

*Designed specifically for organisations:*

Planning a new service for forensic clients; or  
Improving existing services for forensic clients; or  
Wanting to be more inclusive of forensic clients.



# **F**orensic Services Standards<sup>®</sup> An Overview

# Acknowledgements

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Staff from community sector organisations;  
Staff from peak bodies;  
ACSO Leadership team and Staff.

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**Justice  
Innovation  
Lab** by acso

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# Introduction

## Background

The Australian Community Support Organisation (ACSO) has identified that amongst the suite of quality assurance standards that organisations are assessed against, the specialist needs of clients with a criminal history are not accommodated.

We have developed Forensic Services Standards (the Standards) to address this gap, and to provide organisations with a guide to assess and improve how inclusive and responsive their practices and services are to forensic clients.

This project was developed as part of ACSO's Justice Innovation Lab which was created at ACSO with the objective to support dynamic thinking and continuous improvement and to cultivate innovation.

## Scope

The standards apply to organisations providing community based services to forensic clients. The term "forensic client" is defined as:

- ▶ people (individual or groups) aged 18 and over;
- ▶ who have a criminal history or have had formal involvement with the criminal justice system but did not obtain a criminal record;
- ▶ are currently or will be receiving community based services; and
- ▶ access the services voluntarily or mandated by a court order.

Forensic clients can also have co-occurring conditions such as mental health issues, disability, drug and alcohol issues and acquired brain injury which can also hinder their ability to participate in services.

## Use of the Standards

The Standards are designed to assist services to enhance the quality of service and support to forensic clients.

Organisations can use the Standards in different ways:

- ▶ as an internal audit tool that can be used to review how inclusive and sensitive their organisation and its services are, to forensic clients;
- ▶ as a guideline or checklist to help identify opportunities for making improvements and to monitor and evaluate the progress made from those improvements; and
- ▶ as a framework of reference to assist in planning and establishing a new forensic client services.

In some cases, for example in smaller services, it may not be possible or appropriate to fully implement all standards. Nonetheless, the standards should be used to enhance service delivery and quality improvement.

These Standards should be used in conjunction with government policies and legislation.

## Implementation Guide

The Standards will be supported by an implementation guide that provides a summary of the intent behind the development of each of the standards and sub-standards and a self-assessment tool to facilitate the organisations to reflect on their current processes against the Standards.



# Glossary of Terms

<b>Term</b>	<b>Definition</b>
<b>Client</b>	A person that receives services from an organisation.
<b>Client plan</b>	A document developed with the client outlining their goals, aspirations and steps staff and client are to follow to support their achievement. It also includes proactive and reactive strategies for supporting behaviour change.
<b>Dignity of risk</b>	A term that describes the right of individuals to choose to take some risk in engaging in life experience.
<b>Evidence based practice</b>	Effective working practices which have been demonstrated to be effective by rigorous evaluations within the research literature.
<b>Organisation</b>	An agency that provides community based services to individuals with a criminal background or has had formal involvement with the criminal justice system but did not obtain a criminal record.
<b>Legal Orders</b>	A direction made by the court or by a judge intended to adjudicate some point or direct some step in a legal proceeding. These can include exclusion orders, bail orders, intervention orders, Corrections orders, Family Court orders, child protection orders.
<b>Relapses</b>	Re-offending or setbacks in progress towards agreed outcomes.
<b>Restrictive interventions</b>	Any intervention used to restrict the right or freedom of movement of a person.
<b>Risk</b>	The potential for an adverse event to lead to a negative outcome.
<b>Risk assessment</b>	The process by which risk is understood with a view to reducing its likelihood and/or impact.
<b>Significant other</b>	Any person in a close relationship with the client and having a non professional caring role.
<b>Stakeholder</b>	A stakeholder is a person, group, community or organisation with a legitimate interest. Stakeholders could include a local community, special needs groups, other organisations providing related services, funders or purchasers.
<b>Target group</b>	The target group to which the organisation provides support. This maybe a catchment area population, statewide population or specific group within the population.



## Standard One Service Accessibility

The organisation ensures that the services for forensic clients are accessible to them.

### Indicators:

- 1.a. The target group to be served is defined by developing a clear understanding of the characteristics of the forensic target group, its needs regularly identified and services are planned and delivered to meet those needs.
- 1.b. The organisation has processes in place that consider the impact institutionalisation can have on a client accessing services.
- 1.c. The organisation monitors the volume and outcomes of referrals and requests for support it receives to ensure it is providing equitable and accessible services to all relevant cohorts of the target group such as those that are currently incarcerated, those waiting for release and those already out in the community.
- 1.d. The organisation has considered the external environment surrounding its offices, venues and activities to minimise exposure to the client's criminogenic triggers.
- 1.e. The organisation offers alternative offices and venues in environments suitable for forensic clients that is cognizant of triggers for reoffending and conditions of legal orders.
- 1.f. The organisation provides up-to-date and accurate information about its own services and how to access them, to other parts of the forensic sector.
- 1.g. The organisation actively participates in service networks accessed by forensic clients to create coordinated pathways for people accessing services.
- 1.h. Forensic specific barriers preventing access to services are identified and addressed and clients are supported to access the services.
- 1.i. Intake processes are developed that are sensitive to forensic clients e.g. appointment times.
- 1.j. The organisation provides and ensures forensic clients understand the accessible and clear information regarding the voluntary or mandatory nature of service engagement.



## Standard Two

# Service Delivery Practices

The core practices in service delivery meet the needs of forensic clients.

### Indicators:

#### 2.1 Assessment

- 2.1.a. Where possible, the organisation considers matching the client's legal status, motivation and learning styles with the staff skills and styles to motivate change in the client.
- 2.1.b. Skilled staff with a sound knowledge of the criminal justice system, conduct holistic assessments, including risk assessments, and other assessments specific to the type of offending and factors influence the client to reoffending.
- 2.1.c. Assessment to include:
  - Exploration of the factors underlying offending;
  - Current legal orders;
  - the client's background and current circumstances;
  - an analysis of offending which considers the pattern, nature and seriousness of offending;
  - the likelihood of and impact of re-offending;
  - protective factors (strengths and available resources) decreasing the risk of (re)offending;
  - desistance needs which, if met, will maintain desistance from (re) offending;
  - identifying and responding to differences in social circumstances, age, gender, ethnicity, mental health and learning abilities;
  - taking into consideration the impact of previous sentences and in some cases the effects of institutionalisation; and
  - readiness, motivation and capability to follow an intervention plan and to comply with requirements.
- 2.1.d. With the client's permission, staff seek to obtain information on the involvement of criminal justice system players to obtain details of any current charges, bail/order conditions.
- 2.1.e. The assessment process encourages and supports client and his/her significant other (if appropriate) to be actively involved in identifying his/her needs, risk factors and preference for service responses, while adopting a strengths based approach.
- 2.1.f. With the consent of the client, staff seek information about the client's relationship with his/her significant others, the impact offending has had on the relationship and any safety considerations that need to be taken into account.
- 2.1.g. With the client's permission, staff seek to obtain information on the involvement of other services with whom the client may currently or recently have obtained assistance, with a view to working collaboratively with these services.

## Standard Two continued...

### 2.2 Service planning and delivery

- 2.2.a.** In collaboration with the client, staff develop a client plan based on the information collected during assessment:
- the client's criminogenic background and current legal circumstances (including current legal orders);
  - an analysis of offending which considers the pattern, nature and seriousness of offending;
  - the likelihood of and impact of re-offending;
  - protective factors (strengths and available resources) decreasing the risk of (re)offending;
  - desistance needs which, if met, will maintain desistance from (re) offending;
  - taking into consideration differences in social circumstances, age, gender, ethnicity, mental health and learning abilities;
  - taking into consideration the impact of previous sentences and in some cases the effects of institutionalisation; and
  - readiness, motivation and capability to follow an intervention plan and to comply with requirements.
- 2.2.b.** All clients have a risk management plan which:
- Include an evaluation of the nature, severity, frequency and likelihood of risk that the client poses to the community, self and significant others by offending
  - identify the relevant forensic risk factors and how they interact, early warning signs and behaviours to monitor; and
  - identify the preventative strategies of:
    - community supervision
    - monitoring
    - intervention/treatment that are necessary to address each of the relevant risk and protective factors; and
    - contingency measures in response to warning signs.
- 2.2.c.** Identify barriers to the client's full participation in the client plan and enable and assist the individual to overcome these. Barriers include staff legal reporting requirements, reporting of criminal activity, reporting of attendance and progress, motivation etc.
- 2.2.d.** Staff need to be aware of the conditions of each client's orders and/or bail conditions to provide the best support while in the community.
- 2.2.e.** Staff consider the impact on clients, of offending related medication regimes such as anti-libidinal or pharmacotherapy.
- 2.2.f.** Identify, coordinate and facilitate access to resources that the client needs to reintegrate in the community.
- 2.2.g.** The organisation has awareness of the funding limitation it has to provide full support to their clients and as a result develops partnerships with other voluntary programs that clients can benefit from.
- 2.2.h.** Plan relapse prevention strategies and empower the client to manage relapses effectively if they occur.
- 2.2.i.** Recognise and reaffirm with the client, specific areas of progress towards the achievement of outcomes that reduce their risk of further contact with the criminal justice system.
- 2.2.j.** Service delivery needs to be holistic in scope so it is responsive to the complexity and diversity of contributing and protective factors that impact forensic clients, with a view to addressing the underlying causes of offending.
- 2.2.k.** Organisations facilitate pathways to social inclusion by providing forensic clients with opportunities to reintegrate in the community by participating in education and employment, recognising qualifications achieved pre and during incarceration.
- 2.2.l.** The organisation acknowledges the impact the client's cultural background can have on offending or involvement in the criminal justice system.
- 2.2.m.** The organisation has an awareness of the cultural impact of being involved in the criminal justice system can have on clients.

- 2.2.n. The organisation seeks ongoing feedback from forensic client's and consults with them whenever it is considering major changes to service delivery.
- 2.2.o. The organisation encourages clients to drive pro-social decision making within their case plan.
- 2.2.p. Where possible, the organisation should ensure that clients have the same worker throughout the service (from intake to exit) to maximize positive and productive therapeutic relationships.
- 2.2.q. Where clinically appropriate and with client's consent, it is desirable to involve families in the service delivery process, and to provide them with information about the criminal justice system to increase awareness of the process clients go through.
- 2.2.r. Where appropriate, staff explain to clients what their family's experience was like while they were in prison and the impact of the client's release from prison will have on their family.
- 2.2.s. The organisation recognizes that the client can feel or be disadvantaged when associated with an organisation that provides services to those who offend. Whenever possible, this should be minimized. For example, correspondence excludes company branding.
- 2.2.t. The organisation is mindful of maintaining clear therapeutic boundaries and is knowledgeable of the impact of certain personality styles of some of those who offend.
- 2.2.u. The organisation is skilled in the management of multiple relationships - Client, Correctional Services, Courts and Tribunals and is clear as to who the client is.

### 2.3 Monitoring and reviewing

- 2.3.a The organisation schedules reviews of client plans at planned regular intervals according to set procedures that takes into consideration current legal status, for example bail, Corrections Order, risk of further offending. Where appropriate, client and significant others and all relevant key stakeholders attend the reviews.
- 2.3.b All client plans are reviewed to evaluate the efficacy of different strategies implemented within the plan that were aimed at reducing the severity/intensity/frequency/or risk of the client engaging in high risk/reoffending behavior as well as measure the client's quality of life through improved skill development progress towards their goals and social inclusion.
- 2.3.c Each client is given the opportunity to review pro-social achievements, with a focus on maintaining them in the future, and to identify future goals and action plans.
- 2.3.d The organisation monitors and reviews its exit planning and case closure processes, which are informed by the meeting of client's criminogenic needs, to ensure clients are actively involved and appropriately supported.
- 2.3.e People with high level or complex needs have appropriate ongoing support arranged before they exit the service.



## Standard Three

# Privacy and Confidentiality

The organisation respects and maintains privacy and confidentiality of personal information, including disclosure of criminal history gathered from and about clients and ensures compliance with all relevant federal and state/territory laws and regulations.

### Indicators:

#### 3.1. Privacy and confidentiality of client information

- 3.1.a. The organisation has processes in place to ensure effective communication with clients in regards to how they can access their files or other information the organisation holds about them and advising them of the organisation's responsibility of reporting any disclosed criminal offences to the relevant authorities.
- 3.1.b. Information about criminal history is only collected if it is directly related to, and reasonably necessary for, an organisation's function or activities.
- 3.1.c. The staff should create a non-judgmental environment which does not discourage an open exchange of criminal history information between the staff and the client.
- 3.1.d. Staff respond in a positive and respectful way to disclosure of the client's criminal history.
- 3.1.e. Where further information about criminal history is required, it should be collected from the client it relates to rather than from another source, unless that is unreasonable or impractical.
- 3.1.f. Staff informs the client that information about his/her criminal background is confidential, clarifies when disclosure is appropriate and informs clients how information will be used and stored.
- 3.1.g. The organisation only releases de-identified information for evaluation and research purposes as well as quality improvement except where informed consent has been given and where the information is not unique enough that a client could be identified.

#### 3.2. Duty of disclosure

- 3.2.a. The organisation has processes in place to seek clients' informed consent before his/her personal information, including his/her criminal history is communicated to external agencies or individuals, unless there are legal reasons for not gaining consent.
- 3.2.b. Staff explains to the client that there are number of exceptions where a client's confidential information may be disclosed without the consent of the client such as when:
  - there are concerns for the safety of the client or community;
  - the organisation is subpoenaed to provide all relevant information related to legal proceedings;
  - the client discloses to staff that he/she committed an offence or breached his/her order.
- 3.2.c. The organisation has guidelines for staff regarding their duty to disclose client information without consent when the staff is legally required to, in the case of duty of care and relating to information regarding client's offending and breach of orders.
- 3.2.d. The organisation seeks clarification of reporting requirements in relation to forensic clients on bail and legal orders.

## Standard Four Risks and Rights

The organisation has strategies and processes in place to balance the rights, risks and responsibilities of their forensic clients.

### Indicators:

- 4.a.** The organisation has a risk management framework based on current practice that is cognizant of the legal status of clients, balanced with risk to the organisation professionally.
- 4.b.** The organisation has defined its threshold of risk appropriate to providing services to forensic clients and provides training and support to staff on how to deal with risk.
- 4.c.** The organisation uses a multi-disciplinary approach to risk which is open, transparent and promotes reflective practice and is dedicated to working in partnership with forensic clients wherever possible.
- 4.d.** Discussion about risk is embedded at all stages of service delivery: assessment support planning and reviewing/monitoring.
- 4.e.** Risks are assessed within the context of the client's protective factors (strengths, and support networks) and his/her rights to make choices about his/her lives, within a legal context.
- 4.f.** The organisation's documentation reflects a strong commitment to meeting the needs of each client through the least intrusive support solutions, while being mindful of legal requirements.
- 4.g.** The nature of the restrictive interventions should be directly related to managing or reducing the forensic risks identified in the assessment phase.
- 4.h.** Staff involved in risk management have received relevant and ongoing training.
- 4.i.** Staff ensure that clients understand their role and responsibility about living with risk of further contact with the criminal justice system.
- 4.j.** Client plans need to take into account the impact of restrictive interventions on the client's relationship with significant others while balancing this with legal requirements.
- 4.k.** Review of restrictive interventions is conducted at planned regular interval with the participation of the client and relevant key stakeholders.
- 4.l.** Staff encourages the clients to be more informed about their rights regarding self disclosure of criminal history when seeking employment and accommodation.
- 4.m.** The organisation has processes to keep abreast of changes in legislation relevant to the forensic client group and disseminates the information to its relevant services.
- 4.n.** Staff demonstrate knowledge of relevant federal and state legislation relating to forensic clients and proactively share this information with clients where it is relevant.
- 4.o.** At the beginning of service delivery, staff should clearly explain the limits of the support they provide to the client in a court hearing, legal proceeding or police interview.



## Standard Five Professional Development

Professional development is provided to ensure all staff in the service are confident about working with the forensic client group and have the knowledge and skills to work with this client group including their responsibilities in relation to service delivery.

### Indicators:

- 5.a. The organisation has implemented a clinical supervision framework that provides staff with regular development opportunities related to the forensic client group and clinical supervision to assist the staff to learn from his/her experience and progress in expertise as well as ensure optimal service delivery to the client.
- 5.b. The organisation ensures staff are cognizant of the impact of client personality types on the therapeutic relationship, the setting of personal and treatment boundaries.
- 5.c. The organisation has a process that identifies the training needs of staff that work with forensic clients.
- 5.d. Staff receive training around specific areas and issues that affect the forensic client group including knowledge of the criminal justice system, how incarceration affects clients, alcohol and other drugs, mental health, intellectual disability and acquired brain injury.
- 5.e. The organisation keeps up to date and incorporates current trends of forensic service provision and uses evidence based practice to educate staff on how to improve outcomes for its forensic clients.
- 5.f. The organisation participates in professional associations and other forums in its field regarding the provision of services to forensic clients.
- 5.g. The organisation promotes a culture of open discussion and assessment of risk to staff and communities.

## Standard Six

# Organisational Values and Culture

The organisation employs practices to ensure it has a workforce that is responsive to forensic clients.

### Indicators:

- 6.a.** Forensic-inclusive principles are reflected in all management processes such as recruitment, professional development, supervision, performance appraisal, service planning and operational policies.
- 6.b.** The organisation's policies and procedures reflect the ethical standards expected of staff when providing services to forensic clients and ensure these standards are met.
- 6.c.** The organisation's screening process of potential employees considers their ability to empathise with the forensic clients' situation and understands the difficulties the clients encounter when reintegrating in the community.
- 6.d.** The organisation recruits staff with experience in working with forensic clients or a capacity to develop skills appropriate to working with this client group such as sound knowledge of court etiquette, court report writing skills with an understanding of the provision of sworn evidence.
- 6.e.** The organisation's culture is cognisant of the impact staff's past/current experiences can have on their ability to work with forensic clients. In the event that a staff member becomes a victim of crime, the organisation has appropriate processes in place to respond.



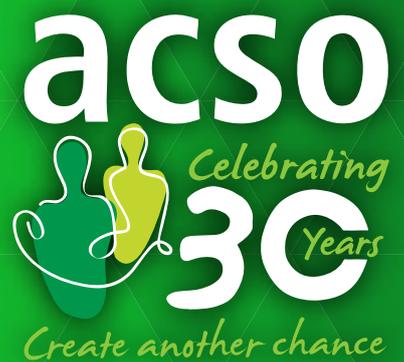
## Standard Seven

# Advocacy and Community Education

The organisation demonstrates that it advocates for its forensic clients and works with the community it serves to educate them on issues affecting forensic clients.

### Indicators:

- 7.a.** Staff support clients to understand the conditions of their legal orders, as well as bail conditions and where appropriate, attend any relevant meetings with the clients' legal representation or court dates.
- 7.b.** The organisation works to engage the support and understanding of local communities in order to better assist clients with criminal history reintegrate in the community.
- 7.c.** The organisation has documented systems that guide contemporary practice for staff in the delivery of advocacy and referral services for clients and families.
- 7.d.** The organisation uses its knowledge and experience to influence in a positive way government policy and legislation that affects people with criminal history.
- 7.e.** The organisation attends public forums and debates to represent the forensic client group and educate the community on issues that affect this client group.
- 7.f.** The organisation takes active steps to ensure community safety and public protection.



After more than 30 years working with forensic clients, ACSO has a wealth of experiential knowledge on how to work with this client group to optimise their outcomes. In alignment with our vision to create a safe and inclusive community freed of crime and prison, ACSO invested in the development of these Standards with the objective to share this resource with the sector and organisations that may not normally work with this client group.

It is our hope that organisations will use this resource to further enhance the quality of their services and support to forensic clients, meet the specialist needs of this client group and more broadly provide a safe and inclusive community.



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