

# CASE NOTE

POLICY NO. C17

ACT CORRECTIVE SERVICES



**ACT**  
Government

Justice and Community Safety

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## 1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that accurate and relevant offender information is recorded in case notes.

## 2 SCOPE

This policy applies to ACTCS Community Corrections staff.

Where required, the Assistant Commissioner, Community Corrections will establish community instruction/s under this policy.

## 3 DEFINITIONS

### **Offender**

A person convicted or found guilty of an offence by a Court, including young offenders, as defined in s 8 of the *Crimes (Sentencing) Act 2005* or a person who has indicated an intention to plead guilty.

### **ACTCS Staff Member**

Any Community Corrections staff member who has delegation to:

- a. supervise offenders
- b. undertake home and field visits
- c. be an Assessor as per the *Crimes (Sentencing) Act 2005*
- d. author a report required by regulation in relation to the granting of parole to the offender as per the *Crimes (Sentence Administration) Act 2005*
- e. undertake administrative tasks as part of their regular duties.

## 4 PRINCIPLES

- 4.1 Case notes are the official record of appointments, conversations, key discussion points, decisions taken, directions given, and observations made during an offender's engagement with ACTCS.
- 4.2 Case notes must be documented in a professional and accurate manner with a focus on information that is relevant to the case plan/offender objectives wherever possible.
- 4.3 Case notes must be completed by ACTCS staff members, using the category relevant to their interaction with the offender or administrative process undertaken by the staff member.

## 5 CONFIDENTIALITY

- 5.1 Case notes must be completed with the awareness that recorded information may be subpoenaed or accessed under Freedom of Information and made available to the courts, the offender, and other parties for a variety of reasons.
- 5.2 Best practice is to prepare case notes with the awareness that they may be reviewed in a public forum. All case notes must be written in a manner that is consistent with this policy.
- 5.3 The content of case notes or copies of case notes must not be made available to offenders or other non-authorized persons, except where access is supported in legislation and policy.
- 5.4 Case notes form part of the Agency's official records. The *Public Sector Management Act 1994* states:

- a. a public employee shall, in performing his or her duties: not disclose, without lawful authority any information acquired by him or her as a consequence of his or her employment, or any information acquired from any document to which he or she has access as a consequence of his or her employment.
- 5.5 The confidentiality of case notes is also covered in the ACT Government's Acceptable Use of ICT Resources Policy. This states that staff should: *"be aware that unauthorised disclosure of classified or sensitive information is a breach of the provisions of the Public Sector Management Act 1994"*.
- 5.6 Unauthorised disclosure may also constitute a breach of other legislation such as the Information Privacy Act 2014; the Privacy Act 1988 (Cth); the Territory Health Records (Privacy and Access) Act 1997; the Territory Workplace Privacy Act 2011; or the Corrections Management Act 2007.

## 5 STANDARDS

- 6.1 All case notes must be written professionally using objective language and must not include unnecessarily subjective, judgemental or pejorative language, particularly when describing offenders, their behaviour or circumstances.
- 6.2 ACTCS staff members must summarise what was said during the interaction. Staff should not ordinarily quote an offenders' use of offensive language in case notes. However, circumstances where such language should be quoted verbatim include:
- a. direct threats to staff or other service providers
  - b. any language or abuse that may result in breach action and/or may be required as a formal record to provide as evidence in court
  - c. any other circumstances where the staff member considers it relevant.
- 6.3 Following an aggressive/offensive interaction, case notes must include analysis of what was happening and the impact the attitude may have had on case management goals. For example, avoidance of stipulated goals.
- 6.4 Case notes must not include criticism of actions taken by other ACTCS staff members, or agencies involved in the offender's case. If a staff member has concerns regarding the actions of another staff member or agency, these issues should be raised through appropriate channels for resolution, such as the staff member's Team Leader.
- 6.5 Case notes must be completed as soon as practicable after the interaction, and no later than the end of the following workday.
- 6.6 If the case note is entered after the day in which the interaction/event occurred the CCO may amend the note date and must document that the note is a late entry.

## 7 CONTENT OF CASE NOTES

- 7.1 After each contact with an offender, their significant other or a service, officers must record the:
- a. date of the contact
  - b. type of contact – See Case Note Categories Community Instruction
  - c. location of contact – for home visits and field visits specify where the contact was made.

- 7.2 Interviews with direct relevance to assessment tasks such as the preparation of a Pre-Sentence Report or investigations around breach action must be supported by case notes containing sufficient information to support the decision-making process.
- 7.3 Sufficient information must be recorded to enable a supervisor or other staff members to review the management of each case. Additionally, it can be anticipated that in the scope of criminal justice there will be times when decisions are tested and challenged, and ACTCS must be able to clearly articulate the basis upon which decisions were made.
- 7.4 If an interview involves the handwritten use of the Offender Information Data Form (OIDF), Home Assessment Checklist or any other handwritten template, the information obtained must be case noted, including a summary of the interview.
- 7.5 If using the electronic version of the OIDF, a case note must be completed noting that the interview was conducted, and information was recorded directly into the electronic version of the OIDF.
- 7.6 Community Corrections staff may copy e-mails into case notes where the information is relevant to the offender and/or the offender's case plan.
- 7.7 Interviews conducted during supervision or management of Community Service conditions must record the following information:
- a. details of the interaction specifically related to the case plan or progress of the work condition. For example, it may be appropriate to simply note that the case plan objectives remain appropriate, and the offender is fully compliant with strategies and steps. In other cases where progress is not as positive there will need to be a brief summary of what is happening as it relates to the case plan or progress of the work instruction
  - b. an assessment of the interview, summing up the contact and any contentious or relevant issues together with a proposed plan of action
  - c. the quality of the offender's engagement during the interview or work crew
  - d. next contact arrangements must be recorded.
- 7.8 If the case note refers to contact with a third party or service provider, the case note must stipulate the third party's full name, contact details and relationship to the offender (e.g. Conversation with John Smith, Corrections Officer at CSNSW Hornsby Office (ph 02 XXXX XXXX), who is informally supervising the offender while on approved travel).
- 7.9 If unsolicited information is provided by a third party, e.g. a client of this Service, parent, neighbour, friend etc, the Community Corrections Officer (CCO) must confirm if the informer wishes for the information to remain confidential, noting that some information must be passed on to the Australian Federal Police or Child and Youth Protection Services.
- 7.10 If confidential, the CCO must prefix the case note with \*\*\*\*Confidential\*\*\*\* and enter multiple spaces before writing the content to ensure the information is not accidentally relayed to the offender. If the information is not confidential the CCO may include the informers name and relationship to the offender.

## 8 RELATED DOCUMENTS

- Crimes (Sentencing) Act 2005
- Crimes (Sentence Administration) Act 2005
- Offender Information Data Form

- Case Note Categories Community Instruction

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 Commissioner  
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