

# Joint Protocol to reduce the contact of people with disability in supported accommodation with the criminal justice system

The Ombudsman is an independent and impartial watchdog for community and disability services in NSW. We promote and protect the rights and best interests of people using disability and community services in NSW by handling complaints about these services, and by monitoring and reviewing how these services are delivered.

## What is the Joint Protocol?

People with cognitive and/or mental health impairments are over-represented in the criminal justice system. Some of their contact with police is in relation to minor offences or in response to behaviour that would be best managed using trauma-informed and person-centred approaches to support.

To seek to reduce the unnecessary contact of people with disability in supported accommodation with the criminal justice system, the Ombudsman's office has developed a Joint Protocol for disability services and police.

The Protocol includes procedures for disability services and police to support an appropriate response to particular incidents involving behaviours of concern by people with disability living in supported accommodation. The procedures for disability services stress that contact with police should only be made when the circumstances warrant it.

Among other things, the Protocol aims to:

- reduce the frequency of police involvement in responding to behaviour that would be better managed solely within the disability accommodation service
- improve relationships, communication and information sharing between local police and disability services, and
- ensure that appropriate responses are provided to people with disability living in supported accommodation who are victims.

## What is not covered by the Joint Protocol?

There are some incidents that must be reported to police – they are not included in the scope of the Protocol. This includes serious incidents, such as alleged sexual abuse; and any allegations of abuse or neglect by staff.

## What action needs to be taken?

A Statewide Steering Committee, chaired by the Ombudsman's office, is monitoring the implementation of the Protocol over the next 12 months. It is important that all parties:

- read and understand the Protocol
- discuss and promote it within and outside of their organisation
- understand what action needs to be taken, and
- implement the Protocol.

## Disability service providers

- Ensure all efforts are made to prevent and effectively respond to behaviours of concern, including providing person-centred and active support; listening and acting on the concerns of residents; and providing appropriate training and guidance to staff.
- Appoint a senior staff member as the liaison officer for police and the Protocol. Work with police to establish local governance arrangements.
- Train and monitor staff to make sure they understand and effectively implement the Protocol including discussion at team meetings.
- Discuss the Protocol with residents, guardians, families, and other supporters.
- Make sure the Protocol and its guiding principles are incorporated into policies and procedures.

## Police

- Ensure Local Area Commands know the disability service providers in their area.
- Work with disability services to identify a contact officer, and establish local governance arrangements.

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- Consult with the local Crime Management Unit to determine the most appropriate way to respond to matters where immediate action is not necessary. Report all matters involving people with disability in supported accommodation to the CMU as soon as practicable for its review.
- Train and monitor officers to make sure they understand and effectively implement the Protocol.

## Further information

If you have any questions or comments, we are here to assist you. Contact the NSW Ombudsman's Disability Reportable Incidents Division on 02 9286 0907 or via any of the contact options below.

## Resources

*Joint Protocol to reduce the contact of people with disability in supported accommodation with the criminal justice system*

Resource Guide on the Initial and early response to abuse and neglect in disability services and related resources

Also refer to our website for new information and other resources.

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## Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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**National Relay System** 133 677

Telephone Interpreter Service (TIS): 131 450  
We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.