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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF
ACACIA PRISON



Report of an Announced Inspection of
Acacia Prison

Office of the Inspector of Custodial Services
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The Inspector's Overview

THE BENEFIT OF CHANGING CONTRACTOR STARTS TO BECOME APPARENT AT ACACIA PRISON

OVERALL PERFORMANCE

One of the attractions of private sector participation in prison management is that a poor performer can be replaced. As described in the Overview to Report 32, the Inspector had been concerned that the original operator of Acacia was not performing to a satisfactory level, and certainly not providing a new benchmark for the public sector prisons to try to match. The first inspection (March/April 2003) had revealed substantial shortcomings, and the ongoing series of liaison visits by Inspectorate staff had demonstrated that those shortcomings had not been adequately addressed.

Accordingly, an inspection had been scheduled at a time (August 2005) that would enable the Inspector to feed the updated findings into the governmental process for deciding whether the contract should be rolled over or opened up to market-testing. To that point the Department had been inclined to support a rollover, but the Inspector had already advised the Minister that market-testing was desirable. The findings of the August 2005 inspection fortified that view. Shortly thereafter, it was confirmed by the Government that Acacia would indeed be open to new bidders. Serco was successful, and commenced managing Acacia in May 2006.

As the Inspector had played an active role in the decision to test the market, the public interest demanded that the performance of the new operator should be evaluated without undue delay. However, sufficient time needed to be allowed for Serco to undo or modify, where necessary, the processes of the former operator and to begin to establish its own processes and embed its own values. Accordingly, a period of 18 months was allowed to elapse before the next inspection; this took place in November 2007.

The broad conclusion is that the change of operator has been a very positive move. The performance of the prison had improved in numerous tangible ways. Indeed, as was stated at the Exit Debrief, Acacia was on the cusp of becoming a very good prison. Of course, there were also problems. Paradoxically, the prison regime was in some respects fragile precisely because the new operator had been trying to make some quite radical changes before the supporting management processes and resource infrastructure were yet robust enough to support them. This was pointed out at the Exit Debrief (early December 2007), and Serco immediately commenced to respond constructively.

The creation of a new prison regime and value system is still a 'work in progress', therefore. This Report sets out the achievements and the challenges to date. As with all endeavours to improve prison management, there may be stumbles along the way. With prisons, one can never absolutely guarantee that further problems will not arise. However, the point is that a prison whose performance had been problematic is undergoing marked change and improvement. It can already be said that the appointment of a new operator has thus met the public interest criterion that the autonomous inspection function is designed to achieve.

ENVIRONMENTAL HEALTH ASSESSMENT

As explained in Report 50 relating to the inspection of Rangeview Juvenile Remand Centre, the Inspector has now taken on the responsibility for environmental health assessments. Four

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areas of performance were made the subject of mandatory orders as a result of that assessment: (a) numerous maintenance items, particularly in the kitchen area; (b) repair of drinking water fountains; (c) establishment of a hairdressing area and work system that complies with regulations; and (d) repair of the wastewater treatment plant. These four matters were all judged to pose in their different ways sufficient risk to the safe and hygienic operation of the prison as to require prompt attention.

Action plans were required to be developed in six additional areas: (a) various other maintenance issues; (b) various occupational health and safety issues; (c) a compliance program to deal with a backlog of Worksafe 'improvement notices'; (d) a program for training staff and prisoners in occupational health and safety programs; (e) a system for monitoring the quality of potable water; and (f) a program to ensure that all fire extinguishers and fire-fighting equipment are regularly serviced.

Each of these matters was notified to the Acacia Director and to the Commissioner of Corrective Services by letter dated 11 April 2008 and will be monitored for compliance.

EXPERT CONTRIBUTIONS AND ACKNOWLEDGEMENTS

As with the previous two announced inspections of Acacia Prison, this third inspection was complex. It is common inspection methodology to include expert advisers as part of the inspection team to supplement the Inspectorate's own in-house skills. Notably, in this inspection, Professor Neil Morgan participated in all aspects of the inspection process, and was also the principal author of the draft report from which this final Report has grown. Professor Morgan's contribution was significant, and I would particularly like to extend my appreciation to him.

Of course the ultimate responsibility for this completed Report and for the substance of its observations and recommendations is entirely my own.

Richard Harding
Inspector of Custodial Services
17 April 2008

Chapter 1

CONTEXT, COSTS AND HISTORY

INSPECTION CONTEXT

- 1.1 Acacia Prison took in its first prisoners in May 2001. It is Western Australia's only privately operated prison and, based on official capacity levels, should be by far its largest prison in terms of prisoner numbers. Its official capacity is 800 and it has been operating close to this level (around 785 inmates) since the start of 2007. However, the State's prison population has grown very quickly over the past few years, leading to serious overcrowding in a number of other prisons, the most notable examples in the metropolitan area being Hakea and Casuarina.
- 1.2 At the time of the inspection in November–December 2007, it was being proposed that, within a relatively short timeframe, Acacia should take an additional 100 prisoners. Consequently, one of the underpinning questions for this inspection was whether Acacia was ready for such an influx of additional prisoners. Our general conclusion was that the prison was performing very well on many measures and was on the cusp of becoming a very good prison but that there were areas of fragility that suggested the increase in prisoner numbers should be deferred.
- 1.3 In the interim, the State's prison population has declined somewhat, making the pressure to expand Acacia's numbers less urgent. However, even if numbers have stabilised, or even decline further, the levels of overcrowding at Hakea and Casuarina prisons should be reduced. Provided that the issues identified in this report are acted upon, there is no reason why Acacia cannot be ready for more prisoners sometime in the latter half of 2008.
- 1.4 Acacia houses a particularly diverse prisoner population. There are at least 250 Aboriginal prisoners at any given time (more than the total capacity of some of the State's prisons) and they come from different groups right across the State. There are more than 90 protection prisoners and a considerable number with long-term health needs. In terms of sentence length, some prisoners are likely to be imprisoned for a very long time but others face much shorter terms. In addition, although it is classified as a medium security facility, the prison houses a significant number of people who have been assessed as minimum-security due to the pressure on minimum-security places at other prisons.
- 1.5 As a result of its size and prisoner profile, Acacia has also become the State's biggest 'releasing prison', in the sense that more prisoners are released from there, either unconditionally or on an early release order such as parole, than from any other prison.
- 1.6 If Acacia was viewed simply as 'another prison', a number of interesting questions would therefore arise for any inspection. However, Acacia is not just another prison; it is unique in being the State's only privately operated prison. Furthermore, it has had a change of operator, with Serco, the current operators, taking over from AIMS (Australasian Integration Management Services) on 16 May 2006. These considerations added further layers of complexity to our work.
- 1.7 The inspection was timed to take place around 18 months after the transition to Serco so that the Inspectorate could assess the impact of the new operator's philosophies and promises after an appropriate 'bedding in' period and also provide suggestions for future

development. This will also allow a further timely inspection before the middle of 2010, when the question of contract renewal or re-tendering will arise again (the current contract runs out in May 2011¹).

- 1.8 We have discussed the history of Acacia's establishment in detail in our first Report on the prison² and will not repeat that history here. However, a number of key points do need to be made about this history, about subsequent developments and about the legal and contractual framework for Acacia's operations. This chapter will also address questions of costs and reflect briefly on issues of accountability and transparency.

HISTORY OF ACACIA

Establishment

- 1.9 In April 1998, the then Liberal-National coalition government called for Expressions of Interest (EOI) to construct a new medium security prison. Their aim was very clear: the new prison was to be an innovator and a catalyst for system wide improvement, and not just 'another prison'.
- 1.10 The EOI documentation laid down a number of anticipated outcomes, based on the 'cornerstones' of imprisonment that had been developed by the then Department of Justice during the mid-1990's. The five cornerstones, which continue to inform the prison system as a whole as well as the Acacia contract, are: custody; care and wellbeing; rehabilitation, reparation and systems and resources. Although the concepts are hardly new, the importance of designating them as 'cornerstones' was that it was recognised that the system as a whole would fail if any one of these cornerstones was not properly built or was ever to give way. The cornerstones aimed to give greater emphasis to care and wellbeing, rehabilitation and reparation, and to emphasise that these are ultimately tied to security and safety and that to achieve these you need good systems and adequate resources.

The AIMS era

- 1.11 The successful bidder for the Acacia Prison Services contract in early 1999 was Corrections Corporation of Australia (CCA) which, after a series of corporate reorganisations, transmogrified into AIMS, a subsidiary of the international conglomerate Sodexho. AIMS also had responsibility for the Acacia Prison maintenance contract³ and for the State's contracts for prisoner transport and court security.
- 1.12 The initial duration of the Acacia Prison Services contract was for five years, from May 2001 to May 2006, with options for the Department to renew thereafter. The maximum potential duration of the contract was 20 years. AIMS met many of the key performance benchmarks. For example, there has never been an escape or a serious loss of control, the prison has low rates of self-harm and AIMS met most of its performance linked fee (PLF)

1 See [1.16].

2 Office of the Inspector of Custodial Services (OICS), *Report of An Announced Inspection of Acacia Prison, March 2003*, Report No. 19 (March 2003) Chapter 1.

3 See chapter 2 for discussion of current maintenance contract issues.

measures in the contract.⁴ However, there were several performance and accountability issues and the prison never reached its full potential. The issues included staffing levels and qualifications, rather unstable management and questionable service delivery in some areas.⁵ In addition, negative publicity surrounding the court security aspects of AIMS' operations adversely affected its corporate reputation and confidence. Whilst some of that publicity was not entirely deserved and was certainly unrelated in any direct sense to its management of Acacia, nevertheless this was a factor that tended to undermine performance.⁶

- 1.13 Given these shortfalls and issues, the government decided not to extend the prison services contract with AIMS. It had two other options: either 'nationalise' Acacia by taking it into the public sector or test the market by re-tendering the services. Although the Labor Government had originally opposed privatisation, it chose the latter option, mainly on the basis of value for money considerations.⁷ The Department estimated that it would have cost around \$8 million extra per year for Acacia to be brought into the public sector and this office estimated that the figure would be around \$15 million.⁸

Re-Tendering

- 1.14 The procurement plan involved an EOI followed by a Request for Proposals (RFP). The EOI was advertised on 7 September 2005 and closed on 6 October 2005. There were five respondents, three of whom (including AIMS) were invited to respond to the detailed RFP by 11 January 2006. It may be noted that in the UK, where private prisons have been operating for rather longer, the public sector now enters the marketplace when prison services are tendered. That stage has not yet been reached in Western Australia.
- 1.15 The three RFP proposals were evaluated in early 2006. In March 2006, Serco was selected as the preferred bidder. As with CCA/AIMS in 1999, the selection process was not based on who made the lowest bid but on who offered the best value for money against the RFP objectives. The new prison services agreement was signed on 5 May 2006 and Serco took over prison operations on 16 May 2006.
- 1.16 The prison services agreement runs for five years, to May 2011. The Department also has the option to renew Serco's contract for further terms of between three and five years up to a total of 15 years. In other words, the maximum duration of the contract with Serco will be until May 2021. The contract is similar in structure to the original contract with CCA/AIMS but the re-tendering process did give the Department the opportunity to recast some of the performance measures.

Transition from AIMS to Serco

- 1.17 The transition from AIMS to Serco went very smoothly – a credit to all parties. A detailed

4 See [1.29] on 'Performance Linked Fees.'

5 See OICS, *Report of An Announced Inspection of Acacia Prison, March 2003*, Report No. 19 (March 2003); and OICS, *Report of An Announced Inspection of Acacia Prison*, Report No. 32 (March 2006).

6 See OICS, *Report of the Inspection of the Interim Arrangements at the Supreme Court following the Escape of Nine Prisoners from the Custody Area on 10th June 2004*, Report No. 25 (December 2004); and Hooker, R. *Inquiry into the Escape of Persons held in Custody at the Supreme Court of Western Australia on 10th June 2004* (August 2004).

7 See also [2.20] – [2.21] on current government thinking.

8 See [1.32]–[1.39] on the question of relative costs in 2007/2008.

transition plan was developed with a set of ‘milestones’ and Serco put in a ‘transition team’ for the first 100 days. The Department monitored the transition carefully and concluded that there had been no reduction in services.

- 1.18 Although the transition was successful, Serco said that they had learned a good deal from the experience. They said that, in hindsight, it would have been better for a transition team to be in place for longer and also for that team to have focused on longer-term ‘change management’ challenges rather than just the immediate imperatives. This may partly explain some of the issues relating to management–staff relations, to which we will return.⁹ However, it is a very positive sign that Serco chose to share these reflections with us and that they are adopting longer term transition strategies at Borallon Prison in Queensland, which they took over on 1 January 2008.

SERCO: CORPORATE STRUCTURE AND FINANCIAL STANDING

Corporate Structure

- 1.19 Prisons are such expensive, large-scale operations that it is inevitable that large trans-national corporations will either be the successful bidders or will be behind the scenes of bids from local subsidiaries. The trans-nationals have a level of expertise and resources that local ‘players’ are generally unable to match on their own.
- 1.20 However, the resulting corporate governance structures can be complicated. Throughout its life at Acacia, AIMS was dogged by a dispersal of authority and responsibility. At least in the early days, some questions that should have been capable of local resolution were being referred to AIMS head office in Brisbane and, as AIMS was part of the international conglomerate Sodexho, some issues were then referred on to Sodexho’s Asia and Pacific head office in Sydney or even to its global headquarters in Paris. This corporate structure caused serious problems of efficiency and accountability.¹⁰
- 1.21 Serco has very diverse international interests. It has successfully operated a number of prisons in the United Kingdom for some years but also has global interests in numerous other areas. They include navy shipbuilding, trains, road traffic control systems, supplying army bases and air traffic control. Acacia was Serco’s first venture into Australian prisons but, as noted earlier, it took over Queensland’s Borallon Prison on 1 January 2008.
- 1.22 Given the diversity of Serco’s interests, we wanted to be assured that Acacia would not again encounter the dispersal of authority issues that arose under AIMS. We are confident that Serco’s current structure should not raise any such problems. Their basic model is one of decentralising authority to local management to permit local decision-making and budget setting, but to provide support, when needed, from other parts of the organisation. Thus, whilst Acacia is run through the Asia Pacific arm of Serco, and is its first prison in Australasia, the ‘Civil Government’ branch – which has been involved in its UK prison operations – was available to assist at Acacia during the establishment period, and would be available if the prison was to come under stress in the future.

⁹ See chapter 3.

¹⁰ OICS, *Report of an Announced Inspection of Acacia Prison March 2003*, Report No 19 (March 2003) chapter 7.

- 1.23 This model and this division of responsibilities seems appropriate. It recognises that head office meddling would be counter-productive but it is important to have support capability. It may also be noted that Serco Asia Pacific is undoubtedly assisted in ‘supervising’ its Acacia operations by the monitoring processes of this Office and of the Department.

Financial standing

- 1.24 Serco is a healthy going concern and is able to draw on substantial bank facilities if required.¹¹ It is not dependent on Acacia for survival. The prison has been making profits of around 10 percent before tax.

CONTRACTUAL FRAMEWORK AND OPERATIONAL PHILOSOPHY

- 1.25 The contract for prison services is extremely detailed. The contract (with a few necessary exclusions for security reasons) is publicly available on the Department of Corrective Services website.¹² It consists of 116 pages and there are another 280 pages of Schedules covering matters such as contract fees, Serco’s operational philosophy, the ‘operational service requirements’ and performance measures. For present purposes it is only necessary to mention three aspects of the contractual arrangements: the rules governing the prison’s operations, Serco’s operational philosophy and fees and penalties.
- 1.26 In addition to complying with the specific provisions of the contract, Serco must, of course, comply with the Prisons Act, other pieces of legislation and all subsidiary legislation (especially the Prisons Regulations) passed by Parliament.¹³ It must also comply with the Department of Corrective Services Operational Guidelines and Policy Directives.¹⁴ In addition, it must develop its own prison operating manuals and submit these to the Department for approval.¹⁵
- 1.27 Serco’s operational philosophy was spelt out in their RFP proposal and is found in Schedule 4 of the contract. It is a very detailed document that hinges around the ‘responsible prisoner’ model:

Our vision for every prisoner at Acacia is that he will work actively with the help of the prison to address his offending, develop his abilities, and rejoin the community as a full and law-abiding citizen. . . . The vision translates into service through a prison where the individual is the catalyst and driver for change, the prison is there to support but not supplant, where needs are identified and met, and where the endgame is a successful return to the community.

FEES AND PENALTIES

- 1.28 Payments to Serco are set out in Schedule 2 of the contract. The monthly fee is based on the ‘daily average population’ (DAP) of prisoners over the preceding month. The DAP is calculated by reference to ‘bands’ and not to ‘absolute’ numbers. For example, one ‘band’

11 AIMS financial position was less firm; see OICS, *Report of an Announced Inspection of Acacia Prison March 2003*, Report No 19 (March 2003) chapter 7.

12 www.correctiveservices.wa.gov.au/a/acacia_security_management_contract.aspx

13 Clause 6.2 of the Prison Services Agreement.

14 Clause 6.2 of the Prison Services Agreement.

15 Clause 6.7 of the Prison Services Agreement.

CONTEXT, COSTS AND HISTORY

is for 701 to 725 prisoners and the next band is for 726 to 750 prisoners. The table in Schedule 2 then calculates what the yearly fee would be if the population stayed in that band throughout the year (the ‘annualised operating payment’).

- 1.29 However, the monthly fee is not initially paid in full. Five percent of the monthly fee is withheld by way of a ‘Performance Linked Fee’ (PLF).¹⁶ At the end of the operation year, the Department then calculates how much of this fee should be paid to Serco, based on its performance in meeting certain targets over the year as a whole.¹⁷
- 1.30 The 12 PLF performance measures, which are monitored by the Department of Corrective Services, cover the following matters: serious assaults, serious acts of self harm by prisoners, accurate completion of incident reports, the number of positive urinalysis tests, meeting agreed staffing levels, completing sentence planning reviews on time, delivering treatment programs on schedule, education and training targets, the management of social visits, providing prisoners with structured activities for 30 hours per week, and the proportion of Aboriginal prisoners in standard and enhanced accommodation. Five percent of the total PLF (up to a maximum of \$250,000) is set aside for a separate payment to reflect ‘innovation’.
- 1.31 The contract also provides specific penalties (‘abatements’) in the event that a ‘specified event’ occurs. The penalty is \$100,000 (plus a CPI increase) for any escape, loss of control or death in custody (other than from natural causes). Lesser abatement amounts of \$20,000 apply to serious failures to report information and failures to comply with ‘Performance Improvement Requests’ made by the Department.

RELATIVE COSTS

- 1.32 Our first Report on Acacia dealt in some detail with the relative costs of Acacia compared with the State’s public sector prisons. It is surprisingly difficult to make precise calculations about the true costs of imprisonment. The easiest part of the equation is the private provider’s costs, because these can be determined by reference to the fees that were paid under the contract. However, this is not the total cost. The Department of Corrective Services also incurs costs at Acacia, primarily through its monitoring and contract management services.
- 1.33 When calculating the costs of public sector prisons, it is possible to get a rough overall costing by reference to the Department’s annual funding requests that are made to the Public Expenditure Committee of the State Parliament. However, it is very difficult to calculate the precise costs of any particular prison and to untangle the extent to which costs are incurred ‘onsite’ or by way of general services (such as corporate services and prisoner programs) that emanate from ‘head office’.

16 Clause 15.3 and Schedule 5 of the Prison Services Agreement.

17 The PLF fees are assessed and payable annually and not on a pro rata monthly basis. For example, if Serco meets the targets in some months but not in others, the fee is to be calculated on their yearly performance; see Schedule 5 of the Prison Services Agreement.

CONTEXT, COSTS AND HISTORY

- 1.34 Although there are numerous methodological and accounting problems, the minutiae need not concern us for present purposes and broad ‘ballpark’ figures will suffice. These show that the total cost per prisoner per day at Acacia falls well below the public sector average. Under the Prison Services Agreement, as already noted, the ‘annualised operating payment’ to Serco is based on bands of prisoner numbers. In May 2006, the annualised fee for 776 to 800 prisoners was \$31,162,564. This figure is subject to an annual CPI increase.
- 1.35 Suppose, for present purposes, that the annualised fee in 2007 / 2008 is around \$35 million for an average daily population of 780 prisoners. Suppose, also, that Serco is paid the full amount because it has met all the PLF and innovation measures. This works out to approximately \$123 per prisoner per day.¹⁸ This amount covers Serco’s onsite costs and corporate overheads, as well as its profits (currently around 10 percent before tax).
- 1.36 The Department’s costs must be added to Serco’s costs to provide the total figure. In 2003, the costs incurred by the then Department of Justice at Acacia were calculated to be around \$34 per prisoner per day. If we assume that in 2007, Department of Corrective Services costs have grown to \$40 (just under one third of the contractor’s costs) Acacia’s total cost per prisoner per day will be in the region of \$163. This translates to an annual cost per prisoner of around \$59,500 (of which around \$44,900 goes to Serco and \$14,600 to the Department).
- 1.37 Provided that Acacia is delivering a proper quality of service,¹⁹ these costs compare very favourably with public sector prisons. In 2003, the average total cost in the public sector was around \$255 per prisoner per day (or around \$95,000 per year). That figure now exceeds \$100,000 per year. Our best estimate, therefore, is that Acacia’s total costs – for both Serco and the Department – are probably no more than 55 percent of the public sector average.
- 1.38 In making comparisons between Acacia and the public sector, it is important to recognise that Acacia does enjoy some advantages. These include economies of scale due to its size, its modern buildings and security arrangements, and its location. By comparison, some of the public sector’s most expensive prisons are the smaller and older regional prisons. As previously noted, there is also room for debate about the most accurate way to calculate total costs.
- 1.39 However, none of these differences or arguments can detract from the conclusion that the costs of taking Acacia into the public sector would be very substantial. Conservative estimates, based on public sector costs being around one third more, would be \$12.5 million per year, but the real figure could be closer to \$20 million. This was, of course, one of the main reasons that the Labor Government chose to retest the market rather than ‘nationalising’ the prison.

INSPECTION METHODOLOGY

- 1.40 The methodology of this inspection broadly followed the same approach as our recent inspections of public sector prisons but there were three main differences. The first, as already discussed, is that Acacia is subject to specific contractual obligations over and above the legislative and other requirements that apply to all prisons.

18 780 prisoners x 365 days = 284,700 prisoner days per year. \$35,000,000/284,700 = \$122.94 per prisoner per day.

19 See the Conclusions of this Report.

- 1.41 The second difference is that we examined not only Serco's service delivery but also the role of the Department of Corrective Services. This is partly because aspects of service are inextricably linked. For example, the Department is responsible for some of the key decisions, such as deciding which prisoners are placed at Acacia. Furthermore, we needed to be satisfied that the Department's performance monitoring and contract management is striking the right balance in the interests of the State. In essence, contract management should be fair but firm, robust but not meddling. It should not stifle attempts at positive innovation by the contractor and should be looking for examples of good practice from which the total system can benefit, as well as for any examples of poor practice or non-compliance.
- 1.42 Thirdly, the Inspectorate promulgated its own Code of inspection Standards for adult custodial services in 2007.²⁰ This was the first inspection in which these Standards had been fully utilised at the privately managed prison. It provided an opportunity not only to address Acacia's performance against the standards but also for the Office to begin to 'test' the standards and to consider whether there are areas for future fine tuning.
- 1.43 Although Acacia faces numerous 'measuring posts', it would be a mistake to allow our inspections to turn into a process of 'box-ticking' against a predetermined matrix of contractual obligations, Inspection Standards and requirements contained in legislation and policies. The Department of Corrective Services, through its contract management branch, already monitors compliance with the contract, legislation and applicable Departmental policies through its process audits and other measures. There would be no point in us duplicating such work.
- 1.44 But there is an even more fundamental reason. An effective inspection process that is interested in qualitative review can never be 'mechanical'. In considering whether a prison has met a particular inspection standard, it may be unhelpful and misleading to say 'met the standard'; 'failed to meet the standard'; or 'met in part'. It may be that performance is admirable in some respects but can be improved in others. Furthermore, issues may emerge that are not covered by any specific standard or are too subtle to be picked up by a pre-set standard.
- 1.45 Our Inspection Standards therefore provide a crucial mechanism for promoting consistent qualitative evaluations against broad published principles and benchmarks. They ensure that prisons understand the main parameters of our inspections and questions. However, our reports will not treat the standards as a 'checklist' to be 'marked' one by one.
- 1.46 The findings, conclusions and recommendations of this Report are based on information that was received from a number of sources. Where there might have been a dispute, information was cross-checked and verified against other sources as far as possible. The main sources of information were as follows:
- Statistical data from the Department of Corrective Services and Serco.
 - Formal briefings (written and oral) from Serco prior to the onsite inspection period.
 - Formal briefings (written and oral) from the Department of Corrective Services.

20 OICS, Code of Inspection Standards for Adult Custodial Services, Version One, April 2007: available at www.custodialinspector.wa.gov.au

CONTEXT, COSTS AND HISTORY

- Documents relating to all aspects of Acacia's operations.
- Five panel discussions with Serco prior to and during the onsite inspection period. The panel topics were 'Systems and Resources', the 'Acacia Footprint', 'Innovation', 'Health' and 'Safety and Security'.
- Surveys conducted by other agencies and individuals, including reviews and audits by the Department itself, a Measuring the Quality of Prison Life survey conducted for the Department by Professor Alison Liebling, and a review by Modal, commissioned by Serco.²¹
- Ongoing feedback and liaison visits between this office and prisoners, staff, management and visitors.
- A two-week onsite inspection period, during which we held semi-structured discussions with prisoners, staff and management, observed the daily operations of the prison, and spoke formally and informally with a large number of people.

1.47 As always, the Inspector provided a substantial debrief at the end of the onsite inspection, in which he outlined the key themes and concerns that had emerged, and the issues upon which formal recommendations were likely to be made. Acacia was experiencing some senior management changes at the time, with a new Director assuming office during our second week onsite. We therefore arranged follow up meetings with the new Director and a further briefing on the prison's philosophy and policies with respect to Aboriginal prisoners.²²

TRANSPARENCY AND ACCOUNTABILITY

- 1.48 Critics of prison privatisation have tended to raise three types of complaint. First, that it is wrong in principle for the State to privatise prison services because they remain a State responsibility. Secondly, that service delivery will inevitably suffer as the contractor will strive for profit above service. Thirdly, that there is a lack of transparency and public accountability.
- 1.49 The first criticism is essentially one of political philosophy upon which people may reasonably hold different views. The debate is essentially irrelevant to our task inasmuch as we have a private prison and it is here to stay for the foreseeable future. It is also misdirected, at least in Western Australia, where it is clear that the State retains ultimate legal as well as moral responsibility. The best way to express it is that the State has not 'contracted out' of its responsibilities but has simply 'contracted in' certain services.
- 1.50 Research demonstrates that the second criticism – that the quality of service will inevitably suffer under private prisons – does not withstand scrutiny. Worldwide, the experience has been that the private sector is just like the public sector in the sense that it is capable of running good prisons, bad prisons and anything in between. Internationally, the best private prisons are undoubtedly offering a cost effective, high quality service. As we have seen, Acacia certainly does well in terms of costs. The rest of this report is largely devoted to assessing the quality of service.

21 Professor Liebling's findings are discussed throughout this Report, especially in chapter 3. The MODAL report is considered in chapter 3.

22 See chapter 5.

- 1.51 This chapter has already served, implicitly, to dispel the view that privatisation leads to a lack of accountability. It is no coincidence that the best private prisons are usually found where strong accountability measures are in place. In Western Australia, Acacia undoubtedly sets the benchmark for transparency and accountability, and has leveraged better accountability throughout the prison system. Six aspects of this should be noted:
- Acacia (unlike other prisons) is subject to clearly set and monitored contractual requirements (including penalties for non-performance) on issues such as security, safety and the delivery of treatment programs, education and training.
 - The contract, including these requirements, is publicly available.
 - This office has conducted three formal inspections in the six and a half years of Acacia's existence, as well as keeping a strong eye on the prison through liaison visits and other activities.
 - The Department of Corrective Services holds Acacia to account through its monitoring and contract management processes and through its annual reports to Parliament (other prisons are not subject to this level of scrutiny).
 - Ultimately, AIMS were held to account in the strongest possible way when their contract was not renewed following the re-tendering process.
 - This office, having been established against the background of privatisation, has brought greater scrutiny to the whole prison system.
- 1.52 It can safely be said that the expectations of the public sector prisons are less clear and less robustly monitored than Acacia's. Indeed, some of those prisons would almost certainly have been put out for re-tendering if they had been privately operated.

Chapter 2

MAINTENANCE, GOVERNANCE AND ACACIA'S PLACE

- 2.1 The proposal to establish Acacia was based on a Design, Construct and Manage (DCM) model, and three contracts were initially involved; the contract for design and construction, the prison maintenance contract (for future maintenance issues) and the prison services contract (dealing with management and service delivery expectations). This chapter examines three main themes, namely, some issues with the maintenance contract and their impact on the prison services contractor; the Department of Corrective Services' contract management functions; and the place of Acacia within Western Australia's prison system as a whole.

THE MAINTENANCE CONTRACT

- 2.2 One of the issues that most concerned us during this inspection was the fragile situation with the prison maintenance contract. In our view, there are significant risks with current arrangements and they need to be addressed as a matter of urgency.

The Structural Arrangements

- 2.3 Structurally, the arrangements are complicated. First, the maintenance contract runs for twenty years and originally the same contractors were responsible for both maintenance and service delivery. Following the transition of prison services to Serco, different contractors are now responsible for the two contracts. Secondly, different government agencies are involved. The prison services contract is owned and monitored by the Department of Corrective Services but the maintenance contract is owned by the Department of Housing and Works. To add further nuances, the Department of Corrective Services bears responsibility for some minor works and capital improvements and also, through its onsite presence, inevitably plays something of a maintenance monitoring role. Finally, the history of the maintenance contractor has taken several turns. Originally the maintenance contract was signed with CCA (Corrections Corporation of Australia). CCA was then taken over by Sodexho Alliance, a French conglomerate, and was subsequently rebadged as AIMS. Further corporate restructures led to another Sodexho subsidiary, Altus, taking over the maintenance contract and now, as we understand it, Altus is being wound up and Sodexho itself is taking a more direct role.

Accountability, Risk and Maintenance Deficits

- 2.4 These split responsibilities create serious problems. In terms of public accountability and transparency, the dispersed arrangements blur lines of responsibility. It can be very difficult to work out exactly who is responsible (a) for undertaking certain tasks and (b) for monitoring and enforcement. If a major failure does occur, this opens up the very real possibility of 'ducking and weaving' by the various parties. Similar problems have been witnessed in the context of prisoner transport arrangements.²³
- 2.5 Furthermore, risk and responsibility are ill aligned under current arrangements. Failures under the maintenance contract, for which they are not responsible, may well expose Serco

23 In the context of prisoner transport arrangements, AIMS, the Department of Corrective Services and the Department of Transport have tended to argue over responsibility, creating risks in that service. See: OICS, *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report No. 3 (November 2001) [2.12]–[2.33].

to risks under the prison services agreement. For example, significant financial penalties apply to any escape or loss of control. Again, these are not abstract concerns as we identified several maintenance issues relating to security and to occupational health and safety. For example, there were faults in some parts of the lighting, microphonic and CCTV systems. Serco is not responsible for maintaining critical infrastructure of this sort but is exposed to serious risk. The risk is not only of a financial penalty under the contract but also of a loss of credibility and reputation in the whole Asia Pacific market.²⁴

- 2.6 There are also problems with respect to the maintenance of some core services and equipment. The most obvious of these, which had been a problem for some months prior to the inspection, was the waste water reuse system. Acacia has a sewerage treatment and waste water facility. When fully functioning, this system allows waste water to be recycled for use in the prison's garden reticulation system. The sewerage treatment process appeared to be working, but recycling had become ineffective as pumps had become blocked as a result of inappropriate items being flushed down the toilets. The potential knock-on effects are very serious as failure to water the oval would render it unsafe and unusable.²⁵
- 2.7 Another maintenance deficit is air circulation and climate control in the accommodation blocks and in 'O' block. Standard 23 of our Code of Inspection Standards recognises that there can be no hard and fast rules regarding temperature and airflow. However, it emphasises the need for an adequate flow of fresh air in all occupied areas, and for a climate control system to regulate temperature and humidity. Ventilation has always been a source of prisoner complaints at Acacia but our impression was that the situation had deteriorated. Prisoners and staff regularly made similar, unprompted observations in focus groups and individual discussions. We also noted that some prisoners have covered north and west-facing windows to try to reduce the heat. The safety and security implications are obvious; windows in prisons are not meant to be covered by prisoners, and hot, poorly ventilated blocks increase the potential for tension and disorder.²⁶ Ultimately, therefore, this is not just a matter of comfort but of occupational health and safety.
- 2.8 Other areas of maintenance concern included a leaking ceiling in the main storeroom, an inoperative oven in the kitchen, some problems with the cool room, a lack of slip-proofing on parts of the kitchen floor, and poor maintenance of some fire fighting equipment.

Moving Forward: Whose Risk, Whose Responsibility?

- 2.9 One response to the current situation might be to point the finger of blame at Altus/Sodexo. However, two points should be made. First, some of the problems appear to arise not from ill-will on the part of Altus/Sodexo, but from the obvious commercial and practical dynamic of waiting, on occasions, for a critical mass of faults to develop rather than attending to each and every fault as it arises. Certainly the Department of Corrective

24 When Serco took over from AIMS, there were even problems with key security. The situation was so serious that the Department granted Serco a waiver if an event occurred that was attributable to people other than Serco staff having keys.

25 We have previously made adverse findings on the same issue; see OICS, *Report of an Announced Inspection of Acacia Prison*, Report No.19 (March 2003) [4.39]-[4.40] and [8.55]-[8.56].

26 However, unless it is assessed that a high level of risk arises in a particular case, the ventilation problems should be addressed before prisoners are required to remove the coverings.

Services suggested that, after a period of some difficulty, Altus/Sodexo are now quite responsive. It is therefore better to consider the allocation of risk and responsibility rather than blame. The second problem, to which we will return, is whether the terms of the maintenance contract are financially realistic.

- 2.10 To their credit, Serco have not sat back and waited for the issues to be resolved, and have already spent around \$400,000 on changes and improvements, many if not all of which were arguably the responsibility of other parties. This is a clear sign of Serco's commitment to Acacia and their vision of the prison as the foundation for greatly expanded operations in the region. However, 'voluntary' expenditure by the prison services contractor, though admirable, is not a sustainable or commercially viable option.
- 2.11 We have already commented on the blurring of responsibility for risk in the sense that Serco carries risks in the event of maintenance failures by Altus/Sodexo. However, the risks are not to Serco alone. The State of Western Australia, not Serco, is the owner of the prison. Furthermore, although services may have been contracted out, the State retains legal and moral responsibility for Acacia's safe and secure operation. Consequently, if there are maintenance failings that affect safety and security, the State itself is at risk. Support, for example, that Worksafe becomes involved on a matter of occupational health and safety arising from maintenance failures. As we have seen, the lines of responsibility are blurred but since Serco does not control the maintenance contract, and the State retains ultimate responsibility for the prison, any Worksafe orders would presumably be directed to the State (in the guise of the Department of Housing and Works).
- 2.12 Both Serco and the contract management branch of the Department of Corrective Services are very well aware that the maintenance contract is generating complexity and risk, and Serco has indicated its willingness, in principle, to take on the maintenance contract. However, there is a major stumbling block. Liability for maintenance over the remaining 14 years or so of the contract is likely to exceed by several million dollars the contracted amount. It appears that the contract was originally based on unrealistic costings and Serco is understandably unwilling (indeed, commercially unable) to take over the contract on its current terms. There are also limits on the extent to which the existing contract can be renegotiated and novated to Serco rather than going out to tender. It was suggested that the projected shortfall is such that a contract of the levels indicated by Serco would require a full re-tendering process. We were also told that the Department of Housing and Works is, in any event, reluctant to move from the existing contractual arrangements.
- 2.13 It is not for this Office to become embroiled in discussions between the various parties but the situation cannot be allowed to continue to drift. Lines of accountability and responsibility are blurred, there are risks to the government, not just to Serco, and prisoners' conditions and access to programs and training may suffer. Governments want to be fiscally responsible and are understandably reluctant to renegotiate contracts after only a quarter of their duration. However, it is important to bear three further considerations in mind. First, the State must ensure that its assets are preserved (not least in the event that the prison was ever to be taken into public management). Secondly, in terms of overall costs, Acacia

compares very favourably with its public sector cousins and will continue to do so even if an extra \$1 million to \$2 million per annum is directed to maintenance.²⁷ Finally, public sector prisons do not encounter the same problems. In terms of accountability, it is usually clear where the responsibility lies, and there would be no question of voluntary expenditure by a non-government third party. The various parties (Serco, Sodexho, the Department of Corrective Services and the Department of Housing and Works) must negotiate urgently, sensibly and realistically to resolve the problems we have identified.

PRISON SERVICES CONTRACT MANAGEMENT

2.14 The contract management team in the Department of Corrective Services plays a vital role in risk management and public accountability. In rather crude terms, there are two limbs to the team, namely, the onsite monitors and the head office group. The two limbs are highly coordinated and the system has worked effectively since Acacia's establishment. It has undoubtedly helped the prison through a number of management upheavals under AIMS and through the transition to Serco. Ultimately, it has played its intended role in ensuring an excellent record in terms of key performance indicators such as escapes, loss of control and self-harm. We have no doubt that this model of contract management by the relevant government department, coupled with the oversight of an independent Inspectorate, represents world's best practice. However, we do have a number of concerns with respect to the resources given to contract management, some current practices and some suggested organisational changes.

Monitors' Roles

2.15 The onsite monitors are essentially the 'eyes and ears' of the contract management team. Monitors must tread a fine line; they must avoid being 'captured' by the institution in the sense that they become too 'sympathetic' and uncritical; they must avoid the opposite trap of becoming nit-picking pedants who hinder and stifle operations and innovation; and they must avoid becoming participants in the prison's daily operations. Generally we were satisfied that the monitors do keep appropriate boundaries and deliver a very professional service. However, there were indications that they may sometimes become too involved in operational processes. We observed a PRAG (Prisoners' Risk Assessment Group) meeting at which the monitors contributed to discussions about prisoners. Their engagement may have been well-intentioned (and may even have been helpful to Serco) but this is not the point: contributions of this sort go beyond the proper roles of observation, auditing and monitoring. Some of this may be down to training (see below).

Reporting Lines

2.16 The onsite monitors report to the Contract Manager, with whom they have a close and effective relationship. This line of reporting seems self-evidently correct. It provides clear and simple lines of accountability and should ensure a rapid, knowledgeable and effective response to the monitors' concerns. At the time of the inspection we were informed of a proposal to alter this arrangement, whereby the monitors would instead report to

27 See [1.32]-[1.39].

the Professional Standards section of the Department. At the time we were critical of this proposal and have since been informed that this will not go ahead. Placing another reporting relationship between contract management and the monitors would have fundamentally undermined the ability of the Contract Manager to effectively perform his role. Additionally, any innovation developed at Acacia stood to become lost if a strict audit/compliance approach were taken in monitoring its performance, as inevitably conforming to the established practices would be encouraged as opposed to alternative methods of service delivery.

Resources and Training

- 2.17 It is not our role to comment on the precise number of people required for monitoring and contract management or on the appropriate levels of appointment. However we are concerned about resources, training and continuity. Not unreasonably, fewer people are involved in contract management and monitoring than in Acacia's early days but there is a risk that the team is becoming over-stretched. At head office level, this is compounded by senior staff being required as part of their 'corporate responsibility' to undertake tasks that are unrelated to contract management. This dilutes an already stretched system.
- 2.18 In terms of the onsite monitors, we were concerned to learn not only of the limited number of monitors but also of the regular turnover and the lack of training. Continuity in approach and in relations with Serco is critical to good contract management. Current training is inadequate (a short one-day induction course but little or no other training over the preceding 18 months), resulting in what some members of the Department admitted is a 'skill set problem'.

Summary

- 2.19 Effective contract management has been, and will remain, critical to accountability and risk management at Acacia. It cannot be allowed to run down or to be diluted by the dispersal of responsibility. Along with a more general review of Acacia's place in the total system, the Department of Corrective Services should retain current reporting lines, ensure that sufficient resources are given to monitoring and contract management, and ensure that adequate training is provided.

ACACIA: KEY TEAM MEMBER OR AN INCONVENIENT TRUTH?

Attitudes to Acacia

- 2.20 The discussion of specific aspects of the contract management process leads inevitably to some more general reflections on Acacia's place in the total prison system. As we have seen, the then Coalition government decided to test the market and to opt for a privately operated prison in order to promote innovation and to provide a catalyst for system-wide improvement. Costs and industrial relations were also considerations.²⁸ The Labor Party strongly opposed privatisation philosophically (on the basis that some services should always be the State's responsibility) and because it did not believe that the purported benefits

28 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No.19 (March 2003), Chapter 1.

would flow. Since its election in 2001, just before Acacia opened, Labor has adopted a very pragmatic approach. It has not explicitly abandoned its ideological objections to privatisation but, on the basis of a cost-benefit analysis, chose not to take Acacia into the public sector even at the end of the AIMS contract. This pragmatic stance probably means that Acacia is no longer seen so much as a system-wide catalyst and more as a key service provider in the total system.

- 2.21 Although government ideologies may have shifted to some extent, the Labor government quite rightly expects Serco to deliver a high quality and cost-effective service. It also expects Acacia to offer innovation and not just to mimic the public sector. Further, given Acacia's size and prisoner mix, the government expects it to play a pivotal role in an integrated correctional system. It is the State's largest prison, it houses very large numbers of Aboriginal prisoners and protection prisoners and, central to the Government's 're-entry' agenda, it releases more prisoners each year than any other prison.²⁹
- 2.22 It would be rather naive to talk in terms of having a 'seamless' relationship between Acacia and the public sector prisons. There will always be some barriers because Acacia is privately operated and, as many in the Department will concede, it can hardly be said that there is a seamless relationship between the different parts of the public sector. However, our briefings, discussions and observations lead us to conclude that much remains to be done to develop and cement Acacia's place in the total system.
- 2.23 When Acacia commenced operations, there were strong elements of negativity and hostility within parts of the Department. This continued for some time and although there were service delivery problems at Acacia, many of its critics in the Department appeared to turn a blind eye to the problems in public sector prisons. Attitudes in the Department have progressed in the sense that Acacia's presence as a long term player is accepted and there are fewer signs of hostility and resentment. However, the relationship is still marked by a degree of ambivalence and disconnection. The following examples serve to illustrate our remarks and to show that there is considerable scope for the Department to embrace Acacia more fully and more positively.

Planning, Policies and Publicity

- 2.24 Acacia appears to be excluded or sidelined in a number of areas of planning and policy development where they could, and should, be more positively engaged. For example, despite being by far the largest deliverer of treatment programs in the State, Acacia was not engaged in debates within the Department about program priorities. This included the instruction to Acacia by the Department to cancel a number of programs for which prisoners had been scheduled on their Individual Management Plans (IMPs).³⁰ Given that the Department's regular message to the Prisoners Review Board (formerly the Parole Board) over many years had been that these were such valuable programs that it was appropriate to defer prisoners' parole to allow completion, this was a remarkable about-face.

29 On Aboriginal prisoners, see Chapter 5; on protection prisoners, see [4.29]-[4.32].

30 The programs in question were STAC (Skills Training for Aggression Control), MASU (Managing Anger and Substance Use) and PMR (Preventing and Managing Relapse).

Not surprisingly, prisoners were nonplussed and aggravated at what they perceived to be a decision by Acacia (not by the Department) that would adversely impact on their prospects of parole.

2.25 In an integrated system, top-down decision making of this sort without prior consultation is, frankly, unacceptable. Other examples of essentially the same problem include the following:-

- Acacia barely features in the Department's annual business plans.
- According to reliable sources in the Department itself: 'where there are competing needs, Acacia is the last to be considered.'
- There was evidence of a very patchy consultation process in developing policies with respect to prisoners with mental disorders. It appears that Acacia was involved in preliminary discussions but then left out.

2.26 Further evidence of the current attitudes can be seen in the fact that there is very little reference in Departmental publications or other documents to Acacia's activities and achievements. For example, there is a good deal of evidence from a range of independent sources (including this Office and work commissioned by the Department³¹) that prisoners tend to rate Acacia highly on questions relating to a pro-social environment, their capacity to deliver programs and a number of other measures. Findings of this sort should be cause for positive comment and learning.

2.27 Instead, it has been common to hear members of the Department attributing these positive responses to what they claim is slack drug control. It is an understandable source of frustration to Serco that such rumours seem to have run unchecked by senior management in the Department. The strength of the rumours was such that we decided to test them against the evidence. In fact, the evidence is that drug use at Acacia is no greater than at comparator prisons. In the period from 1 January 2007 to 4 December 2007, Karnet Prison (minimum security) drug tested all prisoners on arrival from other prisons.³² Out of a total of 323 prisoners, five percent tested positive. Only 2.8 percent of the prisoners received from Acacia (2 out of 71) tested positive compared with 4.8 percent (7 out of 147) from Hakea³³ and 5.8 percent (4 out of 69) from Casuarina.

Security Screening and Protocols

2.28 The Department must exercise appropriate security controls over the appointment of new staff at Acacia and over providing initial access to computer databases such as TOMS. However, we were told that there can be substantial delays in obtaining these initial approvals. In the case of some staff appointments, such as the recruitment of skilled tradesmen to work as Trades Instructors, this has led to prospective appointees seeking and

31 For example, Professor Alison Liebling's MQPL (Measuring the Quality of Prison Life) survey in 2007: see [3.10]-[3.11].

32 We used this benchmark for obvious reasons; simply examining the number of positive drug tests at each prison might reveal more about the extent of drug testing than the extent of actual drug use.

33 The true figure may have been higher. 25 of the Hakea prisoners tested positive (17 percent) but 18 of these tests were discounted from our figures as these prisoners' drug use may have occurred prior in the community, prior to their reception in Hakea, rather than in Hakea itself.

gaining alternative employment. To avoid this skills shortfall, Serco has even paid some appointees before their approvals have been finalised.

- 2.29 In the case of TOMS and other databases, we found another problem. Even after initial approvals have been granted, an elaborate process must be undertaken in order to change passwords and the like. Details must be faxed through to the Department and must then pass through a number of levels of approval. Some of these practices seem unnecessary and obstructive rather than conducive to good prison management.

Memoranda of Understanding with Public Sector Prisons

- 2.30 Over many months prior to the inspection, Acacia and Eastern Goldfields Regional Prison had been negotiating a Memorandum of Understanding (MOU). The aim is admirable, namely, to allow transfers between the two prisons to assist out of country Aboriginal men to have better family contact. In their briefings, both Serco and the Department made mention of the MOU as a positive sign of progress and of their maturing relationship. However, it turned out that the MOU (which would only be an annual arrangement in any event) was not signed and neither Serco nor the Department could point to any actual outcomes other than an unsigned document.³⁴
- 2.31 This saga raises some fundamental questions. If Acacia is truly embraced as part of a well-integrated system, why is a formal MOU needed? Transfers between public prisons are not subject to such a rigmarole (though there can also be issues there). There will always be some 'boundaries' between the public and private sectors, not least to avoid cost-shifting by either party. However, the nature, content and duration of the proposed MOU suggest that an unduly legalistic and short term view is being taken to what should be pragmatic and humanitarian decisions.

CONTRACT MANAGEMENT AND INNOVATION

- 2.32 Effective contract management in private prisons is not a simple task. On the one hand, it must be robust enough to prevent mismanagement, ensure public accountability and meet all statutory obligations. On the other hand, it should not reach the stage of micro-management, excessive 'meddling' or the stifling of initiative and innovation.
- 2.33 During the course of our briefings and panel discussions, there were some intriguing interchanges with respect to the philosophy of contract management. In describing the relationship with Serco, the Contract Manager suggested that in Western Australia a more 'in your face' approach is adopted than in the United Kingdom, and that Serco were probably not anticipating such a high level of proactive scrutiny. However, another senior government representative suggested that the approach should be more one of 'partnering and relationships', as in other government departments.
- 2.34 In our view, what matters is not the label that is used to describe the process but whether a reasonable balance is achieved. There are times when a strong assertive stance is required, especially when the contract in question involves the delivery of human services. However,

³⁴ See also Chapter 5.

it is important not to lose sight of broader goals when faced with the immediate imperatives of daily monitoring. We got the strong impression that there had been a 'tightening of the reins' on Serco following the news that the Corruption and Crime Commission was examining aspects of their operations. There is a real danger that this will prove counter-productive, as the prison must have some 'room to move' and to innovate. Two specific areas merit discussion in this context, namely, offender programs and the development of local prison rules.

Programs

2.35 One of the original objectives behind Acacia's establishment was to promote new offender treatment programs. Program delivery was expected to meet international best practice standards but the programs were never intended simply to mirror those that were being delivered in the public sector. However, over time, Acacia's programs have become so closely aligned with the Department's that it now offers 'virtually the same suite of programs.'³⁵ It is true that there were problems of program integrity at Acacia under AIMS, and this office was instrumental in exposing those failings. But moving to a stage where Acacia's programs mirror those of the Department is a recipe for stifling innovation. The development of programs at Borallon Prison in Queensland was hampered by just such an approach. The point is that programs can *meet standards* and can be fully *compatible* with Departmental goals without being *identical*. It must also be said that there is a rather hypocritical disjunction between the Department's requirements of Acacia and its own ability to actually deliver programs.³⁶

Director's Rules for Acacia

2.36 Clause 6.7 of the Prison Services Contract requires Serco to prepare, and to submit for the State's approval, Prison Operating Manuals on the four cornerstones and a number of other matters. These manuals will be further supplemented by local orders that do not require Departmental approval. Prior to the new Director's Rules being finalised, the previous AIMS rules, known as OCAPPs are to be applied.³⁷ Serco described the development of the various manuals and orders as a 'work in progress'. For its part, the Department told us that it expects Acacia to adopt exactly the same detailed framework as the rest of the system.

2.37 The first problem to arise from this is that there is considerable confusion amongst staff on the rules that apply in some situations – for example, whether a new policy has yet been approved or whether an OCAPP rule still applies. Further confusion about the applicable rules and policies arises from the fact that Acacia's local rules are themselves subject to the Department's Operational Instructions and Policy Directives. In order to read the Operational Instructions and Policy Directives, Acacia's staff must use the Department's public website. This is incomplete as it does not include a number of rules relating to security matters.

35 Briefing by the Department on 14 November 2007.

36 For many years, the Department has failed to deliver programs consistently and on time at its prisons; see the Annual Reports of the Parole Board and this Office's inspection reports. On the current situation with programs at Acacia, see also [7.10]-[7.23].

37 OCAPP stands for Operations Contract Approved Policies and Procedures.

- 2.38 Lack of clarity and lack of accessibility with respect to applicable rules are undoubtedly hindering consistent and efficient management. As a matter of urgency, Serco needs to develop all relevant manuals and local rules and, where required, submit these for Departmental approval.
- 2.39 However, we were also concerned at the degree to which the Department expects Acacia to follow the public sector. As with programs, the aim should be to ensure *compatibility*, not to require Acacia to mirror the public sector.

SUMMARY AND RECOMMENDATIONS

- 2.40 There are a number of maintenance problems at Acacia and the current contractual arrangements are generating significant risks. The terms of the maintenance contract are unrealistic given the gap between the contract payments and projected liabilities over the next 14 years. Risk and responsibility are ill-aligned in that Serco bears risks that arise from matters outside their control. Transparency and accountability are poorly served by having four parties (two government departments and two companies) involved. However, even with a significant increase in maintenance contract payments, Acacia's costs would remain well below those of comparable public sector prisons.

Recommendation 1: Maintenance Contract

Serco, Altus/Sodexo, the Department of Housing and Works and the Department of Corrective Services should negotiate new maintenance contract arrangements. Ideally, this should be achieved by a novation of the existing contract to Serco on terms that represent a reasonable compromise between the present contract sum and realistic projected maintenance costs over the remainder of the contract term.

Recommendation 2: Maintenance Needs

The maintenance problems identified in this Report (especially those relating to security, safety and climate control) should be addressed as a matter of urgency.

- 2.41 Contract management at Acacia has worked well and must be maintained or bolstered. It must not be diluted by poor resources or training or by the dispersal of responsibility elsewhere in the Department.

Recommendation 3: Contract Management

The contract management process must be maintained and adequately resourced:

- (a) Monitors should continue to report to Contract Management.*
- (b) Monitors should be given better and more frequent training to ensure a full understanding of their roles and to ensure consistency.*

- 2.42 Acacia is a pivotal prison in Western Australia given its size, prisoner profile and its role as the State's largest provider of treatment programs. Although the relationship between Acacia and the Department has matured, the Department needs to embrace Acacia more

positively and include it in more planning and policy discussions.

Recommendation 4: Acacia's Place in the Total System

The Department should critically re-evaluate its relationship with Acacia. Without weakening contract management, there is scope for improvement in the following areas, amongst others:-

- (a) Streamlining security screening and protocols.*
- (b) Involving Acacia in planning in areas such as programs.*
- (c) Encouraging innovation and learning from good practices at Acacia.*

2.43 There is a lack of clarity in the rules and procedures governing many aspects of Acacia's operations. This is leading to uncertainty and inconsistency.

Recommendation 5: Prison Rules and Policies

Serco, with appropriate assistance and approvals from the Contract Management Team must develop a single coherent document setting down the procedures and rules that are applicable to Acacia.

Chapter 3

COMMUNICATION, CULTURAL SHIFTS AND FAILING INDUSTRIES

- 3.1 Serco inherited a prison whose performance had never matched its promise, and where limited financial resources, management upheavals and staff turnover during the AIMS era had contributed to a loss of clear focus. In particular, the prison had drifted into a more ‘security-minded’ mentality, and had lost sight of the dynamic security benefits of positive, pro-social interactions. Serco certainly believed that, for a medium security facility, the prison had become unnecessarily focused on security and lacked a unifying value system amongst its staff. One of the attractions of their bid was their ability to identify their vision and goals and to articulate how they would engender positive cultural change.
- 3.2 In the course of the briefings and meetings, members of the Senior Management Team tended to talk in terms of the evolving ‘narrative’ of Acacia and of a journey along a yellow brick road. There is no doubt that Serco’s road to cultural change is paved with good intentions and that there are several bright signs, such as recruitment and training. The main black spots on the road are the gap between management and staff (and a failure to bring staff in line with the new vision) and the corrosive impact of cross-deployment practices on industries. Whilst it is acknowledged that the practice of cross-deployment does ensure effective use of human resources, the perception amongst officers at Acacia was that it was a disruptive practice. This perception was part of the broader cultural divide between management and staff referred to above, and is thus just one of the challenges for Serco to reconcile as part of their process of improving the organisational culture of Acacia Prison.

RECRUITMENT AND TRAINING

- 3.3 Under AIMS, Acacia relied rather heavily on casual staff. This seems to have been due to financial constraints and staff shortages. It is important to record that this has now changed and the number of casual staff has dropped dramatically from 20 to 2. This has been an important stage in establishing a firmer base on which to build for the future. It is directly attributable to Serco’s commitment to recruit and train new staff (Inspection Standard 141).
- 3.4 During 2007, three cohorts of around 20 custodial officers were recruited and trained. At the time of the inspection, there were still 19 vacancies, but these should by now have been filled by the third cohort of trainees who were shadowing other officers during the onsite inspection period. The prison also has a well-developed Training and Development Plan and we were assured that the plan will be implemented. The plan envisages two further cohorts of trainees in 2008 and this should provide a sufficient buffer against any future resignations.
- 3.5 Under AIMS, Acacia lost its RTO (Registered Training Organisation) status. Fortunately, Serco has regained that status for staff training and has therefore been able to expand its training capacity. Staff training was generally satisfactory but we had concerns about aspects of the emergency response training.³⁸

38 See [4.15]-[4.16].

THE MANAGEMENT / STAFF DIVIDE

The Problem

- 3.6 As we have seen, Serco's operational philosophy is rooted in the responsible prisoner concept.³⁹ This translates into a number of more specific expectations of both prisoners and staff. The documentation provided by Serco in their bid and their briefings was systematic and impressive in terms of its aims, scope and depth. In broad terms, the Inspectorate endorses Serco's aims and philosophy.
- 3.7 The documentation relating to the operational philosophy is, however, quite complex and at times it contains a good deal of management jargon. Despite the efforts of the transitional team and the Senior Management Team, two related problems emerged. First, it appeared that some staff, comfortable in their custodial focus, were not enamoured of the proposed new culture. Secondly, the staff who may have been more sympathetic were unsure of what was expected and felt a sense of unease. This is hardly surprising; after all, to use Serco's own phrase, they were aiming for a cultural shift. But if the aim is a wholesale cultural shift, the onus is on management to ensure effective communication.
- 3.8 This report does not itemise all the facets of the management / staff divide because they have been discussed in several other reports. Given the consistency of the findings, there cannot really be any dispute that there is a gap. The only questions are how wide and how deep the gap is, and whether it can be bridged.
- 3.9 In all large organisations – whether they are private companies, government departments or universities – staff may tend to feel disconnected from management. In the State's public prisons, this is exemplified by complaints about 'the department' or 'head office' as if they are wholly distinct entities. This begs the question: Is there really a serious problem at Acacia, or is this just the way of the world in 2008? The evidence suggests that there is a serious problem. But the good news is that it should be possible to bridge the gap through some practical measures; and that Acacia is small enough for this to be readily achievable.
- 3.10 In February 2007, Professor Alison Liebling of Cambridge University conducted a Measuring the Quality of Prison Life (MQPL) survey at Acacia as part of the Department's annual review of the prison. The MQPL is a well-validated approach that was initially used in the UK⁴⁰ but has also been applied in Western Australia on previous occasions at Hakea and Casuarina Prisons for example. The MQPL involves surveys of both prisoners and staff and at Acacia a total of 176 staff completed the survey.
- 3.11 By far the best staff MQPL 'scores' came in response to questions relating to the nature of the job, relationships with peers and line managers, and interactions with prisoners. Very much lower scores were found in response to questions relating to senior management. Some concrete examples will help to illustrate this. More than three quarters of respondents gave positive responses to questions relating to feelings of loyalty and respect from

39 See [1.27].

40 Liebling, A and Arnold, H, *Prisons and their Moral Performance: a Study of Values, Quality and Prison Life* (Oxford University Press, 2005).

colleagues, pride in the job and a belief that the job is meaningful. However, only between one quarter and one third gave positive responses to questions relating to their confidence and trust in senior management and to questions regarding their views on the competence and visibility of the Senior Management Team.

- 3.12 It should be noted that the overall pattern of responses at Acacia is strikingly similar to the pattern at Hakea, and also that Acacia generally outperformed Hakea. However, Hakea has been working its way up from a low base and should not be seen as a good performance benchmark. Furthermore, the striking disjunction in staff responses should be a matter of real concern (at Hakea as well as Acacia). Pursuant to Professor Liebling's findings, the Department advised Serco to concentrate on improved communication and to increase their visibility 'on the ground'.
- 3.13 Serco were sufficiently concerned to commission further work by Modal and Human Synergistics International ('Modal') in the form of an Organisational Cultural Inventory (OCI) and an Organisational Effectiveness Inventory (OEI). The OCI survey, involving 136 staff, revealed a 'high level of disconnect' between the 'preferred culture' (the one that Serco is trying to inculcate) and the 'actual culture' (the one revealed by the respondents). Two key findings may be noted. First, there is a less constructive and more 'passive / defensive' culture at Acacia compared with other comparable surveyed organisations in Australia and New Zealand. Secondly, Serco's scores were well below average on the communication of policies, strategies and changes, and also on some other measures relating to 'organisational level quality'.
- 3.14 Serco deserve credit for commissioning the Modal survey and following up on its findings.⁴¹ Modal has conducted retreats for senior and middle level management to discuss the implications of the report and to develop an action plan. However, communication with staff – the nub of the problem – remained mediocre at the time of the inspection. Staff are still disillusioned and complained (with examples) of 'top down' management. They also complained that prisoners have better access to management through groups such as the Prisoners' Information and Activity Committee (PIAC) than staff. They said that completing the MQPL and Modal surveys had been constructive but complained that they had been given little or no feedback. For their part, Serco management said that there had been a 'Director's Hour' briefing on Modal in August 2007 and showed us an email dated 23 November 2007 in which staff were shown Modal's 'circumplex' of its results and invited to take part in the 'cultural journey' that lay ahead.

Moving Forward

- 3.15 We do not doubt Serco's positive intentions and commitment but their communications with staff have been slow, limited and ineffective.⁴² The Modal documents, including its 'circumplex', are complex documents using specialist jargon which can appear meaningless

41 Regrettably, the public sector has not similarly invested in trying to identify, measure and rectify its communication shortcomings. Yet in many inspections we have found these to be a major concern.

42 We were told that the Director's Hour briefing took place on the very day that the Corruption and Crime Commission arrived onsite. Management would obviously have been distracted and should have scheduled further briefings. The Director's Hour can also only reach those staff who happen to be on that shift.

without ‘translation’. It is management’s responsibility to communicate the relevant material in simple and effective ways.

- 3.16 Modal has also developed a detailed ‘Serco–Acacia Prison Organisational Development Roadmap’ through which Serco can improve communication over the next 18 months to two years. However, although this has some merit, it should not have been at the cost of taking more immediate, simple and practical measures such as:-
- Distribution of a plain language summary of the Modal report to all staff.
 - Holding explanatory meetings on the Modal report and the Serco vision.
 - Greater visibility of senior management in the prison.
 - Establishing a committee for staff akin to the PIAC for prisoners.
 - Using line managers (in whom the staff expressed great confidence) as a conduit.
- 3.17 Communication failings generate numerous risks including: loss of staff, a sense that management is out of touch and unresponsive, failure to meet the goal of cultural change and, at worst, failure to meet contractual commitments. Put simply, Serco’s energy and vision, and the good work that has commenced, are at risk of being wasted unless communications with staff are radically and promptly improved.

CROSS DEPLOYMENT

- 3.18 Staff deployment practices, and especially the cross–deployment of staff from one area to another, are having a serious impact on service delivery. The most urgent and obvious example of this is the failing state of prison industries, but there are also problems with respect to access to recreation.

Industries

- 3.19 Trades instructors are not custodial officers and some custodial presence is therefore required in the industries areas. The Senior Management Team wanted one custodial officer from each unit to move with prisoners, and to stay with them, in industry workshops. However, the staff have said, through the union, that the number of prisoners who remain in the units is such that safety and workload problems arise if a staff member is cross-deployed to industries.
- 3.20 It is obvious that industries can only function if there is a supply of prisoners and the supply of prisoners has hinged on the availability of a custodial staff member from a unit. Short-staffing on a unit (for example, because of sickness or other cross-deployment needs) has meant that there can be no cross-deployment to industries.
- 3.21 At the time of the inspection, the system had broken down so badly that there had been an unacceptably high level of closures of industry workshops over extended periods. Prisoners’ frustrations were palpable. Walking around, it was common to be told: “Just get them to fix up industries”, “Industries? What a joke!” and words to similar effect. The situation was generating a vicious circle: prisoners were becoming frustrated and agitated at the lack of

work⁴³ and this, in turn, was feeding staff concerns about their personal safety in the units.⁴⁴

- 3.22 To some extent, the cross deployment problem arises from the 12-hour shift arrangements. Industries work on an eight hour, not a 12-hour day. If staff members on a 12-hour shift were to be allocated full-time to industries, they would be under-employed. Around the time of the inspection, Serco was therefore endeavouring to establish a new system. They had called for expressions of interest from staff to move to a five day / eight hour roster at an enhanced rate of pay. If this works, they intend to deploy seven officers full-time to industries on this basis. This would end the need for cross-deployment apart from exceptional situations. Without pre-empting the deliberations of the Industrial Relations Commission, this seemed, prima facie, to be an effective, rational and appropriate solution.⁴⁵

Recreation

- 3.23 Whilst the staffing levels in the gym were appropriate (two positions with a third available to cover such matters as leave or other staff shortages), the practice of cross deploying the third recreation officer to other areas of the prison was contributing to the negative perception that the gym was under-staffed. Indeed, staff shortages across the prison in the months preceding the inspection did impact on the gym's opening hours. Recreation, like industries, is not an optional extra. It is an important element of successful prisons, and inadequate recreational access – especially if it is layered on top of limited work opportunities – will increase frustration, tension and risk. The practice of cross-deployment is in principle an effective use of human resources. However, it is essential that this practice be used in such a way as to not adversely affect core services for prisoners, such as access to the gymnasium.⁴⁶

CULTURAL SHIFTS AND SHIFT CULTURES

- 3.24 One of the most pervasive complaints from prisoners – backed up with examples – related to perceived differences between the different shifts at Acacia. Custodial staff were generally cautious when asked about this but their comments were nevertheless rather telling. On a number of occasions the staff said words to the effect of:

'We don't know much about the other shift.'

'Our paths don't cross much.'

'We never really meet.'

43 There is also evidence of staff imposing more and more loss of privilege penalties as work opportunities have deteriorated: see [4.35]-[4.36].

44 Shortly after the completion of the on site inspection a core of officers, including recent graduates from the training school, were appointed as dedicated custodial officers in the industries area. It was anticipated that this would alleviate the problem of regular workshop closures due to lack of custodial staff.

45 We have been informed that since the Inspection six out of the nine uniformed industries officer positions have been filled and are fully operational. This has allowed industries to be operational on most days. As the remaining positions are filled it is anticipated that all industries will be able to operate at full capacity.

46 The Inspector has subsequently been assured that this matter is now better appreciated by Operations Managers and that the gym will only close in highly exceptional circumstances.

- 3.25 It is a fact of life in every prison that prisoners will find some individual staff members to be more receptive than others. What was unusual was to find such forceful and consistent views about entire shift cultures.
- 3.26 It is impossible for us to quantify the problem or to comprehend its causes. It may be that some difficulties arise from an issue to which we have already referred, namely, staff uncertainty over what rules and policies apply. However, it seems likely that some of the personnel on one shift reflect the pre-Serco culture more strongly than on the other shift.
- 3.27 If Serco is to succeed in shifting Acacia's culture as they intend, they may need to invest resources into understanding the different shift cultures and considering how best to respond. This is not only a matter of prisoner dissatisfaction but also of fairness between shifts. It is unfair if, as prisoners say, they 'save up' their problems until the 'good shift' appears. One option may be to create opportunities for unit managers to meet regularly or even, on occasions, for them to straddle the two shifts.

SUSTAINABILITY

- 3.28 Serco has been proactive in developing and implementing sustainability options across the prison site. In so doing, they have formed an Environmental and Energy Awareness Group (EEAG). This group comprises senior and middle management as well as prisoner representatives. One initiative that this group has developed is an "Energy Smart" initiative that aims to incorporate energy efficient habits into staff and prisoners' daily activities, at work and at home. There are monetary incentives attached to this initiative, some of which must be invested in further energy saving or other environmentally friendly initiatives.
- 3.29 Other matters relevant to sustainability include a commitment to recycling of paper, cardboard and aluminium cans, with a viable system now in place. Since the on-site phase of the inspection, Serco has engaged an environmental consultant to undertake an audit of Acacia prison's carbon footprint and its overall impact on the environment. Overall, Acacia's sustainability protocols are good practices, which should be transferable to the State's public prisons.

SUMMARY AND RECOMMENDATIONS

- 3.30 Serco has an impressively clear and positive vision for Acacia and some useful steps have already been taken in promoting a more pro-social culture. Staff recruitment and training programs are producing a supply of new staff and have all but eliminated the unhealthy reliance on casual staff that had occurred under AIMS. However, successive reviews have revealed a significant gap between senior management and custodial staff. If Serco wishes to achieve cultural change, they must deal urgently with these communication problems and must also address what appear to be differences in attitude between different shifts at the prison.

COMMUNICATION, CULTURAL SHIFTS AND FAILING INDUSTRIES

Recommendation 6: Management/Staff Cultures

In order to promote a more pro-social culture at Acacia, Serco must improve its communications with staff and address any differences between the two shifts.

Recommendation 7: Industries and Recreation

Serco must ensure that Industries are open for a five-day week and that full recreation opportunities are open to prisoners.

Chapter 4

CUSTODY AND SECURITY

- 4.1 Acacia has an impressive record in terms of the most basic prison performance measures: there have been no escapes, no loss of control and no other major incidents. However, as with all inspections, we became aware of some areas of potential risk and improvement in terms of custody and security. Some of these observations and suggestions do not belong in a report which is publicly available but have been conveyed to the relevant parties more informally. This chapter offers a broad assessment of Acacia's performance on the custody cornerstone by reference to the Inspectorate's Inspection Standards. The aim of this Office is to identify any major strategic questions and serious operational weaknesses.

PERIMETER SECURITY

- 4.2 Inspection Standard 17 states that perimeter security should be capable of withstanding a determined attack from inside and outside, but should not be such as to overpower the senses or cause fear.
- 4.3 It must be said that the approach to Acacia prison from the Great Eastern Highway is somewhat daunting because of the kilometres of fencing and razor wire that come rather suddenly into view. Indeed, the levels of perimeter security, bolstered by high levels of security on the internal control line, exceed what would be required of maximum-security prisons in some Australian jurisdictions.⁴⁷ Once inside the prison, however, it is not unduly oppressive and there is generally a good sense of space. The main challenge facing Serco and the Department with respect to perimeter security is to ensure proper maintenance of alarms, cameras and lights.⁴⁸

ENTRY TO THE PRISON

- 4.4 Entry through the gatehouse has improved significantly under Serco. The very sensitive rota-turn equipment that contributed to frustrating delays⁴⁹ and an oppressive sense of security has been removed. In its place, the prison has adopted sensible and effective airport-style security measures. People enter through metal detectors and will be further checked if the alarm sounds. Any property is X-rayed. Serco has undertaken risk assessments of any potential risks flowing from these physical changes and has taken measures to address those risks.
- 4.5 Contraband detection consists mainly of metal detection and X-rays in the gatehouse followed by further drug detection measures in the sterile area between the front gate and the visits room. The facilities would be improved if there was a dedicated interview room to interview visitors where there has been a positive indication of contraband; currently they tend just to be taken to one side.
- 4.6 Inspection Standard 34 states that controls over visitors must be effective but should not involve 'disrespectful treatment' or 'humiliating or degrading' treatment. In our first report on Acacia, we expressed concern at what we considered to be intrusive and demeaning procedures in the use of Passive Alert Dogs (PAD dogs) on visitors. AIMS took measures to

47 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No.19 (March 2003),[2.2] – [2.5].

48 See [2.5].

49 For example, it was common for visitors to be required to remove belts, shoes and jewellery.

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improve this. However, the use of PAD dogs then dropped to unacceptably low levels in the last 18 months of AIMS' operations.⁵⁰

- 4.7 On taking over, Serco immediately arranged, at some expense,⁵¹ to have the Department's dog squad attend at Acacia every week-end. However, the canine attendance became unreliable and Serco therefore adopted 'pocket and mouth' searches of all visitors, including young children. Although Serco claimed the searches were simple, swift and not unduly intrusive, our observations suggested otherwise. It is certainly doubtful whether searches of this sort would satisfy Standard 34.
- 4.8 Given these difficulties, we were pleased to learn that Serco had decided to establish their own dog squad rather than relying on the Department's patchy service. The Serco dog squad was not operational at the time of the inspection as the staff were still in training. The company's proactive response is indicative of their firm commitment to Acacia but we do hope that Serco will not over-use the dogs on visitors because careful searches of prisoners (including the use of dogs) after visits may well prove just as effective in controlling contraband.

MASTER CONTROL

- 4.9 We have previously suggested modifications to the master control room and work was undertaken during 2007. We were satisfied that the changes meet appropriate standards though there were some areas of further possible improvement. These included the ergonomic positioning of the CCTV monitors, measures to reduce the glare on the monitor screens, an improved location for the fire alarm panel and the need to ensure there are back up arrangements for all security equipment.

MAINTENANCE

- 4.10 We have already discussed the problems that arise from the dispersal of responsibility for maintenance and from what would appear to be unrealistic costings in the maintenance contract.⁵² Potential security risks include the maintenance of fence lights and alarms, fire alarms and equipment, and CCTV equipment. Although Acacia does have high levels of perimeter security and has not experienced any escapes or major incidents to date, such risks must be addressed. As we have said, this will require realistic multi-party discussions involving the Department of Corrective Services, the Department of Housing and Works, the prison services contractors (Serco) and the maintenance contractors (Altus/Sodexo).

PRISON DESIGN

- 4.11 Overall, the prison is well-designed and easily meets the Inspectorate's Inspection Standards. One of the guiding principles of modern prison design is that strong perimeter security provides an opportunity for less intrusive controls to be used within the prison itself. However, a corollary of reducing the physical barriers inside the prison is that there

50 We understand that there was a canine presence on only three occasions over that period.

51 From September to December 2006, the cost was around \$29,000.

52 See [2.2]-[2.14].

should be good lines of sight for monitoring by staff and/or by CCTV cameras (Inspection Standard 19.4). The prison grounds should also be ‘rubble-free’ as far as possible.

- 4.12 Viewed purely from a technocratic security perspective, the location and design of the new Aboriginal cultural meeting place⁵³ may have created a few risks in terms of shadow lines. However, prison standards, like human rights standards, are not necessarily absolute, and may need to be balanced against each other. Inspection Standard 24 lays down some expectations for catering for Aboriginal cultural needs which the previous meeting place had singularly failed to meet. We believe that the benefits of the new cultural meeting place in terms of meeting Standard 24 outweigh any potential risks under Standard 19.
- 4.13 Reference has already been made to our Inspection Standards relating to climate control inside buildings.⁵⁴ However, in the Western Australian climate, due consideration should also be given to the provision of shaded outdoor areas. This is not a matter of comfort or aesthetics but of physical health. Acacia is quite an exposed site and prisoners, Serco staff and members of the Inspectorate all commented on the potential for more shade. Subject to meeting security concerns, such as line of sight issues, Serco and the Department should review this question and consider possible options.

EMERGENCY RESPONSE CAPACITY

- 4.14 The key elements to comprehensive contingency planning are prevention, preparation, response and recovery. And plans must be tested regularly. Acacia, like a number of other prisons, is not yet meeting the standards that we believe should be applied.
- 4.15 The areas of concern included the following:-
- Fire drills have been sporadic. Only two drills had been conducted in the 18 months prior to the inspection. Given the critical bushfire incident of 2004, when the whole prison was at serious risk, this is inadequate by any commonsense measure. The performance falls below the Department’s Operational Instruction 09 (which applies to Acacia) which requires drills at least every six months.
 - The fire fighting equipment had been recently checked and tagged but such checks appear to have been irregular and infrequent.
 - Staff training was patchy and needed to be improved. Few staff seemed to have adequate primary response training and this is a particular problem given their relative inexperience compared with their public sector counterparts. We were astonished, for example, to hear some custodial officers say that in the event that they needed to recover a prisoner from the razor wire fence, they would simply pull him off.
 - Serco may have an over-optimistic view of the speed at which external assistance such as FESA or the Department’s Emergency Response Group (ERG) will be able to reach the prison. In the case of a group disturbance, Serco must have the capacity to contain and control the problem for around an hour before ERG can be there.

53 See [5.8]-[5.9].

54 See [2.7].

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- 4.16 At around the time of the inspection, there were indications that contingency planning was improving and Serco did submit a draft plan to the Department in late November 2007. Acacia faces significant risks given its location and the relative inexperience of its staff. It is therefore critical that the plan be finalised, along with improved training and firmer links with FESA and other services.

MOVEMENT CONTROL

- 4.17 Acacia uses a 'smart card' movement control system which requires staff, prisoners and visitors to swipe their cards when moving between locations. Controls of this sort are critical, especially in the event of an emergency. The theory is sound but human error and technological problems creep in. In previous inspections (especially our first inspection in 2003), we observed cases where prisoners and staff were just not swiping their cards (especially at busy junctions such as the entrance to O Block). Furthermore, the cards seem to be based on relatively old technology; if they are not brought close to the reader and swiped carefully, they will not always register. Sometimes more than one attempt is needed. There has always, therefore, been capacity for honest mistakes to be made.
- 4.18 Practices have undoubtedly tightened up over the years and the busy junctions are now better-managed. We were also informed that the system will be upgraded to improve its 'proximity reading capacity'.

DYNAMIC SECURITY

- 4.19 This Report has already discussed the fact that Serco is endeavouring to shift Acacia's culture away from a rather negative custodial focus and towards a more positive and interactive culture. We fully support this endeavour. A pro-social culture brings dynamic security benefits, thereby improving intelligence gathering, incident prevention and staff and prisoner safety. Subject to our earlier comments regarding better communication, shift culture and the need for clarity in the rules that are applied,⁵⁵ there are clear signs of an improvement in dynamic security and we are satisfied that Inspection Standards 30 to 33 are generally being met.
- 4.20 However, there is scope for improvement in anti-bullying training. The prison does have an anti-bullying strategy but we were not convinced that staff training has been adequate (Standards 33.5 and 33.6). Some staff seemed unaware of the contents of the strategy or of how to respond to particular scenarios.
- 4.21 Acacia is the only prison in the State to have a dedicated intelligence section. This seems to be a good model and the manager and his staff are well-known and well-regarded by prisoners and other staff. According to the Department's Justice Intelligence Service, Acacia has a history of forwarding reliable and useful information. We were therefore concerned to learn of a very significant decline in the number of intelligence reports being sent to the Department

55 See Chapter 3.

each month. This may well be attributable in large part to a reduction in personnel.⁵⁶

RECEPTION, ADMISSION AND ORIENTATION

- 4.22 Acacia does not receive prisoners directly from the courts but from other prisons. Prisoners will most commonly arrive from Hakea, where security assessments will have been conducted and IMP's (Individual Management Plans) developed. Prisoners are sometimes transferred from Wooroloo, the nearby minimum security prison, as a result of security upgrades. Some will also arrive from Casuarina (maximum security) or from regional prisons. Although reception, admission and orientation processes at Acacia are arguably less complicated than at direct receipt prisons, it is obviously still critical to have clear, accountable and well-developed processes and for there to be a reliable flow of information from the sending prison.
- 4.23 The physical layout of the reception precinct is good: it is well-located, well-designed and fit for purpose.
- 4.24 Inspection Standard 1 articulates a number of principles regarding information requirements for reception and admission. At one time Acacia experienced considerable difficulties with the timely flow of information from the Department. This is rarely an issue now. Prisoners' names are generally available up to three days in advance, allowing Acacia staff to conduct TOMS checks, and they generally arrive with all relevant documentation. If there are any information gaps, these are now resolved expeditiously by the Department. We are therefore satisfied that Inspection Standard 1 is being met.
- 4.25 The admission staff held positive attitudes and were genuinely committed to the prisoners' welfare and safety. Prisoners who were identified as vulnerable were given more attention and, if necessary, were placed in separate holding cells for observation. There was satisfactory integration of other Serco services, including health and I Block (where newly received prisoners are accommodated). There was also some level of engagement with peer support prisoners (though this could perhaps be further developed).⁵⁷ Overall, prisoners were satisfied with reception and admission. The proposed location of a representative from sentence management in the reception area will further enhance service delivery.
- 4.26 Although standards were generally being met, we had concerns with respect to property handling. There seemed to be too much property onsite and prisoners were sometimes being inappropriately employed to handle other prisoners' property, including valuable items. There also seemed to be a lack of accountability in the event that property goes missing (for example, all general duties staff have a key to the reception room). We consider that procedures and security relating to property should be tightened up. The most effective way would be to draw on the expertise of the very experienced reception officer and to

56 Subsequent to the on site inspection, the intelligence department at Acacia Prison has been reviewed by the Security Manager in conjunction with the creation of the dog handler team. As a result of this review, one dog handler will dedicate 50 per cent of her/his work time to the intelligence team, thus increasing the on site intelligence personnel. In addition, there will be greater integration of the security and the intelligence functions.

57 See also [6.3]-[6.8].

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compile a detailed reception manual.⁵⁸

- 4.27 There are also some issues with the holding cell and search room arrangements. The search room is a small office – much too small, as currently set up, for two staff to be in immediate proximity to the prisoner as safe practice requires. Security should probably also be improved in some of the holding cells which are not in line of sight from the reception desk and are not monitored by CCTV. We suggest that one of the poorly monitored holding cells be converted to a proper search room, and that CCTV's be installed in the remaining 'out of line of sight' cells.
- 4.28 We interviewed a number of newly-arrived prisoners in I Block about their experiences. They were generally positive and it is clear that the prison orientation program is being delivered in an efficient and timely manner. Their main criticisms related to uncomfortable footwear and delays in making phone calls. Serco should examine both of these matters.

PROTECTION PRISONERS

- 4.29 The original request for proposal documentation did not contemplate that Acacia would adopt a traditional approach to the accommodation of protection prisoners, incorporating their strict segregation. Upon commissioning, however, this was the approach adopted. Under AIMS management, protection prisoners were housed in K Block but Serco transferred them to J Block to provide them with more extensive work opportunities and better access to the outdoors.
- 4.30 We were impressed with Serco's approach to protection prisoners. The prisoners told us that they had felt some apprehension when told of the move to J Block but that it had been carried out in an efficient, safe and non-threatening way (the prisoners who were being transferred the other way were kept in the gym). The protection prisoners and the staff said that J Block had been rather dirty on arrival but by the time of the inspection, it was very clean.
- 4.31 Prisoners believe that Acacia has the best protection arrangements in the State and our standards are generally being met. Prisoners are not subject to intimidation, abuse or acts of malice (Standard 42.1) and have good access to the open air and exercise (Standard 42.3). When the prison-wide impasse over industries is resolved⁵⁹ they will have good access to training and employment (Standard 42.2). The protection status of prisoners is regularly reviewed and appropriate records are kept (Standards 42.6 and 42.7).
- 4.32 Protection prisoners are given the same visiting privileges as other prisoners and their visits have hitherto taken place on different occasions from mainstream prisoners. However, they are apprehensive of suggestions that some visits may become 'mixed'. Their concerns relate more to the risk of unpleasantness or harm to family members rather than to themselves. We understand that the logistics of arranging visits for so many prisoners at Acacia may generate a need for some flexibility but hope that this flexibility will not be bought at a cost to

58 See [1.26] and [2.36].

59 See [2.28] and [3.19]-[3.22].

prisoners' or their families' sense of safety (Standard 42.5). Serco are clearly aware of the issue.

PRISONER DISCIPLINARY PROCEEDINGS

- 4.33 Fair disciplinary proceedings for adjudicating on formal charges under the Prisons Act are an essential element of good prison management. At the time of our first inspection of Acacia in 2003, the formal disciplinary system was in disarray. The most striking example was the extraordinary decision of AIMS, the then operator, simply to write off a ten-month backlog of cases and start again.⁶⁰ However, if one set of (formal) controls breaks down, another set of (informal) controls is likely to develop in its place. This was exactly what had happened in the early years of Acacia, with a rather wayward use of 'loss of privileges', imposed by staff, in lieu of formal adjudication mechanisms.
- 4.34 Our 2005 inspection described the transformation in disciplinary proceedings as one of the prison's success stories. Charges were being prosecuted and heard expeditiously and fairly and, although we still had some concerns, the use of loss of privileges had declined.
- 4.35 We are satisfied that formal disciplinary proceedings continue to be carried out fairly and efficiently, but the question of loss of privileges still bubbles up. Two particular aspects of this require attention. The first is that there seems to have been an excessive use of loss of privileges during 2007. In the first ten months of the year, there were 937 loss of privileges 'events'. This level of 'informal' punishment is too high and unsustainable if the goal is a positive, pro-social environment. It is also probably no coincidence that the high level of loss of privileges was occurring at the same time that positive structured activities such as industries and recreation were being cut back.
- 4.36 We were also concerned to find that in 120 cases, the privilege that was lost was contact visits. Under Inspection Standard 34.4: "Prison processes should not interfere arbitrarily with family contact." To impose loss of contact visits as part of a loss of privileges system (not even through proof of a disciplinary offence before an independent adjudicator) is highly questionable.

COMPLAINTS AND GRIEVANCES

- 4.37 As far as we could tell, Acacia complies with Inspection Standards 50 to 53 relating to prisoners' complaints and grievances. However, some staff appeared rather defensive about the existence of grievance procedures for prisoners and there was comparatively little information (such as notices or posters) to explain the processes to prisoners. Although it would be wrong to describe the system as failing, there does appear to be a need to improve both staff and prisoner understanding of the processes and of the merits of an open and accountable grievance system.

60 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No.19 (March 2003), [3.11]-[3.14].

SUMMARY AND RECOMMENDATIONS

4.38 Generally, Acacia is meeting appropriate standards with respect to the custody cornerstone. There are a number of specific areas where there is room for continual improvement (such as anti-bullying training, the search facilities on admission, the swipe card system and visitor interview rooms) but there are many areas of excellent practice, most obviously in the areas of protection prisoners and reception, admission and orientation. Although we make no formal recommendations in regard to property management on admission and intelligence processing at Acacia, we again note our concerns on these aspects of the prison's operations. The two areas on which action is required as a matter of priority – and which therefore form part of our formal recommendations – are the prison's emergency response capacity and the use of loss of privileges.

Recommendation 8: Emergency Response

- (a) *Serco (with the Department's approval) must conclude a contingency plan that embraces prevention, preparation, response and recovery and engages relevant emergency services.*
- (b) *Staff must be fully and regularly trained in the use of equipment and in their roles and responsibilities in the event of an emergency.*

Recommendation 9: Loss of Privileges

Serco should conduct a review of:-

- (a) *The extent to which loss of privileges are imposed, including their use in lieu of formal disciplinary charges.*
- (b) *The penalties that are applied (especially loss of contact visits).*

Chapter 5

ABORIGINAL PRISONERS

CONTEXT AND BACKGROUND

- 5.1 Through the Inspectorate's work, the term 'Aboriginal prison' has come into common usage. It is generally used in the context of those regional prisons where 75 percent of prisoners or more are Aboriginal. Judged by such a quantitative measure, Acacia is not an Aboriginal prison because 'only' around 35 percent of its inmates are Aboriginal, well below the system-wide figure of 43 percent.
- 5.2 However, there is still a profound Aboriginal dimension to Acacia which must not be obscured by saying it is 'not an Aboriginal prison' according to the 75 percent benchmark or that its proportion of Aboriginal prisoners is below the state-wide average. It houses at least 250 Aboriginal men at any given time, far more than each of the so-called Aboriginal prisons. Just 3 percent of the State's general population supplies 35 percent of Acacia's population, and a significant number of the Aboriginal prisoners are a very long way from home. Strong Aboriginal policies and practices are therefore critical.
- 5.3 Previous reports by the Inspectorate have raised a raft of issues with respect to Aboriginal prisoners at Acacia. Some of these issues, such as the placement of large numbers of 'out of country' men at the prison, were outside Acacia's control and reflected the lack of beds in other prisons and the Department's policies with respect to assessment and placement. Some matters, such as accommodation, employment, food and access to a cultural area, were largely within Acacia's control. Others, such as transfers between prisons for visits and funeral arrangements required a collaborative approach by the Department and the contractors.
- 5.4 At the time of the first inspection, the Inspectorate was seriously concerned on numerous fronts. Since then, and especially since Serco took over, there have been a number of positive developments but at his Exit Debrief, the Inspector expressed some concern about the extent to which Serco – especially given its lack of experience with Indigenous prisoners – had fully grasped the depth and subtleties of the Aboriginal dimension. Serco took issue with some of the Inspector's comments and we therefore arranged a further briefing in January 2008. To their credit, Serco acknowledged that there were gaps in their level of understanding when they first took over Acacia, and also responded positively to most of our suggestions at the January briefing. Future inspections will no doubt continue to map progress.

MANAGEMENT STRUCTURES

- 5.5 One of the most obvious developments under Serco has been the appointment to the Senior Management Team of an Aboriginal woman with extensive experience in Indigenous affairs. Serco is to be commended for this appointment. There is a tendency in government departments, including Corrective Services, for Aboriginal people's views to come from policy groups that sit apart from the operational side of the business. Structurally, these groups sit 'to one side', and when it comes to setting policies, they tend to be sidelined as immediate 'operational priorities' prevail. The appointment of a well-credentialed Aboriginal woman to the inner sanctum of the Senior Management Team should provide stronger operational input and linkage.

- 5.6 We are concerned, though, that excessive weight is being placed on one set of shoulders. The position in question was originally called Assistant Director, Indigenous and Cultural Affairs. Although the position was not Indigenous-specific, and extended to other cultures and groups (such as Muslim, Maori and Asian prisoners), its parameters and priorities were relatively clear and the Aboriginal dimension was explicit. However, a portfolio reshuffle saw the position title change and its responsibilities significantly widened.
- 5.7 The Assistant Director Resettlement, as she is called, now carries responsibility for education, health and re-entry services in addition to Indigenous and cultural affairs. Serco's explanation was that it hoped to 'mainstream' Aboriginal services rather than treating them as a separate area. This appears consistent with Serco's general philosophy of Aboriginal affairs (to which we will return)⁶¹ but there is a danger that the Aboriginal focus has become diluted and that, without more support, the Assistant Director Resettlement will become less visible in the prison and less able to drive initiatives relating specifically to Aboriginal and other cultural services.

THE CULTURAL MEETING PLACE

- 5.8 In our 2003 Report, we castigated the so-called cultural meeting place. It was poorly designed (and ridiculed by some Aboriginal men) and, for 'security reasons', was in effect 'out of bounds' for most of the time. We noted that the phenomenon of providing a cultural space and then denying access was not confined to the private sector, but criticised such hypocritical tokenism. Following the 2003 report, the Department commissioned Mr Charlie Staples to conduct a review, with special reference to the position of the Wongi prisoners.
- 5.9 In line with recommendations contained in the Staples Report, a new meeting place has been constructed in a more open, accessible and prominent part of the prison, with views to the land beyond the fence. The meeting place is called Mondiwon Booja (Noongar for 'Spirit of the Earth') and opened during NAIDOC week in July 2007. It is clear that Aboriginal people were involved throughout the design and construction of the meeting place and that its design reflects not only its place on Noongar land but also the importance at Acacia of other Aboriginal cultures.

FAMILY CONTACT FOR OUT-OF-COUNTRY PRISONERS

- 5.10 Acacia continues to house a significant number of out of country Aboriginal people, especially Wongi people from the central desert. Their plight was such that in 2003 we commented that we had 'never previously encountered any group that seems so unhappy and out of place as the Wongis at Acacia.'⁶² The Wongi prisoners remain isolated and disaffected but this does seem somewhat less marked.
- 5.11 The placement of Aboriginal people will remain a problem until more appropriate accommodation is provided closer to home and/or until the Department adopts less rigid assessment and placement practices. In successive reports we have therefore emphasised the

61 See [5.30]-[5.32].

62 OICS, *Report of An Announced Inspection of Acacia Prison*, Report No.19 (March 2003), [6.5].

PHOTOGRAPHS

The children's play area in the internal visits centre at Acacia Prison. Visits at Acacia are well-organised and well-managed, with a positive attitude from staff at the visits centre.



The inside section of the visits centre. Extended visiting times are likely to become a necessity if the prisoner population increases.



The inspection team was treated to a delicious morning tea prepared by the prisoner trainees working in the kitchen at Acacia Prison. Overall, the Inspectorate commends Acacia Prison on their food and nutrition standards.

A view of the new cultural meeting place. The shade sails had been removed as further work was required on the supporting structures.



PHOTOGRAPHS



Selection of the name for the new cultural meeting place was made in consultation with prisoners involved in its design and construction.



The cultural meeting place has been designed to reflect various landscapes that are significant in Aboriginal culture.



Maintenance issues were identified in the kitchen, including inoperable ovens.



General view of the oval and accommodation units. The view of the hills and trees on the horizon is important for prisoners, particularly the out of country Aboriginal prisoners.

urgent need for providing mechanisms for family contact. It is simply too far, too expensive and too fraught with logistical problems for families to visit Acacia from the lands.⁶³ It is far more realistic to examine options such as short-term transfers to Eastern Goldfields Regional Prison and the more innovative use of video links and computer technology. Staples explored some of these options in 2004 and communication technology has advanced further in the interim. Overall, we were disappointed with progress with respect to prison transfers, video-link visits, phone calls and other technology.

- 5.12 We have already noted the MOU that is being negotiated between Acacia and Eastern Goldfields Regional Prison.⁶⁴ Although both Serco and the Department spoke rather positively of this development, unsigned yearly arrangements are hardly a firm basis for action. Not surprisingly, we could not identify any concrete outcomes. In part, the lack of prisoner transfers reflects systemic pressures. Given the size of the prison population, there are no spare beds at Eastern Goldfields Regional Prison and few Eastern Goldfields prisoners want to transfer to Acacia, even on a temporary basis. Put bluntly, it is yet to be shown that the MOU is worth the paper it is written on, and there seems little point in negotiating for its extension, as Serco management enthusiastically proposed, to Roebourne, Broome or Greenough prisons.
- 5.13 Family video links have not developed as the Inspectorate and Staples had hoped. Indeed, the positions may have deteriorated. When questioned, Serco admitted that video link visits are ‘not really happening’ as they should, and attributed this to two factors. The first was that Acacia’s video link facilities are fully utilised for court hearings and Prisoners Review Board (formerly Parole Board) hearings. The second was the difficulty of accessing family members at the other end at the scheduled time.
- 5.14 The construction of two new rooms, solely for video link visits, will go some way to alleviating these logistical problems. However, unless the costs of accessing video visits are substantially reduced, there is very limited scope for improvement. Currently, it costs \$1 per minute, so an average 20 minute video visit will cost \$20. The prisoners who are most in need of video visits, the out of country Aboriginal men, tend to be unemployed or employed on the lowest paying jobs,⁶⁵ so \$20 is prohibitive. By comparison, a 20-minute video visit at Casuarina Prison costs just \$4. We recognise that there are financial costs involved in setting up video links but Serco must recognise that there are also cost savings compared with face to face visits (such as the costs of checking and searching visitors).
- 5.15 Access to phone calls is another area of concern. Prisoners were confused about the rules but Serco explained them as follows. On the basis of a weekly muster review, a ‘remote phone list’ is drawn up and Serco deposits \$3.30 into the phone credit of the identified prisoners. Prisoners may also apply for ‘special circumstances’ calls in the event of family illness or other emergencies. Whilst useful, \$3.30 is unlikely to purchase the same call-time as out of

63 It would involve two long days’ driving in each direction or flights between Kalgoorlie and Perth coupled with a long day’s ride. Further enmeshment in the criminal justice system is also likely to ensue if unlicensed drivers take the wheel.

64 See paras [2.30 – 2.31].

65 See [5.30]-[5.32].

country prisoners receive at Casuarina (two officer-assisted calls of 10 minutes per month in addition to other calls).

- 5.16 Serco management said they are pursuing two avenues to improve services. The first is to see whether phone cards (similar to those that are available to overseas prisoners) can be used to provide more call time for the same amount of money. Secondly, following discussions at a PIAC (Prisoners Information and Activity Committee) meeting, they have carried out an operational risk assessment of using ‘Skype’ or other internet-based services. They said that they had submitted a request for access to such services to the Department who had sent it on to the State Solicitors Office.
- 5.17 We were not told why the Department forwarded the request for Skype access to the State Solicitors Office but in our view, options of this sort should be urgently explored for use by all prisoners across all parts of the prison system. Western Australia’s inertia compares very poorly with many Asian countries. In countries such as Korea, Singapore and Hong Kong, “E-visits” over the internet are commonplace and similar initiatives are being rolled out in Thailand.⁶⁶ The Department, in conjunction with Serco, should make a far more concerted effort.

EMPLOYMENT AND ACCOMMODATION

- 5.18 Unemployment and under-employment of Aboriginal prisoners is a system-wide issue. When Serco took over Acacia, the Prisoners’ Employment and Remuneration Committee (PERC) sought to develop strategies to increase employment and training opportunities. There are some promising signs in that over 200 Aboriginal people have completed their ‘Blue Card’ training that should improve their prospects of employment upon release.⁶⁷ Aboriginal engagement in education also seems to have improved.⁶⁸
- 5.19 However, some bottom line measures remain unsatisfactory. In particular, we concluded that the unemployment rate amongst Aboriginal prisoners is twice that of non-Aboriginal prisoners,⁶⁹ with around 25 percent of Aboriginal men being unemployed compared with around 13 percent of non-Aboriginal men. Serco said that the figures were distorted by the very high unemployment rate amongst the Wongis. However, this is a statement of a problem that needs to be addressed, not a justification of the figures. Furthermore, even discounting the Wongis, the unemployment rate is significantly higher amongst Aboriginal than non-Aboriginal prisoners.
- 5.20 Previous inspection reports criticised the fact that Aboriginal prisoners were heavily concentrated in the lowest levels of accommodation. The situation has certainly improved as a result of Serco’s operational philosophy, under which prisoners will begin in the

66 See Reports of the Asian and Pacific Conference of Correctional Administrators, at www.apcca.org.

67 See [7.38].

68 See [7.31].

69 During the briefing, Serco said that around 160 men were unemployed, of whom 56 percent were Aboriginal. In other words, more than half of the unemployed men come from the one third of the population that is Aboriginal. Only 44 percent come from the two thirds of the population that is non-Aboriginal. On one of our onsite inspection days, 180 men were unemployed. Of these, 40 were deemed ‘ineligible’ for work for various reasons, so the ‘real’ number of unemployed was 140. Again, around half of these were Aboriginal men.

‘standard’ rather than the ‘basic’ regime. However, relatively few Aboriginal prisoners seem to progress beyond the standard regime. Over 90 percent remain in standard and only seven percent have attained ‘enhanced’ status. Serco told us that this is, in large part, due to ‘cultural resistance’ from Aboriginal men to moving to the enhanced accommodation unit (November Block), and a preference to staying with friends in the other blocks. Serco informed us that they are developing an ‘enhanced privileges initiative’ (allowing increased town spends, more electrical items and other privileges) within other units. This would be similar to the system that operates for protection prisoners. We will monitor these developments with interest.

COMMUNITY CONTACT AND CONSULTATION

- 5.21 Three issues arise with respect to contact and consultation with the Aboriginal community, namely, the role of Acacia’s Indigenous Advisory Group, the program of Elders’ visits, and the unmet contractual requirement to hold an Indigenous conference at Acacia within 12 months of commencement.⁷⁰
- 5.22 The contract required Serco to ‘use all reasonable endeavours to procure the establishment of an Indigenous Advisory Board’.⁷¹ A Board was duly established and was glowingly described by Serco at our initial briefing as ‘the key’ to driving Aboriginal policies at the prison. Our inquiries showed that the contributions of the Board had been ‘talked up’ too much (a point conceded by Serco at the later briefing). The Board had not met for well over six months and could, at best, be described as non-functional. Board members have not been consulted recently or regularly on Aboriginal policy direction. They were unsure whether the Board still existed, did not respond to our invitations to meet, and seemed uninterested in further involvement. In our view, the Board should be revitalised (or a new Board appointed) and should play a role in developing more holistic Aboriginal policies and benchmarks for the prison.
- 5.23 In the course of our focus groups and other communications, Aboriginal prisoners indicated that visits by Elders and other respected community members were few and far-between. Serco, however, claimed that such visits are not uncommon. Serco did provide a list of visitors but the size of the Aboriginal population at the prison means that the visitors would be unlikely to see many of its total number of prisoners on any visit. Whatever the truth of the situation, there is a significant gap between management perceptions and prisoners’ perceptions. Serco suggested that the turnover of prisoners probably explained this, as some prisoners would not have been at Acacia long enough to have experienced a visit. However, this is unlikely to be a full explanation. We urge Serco to pursue the question of Elder visits more vigorously and, as they are doing, to examine whether government funds are available to support such initiatives.⁷²
- 5.24 The contractual requirement to host an Indigenous conference at Acacia within 12 months of commencement contained no detail on the aims of such a conference. Since Serco has not

70 Schedule 4, para 2.17(f).

71 Schedule 4, para 2.17(j).

72 Serco indicated that they have applied for some funding to the Department of the Attorney General (DOTAG).

hosted a conference, the Contract Manager has sent a ‘please explain’ letter. In retrospect, the 12-month timeframe was probably rather unrealistic. Serco was still ‘settling in’ and addressing the AIMS aftermath. Furthermore, the Department’s reviews of Acacia had not provided any real insight or direction on Aboriginal issues. However, there would be merit in the strategic issues raised by this inspection being tabled and debated at a conference in the near future.

ART WORK

- 5.25 At Acacia, as at other prisons, Aboriginal and non-Aboriginal prisoners are producing art of high quality, both as part of their private recreation and in the course of education and training. We became very concerned about Serco’s procedures for accounting for prisoners’ work. A good deal of artwork has been sold at local shows and Serco has purchased some Aboriginal art for display in its Sydney offices.
- 5.26 Serco seemed a little surprised when we requested information regarding local show sales. The information that was subsequently provided was very cursory. For example, parts of the Chidlow Show statement just read: “Painting \$100; dot painting \$200; paintings x 16 \$1075; paintings x 2 \$120.” There was no record of who the artists were and no suggestion of any recompense to them. We were not convinced that Serco had fully grasped the ideas of ‘cultural copyright’ and ‘moral ownership’ that are embedded in the images of Aboriginal art.
- 5.27 Serco believe that they have followed all relevant requirements. The situation is quite technical and involves a combination of the Department’s Policy Directive 46 and OCAPP 1100-02. These policies draw a distinction between private art work (where the prisoner has paid for the materials) and work that is undertaken using the prison’s materials. Private art work belongs to the prisoner but ‘art industry work’ is the property of the Department or, in this case, of Serco. However, the policies expressly state that in the case of art industry sales: (a) the intellectual copyright is not transferred to the prison operator and; (b) that after deductions totalling around 45 percent are made, the balance should go into the prisoner’s private cash account.
- 5.28 We were not convinced, on the basis of the information made available at our request, that Serco has fully complied with these requirements. Indeed, given the cursory nature of the ‘accounts’ from the shows, it is difficult to see how there could have been full compliance. We also asked Serco whether the display of artwork at the Sydney office was fully compliant. OCAPP 1100-02 states, for example, that: ‘No items of art/craft work are to be sold privately to other prisoners, employees of Serco or the Department. Items can only be purchased through one of the approved outlets ...’. Serco assured us that there had been full compliance.
- 5.29 There is no doubt that this is something of a legal and technical minefield. The most important thing is to move forward in two ways. The first is for Serco to immediately implement a more robust accounting framework so that we and others can be assured of full compliance in the future. Secondly, in collaboration with the Department, Serco should conduct a thorough review of policies in this area in light of legal requirements

and Aboriginal community standards.⁷³ Picking up our preceding discussion, both the Indigenous Advisory Group and the conference would provide useful forums for discussion.⁷⁴

GENERAL PHILOSOPHY AND POLICIES

5.30 The briefings, follow-up meetings and other observations suggest that Serco is still working through its philosophy and general approach to Aboriginal affairs. At the November 2007 briefing, the Senior Management Team seemed to espouse, in essence, the United Kingdom standard of racial equality. On several occasions, it was said that accounting for Aboriginal prisoners' needs is just one part of a broader philosophy of 'diversity and acceptance' and parallels were frequently drawn with the needs of other groups such as Muslim, Maori and Asian prisoners. The following comments were typical:

Yes, there are special needs but the prison runs for all.

It is not an Aboriginal prison.

The cultural area is there for all.

Because the Aboriginal population is only 35 percent we have to be careful about managing perceptions.

Non-Aboriginal prisoners can resent the treatment given to Aboriginal prisoners.

5.31 We agree that ethnic, cultural and religious diversity must be recognised and respected. And at Acacia this obviously includes groups other than Aboriginal people. However, at the end of the inspection, we were concerned that by subsuming Aboriginal issues within a single broad policy framework, the prison was losing some focus with respect to Aboriginal prisoners. In his exit debrief, the Inspector commented that the UK's racial equality standard had been developed to deal with British immigrant populations and that

An immigrant population is entirely different, in practical and conceptual terms, from an Indigenous population. The needs and entitlements of an Indigenous population are qualitatively quite different from those of immigrant populations.

5.32 At our follow-up meeting with Serco in January 2008, we explored these issues again. The overall tenor and emphasis of their comments on this occasion was rather different, and involved a more explicit focus on Aboriginal prisoners. They said that the basic philosophy of 'providing opportunities for all' did embrace a sharp focus on Aboriginal issues and pointed, several times, to the position of the Assistant Director Resettlement on the Senior Management Team. However, we have already noted our concerns about a possible dilution of her focus on Aboriginal issues as a result of her taking on additional responsibilities.⁷⁵

73 At our follow-up briefing with Serco management after the inspection, we were assured that both of these matters were being effectively addressed. We will continue to monitor this.

74 For a recent perspective on cultural copyright and related issues, see the Law Reform Commission of Western Australia, *The Interaction of WA Law with Aboriginal Law and Culture* (September 2006): <http://www.lrc.justice.wa.gov.au/094-FR.html>

75 Serco have subsequently committed to the appointment of an Aboriginal liaison officer to work to the Assistant Director Resettlement.

Furthermore, policies must transcend people and the Assistant Director Resettlement might leave or switch portfolios.

SUMMARY AND RECOMMENDATIONS

5.33 The usual definition of an Aboriginal prison is that 75 percent of its prisoners (or more) are Aboriginal. Although ‘only’ 35 percent of Acacia’s prisoners are Aboriginal, the Aboriginal dimension is profound and must not be underestimated. There is a sense of fragility in that (a) the Indigenous Advisory Group is effectively defunct; (b) Serco seems to have subsumed the Aboriginal dimension under a general ‘equality’ principle; and (c) its Aboriginal-specific strategies seem under-developed. The appointment of a well-credentialed Aboriginal woman to the Senior Management Team was a good decision but too much responsibility is placed on her shoulders. Unfortunately, there has not been sufficient progress in addressing the issues of video visits or ‘E-visits’ for out of country men and of employment and accommodation levels. Serco is at risk unless it tightens up its procedures for dealing with artwork.

Recommendation 10: Aboriginal Policy Development and Community Engagement

- (a) *Serco should reactivate Acacia’s Indigenous Advisory Group (or appoint a new Group) and engage it in driving Aboriginal policies and initiatives.*
- (b) *These policies and initiatives should be compatible with Serco’s ‘diversity and respect’ philosophy but must recognise the special position of Aboriginal people.*
- (c) *Policies and targets should be set to address issues of unemployment and access to enhanced levels of accommodation.*
- (d) *A well-qualified Indigenous person should be appointed to help the Assistant Director Resettlement to drive Aboriginal policies and practices.*

5.34 The following recommendations emerged strongly from our consideration of Aboriginal affairs but have relevance to the whole prison community:

Recommendation 11: Artwork

Serco must implement more rigorous processes to account for prisoners’ artwork. This has particular pertinence to Aboriginal prisoners, but applies across the board.

Recommendation 12: ‘Remote Visits’

- (a) *Serco should provide better access to video-link visits and reduce the cost of such visits.*
- (b) *The Department and Serco should develop new ways of conducting remote visits, using options such as webcams and cheap internet service providers (such as Skype).*

Chapter 6

CARE AND WELLBEING

- 6.1 Earlier sections of this Report have discussed and made recommendations on several matters relating to the care and wellbeing of prisoners. These include Serco communicating their vision more effectively to staff and addressing possible ‘cultural differences’ between different shifts;⁷⁶ clarifying the rules governing prison procedures and improving their accessibility;⁷⁷ implementing better arrangements for telephone calls, video-link contacts and ‘E-visits’;⁷⁸ addressing the negative effects of cross-deployment practices;⁷⁹ and developing stronger Aboriginal policies and services.⁸⁰
- 6.2 This chapter concludes that, subject to the recommendations already made and to the further recommendations contained in this chapter, Acacia is meeting the Inspectorate’s care and wellbeing standards (Inspection Standards 72 to 119) as well as – and often better than – most of the State’s prisons. As Professor Liebling put it

[T]he pro-social culture at Acacia results from the corresponding high level of staff/prisoner interaction. The use of first names for both staff and prisoners, the willingness of staff to ‘go the extra yard’ to help prisoners in crisis are all attributes of the prison culture that contribute to good service delivery.⁸¹

PEER SUPPORT

- 6.3 Peer support plays an important role at Acacia, especially given the size and diversity of the prisoner population. In the past, the Inspectorate has had some concerns about the size of the Peer Support group and its lack of diversity. The situation had improved in that the number of peer support prisoners had increased to 14 and included strong Aboriginal voices and at least one Asian prisoner. This reinvigoration is welcome but the inspection team had some concerns with respect to the general attitude of staff towards peer support and with respect to the role of the Prisoner Support Officer (PSO).
- 6.4 There are two PSO positions available at Acacia Prison. Prior to the inspection, one of these PSO positions had been vacant for some time. One of the non-custodial staff from the sentence management team at Acacia Prison had been appointed to fill the vacant PSO position on a part time basis. This appointment occurred during the on-site inspection in November 2007. The Inspectorate recommended, and the prison agreed that the PSO should be included in the Prisoner Risk Assessment Group (PRAG) meetings given the knowledge and functions of that officer. The PSO’s exclusion from this process earlier was surprising.
- 6.5 In many of the State’s prisons, peer support services are so well-embedded that staff will actively seek out peer support prisoners to assist other prisoners who are experiencing problems. At Acacia, despite its generally pro-social attitudes, the peer support system seems, at best, to be ‘tolerated’ by staff rather than actively embraced. For example, the inspection team

76 See [3.6]-[3.14] and [3.24]-[3.26].

77 See [2.36]-[2.39].

78 See [6.35]-[6.38].

79 See [3.18]-[3.23].

80 See [5.30]-[5.32].

81 MQPL Survey at Acacia conducted for the Department of Corrective Services, 2007.

was told that ‘on occasions’, peer support prisoners will ‘meet and greet’ new prisoners. In some prisons, this is a matter of normal routine and this should also be the case at Acacia. The team was even more concerned to be told that peer support prisoners are frequently denied access to accommodation units other than the one in which they reside. This is unnecessary and limits the ability of the peer support group to function as effectively as equivalent groups at other prisons. The roles of peer support prisoners should be better recognised and supported.

PRISONER FORUMS

- 6.6 Acacia and its prisoners have established a number of forums to provide feedback to staff and management. The most significant groups are PIAC (the Prisoner Information and Activity Committee), the Catering Committee and HEAL (Help, Education and Advancement for Long-term prisoners). These groups have proved their value, not only as a means of raising problems but also in making positive suggestions on issues such as internet visiting⁸² and food. Indeed, the Inspectorate has recommended that a committee akin to PIAC be established for staff to have better access to management.
- 6.7 PIAC meets weekly and comprises prisoner representatives from the various accommodation units and senior management. It provides an opportunity for prisoners to raise general concerns with management⁸³ and also for management to provide information to prisoners. Other staff, such as custodial staff and unit managers, are not included. There are obvious reasons for this, given the matters that tend to be discussed, and we support this sort of management / prisoner communication. However, management’s failure to develop equivalent processes for staff has understandably led to staff resentment towards PIAC and has contributed significantly to the general management / staff divide.⁸⁴
- 6.8 HEAL developed in recognition of the fact that long-term prisoners face some special issues that may be less relevant to shorter term prisoners. These include aspects of living conditions, extra privileges and continuity in access to education and other services. Again, this committee provides a valuable voice.

RECREATION

- 6.9 This Report has previously stated that access to recreation is not an ‘optional extra’ but an important ingredient in every successful prison. Professor Liebling’s MQPL survey confirmed the priority that prisoners place on recreation, with 74 percent agreeing with the statement: “doing gym and sports in this prison helps me to feel positive”. As previously discussed, cross-deployment practices have been generating risks by limiting access to recreation and these problems must be addressed as a matter of urgency.
- 6.10 In other respects, Acacia does meet Inspection Standards 107 and 108 in that there is an appropriate range of structured and unstructured activities. These take place not only in the

82 See [5.16].

83 For example, at one PIAC meeting, the agenda included the privileges for enhanced prisoners, delays in town spends and the repair of gym equipment, food quality and the threatening tone of some PA announcements across the prison.

84 See Chapter 3.

gym and on the oval but also in the accommodation blocks, each of which has a basketball ring, isometric bars and some other basic exercise opportunities.

- 6.11 The recreation officers were custodial officers who were keen to upgrade their qualifications and become accredited fitness instructors so they could better advise prisoners on the proper use of gym equipment and on training regimes. To their credit, Serco is supporting these officers in obtaining qualifications in personal and group training. The recreation officers are committed and enthusiastic and have developed a plan to provide organised group activities, to procure more equipment through leasing arrangements (which would help solve current maintenance difficulties) and to improve office security.
- 6.12 The Inspectorate does not make any formal recommendations with respect to recreation other than the cross-deployment issue. However, it would be very sensible for Serco to work closely with the recreation officers in further improving recreation opportunities. Their suggestions appear practical and achievable.

PRISONER PROPERTY

- 6.13 The first inspection of Acacia in 2003 revealed a large number of complaints about property by prisoners and some serious problems of non-compliance with Prison Regulations and other requirements. The situation has greatly improved but there are two points of weakness, both of which reflect the lack of clear local rules and policies at the prison. The first, which we have already discussed, concerns the processing, handling and storage of property on admission. There is too much property onsite and prisoners seem to have excessive access to property, including valuable items.⁸⁵
- 6.14 The second problem relates to prisoners' access to their personal property under the incentives and privileges regime. Inspection Standard 111 states that there should be an 'effective and equitable process for identifying and regulating private property in cells' and that prisoners should not be 'arbitrarily deprived of property without being informed of the cause, and having some right of appeal.' Our discussions with prisoners and staff and perusal of relevant documentation (including the minutes of PIAC meetings) revealed considerable confusion. Prisoners felt that they do not always get access to what they had hoped (for example, on attaining 'enhanced' status) and that property is sometimes taken away in a perfunctory manner. Clear and accessible rules and policies are again needed.
- 6.15 The Inspectorate has decided not to elevate our concerns about prisoner property into a formal recommendation. However, it is obvious that Serco and the Department should take account of our concerns relating to property when addressing Recommendation 4, the development of clear rules and policies across all aspects of the prison's operations.⁸⁶

85 See [4.26].

86 See Chapter 2.

PRISONER PURCHASES

- 6.16 Inspection Standard 110 states that prisoners should have reasonable access to the purchase of items through the prison shop (or ‘canteen’) and through ‘town spends’. Previous inspections identified problems with prices, the ordering system and poor accounting. However, prisoners’ complaints have dropped and all aspects of the system have improved so that they meet our Inspection Standards.’
- 6.17 The town spends system is more complicated. Some prisoners stated that the system worked well but others complained of long delays, or even of goods never being delivered. Serco has sought to improve and speed up its processes. Formerly, orders had to go through the Finance Section first before going to Stores for action. Orders now go to Stores immediately and this should reduce some of the delays. However, in some cases the delays are generated by requests for rather unusual items that are not on the town spends list and require the Stores officer to ‘shop around’ (such as one request for a length of red velvet). Once the goods are received into the prison, there can be further delays as they are checked and logged, especially where the property office is busy with new prisoners. Overall, this is an area which does not merit a recommendation but where benefits are likely to flow from improvements to the rules and practices governing property in general.

FOOD AND NUTRITION

- 6.18 Prison food is always a contentious issue. Prisoners at all prisons constantly complain about the quality, and sometimes the quantity of food and Acacia is no different. However, whilst we acknowledge prisoners’ complaints, we could not verify them. Inspection Standards 96 to 99 require food to be hygienically prepared and of sufficient quality and quantity to meet prisoners’ nutritional needs. Prisoners should have some choice of food and menus should be developed in consultation with a qualified dietician. Special dietary foods should also be provided to meet medical and religious preferences and specific dietary preferences such as vegetarian meals.
- 6.19 In our view, Acacia does meet these standards. Hygiene standards are good and since Serco took over, there has been a choice of three options for the evening meal, one always being vegetarian. The prison also caters for other special diets. Prisoners nominate their choices a week in advance and the system was working well in that they were getting the meals they had ordered. The food meets nutritional standards and appeared to be adequate in quantity.
- 6.20 Serco has set up a ‘staff bistro’ that has proved very popular. The indoor and outdoor areas are well-utilised by all prison staff and the meals involve the same dishes as are prepared for prisoners. This gave us a chance to test, on a regular basis, the quality of food. Although prisoners suggested that the staff bistro food is of a higher quality, there was no evidence to support this.
- 6.21 It is difficult to avoid the conclusion that the disagreements over food reflect the fact that prisoners’ preferences may not always be reflected in the provision of a ‘healthy’, lower fat, lower sugar diet than they may be used to in the community. It is also interesting that

despite their complaints, very few prisoners attend Catering Committee meetings, saying that it is a waste of time. There may be some merit in revitalising this committee as a vehicle for further positive developments. For example, the Aboriginal prisoners welcomed the fact that kangaroo meat is more widely available but many complained that it was always in stew form and had suggestions for other ways of cooking.⁸⁷

- 6.22 Overall, we commend Serco on their food and nutrition standards. The introduction of a meal choice was particularly innovative and was achieved without any additional resources being provided to the kitchen. It provides a model from which the public sector prisons could learn.

RELIGIOUS AND SPIRITUAL NEEDS

- 6.23 Inspection Standard 106 states that prisoners have the ‘right to manifest their religion or belief in teaching, worship and observance, consistent with prison security and good prison management.’ Prisoners at Acacia practice a number of different religions, Christianity being the most common. We were satisfied that the prison respects the diversity of religious and spiritual needs and that services, counselling and other activities occur on a regular, well-organised basis.

HEALTH SERVICES

General Philosophy

- 6.24 Health services at Acacia are improving and there are a number of significant initiatives. This is largely attributable to something of a cultural shift. During previous inspections, the inspection team observed that some medical staff adopted something of an ‘us and them’ mentality in which prisoners appeared at times to be an ‘inconvenience’ rather than ‘patients’. There were signs that this has changed. Prisoners are now treated more respectfully, there is a new manager and new nursing staff (recruited from the Department of Health rather than through the Department of Corrective Services) and a clear desire to foster more efficient, patient-focused methods of service delivery. Some of the initiatives that Serco wishes to pursue will involve minimising Acacia’s reliance on the Department of Corrective Services and increasing its direct links with the Department of Health and pharmacies in the general community.

General Practitioner and Pharmacy Services

- 6.25 The number of GP appointments at Acacia has increased under Serco and although prisoners still had some complaints, there seem to be fewer delays. Serco believed that the position will be further improved if they directly employ their own GP rather than relying on services provided through the Department of Corrective Services, as is currently the case. This will involve the prison going full circle in that AIMS did originally employ a GP directly but, when this failed to deliver the required hours, began to rely on the doctors provided through the Department of Corrective Services.

87 As discussed in Chapter 5, the specific needs of Aboriginal prisoners need to be more fully addressed.

- 6.26 Serco believe that they can get an adequate service through directly employing a GP and provided this is the case, we support the proposed change.⁸⁸ It seems unnecessarily bureaucratic to have the Department as the ‘middle man’. The change will also improve accountability in the sense that if there is a shortfall in GP services, it will be clear where responsibility lies. Serco can take measures to address the problem and will be open to criticism if there is a shortfall.
- 6.27 Acacia has also been dependent on the Department for the supply of medications. We are aware, from a number of sources, that there have sometimes been delays in getting required medications from the Hakea pharmacy. Serco proposes to streamline its processes by purchasing directly from local pharmacies. At the time of the inspection, Serco was assessing three tenders. Again, we would support this change for reasons of efficiency, accountability and service quality. We were told, for example, of a case where a prisoner’s psychiatric drugs were not available. If such cases arise, they can be more promptly handled by a direct purchasing model and, again, it is clear where responsibility lies. We also discovered that, despite requests from Acacia, Hakea is not providing Methadone in single doses so that Acacia is required to measure the individual doses for prisoners. We are not sure why this is the case but it is accepted that individual dosages are better practice.

External Medical Appointments

- 6.28 Acacia continues to experience difficulties with respect to prisoners attending outside appointments (for example, in hospitals). We were told that only 50 to 70 percent of external appointments are kept due to prisoner transport difficulties. Serco had hoped that the situation would improve when GSL took over the prisoner transport contract from AIMS but it has not done so. Serco indicated that they would consider running their own escorts but this issue should really be resolved by GSL and the Department in collaboration with Acacia.

Summary

- 6.29 The Department, Serco and GSL need to hold discussions on improving prisoner transport to external medical appointments.

ARMS AND PRAG

- 6.30 For its size, Acacia has a very small number of prisoners who are placed on ARMS (the At Risk Management System) and subject to monitoring by PRAG (the Prisoner Risk Assessment Group). Serco told the inspection team that the maximum on any one day has been just four. There are a number of possible explanations for this. One view might be that the general ‘health’ of the prison is so good that prisoners are themselves healthy and that their problems are being adequately addressed through other less formal means. There is some evidence to support this in that the prison has low rates of self-harm. However, another possible explanation is that the ARMS and PRAG systems are not being fully used to identify and manage at risk prisoners.

⁸⁸ Subsequent to the inspection, Serco has been successful in employing a full-time (five days a week) GP. The Inspector’s own direct observation confirms that this arrangement is working well.

- 6.31 We concluded that there were some problems with the ARMS and PRAG processes, a conclusion that was independently reached in Professor Liebling’s MQPL survey and in an audit by the Department’s onsite monitoring team. The first area of concern was that unit staff seemed to be confused about ARMS processes and were not necessarily conducting the checks required under ARMS procedures. This appears to reflect Recommendation 4 (the need for clearer rules and policies) and a need for better training.
- 6.32 The lack of clear rules and of good training have also impacted on the conduct of PRAG meetings. As the Monitors found, PRAG meetings were rather haphazardly scheduled and did not always allow the necessary interviews to be conducted and the requisite personnel to attend. The meetings themselves seemed poorly managed and no minutes were kept.
- 6.33 There is room for substantial improvement in the ARMS and PRAG processes. Fortunately, Serco’s senior management seemed aware of the problems and recognised that some ‘sloppiness’ had crept in. They said that they would immediately promote the message that: “If you have to ask the question: ‘Should this prisoner be on ARMS?’ the answer is yes: put them on ARMS so that further assessments can be made by PRAG.” The challenge for Serco will be not just conveying this message but embedding the rules and training to support it.

Summary

- 6.34 Serco has already made a number of improvements at Acacia with respect to health but needs to address some ‘sloppiness’ in ARMS and PRAG as a matter of priority.

THE CRISIS CARE UNIT AND THE ASSISTED CARE UNIT

- 6.35 There is a small amount of unused and wasted capacity at Acacia in the form of the Crisis Care Unit (CCU) situated next to the Assisted Care Unit. Prisoners who need crisis intervention under ARMS and PRAG are not kept in the CCU which is rather claustrophobic and limited in its current form. Relatively simple structural changes would allow the CCU area to be incorporated into the Assisted Care Unit. There would be many advantages in such an approach, which Serco has already been considering.⁸⁹ It would provide more facilities (such as another kitchen) for the Assisted Care Unit, would allow for greater separation of assisted care prisoners if required, and would permit the placement at Acacia of prisoners who currently occupy infirmary beds at Casuarina because of the lack of assisted care places.

EXTERNAL CONTACT AND COMMUNICATION

- 6.36 Inspection Standards 112 to 119 address a number of facets of prisoners’ communications with people in the community, including family, friends and legal representatives. The underpinning principle is one of balance; prisoners should have rights to visits, phone calls, letters and other contact, subject to security considerations and issues of public protection (such as preventing unwanted communication with victims). We have already addressed

⁸⁹ Indeed, Serco had submitted a proposal for these improvements to the Department of Corrective Services one year prior to this inspection. No response has yet been received.

and made some recommendations with respect to external communications. First, we have recommended a system-wide review to allowing the innovative use of internet and other technology.⁹⁰ Secondly, we have recommended improvements at Acacia with respect to video-link visits and telephone cards, especially for out of country Aboriginal men.⁹¹ Thirdly, we have noted some significant improvements to the initial security screening of visitors at the main gate but expressed concern at the practice of ‘pocket and mouth’ searches (which we hope has now ceased with the deployment of the new canine squad).⁹²

- 6.37 In other respects, Acacia does meet our Inspection Standards and has also introduced a number of positive innovations. Prison visits are well-organised and well-managed, with a helpful and positive attitude from staff at the visitors’ centre and the main gate. Visits take place on three days a week (Friday, Saturday and Sunday), with four sessions on each of these days. Many prisoners said that their visitors found these visiting times to be rather restrictive and would like the option of some ‘after-hours’ visits during the week, starting at around 4.00 pm at the end of the prison working day. This practice of late afternoon visits is in place at Casuarina Prison and Serco should explore its viability at Acacia. Extended visiting times are likely to become a necessity rather than an option if the prisoner population increases.
- 6.38 Positive innovations are evident in ‘family day visits’ and the establishment of a ‘Visits, Community, Family and Friends Committee’. Family day visits were introduced under AIMS but Serco has managed to reduce the level of officer surveillance without any adverse security consequences. It is clear that prisoners value these events so highly that they do not wish to jeopardise their continuation (and prisoners who did so would undoubtedly face the ire of their fellow inmates). The facilities and activities for family members have improved and many more prisoners are now involved in organising and helping at these events. This represents excellent practice.
- 6.39 The Visits, Community, Family and Friends Committee comprises prison management, officers and social visitors. The committee provides feedback to management and also contributes positively to officer training, by explaining the process of visits from a visitor’s perspective. Again, this represents excellent practice.

SUMMARY AND RECOMMENDATIONS

- 6.40 Acacia is providing a high quality of service against most of our Inspection Standards. There are good processes in place, such as PIAC, for prisoners to communicate with management, and the prison meets our standards with respect to religious needs, food, visits and external contacts and prisoner purchases. Areas of positive innovation include the introduction of a menu choice and vastly-improved family visit days. The most obvious deficiencies relate to Peer Support.

90 See [5.13]–[5.17] and Recommendation 12.

91 See [5.13]–[5.17] and Recommendation 12.

92 See [4.7].

Recommendation 13: Peer Support

Serco should reassess its peer support services so they are used to maximum advantage.

This should include:-

- (a) Ensuring peer support prisoners have access to all accommodation units;*
- (b) Consolidating the position of the Prisoner Support Officer (PSO).*

- 6.41 Health services are in transition but there are many promising developments and proposals. There is a more positive, patient-focused philosophy and services should further improve if Serco sources services directly rather than via the Department. However, ARMS and PRAG systems are poorly understood and applied. There is also scope to consider modifications to allow the unused Crisis Care Unit to be utilised.

Recommendation 14: Health Service Provision

In the interests of efficiency, transparency and accountability, Serco should source Acacia's general practitioner services and its medications directly rather than through the Department of Corrective Services.

Recommendation 15: ARMS and PRAG

Serco must improve the operations of the ARMS and PRAG systems. This improvement should include:-

- (a) Clearer rules and policies;*
- (b) Effective communication of these rules to staff;*
- (c) Better processes for PRAG meetings.*

Chapter 7

REHABILITATION, REPARATION AND RE-ENTRY

- 7.1 The four ‘cornerstones’ of imprisonment include rehabilitation (cornerstone 3) and reparation (cornerstone 4). It is implicit in these cornerstones, and explicit in other official policy documents, that the justice system as a whole must aim to ensure prisoners’ successful re-entry into the community. Education, training and rehabilitation programs in prison all play a role in this. However, for many prisoners – perhaps the majority – successful re-entry does not hinge primarily on what is done in the closed and artificial environment of a prison but on the system’s ability to provide effective ‘throughcare’ and support from the prison to the community.
- 7.2 The best-developed throughcare models include good prisoner assessments, the timely delivery of professional treatment programs, education and training in prison, and a gradual progression to release, including minimum security placement for prisoners assessed to be suitable. Good release planning then necessitates coordination between prisons and community corrections services combined with a range of practical supports upon release. These practical supports include ensuring that the prisoner has somewhere to live (and can get there) and assistance with employment, financial management and family problems. This involves a system-wide approach across justice agencies and other government and non-government organisations.
- 7.3 Acacia plays an important role in all the ‘three R’s’ (rehabilitation, reparation and re-entry) and in most areas (such as program delivery, re-entry practices and engagement with external service providers) is performing very well. However, there is scope for improvement in training and in some aspects of education. As previously discussed, there is also scope for better communication and cooperation between the Department and Acacia, especially as Acacia has no responsibility for the initial assessment of prisoners or for their management post-release but the Department does carry such responsibilities.

PRISONER ASSESSMENT AND SENTENCE MANAGEMENT

- 7.4 Male metropolitan prisoners are supposed to be assessed at Hakea Prison after being sentenced. If sentenced to serve more than six months of actual prison time, an Individual Management Plan (IMP) is to be drawn up by the Hakea assessment team. The IMP is to include a list of programs that the prisoner should undertake to ‘address his offending behaviour’. In Acacia’s early days, too many prisoners were arriving without an IMP. This is now rare and members of the Hakea assessment team will go to Acacia promptly to address any shortfalls (as in the case of some prisoners who arrive from regional prisons).
- 7.5 Assuming an IMP has been drawn up, Acacia’s role is essentially to service that IMP. This involves conducting regular reviews, ensuring access to the nominated programs and dealing with the paperwork associated with applications for parole or other early release orders.
- 7.6 During the course of the inspection, the inspection team observed a number of case conferences and found they were being conducted in a fair and appropriate manner. The prisoners and their Unit Managers were present and their views were sought and considered. Prisoners’ concerns and emotions were sensitively handled.

- 7.7 Acacia's main difficulty in terms of sentence management has been completing all reviews within the timeframes set by the Commissioner's Rules. In the case of prisoners who have three years or less to serve before release, the basic requirement is a review every six months. In the case of prisoners serving longer terms, the requirement is for an annual review until they are within three years of release, at which point a six-monthly review is required. A Performance Linked Fee (PLF) payment is payable for the successful completion of 90 percent of reviews within the scheduled timeframe. From December 2006 to August 2007, Acacia failed to reach this benchmark, and in some months their success rate was as low as 40 percent. This seems to have reflected staff shortages but is clearly unacceptable. Acacia must improve its performance in this area.
- 7.8 There is also scope for Acacia to improve its general sentence management practices. Some prisoners knew who their case officer was and had regular contact but others said they had limited contact or even that they did not know who their case officer was. Serco should ensure – probably through the Unit Managers – that any service gaps are closed and that there is greater consistency.
- 7.9 In summary, the Department has improved its level of service on assessment and sentence planning. Acacia must now ensure that it devotes adequate resources to this task and that – consistent with one of the recurring themes of this inspection – there are clear rules and policies which are communicated effectively to staff and applied consistently.

OFFENDING BEHAVIOUR PROGRAMS AND INDIVIDUAL COUNSELLING

The Previous Situation

- 7.10 Our 2003 report revealed a number of issues with respect to the integrity of programs. By 2005 there had been some improvements but there were still significant problems. Staffing levels were low, there were serious divisions between the drug and alcohol treatment team and the offender programs team, and there was little or no capacity for individual counselling. In essence, Serco therefore inherited a programs department that was divided, stretched and somewhat in disarray.

PLF Measures and Prisoner Perceptions

- 7.11 A Performance Linked Fee (PLF) attaches to program delivery according to IMP requirements. Serco (and, indeed, AIMS before this) has been very successful in meeting the PLF measures. From August 2006 to June 2007, Serco achieved 100 percent of the PLF requirement in all but one month, and in that month the figure was 97.5 percent. It is unlikely that any other prison would meet such targets.
- 7.12 The MQPL Survey indicated that prisoners at Acacia have a positive attitude towards programs and to their delivery at Acacia. Prisoners' comments to us support this. They said that the situation had improved since Serco took over and that they had fewer concerns about being able to complete programs at Acacia than at other prisons.

The Department's Criticisms

- 7.13 Prior to the inspection, we received the Department's review of programs conducted earlier in 2007⁹³ and this was further explored during our briefings. The Department's position was rather negative. It acknowledged that new staff had been brought on board, that Acacia was meeting the PLF measures, and that the programs team had become far more cohesive. The Department was also pleased that Acacia's programs now mirrored its own. However, it raised serious concerns about the integrity of the programs. It said that courses had been shortened, that prisoners had been marked as present when they were not, and that there were concerns about the qualifications of some staff.
- 7.14 We have already expressed our view that requiring Acacia's programs to match the Department's is unnecessary and hinders innovation. The question should be whether the courses are *compatible* not whether they are identical.⁹⁴ Our general findings on programs are also at odds with the Department's somewhat negative stance. Acacia is undoubtedly the market leader in the State when it comes to making the arrangements necessary to deliver the programs and consistently delivering them within IMP schedules. It is a pity that the public sector prisons do not match Serco's performance and they might find some useful lessons in Serco's proactive restructuring processes.
- 7.15 The Department presented its Review of Acacia's programs as a finalised report. However, we soon discovered that its findings with respect to the shortening of programs and prisoner attendance were strongly challenged by Serco.
- 7.16 The disagreement over the shortening of programs appears to be linked to discrepancies between two key Departmental documents – the programs services guide and the programs manual. We understand that Acacia followed the hours set out in one of the documents but fell short of the hours required in the other.
- 7.17 The disagreement over attendance arises from discrepancies between the electronic monitoring system based on the swiping of smart cards (STEPS) and the manual records of attendance kept by the program facilitators. The Department's view is that STEPS records prove that prisoners were marked as present when they were not. Acacia strongly disputes this and the program facilitators resent their integrity being brought to issue. They believe that the discrepancies can be explained.
- 7.18 We have already discussed the Department's approach to contract management, and to Acacia more generally. In that context, we mentioned the need for positive engagement on program planning and delivery and we criticised the Department's abrupt cancellation of some IMP programs.⁹⁵ The disagreement over questions of program integrity is another example of our concerns. It is unfortunate that the Department did not relay to us the fact that key findings were in dispute. Serco also claims that the Department has been unresponsive to its letters and other attempts to question the findings. It is not our responsibility to 'rule' on or to mediate these issues but the 'stand-off' is counter-productive

93 Edmands, L, *Acacia Prison Program Review Report 2007* (undated), Department of Corrective Services

94 See [2.35].

95 See [2.24].

and illustrative of broader concerns.⁹⁶

- 7.19 Under AIMS, the number of programs staff had been small (generally, at best, one senior psychologist, two psychologists, two full-time uniformed officers and two part-time uniformed officers – a total of around six full-time employees). Serco has greatly expanded the team which now consists of a Programs Manager, two fully-registered psychologists, one psychologist who is very close to registration, three who are progressing towards registration, three ex-uniformed officers, three drug and alcohol counsellors and one seconded officer – a total of around 14. Programs staff presented as a cohesive, professional and motivated group.

Changing IMP Program Requirements

- 7.20 As we noted earlier, Acacia is essentially a program ‘service provider’, delivering programs according to the Department’s assessments made at Hakea. In terms of accountability, this basic model is correct. However, a mature system will build in mechanisms for the service provider to question and discuss the assessments in difficult cases. We were left with the strong impression that better processes should be established to resolve such matters. Acacia indicated some frustration with Hakea’s responses to their queries. We also noted, with concern, that when the Department abruptly cancelled the STAC and MASU programs, they told Acacia to put some prisoners into the higher intensity Violent Offender Treatment Program (VOTP) – a resource intensive program which the prisoners in question had not initially been assessed as needing.

Individual Counselling and Other Programs

- 7.21 Serco has improved the availability of individual psychological counselling though there is still a waiting list. Serco has also engaged the specialist services of the Sexual Assault Resource Centre (SARC) which is managing five clients on fortnightly counselling sessions.
- 7.22 Acacia offers a number of programs that provide opportunities for self-improvement, better understanding of victim issues, improved life-skills and spiritual development. These programs are a useful complement to the formal IMP programs.

Summary

- 7.23 The programs team at Acacia is keen to expand the range of programs on offer at the prison, especially for Aboriginal prisoners. Forward-looking thinking of this sort is the key to improvement. Unfortunately, the Department’s approach to date has been too mechanistic and rather negative, driven almost entirely by compliance rather than engagement and innovation. The truth is that, while there may be a few compliance issues, Acacia is the State’s most consistent provider of treatment programs.

DRUG AND ALCOHOL

- 7.24 Drug and alcohol treatment is in a stage of transition at Acacia. Prior to Serco taking over, the relationship between the drug and alcohol team and other program providers was

96 See Chapter 2.

dysfunctional. Deep philosophical differences, undoubtedly compounded by personality clashes, had impacted on service delivery. There has been significant progress since 2005 but Serco is still in the formative stages of developing its Drug Free Unit (DFU) strategy and, as is the case throughout the system, there is a need for more culturally appropriate services for Aboriginal prisoners.

7.25 Our main concerns during previous inspections were as follows:-

- Delivery of alcohol and drug programs was separate from other programs.
- Alcohol and drug treatment was dominated by a zealous 'disease model'(AA) in which total abstinence was the 'only answer' and relapse was a 'failure'. There was no room for other approaches based on 'social learning' and 'harm minimisation'.
- The AA model had led to unacceptable consequences:-
 - Unsanctioned urinalysis testing was taking place.
 - Only those committed to the total abstinence model could access the DFU.
 - Unqualified advocates of the AA model (including prisoners) were conducting counselling without adequate professional supervision.

7.26 These concerns have largely been addressed since Serco took over. Drug and alcohol programs and staff no longer inhabit a separate domain but are integrated into the general programs area, and professional staff deliver all programs. Acacia is the only prison to consistently deliver the program 'Moving on From Dependencies' (MOFD) in a timely manner. The links between health services and drug treatment have also improved dramatically as the health professionals who dispense drugs such as methadone are now 'on the same page' as those delivering drug programs. These changes have laid firm foundations for much improved drug and alcohol interventions provided adequate resources continue to be provided by Serco.⁹⁷

7.27 It is too early to be able to assess the full impact of Serco's changes on drug use and treatment, especially because the philosophy and management of the DFU is still to be finalised. As Professor Bill Saunders has observed, it is critical that the DFU entrance requirements are clear and that residence in the unit is tied to participation in evidence-based programs. However, we do not agree with Professor Saunders that the DFU should only be open to those who follow the AA model and not to those who are undertaking pharmacotherapy treatments such as methadone.

7.28 The argument against allowing those on methadone to live in a 'drug free' unit is that they are not drug free, because methadone is still a drug. However, an alternative view is to see methadone as a 'medication' which is being administered as part of a long term treatment program rather than as a drug. There is certainly evidence that methadone offers the best chance for some people to cease or reduce their opiate use. With appropriate planning and management, it should be possible to accommodate those who are stabilised on methadone and are otherwise drug free in the drug free unit, if necessary, with appropriate separation from the AA group.

⁹⁷ In a separate review, Professor Bill Saunders reached the same conclusion: Saunders, W, *Alcohol and Drug Services in Acacia Prison: A Review* (June 2007).

EDUCATION, TRAINING AND EMPLOYMENT

7.29 A large proportion of prisoners come from impoverished educational backgrounds and have few trade skills. Providing access to education and training is one of the building blocks in prisoners being able to lead law-abiding lives on release. Our Inspection Standards embody the following core principles:

- Prisoners should be encouraged, through readily available information, remuneration and awards, to participate in education and training (standard 123).
- A wide range of opportunities should be provided (standard 124).
- There should be a strong Aboriginal input into the content and delivery of programs for Aboriginal prisoners (standard 125).
- ‘Pathways’ should be developed to allow prisoners to continue their studies or training if they transfer to other prisons and upon release (standards 126 and 127).
- There should be adequate physical, human and library resources (standards 128 to 130).

7.30 There are many positive signs under Serco’s management, and the Department’s 2007 Review concluded:-

Nearly 12 months on from the shift from AIMS to Serco we are starting to see a commitment to change, improvement and an overwhelming sense of a positive way forward.⁹⁸

We broadly agree with this conclusion but, as the Department’s review also noted, there are still some areas of fragility and shortfall.

Education

7.31 Adult education courses involving a strong focus on literacy and numeracy seem to have rather low enrolments given the size of the prison. At first sight, overall enrolments look reasonably healthy but a large number of prisoners are undertaking courses that are largely or exclusively art-based. For example, one core Maths module had only 29 enrolments and a core literacy unit had 83 enrolments. However, 174 were enrolled in ‘General Curriculum Options’ that is offered entirely as art classes. We agree with the Department’s assessment that students enrolled in literacy and numeracy programs are spending too long on art. Art is a valuable supplement and can be an effective learning tool but is not the end in itself. The curriculum nominally allocates a maximum of 50 percent of class time to art but at Acacia, the figure is more like 80 percent (16 hours on art and 4 hours on reading, writing and maths). The situation seemed all the more odd when it emerged that all the art teachers had left Acacia’s employment.

7.32 Computer skills are indispensable in terms of accessing services, finding information on banking, employment, transport and other matters, and producing resumes and other documents. We were therefore very disappointed in the poor availability of computers and computer training. In the 21st century, eight computers for 750 prisoners (unless they have their own) is woefully inadequate and comparable with the very worst examples we have seen.

98 Laird, C, *2007 Review of Education and Vocational Training at Acacia Prison*, Department of Corrective Services (2007).

- 7.33 External education via TAFE and university courses attracts good enrolments and is apparently experiencing rapid growth. We were told by some staff that this is creating pressures and that senior management is not encouraging further enrolments. If this is so, it would be a mistake. Acacia has a substantial number of prisoners serving lengthy sentences and, as we have seen, access to work and recreation has been restricted. Education should be encouraged.
- 7.34 Non-accredited education, mainly in the form of music, receives quite a strong focus in the education centre and prisoners have constructed a sound-proof studio. Provided this is seen as a supplement and not a displacement for other forms of education, this is an excellent idea.
- 7.35 The first inspection of Acacia in 2003 raised serious concerns about the role of peer tutors. Rather than assisting professionally qualified teachers, the tutors had effectively become the teachers. In 2007, the peer tutor system was operating within appropriate boundaries though the prison remains heavily reliant on peer tutors.
- 7.36 Progress in education and training has been hampered by two factors, namely, the problems caused for traineeships due to staff shortages in the industries area, and the prison's limited standing as a Registered Training Organisation (RTO). Under AIMS, Acacia lost its RTO status. Serco has managed to regain some of the lost ground and in July 2007 regained RTO status for a limited number of prisoners' courses and for some staff training modules. By the time this report is published, Serco expects to have broader RTO approvals.

Vocational Training and Other Qualifications

- 7.37 Where they are working (as in the kitchens), the prison's traineeships are good. However, the regular closure of industry workshops due to cross-deployment problems has jeopardised the capacity of trainees to meet industry training requirements. The industry minimum standard for a traineeship is 1500 hours. This is not achievable under the current 'core day' arrangements. Even when workshops are open, a maximum of 4 hours and 45 minutes per day has now been set for work activities and education. At the time of the inspection, there seemed to be insufficient work hours available to meet the requirements of the traineeships. Overall, then, traineeships are in a fragile state at Acacia. The Department has also already warned Acacia of this.
- 7.38 The prison has performed much better in delivering practical qualifications, such as Blue Card and MARCSTA. At the time of the inspection, over 400 prisoners had completed their 'Blue Card' training (based on level 1 occupational health and safety competencies). Forty had achieved MARCSTA (Mining and Resource Contractors Safety Training Association) certification, improving their employment prospects in the mining sector upon release. Another 55 had completed forklift training and 12 had attained welding certificates.

Staffing: Education

- 7.39 The education centre has always suffered from high staff turnover. It is estimated that around 160 people have worked there since 2001 and there is little sign that the workplace will stabilise. Morale was low and staff expressed some cynicism about the likelihood of

change. Their main concerns were communication with management and resources. The campus manager said there had been significant expenditure on resources in the past 12 months but staff members were unsure where this had been spent. A good deal seems to have gone to arts, ceramics and the music studio but other resources (including computers) are sadly lacking.

Staffing: Trades Instructors

- 7.40 The Trades Instructors (TI's) were also unhappy with their standing and treatment. They have a positive outlook and had come to work at Acacia because they wanted to assist prisoners to 'skill up'. However, they felt frustrated, especially at the workshop closures. It was depressing and rather surreal to walk into workshops where the only person working was the TI, trying on his own to help Acacia meet some of its contracts. The TI's also felt undervalued by senior management, both in terms of general management attitudes towards them and in terms of their remuneration levels. Although other workers at Serco have, as we understand it, been brought up to pay parity with comparable public sector counterparts, the TI's have not.
- 7.41 It seems that Serco had been informed by the Department that TI's were not entitled to parity with Departmental Vocational Support Officers (VSO's) on account of the fact that VSO's had received training to equip them to undertake duties as custodial officers when required whereas TI's had not. On that view, payments to Serco under the contract would not have increased to take account of the additional wages. At the time of the inspection Serco had not challenged this view and had accordingly been going along with that advice.
- 7.42 Two points should be made about this saga: first, that there was nothing in law to stop Serco from conceding pay parity anyhow; and second that the Departmental advice could have been challenged. As to the first, the risk to Acacia's operations if that key segment of the Acacia work force had looked for employment elsewhere was out of all proportion to the extra outlay on wages that would have been involved, even if the Department had refused to reimburse Serco under the contract. As to the second, the obvious point to be made was that the essential job carried out by TI's was comparable to that carried out by VSO's. When this latter argument was at last made, some months after the inspection, it was accepted. The machinery for a back-dated adjustment of pay scales is now in place, therefore.

Library

- 7.43 The library contains a rather limited range of books but prisoners are able to order books from Casuarina prison. We were told that there are often substantial delays in this process. The two prisoners who staff the library (half a day each) said they had never been given a job description and were unaware of the rules governing the number of books a prisoner can borrow. Again, this reflects Recommendation 4. Two stand-alone computers contain a range of legal materials.

Summary

- 7.44 Although Acacia has made progress in education and training since Serco took over, there remain some areas of under-performance, fragility and failings. The most obvious areas in

which attention is needed are industry traineeships, the position of TI's, the provision of more computers and an improvement in the range and level of educational offerings. For a prison of its size, there could also be improvements to library services.

RE-ENTRY

Acacia as a Releasing Prison

- 7.45 Under the original planning for Acacia, it would not have been releasing many prisoners. The model anticipated that most prisoners would move from Acacia to a minimum security facility for the last few months of their sentences and be released from there. The rationale was that minimum security prisons and work camps offer better opportunities for re-socialisation programs and reintegration activities and give prisoners more responsibility in preparation for the 'outside world.' Inspection Standard 131 embodies this principle but the Western Australian prison system remains rather ambivalent over minimum security facilities. Fences have been put up, there are too few minimum security places to meet demand, and some well-functioning facilities have been closed (Pardelup Prison Farm) or are under threat (Karnet Prison Farm).⁹⁹
- 7.46 As the planned flow of prisoners to minimum security has never really materialised, Acacia quickly became the State's largest releasing prison. Around 700 prisoners per year are released directly to the community or transferred to regional prisons for direct release to their home communities. AIMS, having never anticipated such a role, struggled to meet the re-entry requirements even when the position became apparent. The new prison services contract between the Department and Serco now explicitly recognises Acacia's role as a releasing prison and we found that Serco has certainly 'stepped up to the mark'. There has already been admirable progress in terms of service delivery within the prison and engagement with external service providers.

Progress in Re-Entry Practices

- 7.47 Serco has dedicated significant resources to re-entry services. There is an Assistant Director Settlement and a Resettlement Manager, and office space has been set aside for the 'resettlement suite'. The relevant staff have been assisted in learning more about international practices in this area (for example, by professional development trips to the UK).
- 7.48 Perhaps the most telling indicator of Serco's success in this area was the fact that 18 organisations were represented at our pre-inspection consultation with external service providers. This is a higher number than we have ever previously seen at similar meetings and they represented a wide range of government and non-government services, including fines enforcement, Centrelink, drug and alcohol services, Outcare and legal services. Their comments were positive and constructive.
- 7.49 Acacia has developed efficient and effective processes to identify prisoners' needs soon after receipt. Two prisoners are employed under supervision from the Resettlement Manager as 'resettlement clerks'. They meet with newly arrived prisoners, explain the services that are

⁹⁹ OICS, *Report of an Announced Inspection of Karnet Prison*, Report No.47 (October 2007).

available, and help them to complete a simple ‘tick-a-box’ form identifying needs in areas such as accommodation, opening a bank account, outstanding fines, driving licences, legal advice, obtaining documents such as birth certificates and Medicare cards, and general support.

- 7.50 The Resettlement Manager then processes the forms and immediately begins to put prisoners in contact with relevant services. The prison does not wait until the end of the person’s sentence before making these contacts – another example of very good practice. When prisoners come to within four months of their earliest release date, the Resettlement Manager contacts them and provides opportunities to apply for Outcare support and other services.
- 7.51 The system is working very well. The majority of prisoners were aware of the process and said they had received the forms and letters. We also observed external providers operating in the resettlement suite. The processes were efficient and appointment lists well-organised. The only area for possible development is to provide more access to private interview rooms when confidential information is being discussed.

Parole Planning and Community Corrections Support

- 7.52 We have previously criticised the lack of a strong presence of community corrections officers (CCO’s) at Acacia and other prisons. The position is improving now that the Department has created a line of management for prison-based CCO’s out of its Mount Lawley office. There has always been at least one CCO allocated to Acacia and a second was appointed around three months before the inspection. Both were ‘acting’ but the positions had been advertised as permanent.
- 7.53 The main work of the CCO’s involves life sentence and indefinite sentence prisoners and other high risk offenders. There are regular review and reporting requirements for such prisoners and many of the cases are very complex. Consequently, the CCO’s do not have much time for engagement with other prisoners whose cases are handled by CCO’s in the field. However, there was a good degree of liaison between the prison-based CCO’s and their community-based colleagues.
- 7.54 Two prisoners (given the title of ‘prisoner parole clerks’) provide assistance to other prisoners in preparing parole plans and there is a dedicated workspace for this in the library. The Resettlement Manager oversees the parole clerks.

Summary

- 7.55 Demand for re-entry services at Acacia is high and services are being well-used by prisoners. Acacia has been proactive and innovative in developing re-entry services from a relatively low base and in a short time-frame. Their processes and their coordination of service delivery represent excellent practice. This has been recognised by the Department which has approached the Resettlement Manager to assist the Department’s development of re-entry services. Our only suggestion to Serco is that the CCO’s should be better integrated and included in Acacia’s activities. Whilst Serco maintains that the CCOs are integrated, this was certainly not their own perception during the inspection. This could be another indication of the poor communication that has plagued staff at Acacia, and which is currently being addressed at the Senior Management level.

SUMMARY AND RECOMMENDATIONS

- 7.56 Serco has made an impressive start in many areas of rehabilitation and re-entry services. The highpoint is the development of comprehensive and efficient 'resettlement' initiatives. These provide an opportunity for improvement throughout the State's prison system. Although there are some unresolved 'compliance' issues in the programs area, we again commend Serco's achievements in delivering programs and in developing a more cohesive and better-resourced programs group. The main challenges are the development of innovative new programs that do not simply mirror the Department's offerings and the restructuring of the Drug Free Units.
- 7.57 The main areas of weakness are in conducting sentence management reviews within the required time-frame and in education and training. Education needs to be improved in terms of course offerings and computer access. Traineeships are at risk from both the cross-deployment practices and from a failure to resolve issues relating to the pay and conditions of the Trades Instructors.
- 7.58 The following recommendations are made:

Recommendation 16: Education

- (a) Serco must ensure that it retains and extends its RTO status.
- (b) A wider range of educational programs should be made available, including a stronger focus on literacy and numeracy skills.
- (c) More computers must be provided along with computer training.

Recommendation 17: Training

Serco must:-

- (a) Ensure that traineeships are properly delivered.
- (b) Ensure employment conditions for Trade Instructors are equitable to those of all other Serco staff.

Recommendation 18: Offender Programs

- (a) The Department's contract management practices should not focus simply on compliance with its own programs but should be more forward looking and encouraging of innovation.
- (b) The Drug Free Unit should be restructured in a way that allows access for prisoners undertaking pharmacotherapy treatment as well as those committed to the abstinence model.

Recommendation 19: Re-Entry

The Department should draw on Acacia's achievements in developing re-entry services and should roll out similar initiatives in the State's other prisons.

Chapter 8

SUMMARY AND RECOMMENDATIONS

- 8.1 The ‘experiment’ of privatising a prison in Western Australia has already reaped the State substantial benefits in terms of value for money. In most areas, the level of service at Acacia is comparable to, or better than, most of the public sector prisons but Acacia’s costs are substantially lower. In our view, the State is saving a minimum of \$12.5 million per annum, and probably more.¹⁰⁰
- 8.2 A second substantial benefit is that Acacia is the most accountable prison in the State and probably in Australia. It has also served as a lever for greater accountability and transparency across the whole of the prison system.
- 8.3 The transition from AIMS to Serco in 2006 was smooth and it is a credit to all parties that service delivery was maintained. In the intervening period, Serco has made a number of positive changes but we concluded that, at the time of the inspection, the prison was not ready to take an extra hundred prisoners and that there was still some way to go before it could be said that Serco was meeting its own ‘responsible prisoner’ model.
- 8.4 The prison’s strong points at the time of the inspection included the following:
- No escapes or serious incidents to trigger an abatement under the contract.
 - No deaths in custody and low levels of self harm.
 - Improvements to levels of accommodation (by having most prisoners in standard rather than basic levels).
 - The management of protection prisoners.
 - The timely delivery of offender treatment programs.
 - Improved drug treatment philosophies and programs.
 - The introduction of a menu choice.
 - Improved health services.
 - Strong re-entry initiatives.
 - A positive and responsive attitude from Serco.
 - Serco’s financial standing and corporate structure.
- 8.5 The weaker areas included the following:
- The repeated and regular closure of industries due to failing cross-deployment strategies (which were also affecting recreation).
 - A number of maintenance deficits.
 - Unsustainable contractual arrangements with respect to the maintenance contract (a matter that is largely outside Serco’s control).
 - Poor communication between management and staff.
 - A lack of clear and accessible rules and procedures governing many areas of the prison’s operations. This was affecting practices in many areas, including the use of ‘loss of privileges’, the management of prisoners’ property, accounting for artwork sales, and the administration of the ARMS and PRAG systems.

100 See [1.13] and [1.31]-[1.37].

SUMMARY AND RECOMMENDATIONS

- Under-developed Aboriginal policies and strategies.
 - Poor provision of video-link visits and other options for prisoners from remote areas.
 - Weaknesses in education (including the range of available courses and computer access).
 - Under-developed peer support services.
 - A need for better policies and training in emergency management.
- 8.6 It is important to record that in the three months since the inspection, there has been progress on a number of fronts. Two major developments should be noted. First, the new roster arrangements that had been proposed to allow some custodial staff to work a five-day, eight hour shift in order to staff the industries areas have been introduced.¹⁰¹ Provided these new shift arrangements work as intended, the industries area should be capable of reinvigoration within a short time. One of the most pressing problems at the prison will then have been resolved.
- 8.7 Secondly, Serco has entered contracts for the direct delivery of General Practitioner services and pharmacy supplies rather than going through the Department of Corrective Services.¹⁰² The new full time GP is already on deck. These new contracts should enhance service delivery, efficiency and accountability
- 8.8 Serco's positive responses are a good sign for the future. Provided the other recommendations are also addressed, there is no reason why Acacia cannot be ready to take in further prisoners later in 2008.
- 8.9 The Department of Corrective Services also faces a number of challenges. The first is not difficult: it must ensure that the contract management processes are maintained and must retain the lines of accountability that have been in place since the prison opened.
- 8.10 The second challenge for the Department is to broker new maintenance contract arrangements. The current arrangements are unsustainable in that the contracted amount falls below expected real maintenance costs and involve a dispersal of authority and accountability. The Department must do what it can to persuade the Department of Housing and Works to adopt a more realistic stance and negotiate new arrangements.
- 8.11 The third challenge concerns the place of Acacia in the total prison system. At present, the Department's attitude to Acacia seems to be one of rather passive 'acceptance' rather than positive engagement. The Department appears to see the prison essentially as providing to the Department the services it dictates. This may explain why Acacia appears to be sidelined in departmental planning and decision making – even in areas that directly affect its operations – and why it does not feature much in Departmental literature. In some areas, such as offender programs, there is a serious risk that the current focus on 'compliance' and on Acacia 'mirroring' the Department's practices is stifling innovation and improvement. The aim should be for a more collaborative approach and ensuring that Acacia's services are *compatible, complementary and progressive*. This is not inconsistent with firm contract management.

101 See [3.18]-[3.22]

102 See [6.24]-[6.27].

SUMMARY AND RECOMMENDATIONS

RECOMMENDATIONS

Recommendation 1: Maintenance Contract

Serco, Altus/Sodexo, the Department of Housing and Works and the Department of Corrective Services should negotiate new maintenance contract arrangements. Ideally, this should be achieved by a novation of the existing contract to Serco on terms that represent a reasonable compromise between the present contract sum and realistic projected maintenance costs over the remainder of the contract term.

Recommendation 2: Maintenance Needs

The maintenance problems identified in this Report (especially those relating to security, safety and climate control) should be addressed as a matter of urgency.

Recommendation 3: Contract Management

The contract management process must be maintained and adequately resourced:

- (a) Monitors should continue to report to Contract Management.*
- (b) Monitors should be given better and more frequent training to ensure a full understanding of their roles and to ensure consistency.*

Recommendation 4: Acacia's Place in the Total System

The Department should critically re-evaluate its relationship with Acacia. Without weakening contract management, there is scope for improvement in the following areas, amongst others:-

- (a) Streamlining security screening and protocols.*
- (b) Involving Acacia in planning in areas such as programs.*
- (c) Encouraging innovation and learning from good practices at Acacia.*

Recommendation 5: Prison Rules and Policies

Serco, with appropriate assistance and approvals from the Contract Management Team must develop a single coherent document setting down the procedures and rules that are applicable to Acacia.

Recommendation 6: Management/Staff Cultures

In order to promote a more pro-social culture at Acacia, Serco must improve its communications with staff and address any differences between the two shifts.

Recommendation 7: Industries and Recreation

Serco must ensure that Industries are open for a five-day week and that full recreation opportunities are open to prisoners.

Recommendation 8: Emergency Response

- (a) Serco (with the Department's approval) must conclude a contingency plan that embraces prevention, preparation, response and recovery, and engages relevant emergency services.*
- (b) Staff must be fully and regularly trained in the use of equipment and in their roles and responsibilities in the event of an emergency.*

SUMMARY AND RECOMMENDATIONS

Recommendation 9: Loss of Privileges

Serco should conduct a review of:-

- (a) *The extent to which loss of privileges are imposed, including their use in lieu of formal disciplinary charges.*
- (b) *The penalties that are applied (especially loss of contact visits).*

Recommendation 10: Aboriginal Policy Development and Community Engagement

- (a) *Serco should reactivate Acacia's Indigenous Advisory Group (or appoint a new Group) and engage it in driving Aboriginal policies and initiatives.*
- (b) *These policies and initiatives should be compatible with Serco's 'diversity and respect' philosophy but must recognise the special position of Aboriginal people.*
- (c) *Policies and targets should be set to address issues of unemployment and access to enhanced levels of accommodation.*
- (d) *A well-qualified Indigenous person should be appointed to help the Assistant Director Resettlement to drive Aboriginal policies and practices.*

Recommendation 11: Artwork

Serco must implement more rigorous processes to account for prisoners' artwork. This has particular pertinence to Aboriginal prisoners, but applies across the board.

Recommendation 12: 'Remote Visits'

- (a) *Serco should provide better access to video-link visits and reduce the cost of such visits.*
- (b) *The Department and Serco should develop new ways of conducting remote visits, using options such as webcams and cheap internet service providers (such as Skype).*

Recommendation 13: Peer Support

Serco should reassess its peer support services so they are used to maximum advantage. This should include:-

- (a) *Ensuring peer support prisoners have access to all accommodation units;*
- (b) *Consolidating the position of the Prisoner Support Officer (PSO).*

Recommendation 14: Health Service Provision

In the interests of efficiency, transparency and accountability, Serco should source Acacia's general practitioner services and its medications directly rather than through the Department of Corrective Services.

Recommendation 15: ARMS and PRAG

Serco must improve the operations of the ARMS and PRAG systems. This improvement should include:-

- (a) *Clearer rules and policies;*
- (b) *Effective communication of these rules to staff;*
- (c) *Better processes for PRAG meetings.*

SUMMARY AND RECOMMENDATIONS

Recommendation 16: Education

- (a) Serco must ensure that it retains and extends its RTO status.*
- (b) A wider range of educational programs should be made available, including a stronger focus on literacy and numeracy skills.*
- (c) More computers must be provided along with computer training.*

Recommendation 17: Training

- (a) Ensure that traineeships are properly delivered.*
- (b) Ensure employment conditions for Trade Instructors are equitable to those of all other Serco staff.*

Recommendation 18: Offender Programs

- (a) The Department's contract management practices should not focus simply on compliance with its own programs but should be more forward looking and encouraging of innovation.*
- (b) The Drug Free Unit should be restructured in a way that allows access for prisoners undertaking pharmacotherapy treatment as well as those committed to the abstinence model.*

Recommendation 19: Re-Entry

The Department should draw on Acacia's achievements in developing re-entry services and should roll out similar initiatives in the State's other prisons.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2008 RECOMMENDATIONS¹⁰³

Recommendation	Acceptance Level/Risk Rating/Response
<p>Administration and Accountability</p> <p>1. Serco, Altus/Sodexo, the Department of Housing and Works and the Department of Corrective Services should negotiate new maintenance contract arrangements. Ideally, this should be achieved by a novation of the existing contract to Serco on terms that represent a reasonable compromise between the present contract sum and realistic projected maintenance costs over the remainder of the contract term.</p>	<p>Supported in part/Low</p> <p>Serco has been invited to submit a proposal to Department Housing and Works for novation.</p>
<p>Administration and Accountability</p> <p>2. The maintenance problems identified in this Report (especially those relating to security, safety and climate control) should be addressed as a matter of urgency.</p>	<p>Supported/Low</p> <p>Additional service work will be undertaken to address identified issues.</p>
<p>Administration and Accountability</p> <p>3. The contract management process must be maintained and adequately resourced:</p> <p>(a) Monitors should continue to report to Contract Management.</p> <p>(b) Monitors should be given better and more frequent training to ensure a full understanding of their roles and to ensure consistency.</p>	<p>Supported/Low</p> <p>Monitors are currently reporting directly to the Contract Manager.</p>

¹⁰³ The draft recommendations were sent separately to Serco and to the Department. Serco responded to the Inspector directly with regard to those recommendations that bear directly on their operations. These responses were then further discussed with the Department and an agreed response formally submitted to the Inspector in the name of the Department.

Recommendation	Acceptance Level/Risk Rating/Response
<p>Administration and Accountability</p> <p>4. The Department should critically re-evaluate its relationship with Acacia. Without weakening contract management, there is scope for improvement in the following areas, amongst others:-</p> <ul style="list-style-type: none"> (a) Streamlining security screening and protocols. (b) Involving Acacia in planning in areas such as programs. (c) Encouraging innovation and learning from good practices at Acacia. 	<p>Supported in principle/Acceptable</p> <p>DCS has a good working relationship with Serco/ Acacia.</p> <ul style="list-style-type: none"> (a) For continuous improvement, the Department will explore options to improve clearance turnaround times for Crimtrack clearances. (b) The Department will liaise with Serco to investigate the potential to “import” programs from Acacia. (c) Innovation is now a standard agenda item on the Board meeting agenda.
<p>Administration and Accountability</p> <p>5. Serco, with appropriate assistance and approvals from the Contract Management Team must develop a single coherent document setting down the procedures and rules that are applicable to Acacia.</p>	<p>Supported/Low</p> <p>Acacia Management team in conjunction with DCS Contract Management are seeking to expedite completion of the Directors Rules as required under the contract. A risk assessment has been conducted on all Directors rules to be progressed with the top 25 highest risk policies being prioritised. Acacia Management is developing a local intranet which will include all local policies and procedures applicable to staff at Acacia.</p>
<p>Staffing Issues</p> <p>6. In order to promote a more pro-social culture at Acacia, Serco must improve its communications with staff and address any differences between the two shifts.</p>	<p>Supported/Moderate</p> <p>Acacia Management will continue to progress a range of initiatives to introduce and improve communications and the promotion of a pro social environment. A change management team will be established along with the introduction of regular briefing documents and the introduction of a staff support team.</p>
<p>Rehabilitation/Reparation</p> <p>7. Serco must ensure that Industries are open for a five-day week and that full recreation opportunities are open to prisoners.</p>	<p>Supported/Low</p> <p>A review of the newly established Industries security group will be conducted and the core day will be evaluated along with a review of prisoner employment policies.</p>

THE DEPARTMENT'S RESPONSE TO THE 2008 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Custody and Security</p> <p>8. (a) Serco (with the Department's approval) must conclude a contingency plan that embraces prevention, preparation, response and recovery, and engages relevant emergency services.</p> <p>(b) Staff must be fully and regularly trained in the use of equipment and in their roles and responsibilities in the event of an emergency.</p>	<p>Supported/Low</p> <p>(a) Acacia Management will conduct a review of local contingency plans and the relevant Directors Rules and re-submit them to DCS for approval. In addition regular contingency plan exercises will continue to be conducted including an exercise involving FESA.</p> <p>(b) Staff training in the use of Breathing Apparatus, Primary Response and Defence Equipment will continue to be conducted as part of the prison training plan.</p>
<p>Custody and Security</p> <p>9. Serco should conduct a review of:-</p> <p>(a) The extent to which loss of privileges are imposed, including their use in lieu of formal disciplinary charges.</p> <p>(b) The penalties that are applied (especially loss of contact visits).</p>	<p>Supported/Low</p> <p>(a) Loss of Privileges (LOP) is an important tool in maintaining appropriate behaviour at Acacia and supports the responsible prisoner model. Acacia Management will review the Directors Rule in relation to the use of Loss of Privileges. This will include guidance on when it is appropriate to use LOPs rather than a formal charge and a list of privileges that may be removed under the process.</p> <p>(b) Staff will be encouraged to support the Responsible Prisoner model through the promotion of a pro social environment. The Head of Residence will undertake regular reviews of the use of LOP's.</p>
<p>Racism, Aboriginality and Equity</p> <p>10. (a) Serco should reactivate Acacia's Indigenous Advisory Group (or appoint a new Group) and engage it in driving Aboriginal policies and initiatives.</p> <p>(b) These policies and initiatives should be compatible with Serco's 'diversity and respect' philosophy but must recognise the special position of Aboriginal people.</p>	<p>Supported/Moderate</p> <p>(a) The Assistant Director Indigenous Issues and Resettlement will reconstitute the Indigenous Advisory Group and develop suitable Terms of Reference, standing agenda and schedule quarterly meetings.</p> <p>(b) and (c) In addition, a review will be conducted of the Indigenous strategy outlined in Directors Rule 2.7, the Staples Report, the performance measures and the Indigenous prisoner profile.</p> <p>(d) Furthermore an Indigenous Prisoners Manager will be recruited to assist the Assistant Director in managing the portfolio.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>(c) Policies and targets should be set to address issues of unemployment and access to enhanced levels of accommodation.</p> <p>(d) A well-qualified Indigenous person should be appointed to help the Assistant Director Resettlement to drive Aboriginal policies and practices.</p>	
<p>Administration and Accountability</p> <p>11. Serco must implement more rigorous processes to account for prisoners' artwork. This has particular pertinence to Aboriginal prisoners, but applies across the board.</p>	<p>Supported/Low</p> <p>Acacia Management will develop a revised Directors Rule outlining how Indigenous Art will be managed at Acacia and submit it to DCS for approval.</p>
<p>Care and Wellbeing</p> <p>12.(a) Serco should provide better access to video-link visits and reduce the cost of such visits.</p> <p>(b) The Department and Serco should develop new ways of conducting remote visits, using options such as webcams and cheap internet service providers (such as Skype).</p>	<p>Supported in principal/Low</p> <p>(a) Video link visits are an important option in providing prisoners who are out of country with opportunities to remain in contact with family and friends. Acacia is committed to providing access to video link visits and will seek to ensure costs are similar to charges incurred in other prisons across the State.</p> <p>(b) In addition a new video link visits facility will be opened and the business case to introduce internet based video conferencing via Skype will be resubmitted to DCS. The soon to be appointed Indigenous Prisoners Manager will be tasked with developing information leaflets for circulation to prisoners and their families on how to arrange video link visits.</p>

THE DEPARTMENT'S RESPONSE TO THE 2008 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Care and Wellbeing</p> <p>13. Serco should reassess its peer support services so they are used to maximum advantage. This should include:-</p> <ul style="list-style-type: none"> (a) Ensuring peer support prisoners have access to all accommodation units; (b) Consolidating the position of the Prisoner Support Officer (PSO). 	<p>Supported/Low</p> <ul style="list-style-type: none"> (a) The Peer Support Officer positions have been consolidated and the posts substantively filled. (b) A review will be conducted of Peer Support and the process of prisoners accessing Units across the prison. The Indigenous Prisoner Manager will be responsible for the management of Peer Support.
<p>Health</p> <p>14. In the interests of efficiency, transparency and accountability, Serco should source Acacia's general practitioner services and its medications directly rather than through the Department of Corrective Services.</p>	<p>Supported/Low</p> <p>A General Practitioner has been appointed to the prison full time to augment the service provided by DCS. In addition an agreement with a local Pharmacy has been developed with all medications being purchased direct from the local supplier.</p>
<p>Health</p> <p>15. Serco must improve the operations of the ARMS and PRAG systems. This improvement should include:-</p> <ul style="list-style-type: none"> (a) Clearer rules and policies; (b) Effective communication of these rules to staff; (c) Better processes for PRAG meetings. 	<p>Supported/Low</p> <p>Acacia Management will review the current procedures and implement a revised Directors Rule. In addition an annual review of ARMS/PRAG will be conducted.</p>
<p>Rehabilitation</p> <p>16.(a) Serco must ensure that it retains and extends its RTO status.</p> <ul style="list-style-type: none"> (b) A wider range of educational programs should be made available, including a stronger focus on literacy and numeracy skills. 	<p>Supported/Low</p> <ul style="list-style-type: none"> (a) Acacia Management is committed to maintaining its RTO status and extending the scope to include a broader range of subjects to support the delivery of numeracy, literacy and Vocational skills to prisoners. (b) Acacia will work closely with other Service providers such as DCS, and local TAFE's to access accredited course under their RTO status.

Recommendation	Acceptance Level/Risk Rating/Response
<p>(c) More computers must be provided along with computer training.</p>	<p>(c) In addition Acacia will conduct a review of the current IT facilities and prepare a proposal to increase the number of computers available to prisoners.</p>
<p>Rehabilitation and Staffing Issues</p> <p>17. Serco must:-</p> <p>(a) Ensure that traineeships are properly delivered.</p> <p>(b) Ensure employment conditions for Trade Instructors are equitable to those of all other Serco staff.</p>	<p>Supported in part/Low</p> <p>(a) Acacia Management is committed to the delivery of traineeships to prisoners where feasible. A review will be conducted to ensure that the traineeships offered are achievable and appropriate for the prisoner population. To enhance the delivery of vocational training and traineeships a number of vocational trainers will be appointed.</p> <p>(b) Acacia Management do not accept that the Trades Instructors employment conditions are less favourable than other Serco staff. They have been included in the Pay Parity claim that has been submitted to DCS.</p>
<p>Rehabilitation</p> <p>18. (a) The Department's contract management practices should not focus simply on compliance with its own programs but should be more forward looking and encouraging of innovation.</p> <p>(b) The Drug Free Unit should be restructured in a way that allows access for prisoners undertaking pharmacotherapy treatment as well as those committed to the abstinence model.</p>	<p>Supported in part/Low</p> <p>(a) The Department's contract management practices actively support innovation as well as compliance within the contract. For example DCS is currently considering an innovative proposal from Serco to update prisoner movement security. The Department will continue to work toward ensuring the opportunity for innovation is not stifled.</p> <p>(b) Acacia management will review the management of the Drug Free Unit and consider the recommendations of the Inspector, the Crime Research Centre and the Saunders report.</p>
<p>Rehabilitation</p> <p>19. The Department should draw on Acacia's achievements in developing re-entry services and should roll out similar initiatives in the State's other prisons.</p>	<p>Supported/Low</p> <p>Consistent with Acacia Prison Re-Entry operations, the Department has expanded the re-entry program to 11 Transition Managers who will be located at prisons across the State together with the allocation of additional funding to expand existing services.</p>

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2006 RECOMMENDATIONS¹⁰⁴

Recommendation Number	By type of Recommendation	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
	Report No.32, <i>Report of an Announced Inspection of Acacia Prison (March 2006)</i>					
1.	Custody and Security AIMS should address the ongoing deficiencies with the Smartcard movement system and ensure all staff receives training and supervision and comply with procedures with regards to the use of the card.			•		
2.	Custody and Security The Department should address identified deficiencies with regard to the Master Control Room and the roto-turn entry system as a matter of priority in the lead up to the re-tendering of the provision of services at Acacia Prison.				•	
3.	Custody and Security AIMS should reconsider the designation of the detention unit as a single officer post, in light of security and safety implications for both staff and prisoners.			•		
4.	Custody and Security AIMS should develop and fully implement a comprehensive anti-bullying strategy that conforms to best practice.			•		
5.	Custody and Security AIMS should develop and implement strategies to ensure its internal grievance process is open and accountable and to work towards the restoration of prisoner faith in the system.			•		
6.	Care and Wellbeing AIMS should review its reception procedures to ensure adequate early identification of prisoners at risk			•		

104 This scorecard assessment is based on progress against these recommendations as at the time of the third and most recent inspection of Acacia Prison in November 2007. This footnote explanation is inserted here because it was AIMS and the Department that responded in the first instance to the recommendations being assessed in this scorecard exercise, but it has largely been the work of Serco in progressing the progress against these recommendations. Thus the scores included here reflect the most up to date progress, much of which was Serco's responsibility having been the operator of Acacia Prison for the majority of the three year period between inspections.

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2006
RECOMMENDATIONS

Recommendation Number	By type of Recommendation	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
7.	<p>Care and Wellbeing AIMS should re-examine its orientation procedure with a view to: Better balancing the involvement of prisoner peer support, custodial staff and non-custodial staff in the process; and Ensuring that prisoner safety is improved through a more thorough risk assessment process, especially with regards to new young offenders.</p>			•		
8.	<p>Care and Wellbeing AIMS should better engage with prisoners regarding their concerns about the food provided at Acacia and to develop systems to ensure appropriate quality and quantity of food is provided.</p>				•	
9.	<p>Care and Wellbeing AIMS should develop a better purchasing system for canteen and town spends to ensure there is no undue delay in prisoners receiving goods for which they have already paid.</p>			•		
10.	<p>Care and Wellbeing AIMS should re-evaluate procedures for the daily nurses parade to ensure all prisoners who need to attend have access to do so, and that this procedure is clearly explained to all prisoners.</p>			•		
11.	<p>Care and Wellbeing AIMS should re-evaluate its dental triage system to ensure appropriately qualified staff control access to dental treatment.</p>					•
12.	<p>Care and Wellbeing AIMS and the Department should re-evaluate the resourcing and systems provided for mental health services at Acacia so that the needs of the prison population can be better met.</p>			•		
13.	<p>Care and Wellbeing The Department should plan for the long-term appropriate accommodation and care needs of geriatric prisoners in the WA prison system, and consider this issue when re-tendering for the Acacia Services Contract.</p>		•			

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2006
RECOMMENDATIONS

Recommendation Number	By type of Recommendation	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
14.	Rehabilitation The Department and AIMS should develop and implement strategies for meeting the re-entry and reintegration needs of minimum-security prisoners at Acacia.				•	
15.	Rehabilitation That AIMS establish an account with the Telephone Interpreter Service and utilise interpreters appropriately in all areas of service delivery for non-English speaking prisoners.			•		
16.	Rehabilitation The Department urgently review how initial Individual Management Plans (IMPs) (when needed due to further sentencing) and major modifications to IMPs for prisoners at Acacia can be done locally.			•		
17.	Rehabilitation AIMS should totally reassess the operation of its drug treatment units and programs to ensure compliance with Departmental policies and Acacia's own policies and procedures.			•		
18.	Rehabilitation AIMS urgently act to regain its Registered Training Organisation status and then immediately develop and implement a strategy to increase training opportunities for prisoners.			•		
19.	Reparation That in developing contractual arrangements for the new Acacia Prison Services Contract, the Department ensure that the performance measure in relation to prisoner participation in employment and other constructive activities have real validity			•		
20.	Reparation AIMS should review the gratuity arrangements at Acacia to better reflect individual effort and participation in employment, education and programs.			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2004
RECOMMENDATIONS

Recommendation Number	By type of Recommendation	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
21.	Reparation The Department and AIMS should investigate the use of new TOMS scheduling modules as the basis for a much more accurate record of prisoner participation in constructive activities and as a better basis for gratuity allocation.			•		
22.	Rehabilitation AIMS and the Department should ensure sufficient Community Correction Officer presence on site at Acacia and that those officers are fully integrated into the systems at the prison of managing prisoners to release.				•	
23.	Rehabilitation AIMS should provide appropriate support to external providers that bring services into the prison.					•
24.	Rehabilitation AIMS should re-examine the extent and sufficiency of re-entry services provided at Acacia					•
25.	Racism, Aboriginality and Equity AIMS should fully implement the recommendations made in the Staples Report and extend these recommendations to other groups of Aboriginal prisoners isolated from their communities while accommodated at Acacia.				•	
26.	Racism, Aboriginality and Equity The Department should implement the recommendations of the Staples Report in public prisons in WA in regards to all groups of Aboriginal prisoners accommodated in prisons that isolate them from their communities.		•			
27.	Racism, Aboriginality and Equity The Department should develop a better system for ensuring the regular transfer of Aboriginal prisoners to their local prison to facilitate visits with their families.		•			
28.	Staffing Issues The Department should better coordinate its recruitment practices to ensure it does not jeopardise the operations of the private provider and act in the best interests of the Western Australian prison system as a whole.			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2004
RECOMMENDATIONS

Recommendation Number	By type of Recommendation	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
29.	<p>Staffing Issues AIMS should:</p> <p>(a) Develop strategies to improve the retention rate of custodial and non-custodial staff to enable a greater depth of experience and knowledge to improve service delivery; and</p> <p>(b) Develop a workforce plan to ensure it has sufficient staff in post in all service delivery areas at all times to meet the contractual requirement for the uninterrupted provision of services in a safe manner.</p>			•		
30.	<p>Staffing Issues AIMS should commission a full evaluation of its recruit and ongoing training packages for both custodial and non-custodial staff by a suitably qualified person, to ensure they specifically meet the needs of Acacia staff.</p>			•		
31.	<p>Administration and Accountability The Department must commit to better resourcing the Contract Management branch, including the allocation and appointment of sufficient staff to permanent positions with the requisite expertise to manage a contract of the nature involved at Acacia.</p>		•			
32.	<p>Administration and Accountability The Department must commit sufficient resources to the daily ongoing monitoring of the delivery of services at Acacia prison to support the work of the Contract Management branch.</p>			•		

Appendix 3

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Mr Robert Stacey	Deputy Inspector (Outgoing)
Mr Barry Cram	Deputy Inspector (Incoming)
Mr Bill Cullen	Director of Operations
Professor Neil Morgan	Professor of Law, UWA Law School (Report Writer)
Ms Lauren Netto	Inspections and Research Officer
Mr Pieter Holwerda	Inspections and Research Officer
Mr Jim Bryden	Inspections and Research Officer (DCS Secondee)
Ms Natalie Gibson	Principal Inspections and Research Officer
Ms Elizabeth Re	Inspections and Research Officer – Environmental Health
Mr Joseph Wallam	Community Liaison Officer
Mr Kieran Artelaris	Research Officer
Dr Adam Brett	Expert Adviser, Department of Health
Ms Dace Tomsons	Expert Adviser, Drug and Alcohol Office
Ms Cheryl Wiltshire	Expert Adviser, Department of Education and Training

Appendix 4

KEY DATES

Formal notification of announced inspection	6 September 2007
Pre-inspection community consultation	23/25 October 2007
Start of on-site phase	18 November 2007
Completion of on-site phase	29 November 2007
Inspection exit debrief	3 December 2007
Draft Report sent to the Department of Corrective Services	19 March 2008
Draft report returned by the Department of Corrective Services	2 May 2008
Declaration of Prepared Report	17 April 2008



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