement decision;
- an inmate may not seek a review of their placement when the placement decision is reasonable, taking into account the availability of accommodation for inmates in correctional centres across New South Wales (NSW).

When the M/DMCP rejects a recommendation of a CPT, they must give clear reasons for the rejection in the approval comments section of OIMS and ensure that the inmate is provided with the classification decision for their acknowledgement and signature.

Where an inmate is not satisfied with a classification and/or placement decision of a review, they may request a meeting with the M/DMCP through the Senior/Classification and Placement Officer (S/CAPO) or Case Officer to discuss decision/s.

An inmate is not able to seek a review of a classification/placement decision when the CPT recommendation is supported by the Manager/Deputy Manager, Classification & Placement, unless they can present information relevant to the determination that was not available to the inmate or provided to the Commissioner's delegate at the time the determination was made. This may include issue/s considered to contravene procedural fairness, and which on balance, would most likely have altered the decision.

A request for a review may be declined if, in the opinion of the M/DMCP, the request is frivolous or vexatious.

### 3.1 Procedures

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The request for a review must be made within 14 days of being notified of the decision.

The inmate must make a written application on an *Inmate Application* or *Inmate Request Form* indicating clear reason/s for requesting a review. If information was not available to the inmate at the time for the determination by the M/DMCP, and that information subsequently becomes available, the inmate must make a written application outlining this.

The inmate's application for review is to be registered and forwarded to the S/CAPO who will:

- compile a review package comprised of:
  - *Inmate's Application* or *Inmate Request Form*;
  - copy of the signed original classification and placement assessment;
  - any documentation utilised during the decision making process, and
- forward the package to the M/DMCP who ratified the assessment for comment, noting the date the application was received from the inmate.

The M/DMCP will then forward the package with comments to the BI&RO Newington House at [offender\\_classification@dcj.nsw.gov.au](mailto:offender_classification@dcj.nsw.gov.au), who will register the review in the Review Register and forward it to the Director/Assistant Director Classification and Placement (D/ADCP).

The D/ADCP is the sole arbitrator in the decision as to whether an inmate's request for a review is in accordance with Regulation and policy and should be subject to the review process.

### 3.2 Review request declined

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The D/ADCP can decline a review due to it not being in accordance with this policy. If the D/ADCP decides the request for review should not be subject to the review process, the D/ADCP will note the decision with reasons on the *inmate's Application* or *Inmate Request Form* and return it to the BI&RO.

The BI&RO will make a copy of this application for the register and return the application to the originating centre. The BI&RO will forward a copy of the review outcome to the requesting S/CAPO.

The S/CAPO must ensure the inmate is advised of the decision and given the opportunity to sign the review form. In the event the inmate refuses to sign, the S/CAPO must make a notation recording this on the review decision notification.

The S/CAPO must ensure a copy of the Review Committee decision is filed on the inmate's Case Management File (CMF) and local record management procedures are followed.

### 3.3 Review request granted

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If the D/ADCP decides the request for review is in accordance with this policy, a review committee will be formed.

The Review Committee will meet as required and consist of a quorum of three:

1. The D/ADCP as the Chairperson;
2. M/DMCP; and
3. M/DMCP.

**Note:** The M/DMCP who made the determination under review must not be part of the Review Committee. They may however be called on by the Committee for clarification of information being considered.

The Review Committee will consider the request for review and document its decision, with reason/s, on the 'Review of Classification/Placement Decision' and enter the decision on the OIMS.

The review package including the Review Committee decision is to be returned to the BI&RO who will ensure local record management procedures are followed.

The BI&RO will forward a copy of the review outcome to the requesting S/CAPO. The S/CAPO must ensure the inmate is advised of the decision and given the opportunity to sign the review form. In the event the inmate refuses to sign, the S/CAPO must make a notation recording this on the review decision notification.

The S/CAPO must ensure a copy of the Review Committee decision is filed on the inmate's CMF and local record management procedures are followed.

No further review of this decision of the Review Committee can be requested by the inmate. The inmate may however seek review/s of any subsequent classification and/or placement decision.

## 4 Request for review - checklist

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PROCEDURE	RESPONSIBILITY
1 Request for review of classification and placement decision submitted within 14 days.	Inmate
2 Register inmate request/application and forward to S/CAPO.	Centre staff
3 Compile review of classification and placement package: <ul style="list-style-type: none"><li>• Inmate's application</li><li>• Copy of the signed classification and placement assessment</li><li>• Any documentation utilised during the decision making process</li></ul>	S/CAPO
4 Forward package to D/MCP who ratified the assessment, noting date review request was received.	S/CAPO
5 Provide supporting comments and forward review request to the BI&RO at: <a href="mailto:offender_classification@dcj.nsw.gov.au">offender_classification@dcj.nsw.gov.au</a> .	M/DMCP
6 Register review and forward to the D/ADCP.	BI&RO

PROCEDURE		RESPONSIBILITY
7	D/ADCP either: <ul style="list-style-type: none"> <li>declines or</li> <li>grants the request for review</li> </ul>	D/ADCP
8	Review Request Declined	D/ADCP
9	Note the decision and return to the BI&RO.	D/ADCP
10	Register the decision and return the review package with decision to the requesting S/CAPO.	BI&RO
11	Advise inmate of decision and provide an opportunity for the inmate to sign acknowledging the decision.	S/CAPO
12	In the event the inmate refuses to sign, record this on the review outcome notice.	S/CAPO
13	Ensure the review decision is filed on the CMF and local record management in accordance with local procedures.	S/CAPO
14	Review Request Granted	
15	Form Review Committee – quorum of three: <ul style="list-style-type: none"> <li>D/ADCP</li> <li>M/DMCP</li> <li>M/DMCP</li> <li>Note the M/DMCP cannot form part of the committee</li> </ul>	D/ADCP
16	Consider request for review with all available information.	Review Committee
17	Document its decision, with reason/s, on the 'Review of Classification/Placement Decision' and enter the decision on the OIMS.	Review Committee
18	Note the decision and return to the BI&RO	D/ADCP
19	Register the decision and return the review package with decision to the requesting S/CAPO	BI&RO
20	Advise inmate of decision and provide an opportunity for the inmate to sign acknowledging the decision.	S/CAPO
21	In the event the inmate refuses to sign, record this on the review outcome notice.	S/CAPO
22	Ensure the review decision is filed on the CMF and local record management in accordance with local procedures.	S/CAPO
No further review of this decision of the Review Committee can be requested by the inmate. The inmate may however seek review/s of subsequent classification and/or placement decision.		

## 5 Abbreviations

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ACRONYM	MEANING
ADCP	Assistant Director Classification and Placement
BI&RO	Business Improvement & Reporting Officer
CAPO	Classification and Placement Officer
CMF	Case Management File
CPT	Classification and Placement Team
DCP	Director Inmate Classification and Placement
DMCP	Deputy Manager Classification and Placement
MCP	Manager Classification and Placement
SCAPO	Senior Classification and Placement Officer

## 6 Document history

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VERSION	DATE	REASON FOR AMENDMENT
1.0	25 October 2019	In line with Case Management Review outcomes
1.1	23 October 2020	General formatting update and improvements
2.0	2 February 2021	Full review conducted