1. Background
The Western Australian Disability Services Act 1993 requires the Department of Corrective Services to develop and implement disability service plans to ensure that prisoners with disabilities can access services provided by the Prison Services Division. There are 2 main areas involving disabilities - intellectual and physical - and the following guidelines have been developed to assist staff with the management and development of these prisoners.

2. Intellectual Disability
A prisoner may have an intellectual disability when he or she has:

1) a general intellectual functioning which is significantly below average
2) concurrently has 2 or more deficits in his or her adaptive behaviour
3) these conditions may manifest at any age.

To assist staff in understanding the difference between mental illness and intellectual disability, the following advice is provided. In general terms, mental illness may be termed as "a thinking or mood disorder" whereas intellectual disability is "a learning deficit". Mental illness may be episodic, temporary or cyclical whereas intellectual disability may be long term. While persons with mental illness may display extreme irrationality, people with an intellectual disability are usually rational within the limited range of their ability. However, symptoms and behaviours can be typical of both.

2.1 Guidelines for staff in Managing Prisoners with an Intellectual Disability

When Prison Services staff come into contact with prisoners with an intellectual disability, or suspect a person may have an intellectual disability, the following steps should be taken:

- Contact the Disability Services Unit Tel: (08) 9264 6340 (If the prisoner is a juvenile, obtain written consent from a parent, guardian or caregiver.) The enquiry will then be directed to the Disability Services Commission (DSC).

The Disability Services Unit will assist with information to:

- determine whether the prisoner is a client of DSC
- assist in contacting relevant case managers if the prisoner is a client of DSC, or
- assist with information on making a referral to DSC, or
- Provide information on specialised programs and supports available within the Department.
2.2 Guidelines for Requesting Services DSC for Prisoners with Intellectual Disabilities
The Disability Services Commission has standard guidelines for all referring agencies. They include the type of information required and if it is available, the criteria for eligibility etc. When services from the DSC are being considered the following points need to be understood by prison staff:

a) The relationship between DSC and people with a disability is entirely voluntary. There are many people who have been assessed as eligible to receive services but who choose not to do so. The DSC supports their right to decide.

b) While a Magistrate, Judge or the Parole Board may include DSC services as part of a prisoner's sentence conditions, the Commission does not have to provide those services if eligibility and informed consent are not established.

c) It may take up to 3 months from the point of referral to a decision being made on eligibility because of the need to receive information and assessments from other agencies. This needs to be considered by the referring person and agencies.

d) The DSC is not in a position to offer residential care during the period of the assessment. Consequently, persons cannot be remanded to the care of the Commission.

e) Assessments that are carried out to determine if a person is eligible for the DSC's services are very different to assessments for the criminal justice system. While the former assessment is about eligibility for the Commission's services, criminal justice assessments are usually specific assessments to do with compliance, fitness to stand trial, intent and providing advice for sentencing authorities.

2.3 Guidelines for staff in Managing Prisoners with an Intellectual Disability
When Prison Services staff come into contact with prisoners with an intellectual disability, or suspect a person may have an intellectual disability, the following steps should be taken:

- Contact the Disability Services Unit Tel: (08) 9264 6340 (If the prisoner is a juvenile, obtain written consent from a parent, guardian or caregiver.) The enquiry will then be directed to the Disability Services Commission (DSC).

2.4 Guidelines for a Unit Conference involving the Prisons Division and DSC Personnel
In the event that differing views in case management occur and concurrence cannot be established through the Manager, Disability Services Unit, Department of Corrective Services and the Justice Co-ordinator, DSC, Unit Conferences as necessary will be convened and will include:

i. The Assistant Superintendent Prisoner Management at the particular prison where the prisoner is being held
ii. Manager, Disability Services Unit
iii. The Service Director DSC, or his/her nominee.

3. Physical Disability
A physical disability can result from congenital or acquired physical conditions. In some cases, the disability may be apparent but in others it may not. Physical disabilities include conditions such as amputation of limbs, blindness, deafness, paraplegia etc and it is
important for staff to be sensitive to these disabilities. So far as is practicable, prisoners with physical disabilities should have the same opportunities and access to appropriate education, employment and programmes as physically unimpaired prisoners.

The Department of Corrective Services supports effective cooperation with the DSC that will assist with the management and development of prisoners with physical disabilities.

3.1 Guidelines for Staff in Managing Prisoners with a Physical Disability

Staff need to be aware of the following points:

a) It may not be immediately evident that a prisoner has a physical disability eg profound deafness may not be readily apparent.

b) A prisoner with a physical disability may or may not have an intellectual disability.

c) If a prisoner with a physical disability approaches staff for assistance, the enquiry should be answered patiently, simply and precisely.

3.2 Guidelines for requesting services from the DSC for prisoners with Physical Disabilities

The guidelines for requesting services for prisoners with a physical disability are the same as those applying to prisoners with an intellectual disability. Refer to section 2.2 of this Instruction.

3.3 Guidelines for Department Staff Contacting the DSC Staff

a) When prison staff require advice on dealing with a prisoner with a physical disability, the following action should be taken:

   i Contact the local Nurse Manager. If the issue cannot be accommodated locally

   ii Contact the Director of Nursing (Health Services Branch) at the Department of Corrective Services.

b) The Director of Nursing will assist with information to:

   i Determine whether the prisoner is a client of the DSC

   ii Assist in contacting the relevant case managers if the prisoner is a client of the DSC

   iii If necessary, assist in making a referral to the DSC.

3.4 Guidelines for DSC Staff Contacting the Department of Corrective Services

a) When DSC staff wish to contact the Department of Corrective Services about a client with a physical disability being held in custody they shall:

   i Fax the Manager, Offender Records Branch who will clarify the prisoner's status and in which prison the prisoner is being held

   ii DSC will then contact the Assistant Superintendent Prisoner Management at the relevant prison.
3.5 Guidelines for a Unit Conference Involving the Prisons Division and DSC Personnel

In the event that there are differing views in case management of a prisoner with a physical disability and agreement cannot be established through the Manager, Disability Services Unit, Department of Justice and the Justice Co-ordinator, DSC, Unit Conferences as necessary will be convened and will include:

i. the Assistant Superintendent Prisoner Management at the particular prison where the prisoner is being held
ii. the Nurse Manager
iii. The Service Director DSC, or his/her nominee.