

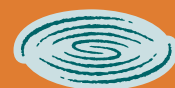


REPORT OF AN ANNOUNCED INSPECTION OF
ACACIA PRISON

71

MARCH 2011
REPORT

*Independent oversight
that contributes to a more
accountable public sector.*



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

**Report of an Announced Inspection of
Acacia Prison**

Office of the Inspector of Custodial Services
Level 27, 197 St George's Terrace, Perth WA 6000

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The Inspector's Overview

QUALITY, ACCOUNTABILITY AND VALUE FOR MONEY
AT WESTERN AUSTRALIA'S PRIVATE PRISON

INTRODUCTION

This is the report of an announced inspection in November 2010 of Acacia Prison. The State's first, and currently its only privately operated prison, Acacia has now been operating for around ten years. From May 2001 to May 2006, the contractors were AIMS (Australasian Integration Management Services). Under AIMS, the prison met many of its key performance benchmarks but there were a number of performance and accountability issues.ⁱ As the prison was not meeting its potential, the then Labor government decided to re-tender the contractⁱⁱ and in May 2006, Serco took over the prison's operations. This is the second report by this Office on Acacia since Serco took over.

Given that Acacia is approaching its tenth anniversary and that the new 'Young Adults Facility' will be privately operated,ⁱⁱⁱ it is timely to reflect not just on Acacia's performance but also on some broader issues relating to prison privatisation.

PRIVATISATION: CONTRACTING 'IN' NOT 'OUT'

Controversy still surrounds decisions to privatise services which are traditionally the domain of the public sector, and nowhere is the controversy greater than in the context of prisons and other places of custody. This is exemplified by heated debates in New South Wales about the Labor government's decision to transfer Parklea prison from public to private sector operation in 2009.^{iv} And in this State, the 'terrible', 'preventable' and 'foreseeable' death^v of Aboriginal elder Mr Ward in a privately operated prisoner transport vehicle in 2008 brought calls for an end to the privatisation of prisons and other custodial services.^{vi}

However, the Coroner's findings in the case of Mr Ward and also in a number of other cases involving deaths in custody confirm that it would be dangerously misleading to reduce the issue to one of public versus private service provision. First, the Coroner found that Mr Ward's death resulted from a complex intersection of factors. Although he raised concerns about the contractor (then GSL, now G4S) and its staff, he also emphasised that many of the factors related to the actions and decisions of government departments which were outside the contractor's control. In particular, the vehicle fleet was the responsibility of the Department of Corrective Services. It was old, poorly maintained and in need of replacement but the Department's business case to replace the fleet had failed to convince those with control over the State's purse strings. Secondly, a number of other Coronial inquests into deaths in custody have raised concerns about duty of care in the public sector.^{vii}

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- i Office of the Inspector of Custodial Services ('OICS'), *Report of an Announced Inspection of Acacia Prison*, Report No. 19 (March 2003); OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 32 (March 2006).
- ii It was open to the government to bring the prison into the public sector but it chose not to do so.
- iii The Young Adult Facility will be for 18 to 24 year old males and will be located at the site of the current Rangeview Juvenile Remand Centre: Hon C Porter MLA, Attorney General and Minister for Corrective Services, *Public Private Partnerships for Prisons*: Media Statement (20 January 2010)
- iv The decision was one of the State's Labor government. 'GEO Group Australia' began operating Parklea on 1 November 2009. The government originally proposed also to turn Cessnock prison over to private operation but it has remained in the public sector.
- v Hope AN, Record of an Investigation into Death, Ref 9/09, Inquest into the death of Mr Ward, Coroner's Court of Western Australia (12 June 2009).
- vi The Deaths in Custody Watch Committee has strongly put this view strongly: www.deathsincustody.org.au/
- vii For a recent example, see Hope AN, Record of an Investigation into Death, Ref 33/10, Inquest into the death of Mr Green, Coroner's Court of Western Australia (20 December 2010).

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In terms of this inspection of Acacia Prison and the future expansion of private sector service provision, the most important single aspect of the Ward case was that it reinforced the fact that the State retains the ultimate duty of care even when it enters a contract for services. Put another way, the State can 'contract in' a service but cannot 'contract out' of its ultimate duty of care. For these reasons, it is in everyone's interests for there to be robust monitoring, transparency and accountability mechanisms, not only of the private sector but also of the public sector.

KEY ISSUES

Against this backdrop, four critical questions underpinned this inspection of Acacia:

- **What is the quality of service that is being provided?** This involves numerous questions, including the security of the facility, the safety and wellbeing of staff, the decent treatment of prisoners, and the public interest in reducing rates of recidivism.
- **Is the State receiving 'value for money'?** In an area of human services such as this, 'value for money' should never be equated with 'getting the cheapest price' or 'driving the price down' to bargain basement levels. It should mean establishing strong and clear service delivery expectations; ensuring that the fee that is agreed will allow an efficient service provider to meet those expectations; and establishing mechanisms to ensure that good quality services are in fact received. Questions of value for money inevitably involve some comparison with service quality and costs in the public sector.
- **Is the service provider transparent and accountable?**
- **Are the opportunities for system-wide learning being maximised?** One of the main aims of establishing a privately operated prison was to bring innovation to the Western Australian prison system and to promote system-wide improvement through 'cross-fertilization' between the private and public sectors. After almost ten years at Acacia this is a particularly important theme not only for this Office but also for the government and Parliament.

QUALITY OF SERVICE AND VALUE FOR MONEY

Critics of privatisation commonly claim that the private sector puts profit above responsibilities to prisoners and staff, that it is less concerned with service quality and duty of care than the public sector, and that the State only privatises prison services in order to save money. It is true that Serco makes a profit at Acacia. It is also true that the State – and therefore the taxpayer – reap financial benefits from the current arrangements.^{viii}

However, the key finding of this inspection is that at Acacia, corporate profits and savings to the state/taxpayer are not being achieved at the cost of service delivery. Whilst there are areas for improvement, and these are identified throughout this report, Acacia has reached a high base. It is very difficult to compare prisons because all of them are different but it is clear that Acacia's performance is at least equal to the best public sector prisons in the State and in many respects it is superior.

viii See paragraphs 2.12 to 2.15.

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Acacia has a design capacity of 750 but now houses close to 1000 prisoners. Increases of this magnitude bring significant pressures to both staff and prisoners but this report describes many positive aspects of prison operations and many areas of improvement over the past three years. Staff attitudes are generally positive and there has been a marked and well-evidenced improvement in staff/management relations since the last inspection. Subject to a couple of pressure points, the prison has a good record in terms of security and safety. There is a strong and proactive case management system which is assisted by the pro-social culture in the prison, and this culture and engagement undoubtedly contributes to the fact that the prison has low levels of self-harm. We concluded that health service provision at Acacia is the best in the State and resettlement services continue to be a strong point.

In terms of areas for improvement, there are three main issues. First, there have been far too many instances of prisoners climbing onto roofs. The issue is raised in this report but has become even more pressing as incidents have continued over recent months. There have been seven such incidents at different locations in the prison from February 2010 to the time of writing. To date, all the incidents have been resolved without injury but they pose potential risks to prisoners and staff and also disrupt prison routines. Across much of the site, roof access is relatively easy and there is a risk that the number of roof incursions will increase unless 'target hardening' measures are taken. Although not the subject of a formal recommendation, it is incumbent on the Department and Serco to come to a solution.

A second area of weakness, and a long-standing concern, is that there are risks in the maintenance contract being separate from the prison services contract. Fortunately, this is currently the subject of constructive discussions and there is some optimism that the matter will be resolved later this year.

The third main area of concern is that Acacia has difficulty meeting its commitment to providing employment and constructive activities to prisoners. It should be emphasised that this problem is not unique to Acacia and also that the situation has improved since 2008. However, as Serco recognise, there is room for improvement and to that end a new 'core day' structure has been developed.

ACCOUNTABILITY AND TRANSPARENCY

It is no coincidence that the best private prisons are found where there is transparency and where strong external accountability mechanisms are in place. In Western Australia and nationally Acacia sets a benchmark:

- The contract for services is publicly available. It sets clear requirements (including penalties for non-performance) with respect to issues such as security, safety, and the delivery of education, employment opportunities, health services, treatment programs and training. It also provides that part of the fee is only payable if the contractor meets various performance measures.
- The Department of Corrective Services is responsible for monitoring Acacia's compliance with the contract and provides Parliament with annual performance reports against these measures. Over the years the Department has built up, refined and improved its contract monitoring systems and this experience will be invaluable when the new Young Adults Facility comes on line.

- This Office has conducted four formal inspections of Acacia. These inspections examine both the prison's performance (independently of the Department) and the Department's own engagement in the prison. These reports are all publicly available. These formal inspections are supplemented by regular visits to the prison.

It can safely be said that the expectations of the State's public sector prisons are less detailed, less transparent, less clear and less robustly monitored than those of Acacia. And, unlike the private sector, there is no room in the context of a public sector prison to re-tender and to change the operator if performance falls short.

Ideally, mechanisms for external oversight should complement and not replace internal mechanisms. Importantly, we found that Serco itself has some well-developed processes for assessing performance and for promoting continuous improvement. We were also impressed with Serco's ability to provide detailed and prompt evidence to substantiate statements about their costs, achievements and challenges.

INNOVATION AND CROSS-FERTILIZATION

After almost ten years of operation, and with Acacia performing to a high standard across most areas, we had hoped to find evidence of both innovation and cross-fertilization. We did find many examples of innovation on the part of the contractor but concluded that the Department could do more to recognise and encourage innovation and to promote system-wide learning.

There are a number of aspects to this. First, some areas of innovative practice are rewarded through the provision for an 'innovation bonus' which is written into the service agreement. In essence, the contractor makes submissions for this bonus and the Department assesses those submissions. However, we found that very few of the initiatives which formed an innovation bonus submission have been rolled out across the system as a whole.

Secondly, when asked to identify areas of innovation and cross fertilization, the Department simply listed examples from Acacia's innovation bonus submissions. In fact, there are many other areas of innovation and good practice at Acacia which deserve consideration across the system, including the pro-social environment and the approach to case management. Many of these practices do not lend themselves to an innovation bonus submission because they simply reflect the way in which Acacia goes about its business. However, they do present opportunities for system-wide thinking and learning.

Thirdly, system wide reviews and strategic policy development are the prerogative and responsibility of the Department but it is regrettable that Acacia's experience seems often to be put to one side. The most striking and concerning recent example is the Department's 2010 review of health service provision.^{ix} For a number of years, Acacia has operated its health services independently of the Department's health services directorate and has managed to build them up to the stage where, in our view, they are the best in the State. However, the Department limited its review to health services provided through its own

ix M Stevens, *Assessment of Clinical Service Provision of Health Services of the Western Australian Department of Corrective Services*: http://www.correctiveservices.wa.gov.au/_files/about-us/statistics-publications/students-researchers/hs-assessment-report.pdf. This review was prompted by this Office issuing a 'Risk Notice' in 2009 with respect to health care services across the public prison system and at Hakea Prison in particular.

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health services directorate. This did not preclude reference to Queensland (which was visited) and consultations with staff from the ACT and New South Wales. But there was little or no consultation with Acacia and the report makes no reference to its service delivery models. This is indefensible and an opportunity lost.

Finally, there are times when innovation does not seem to be encouraged. For example, in terms of offender treatment programs, Acacia must offer the suite of programs dictated by the Department (whilst also sourcing a number of additional 'voluntary' programs). Serco is keen to examine alternative programs but the Department's view is that the costs it would incur in terms of clinical governance outweigh the potential benefits. We remain to be convinced of this argument and encourage the Department and Serco to find a way to allow innovation in program delivery.

In summary, there is scope for better system wide learning, both from the private to the public sector and from the public to the private sector.^x

CONCLUSION

Victoria commenced prison privatisation some years before Western Australia but in late 2010, that State's Auditor General reached two stark conclusions. He said that the Victorian Department of Justice was unable to demonstrate (i) that it was receiving value for money from its private prisons and (ii) that the prison infrastructure was being properly maintained.^{xi}

The more robust, ongoing accountability framework that has been established here means that Western Australians can be confident on the first of these points. Acacia Prison is providing value for money: in terms of service standards, it is without doubt one of the best performing prisons in Western Australia, if not the best and it is also providing a financial saving to the State. However, to be confident that the State's asset is being properly preserved, the longstanding maintenance contract issues need to be resolved.

On 15 March 2011, the *Extension and Variation of Acacia Prison Services Agreement* was tabled in State Parliament.^{xii} This confirms what had long been anticipated, namely, that Serco has been granted a five year contract extension, running to May 2016. Over that period, the main challenge for Serco will be to achieve further improvement. Fortunately, the signs are positive and there are few signs of complacency. The areas of current concern to this Office, most notably the issues of roof access by prisoners and of improved access to employment opportunities, should be capable of resolution with positive ongoing collaboration between the contractor and the Department. From the point of view of the Department, there are real opportunities to build on the Acacia experience by encouraging more system-wide learning and by developing stronger performance measures for the public sector prisons.

Neil Morgan
21 March 2011

x There are signs of a rather some more positive engagement since these concerns were raised at the Inspector's Exit Debrief at Acacia on 12 November 2010. Acacia's input is now being sought in some areas of policy development, and the prison is about to receive a visit from a number of public sector superintendents with a view to sharing good practice.

xi Victorian Auditor-General's Office, *Management of Prison Accommodation Using Public Private Partnerships* (September 2010).

xii <http://www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Parliamentary+Business+-+Tabled+Papers>

Summary of Findings and Recommendations

INTRODUCTION

This is the report of the fourth announced inspection of Acacia Prison ('Acacia') by the Office of the Inspector of Custodial Services ('the Office'). Acacia commenced operations in 2001 and is Western Australia's only privately operated prison. Serco has been the prison services contractor since 2006.

At the previous inspection in 2007, Acacia had a capacity of 785 prisoners. By the time of the 2010 inspection, the prison's capacity had increased to 1,000 prisoners through the installation of bunk beds. At the time of this inspection, the contract was due for renewal, and negotiations were under way between Serco and the Department of Corrective Services ('the Department'). Part of the new contract is a proposed capital works program that will further increase the prison's capacity to 1,400 prisoners.

CONTRACTUAL ARRANGEMENTS AND RELATIONSHIPS

The contractual framework for the delivery of prison services at Acacia is strong, and includes performance measures and performance-linked fees. Close scrutiny from both this Office and the Department's contract management team and on-site monitors ensures a high level of accountability.

Maintenance Contract

One area that remains a concern is the maintenance contract. At the previous inspection, the inspection team found that 'there are significant risks with current arrangements and they need to be addressed as a matter of urgency'.^{xiii} The report recommended that new maintenance contract arrangements be negotiated.^{xiv} Unfortunately, the contractual arrangements are largely unchanged.

The problem stems from the fact that the maintenance contract is separate to the prison services contract and different companies hold each contract: the prison services contract is held by Serco, whereas the maintenance contract is held by Sodexo. This situation – where Serco is neither responsible for nor in control of the maintenance of the facility it operates – is not sustainable. The other key issue, also identified in the previous inspection report,^{xv} is that the maintenance contract was originally based on unrealistic costings and is therefore insufficiently funded.

Recommendation 1

Finalise new maintenance contract arrangements to ensure that the prison services contractor has appropriate control of and responsibility for the maintenance of the Acacia Prison facility.

xiii Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 11.

xiv Ibid, Recommendation 1.

xv Ibid, 13.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Acacia's Place in the System

One of the original goals of establishing a privately operated prison was to drive innovation. This is enshrined in the contract with provisions for an 'innovation bonus' that financially rewards the contractor for introducing innovative practices.^{xvi} Although the Office has identified many innovative practices at Acacia, the Department has appeared reluctant to admit that it can learn from the private sector. At the time of the inspection the Department provided no evidence that it had effective processes for identifying such initiatives, or for sharing them throughout the system. In this sense, the Department has been less proactive than it should be.

Recommendation 2

Develop improved processes for recognising innovation at Acacia Prison in order to identify initiatives suitable for transfer into the public system.

STAFFING, SYSTEMS AND SECURITY

Staff Culture

Soon after Serco took control of Acacia Prison in May 2006, the senior management team recognised the need to change the staff culture of the prison.^{xvii} Serco made it clear that a more pro-social culture was expected, and this is reflected in the prison's operational philosophy and the 'responsible prisoner' model. The senior management team explained that activity since the last inspection has continued to focus on building a 'desired culture' and embedding the company's philosophies and values.

Significantly, all staff interviewed during the inspection demonstrated a strong understanding of Serco's values. The majority of staff supported these values and were able to describe the way in which they applied them in their daily work practices. However, there were some staff who expressed strong divergent views. These staff typically viewed the responsible prisoner model with cynicism, and felt that prisoners were afforded too many privileges and not punished enough for misbehaving. Although these staff were in the minority, their attitudes have the potential to undermine the culture of the prison. However, it is important to recognise that, although this group of staff did not necessarily agree with Serco's values, they remained committed to their work and enjoyed their jobs.

Management and Communication

During the 2007 inspection, the Office observed a broad divide between management and staff, with staff feeling disconnected from management and complaining about a lack of effective communication from management. Since then, there is no doubt that Serco has made considerable efforts to increase communication between management and staff and the result has been a dramatic improvement in the relationship between management and staff at Acacia.

xvi Acacia Prison Services Agreement, clause 15.2.

xvii OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 22.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

A comparison of the pre-inspection survey results from 2007 and 2010 revealed some remarkable progress. In 2007, staff attitudes towards senior management were very negative, and they also had negative views about their treatment by senior management.^{viii} In 2010 staff had strongly positive views of senior management. Significantly, negative responses for involvement in the prison and personal recognition in 2007 had also become positive responses in 2010. This indicated that staff were engaged with the prison's operational philosophy and felt that their contribution to the operation of the prison was recognised and appreciated.

Security and Safety

Acacia has maintained an unblemished record in terms of the most basic prison performance measures: there have been no escapes, no loss of control and no other major incidents. The secure infrastructure of the prison, although ageing, is in good repair, and the inspection identified no significant risks in this area. However, in the months leading up to the inspection, there were several separate incidents in which a prisoner climbed onto the roof of a prison building. This was an emerging risk for the prison.

Serco introduced the position of Assistant Director Security and Operations in June 2010 in recognition of the fact that the importance of security would increase as the prison capacity rose to 1,000 and beyond. At the time of the last inspection, Serco had decided to set up its own drug detection dog squad (or canine section), and dog handlers were being trained. The canine section is now a well-established part of Acacia, and a valuable tool in detecting contraband items.

The previous inspection report identified a number of issues in relation to emergency management at Acacia. The key concerns were the absence of a comprehensive contingency plan and the need for more regular contingency exercises and staff training.^{xix} In 2010, contingency plans for a number of specific emergencies had been finalised and approved by the Department, and were now contained in the Director's Rules. Acacia managed a number of incidents in 2010 (including the aforementioned rooftop incidents) and in reviewing these incidents staff and management identified shortfalls in staff training and contingency exercises. In response, several emergency response training sessions were delivered to staff and fire response training was ongoing during the inspection. Plans for 2011 included a higher number of contingency exercises.

xviii OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 23–24.

xix Ibid 31–32, Recommendation 8.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

CARE AND WELLBEING

Treatment of Prisoners

Overall, the inspection found that prisoners are treated with decency and respect at Acacia. There was no evidence of systemic racism or discrimination by staff against groups or individual prisoners. There was a pro-social culture at Acacia Prison and interaction amongst staff and prisoners was encouraged. There were indications, however, that some officers were not as helpful and respectful towards prisoners as others, and there were some accounts of different shifts and different officers operating differently. It must be noted, however, that the extent of these allegations was not as pronounced as it was during the 2007 inspection.

Aboriginal Prisoners

In the previous report, the Office recommended that Serco reactivate Acacia's Indigenous Advisory Board and engage this group in driving Aboriginal policies and initiatives; and that a well-qualified Indigenous person be appointed to assist with initiating and implementing Aboriginal policies and practices.^{xx} Both of these recommendations have been adequately progressed.

An Indigenous Initiatives Coordinator position has been established to coordinate Indigenous initiatives and functions under the general guidance of the Assistant Director Offender Management. The Indigenous Initiatives Coordinator is responsible for line-managing the two Prisoner Support Officers, and the overall management of the peer support system at Acacia Prison.

The Indigenous Advisory Board has been reinvigorated with new terms of reference. The board meets three times a year and is made up of well-credentialed and experienced members, both Aboriginal and non-Aboriginal. However, the board would benefit from increasing or altering its membership to include a broader range of expertise. There are many Aboriginal organisations in the community who would be eager to contribute both at the strategic level as members of the Indigenous Advisory Board and at the operational level in delivering services to Aboriginal prisoners. At present, Serco is not taking full advantage of this and should be looking to introduce more programs and courses aimed at Aboriginal prisoners (such as traditional language courses).

Recommendation 3

Develop the role of the Indigenous Advisory Board with a particular focus on driving innovative programs and services for Aboriginal prisoners.

xx OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) Recommendation 10.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Peer Support and other Prisoner Forums

The peer support team is a proactive group comprising 20 prisoners representing the diverse prisoner population at Acacia. The team has good access to prisoners throughout the site, and is well supported by two full-time Prisoner Support Officers, one of whom is Aboriginal.

Acacia and its prisoners have been proactive in establishing forums in which prisoners can provide feedback to prison staff and management on their experiences of various aspects of life at the prison. For example, a catering committee had been established comprising catering staff and prisoner representatives from the different accommodation units to discuss matters arising relating to food provision at the prison.

Another prisoner/management committee in place at Acacia is the Prisoner Information and Activity Committee which provides a forum for prisoners at Acacia to raise issues affecting them directly with senior management. It also presents an opportunity for senior management to provide information to prisoners about topical issues in the prison. This is good, innovative practice.

Accommodation

Because Acacia is newer and has more modern design features, the standard of prisoner accommodation is relatively good when compared with the older and more outdated public prisons. Since the last inspection, however, there has been a significant development with the introduction of double-bunking throughout the prison. All of the standard accommodation blocks, along with India Block and Juliet Block, now contain varying numbers of double-bunked cells. The cells in Acacia are comparatively large and better able to accommodate a bunk bed than many of the cells in public prisons. However, this does little to alleviate the loss of privacy and decency inherent in sharing an enclosed living space with another person. In addition, this Office has previously expressed concerns about the design of the bunk beds in prisons through the state.^{xxi}

Recreation

Recreation was one of the strongest areas of the prison. In the pre-inspection prisoner survey, respondents indicated that recreation was the most positive thing about the prison. Recreation infrastructure at Acacia is good, with an excellent gymnasium that houses a basketball court, weights room and cardiovascular exercise equipment. There are various outdoor recreation options including the football oval, tennis courts and cricket nets. Each accommodation block also contains a range of recreation options such as cable weights, basketball hoops, boxing bags and isometric training equipment. Recreation staff are enthusiastic and well-qualified, and there are also seven prisoners employed in recreation.

xxi OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 70 (February 2011) 11-12; OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) 8; OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 66 (June 2010) 6-7.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Health Services

The conclusion of the inspection was that Acacia presented the best prison health service in Western Australia. However, despite the strong performance of the medical centre, access to health services was a cause of great concern for prisoners. One significant weakness in health services at Acacia has been the prison's failure to recruit a second doctor, despite prolonged and concerted efforts by Serco. This has led to a heavy workload for the doctor currently on staff, and increased appointment waiting times.

Areas of particular strength in health services include the provision of a full-time dentist and dental nurse; a focus on services for Aboriginal prisoners including employment of an Aboriginal nurse; and good health promotion and education initiatives.

Prisoners at Risk of Self-Harm

Prisoners at risk of self-harm are referred to the At Risk Management System (ARMS) which is overseen by the Prisoner Risk Assessment Group (PRAG). This multidisciplinary team includes prison management, unit officers, health workers and psychologists. Other staff, such as teachers and trade instructors also attend if they have a contribution to make based on particular knowledge of a prisoner. In general, the inspection found that ARMS and PRAG were functioning well.

However, in November 2010, the Department's contract management team identified specific concerns related to outstanding referrals to the Prison Counselling Service. This is an area of potential risk, and the Office was pleased to hear that Serco has responded appropriately to the concerns raised by the Department.

Despite the issues raised by the contract management team, and despite the increased prisoner population, Acacia has consistently maintained low numbers of prisoners on ARMS and more importantly self-harm incidents are rare. This has been the case over a long period at Acacia and is testament to the success of the pro-social culture fostered in the prison.

External Contact and Communication

The management of social visits is handled well at Acacia. The inspection team found that the prison strikes a good balance between security, supervision, and a family-focused approach. Family day visits are one of the most positive initiatives at Acacia and represent a real incentive for prisoners. The opportunity to interact with friends and family in a casual environment is greatly valued.

An important development was the proposed introduction of Skype to facilitate video visits via the internet. Policies were being developed and it was anticipated that it would be rolled out by January 2011.^{xxii} For some time now, the Office has been advocating for the Department to take advantage of cheap and simple internet-based technologies for visits.^{xxiii}

xxii In fact, Skype was first available to prisoners at Acacia on Christmas Day 2010. A total of 141 sessions were booked by 16 different prisoners between 25 December 2010 and 31 March 2011. Feedback from staff and prisoners has been positive and to date there have been no significant security concerns. There is obvious scope for this system to be expanded to more prisoners over coming months.

xxiii See OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 41-42 and Recommendation 12; OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 41-42 and Recommendation 10.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Although progress has been disappointingly slow, it is pleasing to finally see some developments in this area. The Office will monitor the success of such initiatives at Acacia and elsewhere with interest.

REHABILITATION AND RESETTLEMENT

Case Management

The Office believes that a good case management system involving genuine support from staff is a key part of preparing prisoners for release and successful reintegration into the community. The interaction between prisoners and case management officers should result in identification of the prisoners' needs and provide guidance on how to address those needs within the prison.

Acacia excels in this area, and this represents an opportunity for system-wide sharing and learning. The Department has tended to measure case management in quantitative terms – the number of prisoners for whom an Individual Management Plan has been completed; the number of Regular Contact Reports completed by case management officers; and the number of programs and courses that prisoners are booked into. Acacia's performance measures reflect this with the prison assessed against its ability to complete a certain percentage of sentence planning reviews within the scheduled timeframe.^{xxiv} Acacia successfully meets these requirements, achieving the relevant performance measure targets consistently for the past two years.

Where Acacia really sets itself apart from the public prisons is in the quality of engagement between the case management officer and the prisoner. This is critical because it determines whether relevant information is shared, whether all of the prisoner's needs are identified, and whether the prisoner feels truly supported by the process. Qualitative measures are much harder to frame than quantitative measures, and neither the Department nor Serco have developed an effective way of measuring the quality of the interactions between case management officers and prisoners.

The inspection team was confident that there was a good level of interaction and engagement during various case management processes such as regular contact meetings, Individual Management Plan reviews and case conferences. This was reflected in Regular Contact Reports that contained more detail and better information than generally seen in the public prisons. However, a large amount of the information gathered in these meetings is not recorded anywhere, perhaps because the electronic forms used do not encourage a comprehensive record.

To take full advantage of the valuable information being gathered, Acacia should encourage staff to make more detailed records of their interactions with prisoners. Although the Department requires no qualitative indicators and does not monitor performance in the area of case management, Acacia is in an excellent position to develop and implement qualitative performance measures to enable the continuing improvement of cases management at the prison and within the prison system as a whole.

xxiv Acacia Prison Services Agreement, Schedule 5, Performance Measure 6.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 4(a)

Develop and implement qualitative performance measures for case management at Acacia Prison.

Recommendation 4(b)

Provide feedback, support and professional development to case management officers based on the qualitative performance measures.

Recommendation 4(c)

Evaluate the performance measures and examine the feasibility of applying such measures throughout the prison system.

Offender Treatment Programs

Acacia has very limited control over offender treatment programs. It can only deliver programs approved by the Department and only to the prisoners that the Department dictates. The suite of programs delivered by Acacia is made up of the medium intensity sex offender program, intensive violent offender program, medium intensity domestic violence program, and cognitive skills program.

During the inspection, management at Acacia said that they saw the need for programs outside the scope allowed by the Department. Serco had proposed to deliver two new programs, both sourced from Serco's international correctional activity and both accredited in the United Kingdom. The Department rejected this proposal. The Office has previously recommended that, subject to the programs meeting appropriate standards, Acacia should be permitted to explore and develop new programs, and not be restricted to delivering the same suite of programs as the public prisons.^{xxv} The continuing restrictive approach of the Department, even after Serco has shown itself to be a high quality service provider, stifles innovation. As such, it also negates one of the original objectives of establishing a privately operated prison.

Although program delivery throughout the prison system increased substantially in 2009–2010, demand remains significantly higher than supply.^{xxvi} The Office believes that Acacia should be able to deliver a higher number of programs. In the past, Acacia was able to deliver more programs than the Department is now demanding of it. For example, in the area of addictions offending, Acacia delivered over 400 program places in 2002–2003. This has fallen to 110 for 2010–2011. For violent offending, Acacia delivered almost 100 program places in 2002–03, but is only scheduled to provide 38 in 2010–2011. For sex offending, Acacia's current delivery of 30 program places exceeds its offering in the past.

xxv OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 19–21, Recommendation 4.
xxvi Offender Services, 2009–2010 Program Delivery and EVTU Data, Summary, Program Delivery, Targets 2010–2011 (Offender Services, Department of Corrective Services, 18 August 2010).

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Acacia programs staff did not feel that there was much scope to increase the number or frequency of programs delivered. Staffing levels and classroom space would present the greatest obstacles. However, the Office is confident that with more staff, and careful scheduling to maximise utilisation of classrooms, Acacia is capable of delivering more programs. The Department should be challenging Acacia to increase their program delivery.

Recommendation 5(a)

Increase the delivery of offender treatment programs at Acacia Prison.

Recommendation 5(b)

Develop, test and evaluate innovative offender treatment programs at Acacia Prison in addition to, or as alternatives to, the programs offered in the public prisons.

Resettlement

Re-entry services were identified as a particular strength for Acacia in the last inspection report. The inspection found that Acacia had been ‘proactive and innovative in developing re-entry services from a relatively low base’ and that ‘[t]heir processes and their coordination of service delivery represent excellent practice’.^{xxvii} The success was so notable that a recommendation flowed from these findings suggesting that the Department should examine and endeavour to replicate Acacia’s service delivery principles with regard to re-entry.^{xxviii}

The Department supported this recommendation and subsequently expanded re-entry services in the public prison system through the establishment of 11 Transitional Manager positions in prisons throughout Western Australia and an increased allocation of funding ‘to expand existing services’.^{xxix} In terms of transfer of innovation between the private and public sectors, the expansion of re-entry services and introduction of Transitional Manager positions has been a major success.

The 2010 inspection found that the high level of service delivery found at Acacia in 2007 had been maintained. Furthermore, there had been growth and development in the breadth of options available to prisoners preparing for re-entry into the community. Re-entry services continued to be a positive model of innovation for the prison.

xxvii OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 65.

xxviii Ibid, Recommendation 19.

xxix DCS, *Updated Progress against Report 53 Recommendations* (October 2010), Recommendation 19.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Minimum Security Prisoners

At the time of the inspection Acacia was accommodating about 115 minimum security rated prisoners,^{xxx} and the reality was that many would not be transferred to a minimum security facility before their sentence ended. The current operations and systems at Acacia mean that they will not access the programs that the prison system has put in place for minimum security prisoners to increase their chances of successful re-entry. In addition, there are no references to services or requirements for minimum security prisoners within the terms of Serco's contract with the Department.

Programs such as work release, section 95 external work and community activities and the Prisoner Employment Program are all examples of good systems that are in place to assist minimum security prisoners, but these are only available to prisoners accommodated in minimum security facilities. Minimum security prisoners 'earn' their lower security status through good behaviour, but their placement at Acacia means they do not receive the benefits of a minimum security environment. These benefits generally include better visits facilities for families, more self-determination in prisoners' day-to-day living and access to better living conditions.

Prior to Serco taking control of Acacia, the previous contractor had begun to explore options to expand access to appropriate programs for the minimum security prisoners while maintaining security and safety of prisoners. It should be noted that the minimum security numbers at that time were around 60. With that figure now nearly doubled and unlikely to decrease substantially in the medium term, Acacia should again examine that challenge.

Recommendation 6

Provide minimum security prisoners at Acacia Prison with access to appropriate programs and opportunities consistent with their security status.

EDUCATION, TRAINING AND EMPLOYMENT

Education and Training

At the 2007 inspection, education services presented as rather fragile. Acacia had lost its Registered Training Organisation status and was reliant on the endorsement of the Department to deliver much of its educational program. A partial reinstatement of its status had only just occurred at the time of that inspection.^{xxx}

In 2010, education services at Acacia were in a much more robust situation. Since Serco has secured further contracts for prisons and detention centres throughout Australia, the company has consolidated its Registered Training Organisation status by centralising its operations in this area. There is a national manager for quality control as well as an on-site manager at Acacia monitoring performance on an ongoing basis. This has improved both the quality of service provision and the range of services available.

xxx Department of Corrective Services, TOMS, *Count Control Facility – Acacia Prison* (28 October 2010).

xxxix OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 61-62.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Acacia has added greater scope to the traineeship courses available, basic literacy and numeracy courses have improved, and external studies were performing strongly. However, the impact on access to education caused by the increased population was concerning. While the number of courses being delivered is positive, the increase to a population of 1,000 prisoners has meant that many courses now have waiting lists. Before the population increases any further, concrete plans for expansion of the education centre must be developed and a timeframe for implementation established to ensure there is no further disadvantage.

As at the time of the previous inspection, prisoner access to computers for the purposes of education remains inadequate. There are currently 17 computers for 1,000 prisoners and the shortage has been exacerbated by the Department's decision to remove all personal computers from prisoners. Those who were using their own computers (particularly for study purposes) now also require access to the shared computers.

In addition to the inadequate number, the Department's policy has also severely restricted access to electronic based resources for study. This situation is untenable and is contradictory to the Department's stated commitment to prisoner skill development and preparing prisoners for re-entry. In this technological age, it is impossible to study without access to electronic resources. As a matter of urgency the Department must resolve this issue.

Recommendation 7

Ensure prisoners have sufficient access to computers and electronic resources to facilitate educational studies, official correspondence and other legitimate needs.

Industries and Employment

In 2007, prisoner employment at Acacia was a poorly functioning area of service delivery. Large numbers of prisoners were regularly unoccupied due to the closure of non-essential work locations. A combination of factors contributed to these closures, but most common was the unavailability of custodial staff to provide supervision in the workshops. At the time of the last inspection about 180 prisoners (23 per cent) were unemployed.

In statistical terms, the employment situation at Acacia has not improved since 2007. At the time of the 2010 inspection, 236 prisoners or nearly 24 per cent were not working. In addition, an analysis of the employment positions available during the inspection showed an unacceptably high number of prisoners allocated to work places that occupy them for as little as one hour and provide little in the way of meaningful activity or skill development. Of particular concern was the very high number of prisoners employed as 'block workers' with the role of making sure the accommodation blocks are clean and tidy. There were a total of 197 prisoners employed in this way, meaning most blocks had more than 30 block workers.

The Department monitors the level of prisoner employment at Acacia in Performance Measure 11 which refers to '[t]he percentage of prisoners involved in structured activity for no less than 30 hours a week'.^{xxxii} While this includes activities other than employment,

xxxii Acacia Prison Services Agreement, Schedule 5.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

it is one of the key activities that is targeted and provides the only measure by which employment is monitored. In August 2009 when Serco agreed to take an additional 200 prisoners, the terms of Performance Measure 11 were renegotiated, and the target was effectively lowered. The result was that Acacia began meeting this performance measure for the first time.

Serco and the Department's contract management team have each indicated some level of discomfort that Acacia is meeting this target when in reality performance is not good. Both have acknowledged that the current measure is not suitable and further development is required to provide a better reflection of outcomes for prisoners.

Despite the negative conclusions above, there have been a number of positive developments in the area of industries and prisoner employment. Efforts have been made to improve the number of work positions available and gains in pure numbers have been achieved; however, these have been absorbed by population increases, so no net gains have been achieved. In the last two years, there has been significant investment in equipment and workshop expansion. New contracts have been established, with a focus on shifting from simply occupying prisoners' time to employment that is industry-based and leads to job opportunities on release.

Closures of industries had reduced substantially in the six months preceding the inspection. The voluntary placement of six custodial officers in permanent industries positions on a five days per week, eight hours per day roster has minimised closures due to staff shortages. In addition, trade instructors had received basic security training that permitted them to open their workshops even if a full complement of security officers was not available.

Serco is acutely aware that prisoner employment has been one of its most significant challenges, particularly in light of the prisoner population expansion in 2009 and 2010. Planning around how to address this deficiency has been ongoing and culminated in a proposed new 'core day' structure for prisoners. The centrepiece of the plan is to slightly extend the structured day hours for prisoners and break the day into two shifts. The morning shift would start at 7.45 am and continue until 11.15 am and an afternoon shift would commence at 12.45 pm and finish at 4.00 pm. Each shift would therefore be provided with three-and-a-half hours of activity.

The core day concept is a good idea to manage the less than ideal situation in which the prison finds itself, especially given it is not in control of the asset in which it is operating. Ideally, however, employment plays such a fundamental role in reducing recidivism that the priority into the future should be for Acacia to offer all prisoners at least 30 hours per week of employment. It is clear that this area will require significant investment before any further population expansion can occur without the serious risk of the prison simply warehousing prisoners, rather than providing meaningful constructive activity.

Recommendation 8

Provide each prisoner at Acacia Prison with 30 hours of constructive activity per week through structuring of the core day and investment in resources and key supporting infrastructure such as Oscar Block and the industrial workshops.

Fact Page

NAME OF FACILITY

Acacia Prison

ROLE OF FACILITY

Medium security prison for adult males

LOCATION

55 kilometres east of Perth

The traditional owners of the land are the Noongar people.

BRIEF HISTORY

Acacia Prison opened in May 2001. The facility is owned by the Department of Corrective Services and the operation of the prison has been contracted to a private company, Serco. It is the only privately-operated prison in Western Australia.

LAST INSPECTION

18-29 November 2007

ORIGINAL DESIGN CAPACITY OF PRISON

750

OPERATIONAL CAPACITY OF PRISON

1,007

NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

986

DESCRIPTION OF RESIDENTIAL UNITS

Foxtrot Block	33 assisted care beds and pre-self-care beds
India Block	150 standard beds for newly received prisoners
Juliet Block	128 standard and self-care beds for protection prisoners
Kilo Block	176 standard beds
Lima Block	176 standard beds
Mike Block	176 standard beds
November Block	168 self-care beds

OTHER PRISON BUILDINGS

Oscar Block	Classrooms and offices for education, programs, resettlement, sentence management, peer support and chaplaincy
Hotel Block	Light industry workshops
Romeo Block	Heavy industry workshops

Chapter 1

CONTEXT AND HISTORY

- 1.1 Acacia Prison ('Acacia') is a medium security facility for male prisoners located in Wooroloo, approximately 55 kilometres east of Perth. Acacia commenced operations in 2001 and is Western Australia's only privately operated prison. Since its inception, the Office of the Inspector of Custodial Services ('the Office') has undertaken four announced inspections of Acacia, with the most recent occurring in November 2010. This report relates to that most recent inspection.

HISTORY OF ACACIA PRISON

- 1.2 A comprehensive account of the establishment and early history of Acacia can be found in the Office's first inspection report on the prison.¹ While there is no need to repeat that level of detail here, there are a number of points that should be noted as background to any inspection of Acacia Prison.
- 1.3 In April 1998, the state government called for expressions of interest to design, construct and manage a new medium security prison. The documentation available to potential bidders set out a number of desired outcomes based on the 'cornerstones' of imprisonment developed by the Department of Justice in the mid-1990s.² Importantly, the documentation also made it clear that the private prison was expected to introduce innovation and drive system-wide improvement.
- 1.4 The original Acacia Prison Services contract was awarded to Corrections Corporation of Australia which, after a series of corporate reorganisations, became Australasian Integration Management Services (AIMS), a subsidiary of the international conglomerate Sodexo. The initial duration of the contract was five years from May 2001 to May 2006, with options for the Department to renew thereafter. Although AIMS met most of the key performance measures during this period, the prison was beset by staffing shortages, unstable management and questionable service delivery in some areas. These issues were apparent in the two inspections of the prison conducted by this Office during that period.³ Consequently, the government decided not to renew the contract at the expiry of the initial five-year period, choosing instead to test the market by re-tendering the services.
- 1.5 The outcome of this process was the selection of Serco as the new contractor. Serco took over management of Acacia Prison from AIMS in May 2006. As before, the initial term of the contract is five years, with options for the Department to renew thereafter for further terms of between three and five years up to a maximum total duration of 15 years. This means Serco's contract is due for renewal in May 2011, making the November 2010 inspection particularly timely.

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

2 Pursuant to a recommendation of the Mahoney Inquiry into the Management of Offenders in Custody the Department of Justice was separated in 2006 into two agencies: the Department of Corrective Services and the Department of the Attorney General. In this report references to 'the Department' are to the Department of Corrective Services.

3 See OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 19 (March 2003); OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008).

SERCO: THE CONTRACTOR

Corporate Structure

- 1.6 The previous inspection report observed that 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’.⁴ Serco is a good example of this. It is a company with vast and diverse international interests and experience. It has operated several prisons and young offender institutions in the United Kingdom and is also involved in other fields including health, education, transportation, defence and information technology. As such, Serco is able to bring a significant amount of knowledge and resources to its operations.
- 1.7 With any trans-national organisation, however, there is a risk that complicated corporate governance structures will result in a dispersal of authority. Responsibility for final decision-making may seem remote from the site of operations, particularly when operating in the relatively isolated commercial environment of Western Australia. At the 2007 inspection, the Office was satisfied that Serco’s corporate structure would not raise any such issues. The report stated that Serco’s ‘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’.⁵ This remained the case in 2010, and the Office was confident that Serco’s structure continued to provide a strong foundation for effective management of Acacia Prison. In fact, the level of corporate support available to Acacia appears to have increased.
- 1.8 Since 2007, Serco has consolidated its corporate presence in Australia. The company commenced management of Borallon Correctional Centre in Queensland in January 2008, and in 2009 signed two contracts with the Commonwealth Department of Immigration and Citizenship to manage various aspects of immigration control including the operation of all Immigration Detention Centres in Australia. In March 2010, Serco created a new position of Operations Director Justice and Corrections for the Asia Pacific region to oversee this growing portfolio.

Financial Standing

- 1.9 Serco’s financial position remains strong and the establishment of additional operations in Australia brings further strength. The company is not dependent on the success of the Acacia contract for financial survival, and there is no sense that services are compromised because the company lacks money.

4 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 4.

5 Ibid.

INSPECTION CONTEXT

Previous Inspection

1.10 The previous inspection of Acacia took place in November 2007, approximately 18 months after Serco had taken over management of the prison.⁶ At that time, the prison's official capacity was 785 prisoners. In response to statewide increases in the prisoner population, the Department of Corrective Services ('the Department') had plans to increase the number of prisoners at Acacia to 885. The Office was therefore interested in assessing Acacia's capacity to absorb such an increase in prisoner numbers.

The 2007 inspection found a number of strong points at Acacia including:

- high levels of accountability;
- no escapes or serious incidents to trigger an abatement (penalty) 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);
- good 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; and
- Serco's strong financial standing and corporate structure.

1.12 The weaker areas identified at the 2007 inspection included:

- 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;
- under-developed Aboriginal prisoner policies and custodial strategies;
- poor provision of video-link visits and other options for prisoners from remote areas;

6 The report of the November 2007 inspection was published in June 2008: *ibid.*

- weaknesses in education (including the range of available courses and computer access);
- under-developed peer support services; and
- a need for better policies and training in emergency management.⁷

1.13 The overall conclusion of the 2007 inspection was that ‘the change of operator has been a very positive move’ and ‘Acacia was on the cusp of becoming a very good prison’.⁸ However, along with the weaknesses outlined above, the inspection identified some fragility in the regime, which was linked to the changes and new practices that had been introduced by the new operator in a relatively short timeframe. Consequently, the Office suggested that any increase in prisoner numbers at Acacia be deferred until Serco had been given sufficient time to firmly establish a strong foundation (both in resources and in philosophy) for delivery of services at the prison.⁹

Prisoner Population Increase

- 1.14 Fortuitously, in the months after the 2007 inspection, the statewide prisoner population eased and the Department was able to delay the increase in prisoner numbers at Acacia. The intake of additional prisoners took place gradually between late 2008 and mid 2009. By this time the operational regime put in place by Serco was strong, stable and well positioned to absorb the extra 100 prisoners (bringing maximum capacity to 885 prisoners). However, ongoing prisoner population pressures meant that by late 2008 the Department had already identified a need to increase Acacia’s capacity to 1,000 prisoners.
- 1.15 After the requisite negotiation around infrastructure, resources and performance measures, Serco initiated a project to construct and install bunk beds throughout the prison. As more beds became available, prisoner numbers were increased. By February 2010 the project was complete, bringing the operational capacity of the prison to 1,000. Since then, prisoner numbers at Acacia have remained close to this capacity.

Acacia in 2010

- 1.16 At the time of the 2010 inspection Acacia’s prisoner population was 986: the largest prisoner population of any Western Australian prison. The next two largest prisons in the state at that time were Hakea Prison with 764 prisoners and Casuarina Prison with 523 prisoners.¹⁰ Acacia’s prisoner population presented as a diverse group with complex needs.
- 1.17 There were 370 Aboriginal prisoners at Acacia, making up 37 per cent of the total population. Of these Aboriginal prisoners, 129 were identified as having been displaced as a result of their incarceration, with the majority from either the mid-west (Yamatji) or Western Desert (Wongi) regions.¹¹
- 1.18 There were around 120 protection prisoners in the prison, deemed to be at risk from other prisoners either because of the nature of their offences or because of some conflict. These prisoners were housed in a separate block and segregated from the general prison population.

7 Ibid.

8 Ibid, iv.

9 Ibid, 1.

10 Department of Corrective Services, *Weekly Offender Statistics Report 4/11/2010* (2010).

11 Department of Corrective Services, *Commissioner’s Weekly Update 26 November 2010* (2010).

CONTEXT AND HISTORY

- 1.19 Despite being a medium security prison, Acacia housed a significant cohort of minimum security prisoners, numbering 115 in total. The prison was also releasing a high number of prisoners to freedom. Almost 500 prisoners were released from Acacia in 2009–2010, making it one of the biggest releasing prisons in the correctional system.
- 1.20 Many of these distinct groups of prisoners have specific needs, and not all are consistent with a medium security setting. The challenge for Serco therefore is to deliver appropriate services to this diverse group within the constraints of the secure environment.

Acacia in the Future

- 1.21 As mentioned earlier, the renewal or retendering of the prison services contract is due by May 2011 and Serco have provided a submission to the Department detailing contract variations and costs for their continued tenure as the contractor. There is nothing in the findings of this report to suggest that Serco should not be given that opportunity. However, the contract extension will be dependent on successful negotiations between Serco and the Department and should not be pre-empted.
- 1.22 Regardless of the outcome of the contract negotiations, it is important to note that one feature of the new contract will be an extensive program of capital works that will increase the capacity of the prison to 1,400 by the end of 2014. This is important context for the discussion later in this report of the existing infrastructure shortfalls in the prison.¹²

General Conclusions

- 1.23 As Acacia approaches 10 years of operation, it is appropriate to reflect on the success of privatisation, particularly with the prospect of further privatisation of Western Australian custodial services in the near future.¹³ The inspection team was specifically interested in identifying innovative practices at Acacia, and determining whether these practices had been recognised and adopted in the public prison system.
- 1.24 Overall, the 2010 inspection was very positive. The inspection team found Acacia Prison to be performing at a higher standard than previously observed. Serco has built on the strengths and addressed many of the deficits identified during the 2007 inspection. In certain areas, such as staff culture and communication, the improvement has been dramatic. Although opportunities for improvement remain, Acacia compares very favourably with the public prisons. This achievement is all the more impressive considering the size of the prison. Several of the recommendations in this report aim not to address an area of weakness, but instead challenge Acacia to build further upon existing strengths. This recognises that in many areas the prison is starting from a high base, and has the potential to truly excel.

12 See Chapter 6.

13 The state government plans to privatise the operation of a new young offender facility in the Perth metropolitan area.

INSPECTION METHODOLOGY

- 1.25 This inspection followed the standard methodology of the Office. Unlike inspections of public prisons, however, any inspection of Acacia must include consideration of the contractual arrangements, and the relationship between the Department and the contractor. Prior to the on-site phase of the inspection, the Office requested and received a large amount of documentation and data relating to Acacia Prison from both the Department and Serco, including a written submission from each. Pre-inspection surveys were conducted for both prison staff and prisoners in August 2010. The results of the surveys assisted in determining the focus of the inspection and provided a source of primary evidence during the inspection.
- 1.26 The on-site phase took place over two weeks between 31 October 2010 and 12 November 2010. The inspection team comprised 12 members, including expert advisors from the Drug and Alcohol Office, Sir Charles Gairdner Hospital and the Office of Health Review.¹⁴ As always, the inspection was guided by the Office's *Code of Inspection Standards for Adult Custodial Services* ('the Inspection Standards') and *Inspection Standards for Aboriginal Prisoners* ('the Aboriginal Inspection Standards').¹⁵ The findings and recommendations in this report are based on evidence gathered from multiple sources throughout the inspection process.

14 The Office of Health Review was renamed the Health and Disability Services Complaints Office on 30 November 2010.

15 OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007); and OICS, *Inspection Standards for Aboriginal Prisoners* (July 2008).

Chapter 2

CONTRACTUAL ARRANGEMENTS AND RELATIONSHIPS

- 2.1 As the only privately operated prison in Western Australia, there are a number of issues that require examination during an inspection of Acacia that do not arise in the Office's inspections of public prisons. These relate to the contractual relationship between the Department and the contractor, Serco.

CONTRACTUAL FRAMEWORK

- 2.2 The contractual framework for the operation of the prison is comprehensively set out in the Acacia Prison Services Agreement, which is publicly available on the Department's website.¹⁶ It covers matters such as contract fees, Serco's operational philosophy, the operational service requirements and performance measures.
- 2.3 In addition to complying with the specific provisions of the contract, Serco must comply with the *Prisons Act 1981* (WA), other pieces of legislation and all relevant subsidiary legislation (in particular, the Prisons Regulations).¹⁷ It must also comply with the Department's Adult Custodial Rules, Operational Guidelines and Policy Directives.¹⁸ In addition, Serco was required to develop its own prison operating manuals and submit these to the Department for approval.¹⁹
- 2.4 At the time of the 2007 inspection, these operating manuals (known as the Director's Rules) were not complete, and the transition from the previous contractor (AIMS) to the new contractor (Serco) had caused confusion about which rules applied in which areas. The inspection report recommended that Serco 'develop a single coherent document setting down the procedures and rules that are applicable to Acacia'.²⁰ Since that time, the Director's Rules have been successfully finalised and implemented. In addition, Acacia has introduced an intranet to ensure that Director's Rules and other documents relating to prison operations are readily available to staff. This inspection identified no further concerns in this area.

OPERATIONAL PHILOSOPHY

- 2.5 Serco's operational philosophy is explained in schedule 3 of the contract. It is a very detailed document that centres on 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.²¹

16 www.correctiveservices.wa.gov.au/about-us/business-with-us/tenders-contracts/acacia-prison-contract.aspx January 2011.

17 Acacia Prison Services Agreement, clause 6.2.

18 Ibid.

19 Acacia Prison Services Agreement, clause 6.7.

20 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 21.

21 Acacia Prison Services Agreement, schedule 3.

- 2.6 As the name suggests, this model demands a higher level of personal responsibility from each prisoner. Prisoners are required to play a larger part in identifying their own needs and accessing appropriate services within the prison. For many prisoners, accustomed to a more regimented existence in the public prison system, this increased responsibility can be challenging. Some prisoners may need greater support upon arrival at Acacia. Serco recognises that:
- the prison acts as a facilitator to develop responsibility, providing the resources, structures and networks necessary for individual responsibility to be exercised. The level of responsibility to be exercised by each prisoner is dependent on both their ability and attitude, with the prison acting as a safety-net for those incapable or unwilling to do so.²²
- 2.7 To succeed, the responsible prisoner model therefore requires a high level of engagement and understanding from prison staff.

FEES AND PENALTIES

- 2.8 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 rather than absolute numbers; for example, one band is for 951 to 975 prisoners and the next band is for 976 to 1,000 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').
- 2.9 However, the monthly fee is not initially paid in full. Five per cent of the monthly fee is withheld as a performance linked fee (PLF).²³ At the end of the operation year, the Department 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.²⁴
- 2.10 The 12 PLF performance measures, which are monitored by the Department, cover the following matters: serious assaults, serious acts of self harm by prisoners, accurate completion of incident reports, percentage of positive urine sample test results, meeting agreed staffing levels, completing sentence planning reviews on time, delivering treatment programs on schedule, meeting education and training targets, management of social visits, compliance with grievance processes, providing prisoners with structured activities for 30 hours per week, and the percentage of Aboriginal prisoners receiving Aboriginal specific health education. Five percent of the total PLF (up to a maximum of \$250,000) is set aside for a separate payment to reflect 'innovation'.

22 Ibid.

23 Acacia Prison Services Agreement, clause 15.3 and schedule 5.

24 The PLFs 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 its yearly performance; see Acacia Prison Services Agreement, schedule 5.

CONTRACTUAL ARRANGEMENTS AND RELATIONSHIPS

- 2.11 The contract also provides specific penalties 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 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

- 2.12 The Office's inspection reports have always attempted to measure the cost of imprisonment at Acacia in comparison to the public prison system. Cost efficiency and service quality are undeniably key drivers behind prison privatisation and it is important to assess the extent of the financial saving to the state. However, the ultimate question for this Office is whether privatisation can deliver high quality services.
- 2.13 The previous inspection report acknowledged that there are a multitude of factors that contribute to the total cost of imprisonment, and this makes it difficult to calculate with complete accuracy.²⁵ The figures below should therefore be taken as no more than approximations, but they are nevertheless sufficient to give a general sense of the relative costs.
- 2.14 In recent evidence to the Community Development and Justice Standing Committee, the Department stated that its total cost per prisoner per day was \$270 (or \$98,550 per annum).²⁶ Serco is paid approximately \$137 per prisoner per day. However, this is not the total cost. The Department also incurs costs at Acacia, primarily through its monitoring and contract management services. The Department estimates these costs at 33 per cent or \$45 bringing Acacia's total cost per prisoner per day to \$182 (or \$66,430 per annum). According to these calculations, the cost of managing a prisoner at Acacia is 30 per cent less than at a public prison. Serco manages to achieve this while still collecting profits of around eight per cent.
- 2.15 When 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. Similarly, Acacia benefits from only receiving medium or minimum security prisoners, and is not required to undertake initial assessment and classification of prisoners. As previously noted, there is also room for debate about the most accurate way to calculate total costs. Despite this, it is clear that the private operation of Acacia Prison delivers a substantial financial saving to the state.

25 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 6-7.

26 Community Development and Justice Standing Committee, *'Making our prisons work': An Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies* – transcript of evidence taken at Perth, Wednesday 22 September 2010 (2010) 3.

MAINTENANCE CONTRACT

- 2.16 One area of the prison's operations that remains a concern is the maintenance contract. At the previous inspection, the inspection team found that 'there are significant risks with current arrangements and they need to be addressed as a matter of urgency'.²⁷ The report recommended that new maintenance contract arrangements be negotiated.²⁸ Since 2007, contract variations and negotiations between the parties have led to improved service delivery. However, the fundamental structure of the contract remained unchanged.
- 2.17 The problem stems from the fact that the maintenance contract is separate to the prison services contract and different companies hold each contract: the prison services contract is held by Serco, whereas the maintenance contract is held by Sodexo. The risks inherent with this arrangement are discussed in detail in the previous report and will not be repeated here. However, the current situation – where Serco is neither responsible for nor in control of the maintenance of the facility it operates – is not sustainable. Arrangements are further complicated by the fact that the Department is not a party to the maintenance contract. Instead, the contract is between Sodexo and Building Management and Works in the Department of Treasury and Finance.
- 2.18 The other key issue, also identified in the previous inspection report, is that the maintenance contract was originally based on unrealistic costings and is therefore insufficiently funded.²⁹ As a result, Serco is reluctant to assume responsibility for maintenance under the current terms of the contract.
- 2.19 Although a new maintenance contract has not yet been negotiated, the Department has explored a number of options and made considerable efforts to resolve the situation. The complicated legal issues and commercial imperatives involved mean that the process has inevitably been slow and arduous. At the time of the inspection, the Department was hopeful that a resolution would soon be reached. Nevertheless, it is necessary to restate our previous recommendation that new maintenance contract arrangements should be negotiated.

Recommendation 1

Finalise new maintenance contract arrangements to ensure that the prison services contractor has appropriate control of and responsibility for the maintenance of the Acacia Prison facility.

27 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 11.

28 Ibid, Recommendation 1.

29 Ibid, 13.

CONTRACT MANAGEMENT AND MONITORING

- 2.20 The contract management team in the Department has played a vital role in risk management and public accountability since Acacia's establishment. It has developed into a highly professional and extremely competent part of the Department. There are two limbs to the team: the onsite monitors and the head office group. These two limbs are highly coordinated and the system continues to work effectively.
- 2.21 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 becoming pedants who hinder and stifle operations and innovation; and, they must avoid becoming participants in the prison's daily operations.
- 2.22 Although the contribution of the monitors was certainly valued by prison staff, some staff observed that the monitors were picking on minor issues. There was a suggestion that these were operational matters and the monitors should be focusing on contractual compliance. Reading of the monitoring reports did reveal a number of minor issues that perhaps would have been better raised in a less formal manner. The monitors for their part were unapologetic about holding Acacia to a high standard. However, both Acacia staff and monitors observed that the identification of minor issues indicated that there were no major issues at the moment, and this was a positive sign. In the end, the differences of opinion are not insurmountable, and the good relationship between the Department's contract management team and the Acacia management team should ensure a sensible resolution.

TRANSPARENCY AND ACCOUNTABILITY

- 2.23 As observed in the previous inspection report, a common criticism of prison privatisation has been the perceived lack of transparency and public accountability.³⁰ This has never been a valid concern in relation to Acacia Prison. In fact, Acacia is arguably the most closely monitored and highly accountable prison in Australia.
- 2.24 As noted above, Acacia is governed by clearly defined contractual requirements, and these requirements are publicly available. The Department of Corrective Services holds Serco to account through its monitoring and contract management processes, and the contractor is subject to financial penalties if it does not meet prescribed performance measures.
- 2.25 Acacia is also subject to the independent scrutiny of the Office of the Inspector of Custodial Services. The Office has conducted four formal inspections in the nine-and-a-half years of Acacia's existence, as well as maintaining a close watch on the prison through liaison visits and other activities.

30 Ibid, 9-10.

- 2.26 Contrastingly, in Victoria concerns have been raised about the lack of monitoring and accountability mechanisms in place for privatised prison services. A recent report by the Victorian Auditor-General stated that the Victorian Department of Justice
- has not been able to demonstrate that it is continuing to receive value-for-money in terms of the standard of prison accommodation services it is paying for. Nor is it able to demonstrate that it has taken adequate steps to assure that the prison accommodation assets will be in an appropriate condition when ownership of the ... assets reverts to the state.³¹
- 2.27 The Office is confident that such a comment could never be made about privatised custodial services in Western Australia.

ACACIA'S PLACE IN THE SYSTEM

Involvement in Planning

- 2.28 The last inspection report observed that, although the Department had accepted the existence of a privately operated prison, 'the relationship is still marked by a degree of ambivalence and disconnection' and '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'.³² The report recommended that the Department should 'critically re-evaluate its relationship with Acacia' and specifically should involve Acacia in planning and encourage innovation and learn from good practice at Acacia.³³
- 2.29 Acacia has been included in recent initiatives such as the ongoing development of the Department's statewide security framework. However, this sort of consultation remains exceptional rather than routine, and much of the Department's strategy and policy development occurs without any reference to Acacia. For example, a review of health services in Western Australian prisons commissioned by the Department in 2010 was focused on public prisons and excluded Acacia from its scope.³⁴ And while the review drew comparisons with offender health services in Queensland, there was no acknowledgement that Acacia offered another example of how health services could be delivered differently.

31 Victorian Auditor-General's Office, *Management of Prison Accommodation Using Public Private Partnerships* (September 2010) vii.

32 Ibid, 16.

33 Ibid, 21.

34 Stevens M, *Assessment of Clinical Service Provision of Health Services of the Western Australian Department of Corrective Services* (Offender Management and Professional Development, Department of Corrective Services, June 2010).

Sharing Good Practice

- 2.30 As noted in Chapter One, an original goal of establishing a privately operated prison was to drive innovation.³⁵ This is enshrined in the contract with provisions for an ‘innovation bonus’ that financially rewards the contractor for introducing innovative practices.³⁶ This Office has always concerned itself with determining the extent to which this goal of innovation is being met. To this end, any inspection of Acacia must consider first, whether the contractor can demonstrate examples of innovative practice; and secondly, whether the Department is alert to these innovative practices and open to transferring such practices into the public prison system.
- 2.31 While the Office has identified many innovative practices at Acacia, the Department has appeared reluctant to admit that it can learn from the private sector. The most significant example of shared learning has been in the area of re-entry services. Following the success of resettlement services at Acacia, and in line with one of this Office’s recommendations,³⁷ the Department introduced the position of Transitional Manager to prisons throughout the state. Transitional Managers provide services similar to the Resettlement Coordinator at Acacia, preparing prisoners for release into the community. This has been a valuable development for the prison system, but the Office is aware of very few other examples of shared learning.
- 2.32 Prior to the inspection, the Office asked the Department to provide other examples of innovation at Acacia that had been transferred into public prisons. The innovative practices listed in the Department’s submission are only those that have been formally identified in Serco’s applications for the innovation bonus. These include broad areas such as organisational development, environmental sustainability and business improvement, and also the following specific initiatives:
- Story Book Dads – This initiative allows prisoners to make a recording on compact disc of their child’s favourite bedtime story. The disc is then mailed to the child to play at home.
 - Custodial Management System (CMS) – This computer system will replace the existing system that controls prisoner and staff movement throughout the facility. It will also manage prisoner finances, scheduling of prisoner activities, visit bookings, and food menus. The system has biometric capabilities. Phased implementation will occur between 2009 and 2012.
 - Meal choices – Prisoners have been able to select from three choices for the evening meal since February 2007.
 - Staff dining room – The staff dining room provides meals for all staff. It also provides an opportunity for socialising and a place to take a break away from their usual work area.

35 See [1.3].

36 Acacia Prison Services Agreement, clause 15.2.

37 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) Recommendation 19.

- 2.33 Of these, the only initiative to have been adopted in the public system is Story Book Dads which has been introduced at Karnet Prison Farm. During the inspection, the Office identified a range of areas on top of these that provided examples of innovation or good practice that the public sector could learn from. These are discussed further throughout this report, and include the following:
- Prisoner Information and Activity Committee (PIAC) – a representative body for prisoners that provides a forum to raise issues with prison management.
 - Food Committee – a forum for prisoners to raise complaints about food.
 - Aboriginal health education – delivered to Aboriginal prisoners by an Aboriginal nurse who actively engages and encourages participation.
 - Internet video visits – a software application, Skype, has been introduced to facilitate video links between prisoners and their families, particularly those overseas, interstate or in remote areas.
 - Voluntary programs – the range of voluntary personal development programs available at Acacia is better than at any other prison.
 - Case management – the philosophy of case management is promoted by management and embraced by staff, resulting in better interaction between case managers and prisoners.
- 2.34 All these examples indicate that innovation is central to how Serco do their business. The key motivator is not simply the financial reward of the innovation bonus, but rather a drive for efficiency and improved outcomes. Many of these initiatives will not form the basis of an innovation bonus application, but would nevertheless deliver great benefit to the public prisons. Unfortunately, at the time of the inspection the Department provided no evidence that it had effective processes for identifying such initiatives, or for sharing them throughout the system.
- 2.35 In this sense, the Department has been less proactive than it should be. However, there has been some recent progress. Not long after the on-site inspection, the Department began making arrangements for superintendents from public prisons to visit Acacia with the intent of sharing good practice. This is an encouraging development, and there would be equal value in arranging for representatives from Acacia to visit some of the public prisons.

Recommendation 2

Develop improved processes for recognising innovation at Acacia Prison in order to identify initiatives suitable for transfer into the public system.

Chapter 3

STAFFING, SYSTEMS AND SECURITY

STAFF CULTURE

- 3.1 Soon after Serco took control of Acacia Prison in May 2006, the senior management team recognised the need to change the staff culture of the prison.³⁸ Serco made it clear that a more pro-social culture was expected and promoted a unified set of values amongst all staff at the prison. The following four governing principles guide Serco's operations across the globe: foster an entrepreneurial culture; enable our people to excel; deliver our promises; and build trust and respect.
- 3.2 At Acacia, Serco applies these principles both to staff and prisoners. The prison's operational philosophy and the responsible prisoner model were developed within this framework. The senior management team explained that activity since the last inspection has continued to focus on building a 'desired culture' and embedding the company's philosophies and values.³⁹
- 3.3 Significantly, all staff interviewed during the inspection demonstrated a strong understanding of Serco's values. The majority of staff supported these values and were able to describe the way in which they applied them in their daily work practices. This was also reflected in the pre-inspection staff survey which asked staff to list the most satisfying things about working in the prison. The most common response was 'working with and assisting prisoners'. Similarly, 85 per cent of respondents believed that 'if you treat most prisoners decently they will respond decently'.
- 3.4 However, there were some staff who expressed strong divergent views. These staff typically viewed the responsible prisoner model with cynicism, and felt that prisoners were afforded too many privileges and not punished enough for misbehaving. Although these staff were in the minority, their attitudes have the potential to undermine the culture of the prison. However, it is important to recognise that, although this group of staff did not necessarily agree with Serco's values, they remained committed to their work and enjoyed their jobs.
- 3.5 The senior management team was aware that some staff remained resistant to Serco's philosophy, and continued to work towards achieving the desired culture. The Office acknowledges that Serco's progress in this area since the previous inspection has been significant. In 2007, the inspection team noted a marked difference between the two shifts of custodial staff at the prison. In short, it appeared that one shift had embraced Serco's pro-social philosophy and the other had not.⁴⁰ The senior management team implemented a number of strategies to address this issue, including rotating staff between the shifts. The rostering of Operations Managers (who are responsible for management of all custodial staff on any given shift) was also altered to ensure that each Operations Manager had the opportunity to work with both shifts, and ensure greater consistency between the shifts. As a result, prisoners no longer perceive a marked difference between the two shifts. Inevitably, there are still some officers who treat prisoners better than others, but the damaging juxtaposition of the 'good shift' and the 'bad shift' has largely disappeared.

38 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 22.

39 Serco, *Acacia Prison – Building for the Future*, submission to the OICS (undated) 6.

40 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 26–27.

MANAGEMENT AND COMMUNICATION

- 3.6 During the 2007 inspection, the Office observed a broad divide between management and staff, with staff feeling disconnected from management and complaining about a lack of effective communication from management. This was seen as a serious obstacle to Serco's goal of shifting the culture of the prison, and a contributing factor to the inconsistent practices of the two shifts of custodial staff. The inspection report recommended that '[i]n order to promote a more pro-social culture at Acacia, Serco must improve its communication with staff and address any differences between the shifts'.⁴¹ The gap between management and staff was also identified prior to the 2007 inspection in two separate surveys of staff (one commissioned by Serco and the other by the Department). Having established beyond doubt that an issue existed, Serco has introduced numerous initiatives aimed at bridging the management-staff divide, improving engagement between staff and management, and reinforcing the staff's understanding of and alignment with the company's values.
- 3.7 The senior management team now holds monthly meetings attended by all staff. The prison has also developed an intranet which is accessible by all staff and keeps them informed of organisational developments.
- 3.8 The prison has adopted Kaizen, a quality management tool, which at its core actively encourages staff's involvement in and ownership of service or process improvement. Since 2007, all Acacia staff have been invited (through a tool called the Viewpoint Survey) to provide feedback to management about areas needing improvement. More recently, all staff have also been invited to participate in the business planning process.⁴²
- 3.9 Acacia has also introduced the 'Step in My Shoes' initiative.⁴³ Initially, this took the form of a member of the management team 'shadowing' a member of staff to gain insight into a typical day. In 2010, the arrangement has been reversed with a member of staff shadowing a member of the management team.
- 3.10 To promote pro-social values, Acacia has offered staff a one-day refresher 'Effective Intervention' course. Focussing on verbal interaction, this course seeks to enhance participants' communication, negotiation and conflict resolution skills. Four one-day courses have been held in 2010 covering a total of 60 staff.⁴⁴
- 3.11 There is no doubt that Serco has made considerable efforts to increase communication between management and staff and the result has been a dramatic improvement in the relationship between management and staff at Acacia. A comparison of the pre-inspection survey results from 2007 and 2010 revealed some remarkable progress. In 2007, staff attitudes towards senior management were very negative, and they also had negative views about their treatment by senior management.⁴⁵ In 2010 staff had strongly positive views of senior management. Significantly, negative responses for involvement in the prison and

41 Ibid, 28.

42 Serco, *Acacia Prison Annual Report 2009/2010* (2010) 13; Serco, *Acacia Prison – Building for the Future*, submission to the OICS (undated) 12.

43 Serco, *Acacia Prison Annual Report 2009/2010* (2010) 16.

44 Acacia Prison, *2010 Employee Development Strategy – Training and Succession Planning for the Future* (2010) 12.

45 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 23–24.

personal recognition in 2007 had also become positive responses in 2010. This indicated that staff were engaged with the prison's operational philosophy and felt that their contribution to the operation of the prison was recognised and appreciated.

RECRUITMENT, TRAINING AND PROFESSIONAL DEVELOPMENT

- 3.12 Recruitment and training have been crucial in Serco's attempts to shift the staff culture of Acacia. Upon taking over the prison in 2006, Serco inherited a staffing structure with an unhealthy reliance on casual staff. By the time of the November 2007 inspection, this reliance had been largely eliminated by the recruitment of new staff. In 2010, it did not present as a concern.
- 3.13 Serco has been careful to ensure that recruitment is consistent with and promotes the organisation's core values. At times, this has meant that recruitment processes are highly selective. For example, a recent recruitment process for custodial staff elicited over 200 applications, with only 12 applicants identified as aligning with Serco's values and offered a place on its ten-week training program. The staff appraisal process established at Acacia further exemplifies the values-driven approach to management. It explicitly seeks to regularly assess individuals' performance as measured against Serco's values as well as their job descriptions.
- 3.14 The senior management team at Acacia, and in particular the human resources directorate, has adopted a structured and strategic approach to training and staff development. The Employee Development Strategy has an allocated budget and sets out the staff training schedule through to the end of 2010 based upon the findings of a training needs analysis with respect to the current and projected needs of Acacia Prison.
- 3.15 This includes supporting staff to pursue Certificate III and IV in Correctional Practice and providing ongoing short refresher and general training courses. Saturday morning lockdown refresher training for custodial officers focusing primarily on safety and security procedures was also reinstated at the beginning of 2010.
- 3.16 Consistent with the Serco governing principle of 'enabling our people to excel', Acacia has implemented a leadership development program. Staff are supported through a three-tier program involving completion of an introduction to management course, a diploma of management (both run by the Australian Institute of Management), and a graduate diploma of business at Edith Cowan University.⁴⁶ Along with those staff studying Certificates III and IV in Correctional Practice and Certificate IV in Workplace Training and Assessment, the number of staff being supported to pursue qualifications during 2010 was 124 (out of 350 staff in total).
- 3.17 Staff explained that they find out about which courses are scheduled via the intranet and can submit expressions of interest to attend. The prison funds the provision of all training and will also frequently pay an employee overtime rates to attend a course if it is being held at a time when they would otherwise be off duty.⁴⁷

46 See Serco, *Acacia Prison Annual Report 2009/2010* (2010) 9.

47 Examples can be found in Acacia Prison, *2010 Employee Development Strategy – Training and Succession Planning for the Future* (2010) 31-33, 35-36, 38.

- 3.18 Staff interviewed generally expressed satisfaction with the available training opportunities. This view was largely endorsed by the findings of the pre-inspection staff survey. However, the adequacy of training and staff's sense of competency in use of breathing apparatus, emergency response, and management of prisoners with mental health issues scored markedly lower than other areas. With regard to this latter area, Acacia Prison had, in 2010, introduced and run on four occasions (for up to 15 staff at each session) a one-day mental health first aid training course.
- 3.19 In addition to education and training opportunities, staff can develop professionally by applying for advertised vacancies, applying to be part of the acting program, or applying for an internal move to gain experience in another operational area of the prison. The opportunity to seek an internal move is offered to staff on a quarterly basis, and the prison makes every effort to facilitate such moves. In September 2010, 24 staff had applied for an internal move and only four could not be arranged.
- 3.20 Some staff expressed the view that the promotion process is marred by favouritism; however, the inspection team found the internal promotion process to be transparent and accountable. Custodial staff are only eligible to apply for promotion if they have at least one year of experience in the prison. At least one of the assistant directors oversees and is involved in the interview and selection process, and individual feedback is routinely provided to all candidates.

STAFF MAINTENANCE AND RETENTION

- 3.21 Systems that support employees to effectively and safely perform their roles, reward high performance, and constructively and decisively manage poor performance are key to the retention of good staff. In this regard, Acacia is performing well with systems established for mentoring trainees, and recognising good staff attendance and performance.
- 3.22 Resignation rates have fallen consistently since Serco has been managing Acacia Prison. In 2007, 70 staff left the prison. At the time of the inspection in 2010, year-to-date figures showed a 10 per cent resignation rate (approximately 35 staff). However, of this 10 per cent, half had either retired or were dismissed. The other half remained in the industry, having gained employment in the public sector.
- 3.23 Despite improved staff retention rates, Serco management noted consistently high levels of sick leave at Acacia. During 2010, the prison has developed and implemented a staff attendance management policy as a proactive strategy to reduce absenteeism.⁴⁸ Some staff commented that they felt some aspects of the policy to be intrusive. For example, the line manager is required to contact the absent staff member as soon as possible after they are notified that the staff member is absent. At the time of the inspection, it was too early to assess the impact of the introduction of the new policy on absentee levels.⁴⁹ However, in response to staff feedback following the introduction of the policy, the Assistant Director

48 Acacia Prison, *Staff Attendance Management Policy – Building Trust and Respect*.

49 By the time of publication, Acacia management were able to confirm that the introduction of the policy had resulted in a reduction of staff absences.

Human Resources was actively exploring the possibility of developing a staff welfare program. With the exception of a contracted Employee Assistance Program, it was acknowledged that no other formal welfare supports were in place for staff. The establishment of a staff support team is easily achievable and with the provision of appropriate training can be a valuable resource for prison staff.

- 3.24 A lack of formal supports was particularly noticeable in respect of Aboriginal staff who number eight at Acacia. Management described some of the ways in which they have informally provided specific support to Aboriginal staff. Nonetheless, in relation to their non-Aboriginal colleagues some staff spoke of feeling marginalised and accordingly developed their own informal support networks among their Aboriginal colleagues. In the absence of formal supports for Aboriginal staff, there is a risk that Acacia will not only fail to attract more Aboriginal staff, but will also lose the Aboriginal staff they have.
- 3.25 Finally, it was noted that although mechanisms for the management of poor performance are established at Acacia, details of a particular staff issue are only required to be formally documented from the point when it has been decided that disciplinary proceedings should commence. The human resources directorate has recognised this anomaly as a risk and declared its intention to review and revise its staff performance processes accordingly.

CROSS-DEPLOYMENT

- 3.26 At the previous inspection, the Office found that ‘[s]taff deployment practices, and especially the cross-deployment of staff from one area to another, are having a serious impact on service delivery’.⁵⁰ Specifically, the staffing of the industries area with officers cross-deployed from the accommodation blocks had resulted in frequent closures of the workshops, and cross-deployment of recreation officers had contributed to the negative perception that the gymnasium was under-staffed and impacted on the gymnasium’s opening hours.
- 3.27 In 2010, there were significant improvements in terms of recreation and employment,⁵¹ yet staff continued to cite cross-deployment as an issue. Areas of the prison which continue to be exclusively staffed through the practice of cross deployment include the kitchen, Oscar block (the programs/education centre) and the visits centre on weekends. In theory, the practice of cross-deployment is an effective use of human resources. However, its permanent use (in particular in the kitchen, Oscar block, and the visits centre) appeared to have adversely affected staff morale. Given the lack of continuity and ownership of service delivery and the high volume of prisoner movement in these areas, it also has the potential to adversely affect the integrity of security in these areas. Consequently, the prison was conducting a review of staffing levels across the site with consideration being given to deploying officers to these areas on a permanent basis.

50 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 25.

51 See sections on Recreation and Employment below.

SUSTAINABILITY

- 3.28 The inspection found that Acacia sets a benchmark for the public prisons in the area of environmental sustainability with significant progress continuing to be made. An integrated approach to environmental sustainability is established at Acacia Prison. Sustainable initiatives are developed and implemented not only based upon the direct benefit to the environment but also upon the potential rehabilitative and reparative benefits to prisoners and the community alike. The sustainability ‘industry’ at Acacia employs approximately 40 per cent of prisoners.
- 3.29 Following the last inspection, Serco engaged an environmental consultant to undertake an audit of Acacia’s carbon footprint and its overall impact on the community.⁵² The resultant report identified some key recommendations, upon which Acacia’s Environmental Management Plan was based and against which sustainability performance is now being measured.
- 3.30 Since the last inspection, new initiatives of particular note that have been implemented include the introduction of an ozone system into the prison laundry, the establishment of permaculture sites, a worm farm, a food scrap macerator, and a poultry pen. In the process prisoners have gained formal and transferable skills and qualifications and have donated the proceeds of recycled items to charities. The establishment of permaculture gardens, which are fed with natural food, has reduced water usage by 1000 litres per year. A 25 per cent reduction in landfill waste has also been achieved. Future plans include, but are not limited to, the progressive replacement of the quad bike fleet with electric vehicles, and the development of aquaculture.
- 3.31 Overall, Acacia’s approach to sustainability is more advanced, more comprehensive and more constant than typically found in public sector prisons.⁵³

OCCUPATIONAL SAFETY AND HEALTH

Prisoners

- 3.32 All prisoners at Acacia undertake an occupational safety and health (OSH) course with accompanying qualification when they are transferred to the prison. During the inspection it was evident that prisoners were aware of occupational safety and health issues and applied this knowledge in their workplaces. In general, compliance with OSH requirements within prisoner workplaces was adequate. The Office was aware of specific issues relating to ventilation of certain workshops in the prison prior to the inspection, but these had been resolved.

Staff

- 3.33 For staff at Acacia, the OSH situation was more problematic. For some time, the position of Workplace Safety Manager for the prison was vacant and the Human Resources Manager had been endeavouring to coordinate the basic OSH activities on top of his other duties.

52 Serco, *Acacia Prison Greenhouse Gas Emission Report – A Carbon Analysis to March 2008* (2008).

53 See for comparison OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) 22–23; OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 62 (November 2009) 50.

The representative OSH system had broken down, meetings were not occurring regularly and the majority of elected representatives were failing to attend.

- 3.34 At the time of the inspection a new Workplace Safety Manager had been appointed and in place for three months. In that time a full review of the OSH system had been completed and plans made for a rejuvenation of the system. A comprehensive charter for a Workplace Safety Committee had been drafted and an election of employee representatives was planned. However, the charter only allows for the election of five employee representatives, which was a concern for the Office. With shift work arrangements and the diversity of workplaces within the prison, this number of representatives is not enough to represent the interests of all workers. Although it is understood that the size of the committee needs to be manageable, it is also important for staff to feel adequately represented.
- 3.35 The purpose of the committee is to provide a proactive forum in which to address OSH issues, and its establishment is in compliance with WorkSafe formal consultative process guidelines. However, there seemed to be a lack of clarity within the plan about the separate roles of representatives and committees. According to the Commission for Occupational Safety and Health guidelines:
- The roles of safety and health representatives and safety and health committees are complementary and elected safety and health representatives are expected to work constructively with the committee where one exists. The role of the safety and health committee is essentially that of a workplace advisory group to review safety and health issues and make recommendations; whereas the role of the safety and health representative essentially involves inspecting, investigating, reporting and liaising on safety and health matters.⁵⁴
- 3.37 These guidelines indicate a need for two separate groups of staff – one to work on the committee as strategic planners for safety (which could appropriately be a smaller group), and another more expansive and representative number who are inspecting, investigating and reporting hazards and liaising with the strategic committee.
- 3.38 Acacia's plan involves an extensive commitment to the training and support of staff representatives on the committee and this is commendable. More generally, the prison has instigated a renewed focus on occupational safety and health known as the 'zero harm' strategy. This has included an advertising campaign, production of a manual and training for staff. Training should be incorporated into the ongoing training schedule for staff and refreshed regularly.

54 Commission for Occupational Safety and Health, Guidance note: Formal consultative process at the workplace (2006) 3.

SECURITY AND SAFETY

3.38 Acacia has maintained an unblemished 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, the inspection did identify some areas of potential risk and opportunities for improvement in relation to security and safety. It is not appropriate to raise all of these issues in a publicly available report but they have been conveyed to the relevant parties by other means.

Prison Infrastructure

3.39 The secure infrastructure of the prison, although ageing, is in good repair, and the inspection identified no significant risks in this area. Notwithstanding the aforementioned deficits in facility maintenance arrangements, Acacia management reported that any maintenance issues that related to physical security were dealt with promptly. Previous concerns this Office has expressed about the design and set up of the master control room have been addressed.⁵⁵

3.40 The overall design of the prison remains one of its strengths. The grounds feel open and spacious, and the views of the surrounding hills and bushland help to make the atmosphere within the prison less oppressive. Positively, Acacia management expressed a strong commitment to maintaining this openness even when the prison expands to a capacity of 1,400 prisoners.



View of the hills: The modern design of the prison is one of its strengths. The grounds feel open and spacious, and the views of the surrounding hills and bushland help to make the atmosphere within the prison less oppressive.

55 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 30.

- 3.41 In the months leading up to the inspection, there were several separate incidents in which a prisoner climbed onto the roof of a prison building. This was an emerging risk for the prison. Quite apart from the threat to the safety of the prisoner on the roof, these incidents also increased tension within the prison because it was usually necessary to lock all other prisoners in their units until the situation had been resolved.⁵⁶

Resources

- 3.42 In June 2010, Serco introduced the position of Assistant Director Security and Operations, with an experienced applicant from the United Kingdom recruited to fill this role. This new position replaced the former Assistant Director Organisational Development, with responsibility for driving organisational development taken up by the Director. This realignment recognised that the importance of security would increase as the prison capacity rose to 1,000 and beyond.
- 3.43 At the time of the last inspection, Serco had decided to set up its own drug detection dog squad (or canine section), and dog handlers were being trained. The canine section is now a well-established part of Acacia, and a valuable tool in detecting contraband items. Furthermore, the dog handlers were in the process of obtaining qualifications as trainers, which would give Acacia the capacity to train its own dogs and handlers.
- 3.44 Another significant allocation of resources is in the intelligence section. Acacia is the only prison in the State to have a dedicated intelligence section made up of an Intelligence Manager, one full-time intelligence analyst, and one part-time intelligence analyst. This has been a successful model over a number of years and the manager and his staff are well-known and well-regarded by prisoners and other staff. The inspection team heard several examples of accurate and valuable intelligence that had been used to avert potentially serious incidents. An innovation in this area has been the introduction of a telephone line that prisoners are able to call in order to pass on information to the intelligence section.

Policy and Procedure

- 3.45 As discussed earlier, the Acacia Director's Rules have been finalised since the time of the last inspection, providing valuable guidance for staff in their daily work. In addition, the arrival of the Assistant Director Security and Operations has brought renewed impetus to the development of security procedures. This has included the drug detection dog strategy and a new searching strategy for visitors and staff. Risk assessments of all buildings and activities within the prison have also been carried out.

⁵⁶ In the three months following the inspection, another two rooftop incidents took place at Acacia Prison. In total there were six of these incidents between February 2010 and February 2011. The frequency of occurrence is a growing concern. Serco must continue to review procedures, and any physical changes to the facility will require the approval and cooperation of the Department. Discussion between the Department and Serco on addressing this issue has commenced but no action has yet been decided upon.

Emergency Management

- 3.46 The previous inspection report identified a number of issues in relation to emergency management at Acacia. The key concerns were the absence of a comprehensive contingency plan and the need for more regular contingency exercises and staff training.⁵⁷ In 2010, the situation had improved, but there were still problems in this area.
- 3.47 Contingency plans for a number of specific emergencies had been finalised and approved by the Department since the time of the last inspection, and were now contained in the Director's Rules. Acacia managed a number of incidents in 2010 (including the aforementioned rooftop incidents) and in reviewing these incidents staff and management identified shortfalls in staff training and contingency exercises. Only four contingency exercises took place between June 2009 and June 2010. This is insufficient for a medium security prison, and Acacia management themselves expressed the opinion that they should be running at least eight exercises per year. They acknowledged this deficit and were committed to addressing it with 10 contingency exercises planned for 2011 (8 desktop exercises and 2 live simulations).
- 3.48 In the months leading up to the inspection, three emergency response training sessions were delivered to staff and fire response training was ongoing during the inspection.⁵⁸ In the past, Acacia has been threatened by bushfire, and this remains one of the most critical risks for the prison. It is vital to maintain regular training for fire and all other emergencies.

57 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 31-32, Recommendation 8.

58 Between 25 September 2010 and 27 November 2010, a total of 71 staff at Acacia received emergency response training.

Chapter 4

CARE AND WELLBEING

TREATMENT OF PRISONERS

- 4.1 The Office's Inspection Standards include elements relating to the treatment of prisoners that refer to respect, dignity and non-discrimination. These standards mention support for and acknowledgement of diversity amongst a prisoner population.
- 4.2 The elements of these standards are most obvious through the interaction between staff and prisoners. Overall, the inspection found that the diversity of the prisoner population was indeed acknowledged at Acacia Prison. There was no evidence of systemic racism or discrimination by staff against groups or individual prisoners. There was a pro-social culture at Acacia Prison and interaction amongst staff and prisoners was encouraged. There were indications, however, that some officers were not as helpful and respectful towards prisoners as others, and there were some accounts of different shifts and different officers operating differently. It must be noted, however, that the extent of these allegations was not as pronounced as it was during the 2007 inspection. Inspection team members did encounter prisoners at Acacia who were complimentary of the officers, an experience that was rare during the 2007 inspection.

ABORIGINAL PRISONERS

- 4.3 Although the proportion of Aboriginal prisoners at Acacia is not as high as in many of Western Australia's regional prisons, the total number of Aboriginal prisoners accommodated is higher than any prison in the state. At the time of the inspection, there were 370 Aboriginal prisoners at Acacia, making up 37 per cent of the total population. This number easily exceeds the capacity of any of the 'Aboriginal prisons' in the system.⁵⁹
- 4.4 There was also a significant cohort of Aboriginal prisoners identified as having been displaced as a result of their incarceration. There were 129 of these 'out-of-country' prisoners from either the mid-west (Yamatji) or Western Desert (Wongi) regions.⁶⁰ Because of these large numbers, delivery of services to Aboriginal prisoners is critical to the success of Acacia Prison.
- 4.5 When Serco assumed management in May 2006, the management team recognised that they had no experience in or strategies for dealing with the large number of Aboriginal prisoners incarcerated at Acacia Prison. To their credit, they created a position at senior management level dedicated to managing the issues affecting Aboriginal prisoners at Acacia Prison.
- 4.6 The position of Assistant Director Indigenous and Cultural Affairs was filled by an Aboriginal person who was very experienced in the area of services for Aboriginal people. The creation of this position indicated that Serco management acknowledged the diversity of their prisoner population. This also provided Serco with an opportunity to make a real difference to the way these prisoners were managed, and in this way opened up the space for innovative strategies to be explored.

59 The Office has previously defined an 'Aboriginal prison' as one in which the proportion of Aboriginal prisoners is 75 per cent or more. The prisons that meet this criterion are Eastern Goldfields Regional Prison, Greenough Regional Prison, Roebourne Regional Prison and Broome Regional Prison.

60 Department of Corrective Services, *Commissioner's Weekly Update 26 November 2010* (2010).

- 4.7 Notwithstanding the appointment of an experienced Aboriginal person to this senior management position, the Office remained concerned in 2007 that Acacia still lacked a comprehensive, strategic and systemic approach to managing the issues affecting Aboriginal people in custody at Acacia Prison. Two findings from that inspection in particular, contributed to this overall conclusion. The first was the poor functioning, at that time, of the Indigenous Advisory Board; and the second was the decision to realign the portfolio of the Assistant Director Indigenous and Cultural Affairs to include an expanded range of responsibilities within a broader resettlement portfolio.
- 4.8 The Office's concerns in this regard led to a number of recommendations relating to Aboriginal policy development and community engagement in the 2007 inspection report. In particular, the Office recommended that Serco reactivate Acacia's Indigenous Advisory Board and engage this group in driving Aboriginal policies and initiatives; and that a well-qualified Indigenous person be appointed to help the Assistant Director to initiate and implement Aboriginal policies and practices.⁶¹
- 4.9 Both of these recommendations have been adequately progressed. With respect to the former, the Indigenous Advisory Board has been reinvigorated with new terms of reference. The board meets three times a year and is made up of well-credentialed and experienced members, both Aboriginal and non-Aboriginal. It was noted that the group is particularly well-represented in the area of Aboriginal health services, and this was reflected in Aboriginal health initiatives within the prison.⁶² However, the board would benefit from increasing or altering its membership to include a broader range of expertise. There are many Aboriginal organisations in the community who would be eager to contribute both at the strategic level as members of the Indigenous Advisory Board and at the operational level in delivering services to Aboriginal prisoners. At present, Serco is not taking full advantage of this and should be looking to introduce more programs and courses aimed at Aboriginal prisoners (such as traditional language courses).
- 4.10 Acacia has the potential to develop a model of community consultation and service delivery that can be transferred into the public prison system. In terms of driving innovation, there can be no more important issue for the Western Australian prison system than the effective delivery of services to Aboriginal prisoners. This is particularly the case in light of the planned opening of new prisons in the West Kimberley and Eastern Goldfields.⁶³ Any innovative Aboriginal programs or services developed by Acacia would potentially be of great value to these new prisons that will house predominantly Aboriginal prisoners.

Recommendation 3

Develop the role of the Indigenous Advisory Board with a particular focus on driving innovative programs and services for Aboriginal prisoners.

61 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) Recommendation 10.

62 See [4.62]-[4.64].

63 The Hon Christian Porter MLA, Minister for Corrective Services, *\$150 million for new West Kimberley Regional Prison*, media statement (18 December 2008); The Hon Christian Porter MLA, Minister for Corrective Services, *Government delivers new Eastern Goldfields prison*, media statement (15 May 2009).

- 4.11 Serco has displayed commitment to continuous improvement in this area as evidenced in changes made to Performance Measure 12 in the Prison Services Agreement. This measure previously looked at the 'percentage of the population of Aboriginal Prisoners accommodated in Standard and Enhanced Accommodation Levels'. This measure was designed to ensure that Aboriginal prisoners were not overrepresented in the poorest quality accommodation in the prison. However, Serco and the Department's contract management team found that the prison was meeting this measure without difficulty. Consequently, for 2009–2010 the measure was altered to provide a more meaningful target that challenged Serco to improve its services to Aboriginal prisoners. It now measures the 'percentage of the Aboriginal prisoner population at Acacia who have received Aboriginal specific health education'. It is positive that Serco seems genuinely interested in ensuring that its performance measures drive operational improvement.
- 4.12 In relation to the recommendation regarding the broadening of the Assistant Director's role, an Indigenous Initiatives Coordinator position has been established. As its name implies, the purpose of this role is to coordinate Indigenous initiatives and functions under the general guidance of the Assistant Director Offender Management who was the inaugural holder of the Assistant Director Indigenous and Cultural Affairs position. The Indigenous Initiatives Coordinator is responsible for line-managing the two Prisoner Support Officers, and the overall management of the peer support system at Acacia Prison.
- 4.13 Serco has done well in responding to this Office's recommendations where issues affecting the Aboriginal prisoners are concerned. The Aboriginal Prisoner Action Plan developed by the prison specifies a range of priority action areas that are appropriate and accompanied by tangible measures of achievement. An Aboriginal elder and member of the Indigenous Advisory Board attended Acacia on a number of occasions throughout 2010 to conduct traditional 'cook ups', and hold sessions on culture, language and beliefs for Aboriginal prisoners.
- 4.14 One particularly positive and innovative initiative was the Indigenous Employment Program developed in partnership with BIS Logistics, a national warehousing company. Under this program, prisoners are trained on BIS contracts while in custody and then employed by BIS following release.
- 4.15 For the Aboriginal prisoners themselves, however, there are some concerns that have not been addressed. For example, great effort was put into the NAIDOC week celebrations at Acacia and the results were good. However, many Aboriginal prisoners felt isolated from proceedings and indeed were excluded from some of the celebrations, particularly the opening ceremony. It may not be practical to allow all Aboriginal prisoners in the prison to attend a particular event, but management must be conscious of the need to make all prisoners feel included.
- 4.16 Similarly, although kangaroo meat as a culturally appropriate food option is available at least fortnightly, the Aboriginal prisoners mentioned that they would prefer to eat this food in forms other than stews and curries, which is the way the dish is always presented at Acacia. They would appreciate more regular opportunities to prepare kangaroo in their own, more culturally traditional ways.

- 4.17 The out-of-country Aboriginal prisoners had their own specific issues, largely related to the fact that they were hundreds or even thousands of kilometres away from their homes and families. They were primarily concerned about being given more opportunities to return to prisons in their home regions for visits, and particularly being able to attend funerals of relatives. Unfortunately, overcrowding throughout the prison system, including in the regional prisons, has made it difficult to facilitate transfers for the purpose of family visits.
- 4.18 Funeral attendance is similarly restricted by resources, and the harsh reality is that prisoners are frequently unable to attend. In this situation, it is important to allow an opportunity for those prisoners unable to attend to gather in family and cultural groups, particularly at the time the actual funeral is taking place. The out-of-country prisoners did not believe that these sorts of 'sorry time' gatherings were happening often enough at Acacia, but Acacia staff assured the inspection team that they had regularly taken place. They pointed out that in 2010 the prison facilitated seven memorial services and five 'sorry time' gatherings. In any event, the recognition and facilitation of 'sorry time' is a practice that the prison should maintain and develop. The key point is to ensure that all prisoners with cultural ties to the deceased can come together to mourn. This may mean facilitating the gathering of prisoners who are accommodated in different blocks of the prison. It also means allowing such gatherings over a suitable period of time and not just on one occasion.



***Cultural Meeting Place:** The inspection found improved services for Aboriginal prisoners but also opportunities for further development.*

PEER SUPPORT

- 4.19 The peer support team is a proactive group comprising 20 prisoners representing the diverse prisoner population at Acacia. In 2007, the inspection found a deficit in relation to peer support services at Acacia Prison in the form of a lack of recognition and support for the role of peer support, primarily from the officers. During this inspection, the peer support team mentioned that they often had difficulty accessing various areas of the prison to conduct their peer support work. Prisoners were prohibited from entering accommodation units other than the one in which they actually resided, but the role of peer support requires that the peer support prisoners have access to prisoners who required their assistance. Many officers did not acknowledge this role and refused the peer support prisoners entry.
- 4.20 This finding led to the recommendation in the 2007 inspection report that Serco reassess its peer support services to enable them to be used to maximum advantage, including ensuring that peer support prisoners have access to all accommodation units.⁶⁴
- 4.21 The 2010 inspection found much improved peer support access across the prison site. Movement of peer support prisoners was not confined only to within their own accommodation blocks. Rather, providing of course that the peer support prisoner was appropriately authorised to do so, he could move through other accommodation blocks as part of his peer support duties. The exception to this is the 'Detention Unit', which accommodates prisoners undergoing punishment or other closed supervision regime.
- 4.22 The second component of the 2007 recommendation regarding peer support services at Acacia related to consolidating the position of the Prisoner Support Officer (PSO). At the time, one of the two PSO positions was vacant and filled only on a part-time basis. There has been positive progress against this aspect of the recommendation and currently there are two PSOs in place at Acacia under the management of the Indigenous Initiatives Coordinator. One of these PSOs is an Aboriginal person.

OTHER PRISONER FORUMS

- 4.23 Acacia and its prisoners have been proactive in establishing forums in which prisoners can provide feedback to prison staff and management on their experiences of various aspects of life at Acacia Prison. For example, a catering committee had been established comprising catering staff and prisoner representatives from the different accommodation units to discuss matters arising relating to food provision at the prison.⁶⁵
- 4.24 Another prisoner/management committee in place at Acacia is colloquially referred to as PIAC, an acronym for the Prisoner Information and Activity Committee. This committee meets fortnightly and comprises representatives from senior management as well as prisoner representatives from the various accommodation units. This committee provides a forum for prisoners at Acacia to raise issues affecting them directly with senior management who either respond directly at the meeting or commit to following up on the issue. This forum also provides an opportunity for senior management to provide information to prisoners about topical issues in the prison. The PIAC forum is good, innovative practice.

64 Ibid, Recommendation 13.

65 See further discussion under 'Food and Nutrition' below.

ACCOMMODATION

4.25 The various accommodation blocks at Acacia play different roles in the prison regime and contribute to the hierarchical management of prisoners. India Block is the induction block and is the first place that prisoners will be housed when they arrive at Acacia. Kilo, Lima and Mike Blocks are standard accommodation, and November Block provides enhanced living conditions in self-care accommodation. Specialist roles are fulfilled by Juliet Block which houses all protection prisoners, and Foxtrot Block which caters for elderly and infirm prisoners. Since the last inspection, the previously unused crisis care unit in Foxtrot Block has been converted into a pre-self-care unit for those prisoners next in line for transfer into November Block.



Accommodation block: The inner courtyard of an accommodation block. Despite the increased prisoner numbers, the blocks were clean and tidy with well-kept gardens.

4.26 Because Acacia is newer and has more modern design features, the standard of prisoner accommodation is relatively good when compared with the older and more outdated public prisons. Since the last inspection, however, there has been a significant development with the introduction of double-bunking throughout the prison. All of the standard accommodation blocks, along with India Block and Juliet Block, now contain varying numbers of double-bunked cells. The cells in Acacia are comparatively large and better able to accommodate a bunk bed than many of the cells in public prisons. However, this does little to alleviate the loss of privacy and decency inherent in sharing an enclosed living space with another person.

4.27 In addition, this Office has previously expressed concerns about the design of the bunk beds in prisons through the state.⁶⁶ The bunk beds at Acacia have been installed as mandated by the Department and so contain the same design flaws identified elsewhere. The two specific concerns are the inadequate protection to prevent occupants from rolling out of the top bunk, and ladders that do not provide effective access to the top bunk. Throughout the prison system, this has led to prisoners adopting unsafe practices such as climbing on chairs to access the top bunks, and has also resulted in several prisoners being injured in falls from the top bunk.



***Bunk bed access:** A prisoner demonstrates the difficulty of accessing the top bunk, using one hand to steady himself against the wall. The ladder rungs are too shallow and there are no handholds to assist a prisoner in pulling himself onto the mattress. This is a particular concern for less able-bodied prisoners.*

66 OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 70 (February 2011) 11-12; OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) 8; OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 66 (June 2010) 6-7.

RECREATION

- 4.28 Recreation was one of the strongest areas of the prison. In the pre-inspection prisoner survey, respondents indicated that recreation was the most positive thing about the prison. Prisoners would prefer to have greater access to recreation, but the increased number of prisoners meant that access had become more restricted.
- 4.29 Recreation infrastructure at Acacia is good, with an excellent gymnasium that houses a basketball court, weights room and cardiovascular exercise equipment. There are various outdoor recreation options including the football oval, tennis courts and cricket nets. Each accommodation block also contains a range of recreation options such as cable weights, basketball hoops, boxing bags and isometric training equipment.
- 4.30 A wide variety of structured recreation is coordinated by the Gym Manager and Recreation Officers. There are eight Recreation Officers in total; four on each shift. A particularly positive initiative was the ‘over-35s’ exercise regime aimed specifically at those older prisoners who might not otherwise engage in recreation.
- 4.31 The Recreation Officer positions are filled by expression of interest from custodial officer ranks, and Serco has supported all of them to pursue Certificate III and IV in Fitness which qualifies them to be personal trainers. All recreation staff were dedicated and enthusiastic about their work, and were observed actively participating in activities with prisoners.
- 4.32 Positively, there were also seven prisoners employed in recreation. Their duties included cleaning, umpiring, setting up equipment, facilitating classes and assisting with family days and special events.



Gymnasium: The gymnasium contains a good range of cardiovascular equipment.

PRISONER PROPERTY

- 4.33 There are two levels of prisoner property storage in Western Australian prisons. Certain approved items may be kept in prisoners' cells; with the rest of a prisoner's property kept in the main property store located on the prison premises.
- 4.34 In the past, the management of prisoner property at Acacia Prison had been the subject of many complaints from prisoners. This was largely attributable to confused processes and documentation relating to prisoner property. At the time of the last inspection, the relevant policies that guided the appropriate management of prisoner property at Acacia Prison were still the original policies that had been developed under the management of AIMS. As discussed earlier, Serco had not yet finished drafting Director's Rules for the prison at the time of the previous inspection in November 2007.⁶⁷
- 4.35 Serco now has a complete set of policies and procedures encapsulated in the Director's Rules, and this includes a specific rule relating to prisoner property.⁶⁸ Serco is also required to comply with the Department's Policy Directive 42 which describes the requirements for the overall management of prisoner property in comprehensive detail. As a result, the management of prisoner property at Acacia has improved markedly. Certainly, this inspection heard significantly fewer complaints from prisoners about the management of their property.
- 4.36 Staffing in the property storage area consists of dedicated property officers assisted by three prisoners. Having dedicated staff responsible for managing prisoner property provided stability and consistency of process, and also ensured suitable supervision of the prisoners working in the area. Policy Directive 42 requires that prisoners working in the property store must be under the supervision of staff at all times.⁶⁹ There was compliance with this requirement in the property store at Acacia. Further, the prisoners working in this area were tasked with duties that did not involve them handling other prisoners' property. The employment of prisoners in these trusted positions is consistent with the responsible prisoner model in place at Acacia.
- 4.37 The biggest challenge facing the property store was a lack of space. The increase in prisoner numbers had inevitably resulted in an increased volume of prisoner property requiring storage. This had implications not only for the efficient handling of prisoner property, but also for the occupational safety of staff working in cramped conditions strewn with potential tripping and falling hazards.

67 See [2.4]

68 Acacia Prison, Director's Rule 2.12, Prisoner Property.

69 Policy Directive 42, part 21.3.

PRISONER PURCHASES

4.38 According to the Inspection Standards, prisoners should be able to make purchases from their own private funds or from gratuities they have earned whilst in prison.⁷⁰ For prisoners at Acacia Prison, there are two sources from which items can be purchased: an internal prison canteen and an external ‘town spends’ option.

Canteen

4.39 The canteen system at Acacia Prison has been the subject of some controversy in the past. Both the first inspection of Acacia in 2003 and the second inspection in 2005 found discrepancies in canteen prices between Acacia and its public sector counterparts; problems with the ordering system for canteen items; and inaccurate management of the funds generated by canteen purchases.

4.40 In 2007, during the third inspection of Acacia, the Office found a much-improved canteen purchasing system. The automated teller machines, through which prisoners could order and purchase canteen items, were not malfunctioning as frequently as previous inspections had found. The canteen prices were no longer a sore point for prisoners, and financial accountability had been achieved through appropriate accounting procedures for distributing the canteen profits.

4.41 Similarly, the 2010 inspection found a well-functioning and robust canteen system in place. In the pre-inspection survey, 64 per cent of respondents maintained that they were ‘mostly happy’ with the canteen service. The ordering and supply processes are efficient. Orders are processed in stores as they are received and each accommodation block is allocated a different day of the week for prisoners to attend the canteen to collect their orders. During the on-site inspection, a second canteen ‘window’ was installed adjacent to the original one. This should make the distribution of orders to the prisoners faster as more prisoners can be served simultaneously. It will also allow more work opportunities in the canteen for prisoners.

Town Spends

4.42 The town spends system was more complicated than the canteen system at Acacia and generated significantly more complaints from prisoners. The most common complaint related to the length of time between placing a town spends order and receiving the goods ordered.

4.43 Essentially, the town spends system involves shopping for all 1,000 prisoners at Acacia. The town spends list is extensive and includes electrical goods, sportswear and equipment, vitamins, clothing, bedding, and a wide range of art supplies. If a prisoner requests an item not on the town spends list, the prison will in most cases source the item for the prisoner.

4.44 Given the quantity of items available to be ordered and the number of prisoners ordering, the inspection found, despite prisoners’ complaints to the contrary, that the town spends system was functioning efficiently. The orders are processed weekly and sent to the prison’s procurement section. It is this section’s responsibility to source the suppliers and negotiate pricing.

70 OICS, *Code of Inspection Standards for Adult Custodial Services* (19 April 2007) 76, Standard 110.

This means that sometimes prisoners may be charged more for an item than they would pay for the same item were they able to shop around like members of the public. Further, if large orders for the same items are requested, suppliers may not have sufficient stock and so there may be delays in prisoners receiving their orders.

- 4.45 Once received, all prisoner town spends orders have to be processed through prisoner property before being delivered to the prisoners. Each item ordered has to be logged onto the property log of each individual prisoner. Whilst this can be a time consuming process, the inspection found that the officers working in the property store attend to this swiftly. Indeed, during the on-site inspection, inspection team members observed approximately 500 items that had been ordered through town spends and received at the prison. All of these items were processed onto each prisoner's property log over the weekend, ready for collection on the Monday.
- 4.46 As noted above, different accommodation units are allocated different days on which they can attend the property store to collect their property requests and/or town spends orders. This does mean that a prisoner's town spends order may have arrived and been processed at the prison up to a week before being delivered to the prisoner.

FOOD AND NUTRITION

- 4.47 The previous inspection report commended Serco on their food and nutrition standards. In particular, '[t]he 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'.⁷¹ This was also the overall current inspection finding in relation to the provision of food at Acacia. But it is disappointing that the public sector prisons have not been able to match or come closer to Acacia's meal choice arrangements over the past three years.
- 4.48 This Office's standards require that food should be hygienically prepared and of sufficient quality, quantity and variety; and that special dietary food should be provided where it has been established that this is necessary. This inspection found that food provision at Acacia was meeting these standards.
- 4.49 Acacia staff also benefit from innovative food provision practices through the staff dining room that provides hot and cold lunch options. This facility was in place at the last inspection in 2007, and the then Inspector commented on the popularity of this facility with staff.⁷² In 2010 the staff dining room remains well utilised and appreciated by all staff.
- 4.50 The 2010 inspection found that prisoner complaints about the food, whilst still present, were not as strident as they had been in the past. The complaints included both the quality and the quantity of the food provided. Some prisoners complained that the food was too fatty and that there were not enough vegetables. Other prisoners complained that there were too many vegetables and not enough meat. The inspection team followed up on these complaints but could not substantiate them.

71 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 51.

72 *Ibid*, 50.

- 4.51 The inspection found that the menu system in place at Acacia was cyclical, changing periodically and thus preventing repetition of dishes and prisoners becoming bored with the food. Each new menu is also subject to review by a dietician to ensure that the nutritional content of the food is maintained.
- 4.52 Further, there are two formal avenues that prisoners can take to voice their complaints about the food. The first is a so-called ‘meal book’ which is located in each unit. Prisoners can write down any complaints or comments they have about the food in these books. There is also a food committee that meets monthly.
- 4.53 The committee comprises the catering manager, chefs and a representation of prisoners from each accommodation block. This is a forum for prisoners to raise matters of concern regarding the food, as well as an opportunity for prisoners to come up with suggestions for improving prisoners’ experience of eating at Acacia Prison. The minutes obtained from these meetings indicate that prisoner attendance at these committee meetings is haphazard, and this is disappointing. However, the provision of a structured forum in which prisoners can express their grievances about the food is not common practice across the public prison system, and this was another example of innovation at Acacia Prison.

HEALTH SERVICES

- 4.54 Over many years, this Office has expressed concern about the state of health service delivery in the public prison system.⁷³ Concerns reached such a level in June 2009 that the Inspector issued a Risk Notice to the Department of Corrective Services with respect to such issues across the public prisons and, in particular, at certain sites. The Department responded to the concerns with a number of changes and a recently published review of health services in its prisons.⁷⁴
- 4.55 At the outset it is important to emphasise that reference to delivering services ‘comparable to community standards’ can be misleading because the health profile of the prisoner population is not comparable to the health profile of the wider community. Prisoners have much higher health needs than the general public. Instead, the prison system should arguably be striving for health services that exceed the community standard.
- 4.56 In this context, the Office was interested in examining the healthcare model in place at Acacia. The conclusion of the inspection was that Acacia presented the best prison health service in Western Australia. There are two main reasons for this. First, as the following paragraphs will show, the quality of health services is high. Secondly, the lines of accountability are strong and clear, with health staff reporting to the director of the prison. In the public sector, by comparison, prison health centres report to the Health Services directorate in head office, a situation that can lead to a dispersal of responsibility and accountability. There is potential for information and practices to be shared throughout the prison system.

73 See for example: OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) 69-79; OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 43-49; and OICS, *Thematic Review of Offender Health Services*, Report No. 35 (June 2006).

74 Stevens M, *Assessment of Clinical Service Provision of Health Services of the Western Australian Department of Corrective Services* (Offender Management and Professional Development, Department of Corrective Services, June 2010).

It is disappointing therefore that the recent review of health services commissioned by the Department did not include in its scope an examination, even for comparison, of health services at Acacia.⁷⁵

- 4.57 The Acacia medical centre offers a blended health service model to cater to the complex health needs of its population. Whilst the majority of service is delivered according to a primary healthcare model, the service also needs to cater for elements of secondary and tertiary models of care as required by the population. For example, the medical centre is staffed 24 hours a day to deal with medical emergencies and also has the capacity to monitor patients overnight as required. Although medical centre management aim to provide a community standard of primary healthcare, they are actually exceeding this standard and are providing services that target the specific health risks and issues that are prevalent in prison facilities. The centre is accredited by Australian General Practice Accreditation Limited (AGPAL) which provides external evaluation of health care services and aims to drive continuous improvement.

Access

- 4.58 Despite the strong performance of the medical centre, access to health services was a cause of great concern for prisoners. One significant weakness in health services at Acacia has been the prison's failure to recruit a second doctor, despite prolonged and concerted efforts by Serco. This has led to a heavy workload for the doctor currently on staff, and increased appointment waiting times.

Chronic Disease

- 4.59 All clinical nursing staff hold a chronic disease portfolio for which time is allocated to enable clinics for prisoner care management and education. Despite the complexity of care plans for chronic disease patients (sufferers are rarely subject to only one mode of chronic disease), this model is seen to work under the current staffing, team environment and management structure. The service is heavily reliant on assessment by nurse staff and informal referral and escalation. Future directions could lie in formal decision support models and case management conferencing.

Mental Health

- 4.60 The mental health service is staffed three sessions a week by a psychiatrist and five days a week by a team of mental health nurses. This service manages approximately 120 prisoners with diagnosed mental illness. Acacia also has a memorandum of understanding and a strong partnership with the State Forensic Mental Health Unit and the Frankland Centre at Graylands Hospital. Staff noted that positive relationships exist with the prisoner population, which act as an aid to treatment. In the future, Serco may wish to revise their mental health model (which is heavily medically focused) and consider more rehabilitative models that would involve other clinicians (such as occupational therapists) for the management of acute psychosis and chronic rehabilitation of the mentally ill.

75 Ibid.

Dental Health

4.61 The dental service at Acacia performs emergency and restorative dental work five days a week and directly employs a full-time dentist, giving the prison complete control over service delivery in this area. As far as this Office is aware, Acacia is the only Australian prison to employ a full-time in-house dentist. Acacia's dental health service performs better than the community standard on wait times for non-urgent dental work and provides a benchmark to which all Western Australian corrective services should aspire.



Dental surgery: The dental surgery in the medical centre is staffed by a full-time dentist and dental nurse. No other prison in Western Australia provides full-time dental services.

Aboriginal Health

4.62 At the time of the inspection, Acacia employed an enrolled nurse in the role of Aboriginal Health Care Worker who provided culturally specific health services (with an emphasis on health education) to the Aboriginal prisoner population.⁷⁶ As well as working within the medical facility, the Aboriginal Health Care Worker conducted regular visits throughout the prison to encourage Aboriginal prisoners to access health education and medical services. Serco should be commended for these proactive and innovative Aboriginal health strategies.

Health Promotion and Education

4.63 Health promotion at Acacia was delivered to a very high standard. Education sessions about prison health issues are mandatory and prisoners were able to articulate core health messages. There were no complaints about the quality or content of the information delivered at these sessions. Acacia has also held a number of ‘health expos’ focusing specifically, but not exclusively, on Aboriginal health. This involves participation by a number of external agencies over the course of one day, and has been very successful with over 300 prisoners attending.

4.64 Culturally and contextually appropriate educational materials were readily available to prisoners in the medical centre. Health education for the Aboriginal prisoner population was a particular focus and was offered on an individual and group basis. Innovative programs such as the Living Improvements For Everyone (LIFE) program had been trialled with great success in partnership with North Metropolitan Area Health Service. This program offers a holistic model of care for the management of chronic conditions in Aboriginal communities, addressing the complex socioeconomic, cultural and environmental factors that are known to influence Aboriginal health. Other initiatives in this area include the Pit Stop program and the Strong Spirit Strong Mind program, which addresses substance abuse issues for Aboriginal men whose first language is not English.

Dispensing Medication

4.65 The dispensing area at Acacia opens into the reception area of the health centre. Prisoners often mill around the area making supervision difficult and conditions in the dispensary cramped. The number of prisoners in the centre and the general congestion also poses a security risk.

4.66 The dispensing of medication (particularly opiate replacement therapies such as Methadone, Subutex and Suboxone) is one area of weakness in an otherwise good health service. At the time of the inspection there were 75 prisoners undertaking opiate replacement therapy, with the majority being prescribed methadone. The prison permits up to 80 prisoners to undertake opiate replacement therapy at any one time. However, medical and nursing services were clearly stretched and doctor appointments available for these patients were not adequate to meet the demand.

76 For reasons beyond the control of Serco, the Aboriginal nurse left the employment of the prison prior to publication of this report.

- 4.67 Distribution of medication (dosing) occurs between 10.30 am and 11.30 am. Because of the space limitations in the dispensing area, prisoners on opiate replacement therapy are dosed after the general medication parade. The delay in dosing was a source of great concern and in some cases distress for these prisoners.⁷⁷ People on opiate replacement therapies are generally withdrawing when they wake up. Although the symptoms may not be acute, dependent people are anxious to have their dose and delays in dosing can affect concentration and ability to focus. This is a particular concern for prisoners engaged in work using heavy machinery or precision equipment.
- 4.68 These issues have been recognised by Serco and plans have been prepared for the construction of an expanded dispensary. This would reduce congestion in the medical centre and improve supervision of dosing. At present, this project is part of the capital works program linked to the prison expansion to 1,400 beds, scheduled to take place in the next two years. Ideally, construction of a new dispensary should be completed much sooner. In the interim, efforts need to be made to reduce the numbers of prisoners in the health centre at any one time. Only prisoners waiting to see health services or being dosed should be permitted in the area.

Staff Qualifications and Professional Development

- 4.69 All medical staff are appropriately qualified and have undertaken relevant specialist training. However, the inspection team noted that they have limited professional development and networking opportunities. It was disappointing to hear that Acacia medical staff are excluded from the limited health education and networking events run by the Department. Correctional health education opportunities should be encouraged and supported across all Western Australian prisons.

PRISONERS AT RISK OF SELF-HARM

- 4.70 At Acacia, any prisoner or staff member can refer a prisoner to the At Risk Management System (ARMS). These referrals can be made for any reason. The system is managed by the Prisoner Risk Assessment Group (PRAG). PRAG meets Monday to Friday to discuss the needs of prisoners who are on the ARMS register, assess their continuing registration and the level of observation required. This multidisciplinary team includes prison management, unit officers, health workers and psychologists. Other staff, such as teachers and trade instructors also attend if they have a contribution to make based on particular knowledge of a prisoner. All have input into discussion of the prisoner's current status. In general, the inspection found that ARMS and PRAG were functioning well.
- 4.71 However, the Department's contract management team identified specific concerns in this area in November 2010. These related to the large number of outstanding referrals to the Prison Counselling Service. To some extent, the spike in outstanding referrals was caused by the Department's introduction of a policy stating that any prisoner who suffers a death in the family must be placed on ARMS automatically. This greatly increased the number of prisoners on ARMS at Acacia and diverted psychologists away from their counselling duties.

⁷⁷ A group of prisoners on methadone was interviewed. More than half of the prisoners in the group had jobs in the prison that were complex or necessitated the use of potentially dangerous equipment. These prisoners felt that delay in dosing constituted an occupational health and safety risk.

Subsequently, Serco successfully argued against the policy of automatically referring a bereaved prisoner to ARMS, and it is no longer in use.

- 4.72 However, even without this contributing factor, Acacia had a significant backlog of Prison Counselling Service referrals. This is an area of potential risk, and the Office was pleased to hear that Serco has responded appropriately to the concerns raised by the Department.
- 4.73 Despite the issues raised by the contract management team, and despite the increased prisoner population, Acacia has consistently maintained low numbers of prisoners on ARMS and more importantly self-harm incidents are rare. This has been the case over a long period at Acacia and is testament to the success of the pro-social culture fostered in the prison.

HYGIENE AND ENVIRONMENTAL HEALTH

- 4.74 Officers in the accommodation blocks at Acacia Prison conduct 'cell and hygiene' inspections from Monday to Friday. The purpose of these inspections is to ensure that both the personal hygiene of prisoners and of their personal living spaces is maintained to a good standard.
- 4.75 These processes appeared to be working well; the cells and communal areas in all the accommodation units at Acacia Prison presented as clean and tidy during the inspection. This was a marked improvement from previous inspections and liaison visits, which have found less than satisfactory cleanliness in these areas.
- 4.76 The communal areas in each of the accommodation units comprise a seating area where prisoners can watch television, a dining area and a kitchen area. The kitchen area is used by prisoners in the mornings to make their own breakfast and by designated prisoners at lunch and dinner times to dish up the food that has been prepared in the main prison kitchen and distributed to the units. During liaison visits in the months preceding the onsite inspection, inspection team members noted cluttered and chaotic conditions in these communal kitchen areas both during meals and at other times. At this inspection, however, the communal kitchen areas were found to be clean and organised.
- 4.77 Likewise, the cells inspected were found to be well maintained. This is a credit to both the officers (who regulate cell cleaning on a daily basis) and the prisoners. As mentioned in Chapter One, within the context of the overcrowding affecting the entire Western Australian prison estate, Acacia Prison has had to increase its prisoner accommodation capacity. This has been achieved through double-bunking, which means that there are now many more prisoners occupying the same space at Acacia than there were at the previous inspections. Given the increased numbers, the clean and tidy state of the prisoners' cells was impressive. When prisoners, in the pre-inspection survey, were asked whether they thought prisoners were able to keep themselves clean in Acacia, the majority (85%) responded positively.
- 4.78 Inspection of the main kitchen facility found a clean environment with well-functioning equipment. The inspection team was shown a monthly inspection sheet which detailed each item/area in the kitchen, whether or not any corrective action was required for that item/area for each month and, if corrective action is required, what course this should take. This is good practice. Similarly, the laundry equipment was found to be in good working order.

EXTERNAL CONTACT AND COMMUNICATION

- 4.79 The management of social visits is handled well at Acacia. The inspection team found that the prison strikes a good balance between security, supervision, and a family-focused approach.
- 4.80 Visits take place three days a week (Friday, Saturday and Sunday), with four sessions on each of these days. Acacia runs a bus service from Midland train station three times a day to facilitate the transport of visitors to the prison. Acacia operates two crèches for child minding during visits – one in the visitors' centre outside the prison, and one in the visits centre inside the prison.
- 4.81 Family day visits are one of the most positive initiatives at Acacia and represent a real incentive for prisoners. The opportunity to interact with friends and family in a casual environment is greatly valued.
- 4.82 Staff in the visits area were content in their jobs, but observed that visit sessions were getting busier with the increased prisoner numbers. The supply of non-contact visit booths was under particular pressure.
- 4.83 An important development was the proposed introduction of Skype to facilitate video visits via the internet. Serco has long advocated the trial use of such technology and had sought approval from the Department of Corrective Services even before the 2007 inspection. At the time of this inspection, Serco had very recently received approval for this initiative. Policies were being developed and it was anticipated that it would be rolled out by January 2011.⁷⁸
- 4.84 For some time now, the Office has been advocating for the Department to take advantage of cheap and simple internet-based technologies for visits.⁷⁹ Such technology is in widespread use in prisons in a number of Asian countries, even those where distances and travel times are far less than in Western Australia. Although progress has been disappointingly slow, it is pleasing to finally see some developments in this area. The Office will monitor the success of such initiatives at Acacia and elsewhere with interest.

78 In fact, Skype was first available to prisoners at Acacia on Christmas Day 2010. A total of 141 sessions were booked by 16 different prisoners between 25 December 2010 and 31 March 2011. Feedback from staff and prisoners has been positive and to date there have been no significant security concerns. There is obvious scope for this system to be expanded to more prisoners over coming months.

79 See OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 41-42 and Recommendation 12; OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 41-42 and Recommendation 10.

Chapter 5

REHABILITATION AND RESETTLEMENT

5.1 The Office has previously defined the objective of offender management in the *Report into the Review of Assessment and Classification within the Department of Corrective Services*:⁸⁰

The goal of offender management is not simply the containment of risk, as every offender can exhibit risk under the right circumstances,⁸¹ but the transformation of risky offenders into less risky offenders.⁸² Risk is necessarily seen as ‘a fluid concept that can be minimised, treated and continually reassembled’.⁸³

5.2 The need for intervention in and management of an offender’s custodial situation and rehabilitation regime varies considerably between offenders, and may change over the term of an offender’s engagement with the Department. Because all prisoners are likely to be released back into the community, all will have some level of reintegration need. Specific needs will vary between offenders, but the literature points to a number of general areas where the success of a prisoner’s reintegration can be impacted upon.⁸⁴ These include education and training, employment, and accommodation. The role of the prison system is to identify these needs and provide the appropriate services to address them during the prisoner’s term of imprisonment.

5.3 The achievement of these objectives requires a planned, integrated and individual offender management strategy. The Department’s offender management model comprises the following components:

- Assessment;
- Individual management planning;
- Case management;
- Intervention; and
- Preparation for release.⁸⁵

5.4 Assessment and initial individual management planning are undertaken at Hakea Prison (or a regional receiving prison) and are discussed in this report only where they impact on Acacia’s service delivery. The other components are discussed in the following sections of this chapter.

80 OICS, *Report into the Review of Assessment and Classification within the Department of Corrective Services*, Report No. 51 (April 2008).

81 Bauer et al, ‘Dangerousness and Risk Assessment: the state of the art’ (2003) 40(3) *The Israel Journal of Psychiatry and Related Sciences* 182–190 in OICS, *Report into the Review of Assessment and Classification within the Department of Corrective Services*, Report No. 51 (April 2008).

82 Maurutto P & Hannah–Moffat K, ‘Assembling Risk and the Restructuring of Penal Control’ (2006) 46 *British Journal of Criminology* 438–454 in OICS, *ibid*.

83 *Ibid*.

84 See for example Social Exclusion Unit, *Reducing Re-Offending by Ex-Prisoners* (United Kingdom: Office of the Deputy Prime Minister, 2002); Boraycki M, *Interventions for prisoners returning to the community* (Canberra: Australian Institute of Criminology, 2005).

85 Department of Corrective Services, Adult Custodial Rule 18.

CASE MANAGEMENT

- 5.5 The Office believes that a good case management system involving genuine support from staff is a key part of preparing prisoners for release and successful reintegration into the community. The interaction between prisoners and case management officers should result in identification of the prisoners' needs and provide guidance on how to address those needs within the prison.
- 5.6 While the Department of Corrective Services would no doubt support the Office's view, the concept of case management is not particularly well defined in the Department. The reality is that case management in public prisons often amounts to little more than tracking a prisoner's progress against the requirements of their Individual Management Plan. In most prisons, prisoners typically have little or no meaningful contact with their case management officer and are sometimes even unaware who their case management officer is. The quality of case management varies from prison to prison and while some perform quite well, on the whole it is something that the public prisons could improve.
- 5.7 Acacia excels in this area, and this represents an opportunity for system-wide sharing and learning. The Department has tended to measure case management in quantitative terms – the number of prisoners for whom an Individual Management Plan has been completed; the number of Regular Contact Reports completed by case management officers; and the number of programs and courses that prisoners are booked into. Acacia's performance measures reflect this with the prison assessed against its ability to complete a certain percentage of sentence planning reviews within the scheduled timeframe.⁸⁶ Other performance measures require Acacia to deliver a certain percentage of programs, education and training in accordance with prisoners' Individual Management Plans.
- 5.8 Acacia successfully meets these requirements. In September 2010, 770 prisoners had an Individual Management Plan and almost all prisoners had their plan reviewed within the required timeframes. Acacia has achieved the relevant performance measure targets consistently for the past two years. Prisoners meet with their case management officers, Regular Contact Reports are generated and prisoners undertake a wide range of activities and interventions including offender treatment programs. Overall, prisoners are progressed through their sentence and their Individual Management Plan in the best manner possible.
- 5.9 Acacia takes a multidisciplinary approach to the management of its prisoners. Each prisoner is allocated a case management officer, but the prison's resettlement team, psychologists, teachers, TAFE instructors, trade instructors, recreation officers, chaplains, volunteer agencies and a range of administrative staff will all potentially have some input into their management and progression. This is good practice. Almost all prisoners surveyed could identify some aspect of the education, training, programs or support they had received that they considered would assist them in their future.

86 Acacia Prison Services Agreement, Schedule 5, Performance Measure 6.

- 5.10 Up to 10 prisoners are allocated to each unit-based case management officer, based on their cell designation. Units are staffed by two shifts of officers with the membership of these shifts stable over time. Most prisoners in Acacia remain in one unit for the majority of their sentence. Consequently, the majority of prisoners will only have one or two case management officers during their stay at Acacia and can expect to have access to that person when they are on shift. This is demonstrably better than is achieved in public prisons where prisoners tend to change unit and cell much more frequently, and officers with case management responsibility will often not work in the same unit and may have little or nothing to do with the prisoner. Case management cannot deliver its intended outcomes where there is a marked lack of continuity of engagement. Working out how to deliver continuity in prisons with 12-hour shifts and rolling rosters is difficult, but the arrangements at Acacia mean that more prisoners experience stability in case management than in other prisons.
- 5.11 Where Acacia really sets itself apart from the public prisons is in the quality of engagement between the case management officer and the prisoner. This is critical because it determines whether relevant information is shared, whether all of the prisoner's needs are identified, and whether the prisoner feels truly supported by the process. Qualitative measures are much harder to frame than quantitative measures, and neither the Department nor Serco have developed an effective way of measuring the quality of the interactions between case management officers and prisoners. Nevertheless, it was clear to the inspection team that the quality of case management at Acacia is superior to anywhere else in the Western Australian prison system.⁸⁷
- 5.12 An important factor behind the success of case management at Acacia is the positive attitude of senior management, who clearly valued and promoted the concept. There is also a strong structure to support and drive case management, headed by the Assistant Director Offender Management. It is significant that there is a distinction at Acacia between those officers working in case management roles, and those officers working in security roles. The officers who work in the accommodation blocks are considered to be case management officers, whereas the officers who work in areas such as the detention unit, gatehouse, recovery team or control rooms are seen as fulfilling security roles. This means that most case management officers are committed to and interested in case management work. For them, interacting with prisoners is what makes their job enjoyable and rewarding, and many of them stated as much to the inspection team.
- 5.13 In the pre-inspection staff survey, no respondent felt that case management was ineffective. Most felt that they were reasonably resourced to carry out their case management responsibilities (90%) and that they had received adequate training in case management (83%). Staff were almost universal (97%) in the view that the programs and activities delivered to prisoners in Acacia were making a difference to the prisoners and almost three quarters (74%) felt that they had sufficient mechanisms to modify prisoner behaviour. Most encouragingly,

87 Acacia presents the Department with a good example of a comprehensive, well-resourced and robust case management system. In contrast, good examples among the public prisons are rare, with Albany Regional Prison offering the best standard of case management in the public system: see, OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009) 18.

the majority of staff appeared to believe that they are making a difference. This undoubtedly contributed to the positive responses when asked to rate the quality of their working life (7 out of 10) and the effectiveness of Acacia in positively influencing offender behaviour to reduce reoffending (6.7 out of 10).⁸⁸

- 5.14 All of the above factors combine to produce a high standard of case management. The inspection team was confident that there was a good level of interaction and engagement during various case management processes such as regular contact meetings, Individual Management Plan reviews and case conferences. This was reflected in Regular Contact Reports that contained more detail and better information than generally seen in the public prisons. However, a large amount of the information gathered in these meetings is not recorded anywhere, perhaps because the electronic forms used do not encourage a comprehensive record.
- 5.15 To take full advantage of the valuable information being gathered, Acacia should encourage staff to make more detailed records of their interactions with prisoners. Although the Department requires no qualitative indicators and does not monitor performance in the area of case management, Acacia is in an excellent position to develop and implement qualitative performance measures to enable the continuing improvement of cases management at the prison and within the prison system as a whole.

Recommendation 4(a)

Develop and implement qualitative performance measures for case management at Acacia Prison.

Recommendation 4(b)

Provide feedback, support and professional development to case management officers based on the qualitative performance measures.

Recommendation 4(c)

Evaluate the performance measures and examine the feasibility of applying such measures throughout the prison system.

⁸⁸ Respondents to the recent Casuarina inspection survey, where case management exists only as a process, rated this aspect of their prison at only 4.8.

OFFENDER TREATMENT PROGRAMS

- 5.16 Programmatic interventions are intended to meet the needs of both the offender and the prison system (and by extension the needs of the community). Typically this entails assisting the prisoner to develop a new skill or coping mechanism. The ultimate goal is to reduce the prisoner's risk of reoffending or minimise the harm they are likely to inflict on the community once released.
- 5.17 Acacia has very limited control over offender treatment programs. It can only deliver programs approved by the Department and only to the prisoners that the Department dictates. The performance linked fee system is also linked to such criteria.
- 5.18 The suite of programs delivered by Acacia is made up of the medium intensity sex offender program, intensive violent offender program, medium intensity domestic violence program, and cognitive skills program. During the inspection, management at Acacia said that they saw the need for programs outside the scope allowed by the Department. Serco had proposed to deliver two new programs, both sourced from Serco's international correctional activity and both accredited in the United Kingdom. The Department rejected this proposal. The Office has previously recommended that, subject to the programs meeting appropriate standards, Acacia should be permitted to explore and develop new programs, and not be restricted to delivering the same suite of programs as the public prisons.⁸⁹ The continuing restrictive approach of the Department, even after Serco has shown itself to be a high quality service provider, stifles innovation. As such, it also negates one of the original objectives of establishing a privately operated prison.
- 5.19 Given the number of regional Aboriginal prisoners accommodated at Acacia, it is arguable that the prison should offer a range of programs targeted at Aboriginal offenders. The Indigenous Men Managing Anger and Substance Use (IMMASU) program which is primarily delivered in regional prisons may be appropriate. Many of the Aboriginal prisoners at Acacia will not return to a regional prison with sufficient time remaining in their sentence to complete this program so there is an argument for making it available at Acacia.
- 5.20 Although program delivery throughout the prison system increased substantially in 2009-2010, demand remains significantly higher than supply.⁹⁰ Acacia has generally delivered all programs required by the Department. In 2009-2010, Acacia was scheduled to deliver 350 places (17% of total delivery), but its actual delivery was only 278 places (13% of total delivery). This is because Acacia is contracted to deliver 35 programs but only delivered 29 programs in 2009-2010. Of the six programs that were not run, four had been removed from the schedule because the Department had ceased using that particular program. The remaining two were Medium Intensity Violence programs that have been the subject of negotiation between the Department and Serco since 2008. This program has not yet been introduced at Acacia, but was scheduled to commence in 2011.

89 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 19-21, Recommendation 4.
90 Offender Services, 2009-2010 Program Delivery and EVTU Data, Summary, Program Delivery, Targets 2010-2011 (Offender Services, Department of Corrective Services, 18 August 2010).

- 5.21 The Office believes that Acacia should be able to deliver a higher number of programs. In the past, Acacia was able to deliver more programs than the Department is now demanding of it. For example, in the area of addictions offending, Acacia delivered over 400 program places in 2002–2003. This has fallen to 110 for 2010–2011. For violent offending, Acacia delivered almost 100 program places in 2002–03, but is only scheduled to provide 38 in 2010–2011. For sex offending, Acacia’s current delivery of 30 program places exceeds its offering in the past.
- 5.22 Acacia programs staff did not feel that there was much scope to increase the number or frequency of programs delivered. Staffing levels and classroom space would present the greatest obstacles. However, the Office is confident that with more staff, and careful scheduling to maximise utilisation of classrooms, Acacia is capable of delivering more programs. The Department should be challenging Acacia to increase their program delivery.

Recommendation 5(a)

Increase the delivery of offender treatment programs at Acacia Prison.

Recommendation 5(b)

Develop, test and evaluate innovative offender treatment programs at Acacia Prison in addition to, or as alternatives to, the programs offered in the public prisons.

ADDRESSING DRUG AND ALCOHOL USE

- 5.23 Acacia has a comprehensive and up-to-date drug strategy that is consistent with the Department’s *Drug Strategy 2010-2014*. A very positive initiative is the Drug Strategy Committee. Senior staff representing security, operations, health and program areas oversee the implementation of the drug strategy within the prison. This approach provides a mechanism for the sharing of information and the development of policies and procedures that support a holistic approach to alcohol and drug issues. This is an initiative that should be evaluated by the Department and considered for adoption in all prisons.
- 5.24 Forty per cent of prisoners at Acacia reported problems with alcohol and drug use. Because Acacia is not a receiving prison, prisoners arriving at Acacia are not likely to be withdrawing or experiencing acute mental health effects related to drug and alcohol use. They therefore have little need for health services beyond their primary health needs. Prisoners with any concerns of this nature (for example, those on opiate replacement therapies) are managed by the Prisoner Addiction Services Team (PAST) nurse.
- 5.25 Ensuring that prisoners are appropriately screened to identify substance use issues is a key goal of the Acacia Drug Strategy and basic assessments are performed in a timely manner.⁹¹ Prisoners’ health issues associated with their alcohol and drug use are managed appropriately. The PAST nurse (who had previously worked with the Drug and Alcohol Office) is well trained and keen to work together with other program areas to enhance a holistic approach to prisoner care.

91 Acacia Prison Director’s Rule No. 2.20.1 Drug Strategy/Substance Misuse Strategy (11 January 2010).

RESETTLEMENT

- 5.26 Acacia Prison remains one of the biggest releasing prisons in the state. Although not anticipated at Acacia's inception, this reality was recognised in the Acacia Prison Services Agreement negotiated by the Department and Serco in 2006. The Operation Service Requirements in Schedule 4 of that agreement specify services that must be provided to prisoners to prepare them for release.⁹²
- 5.27 Statistics generated from the Department's Total Offender Management System (TOMS) show that in the 12-month period from 1 July 2009 to 30 June 2010, Acacia released 499 prisoners. The only facility to release more prisoners in that time period was Hakea Prison with 678. Casuarina Prison released 207 prisoners. Interestingly, the two minimum security metropolitan facilities for male prisoners released significantly fewer prisoners than Acacia: Wooroloo Prison Farm released 363 and Karnet Prison Farm released 149.⁹³
- 5.28 Re-entry services were identified as a particular strength for Acacia in the last inspection report. The inspection found that Acacia had been 'proactive and innovative in developing re-entry services from a relatively low base' and that '[t]heir processes and their coordination of service delivery represent excellent practice'.⁹⁴ The success was so notable that a recommendation flowed from these findings suggesting that the Department should examine and endeavour to replicate Acacia's service delivery principles with regard to re-entry.⁹⁵
- 5.29 The Department supported this recommendation and subsequently expanded re-entry services in the public prison system through the establishment of 11 Transitional Manager positions in prisons throughout Western Australia and an increased allocation of funding 'to expand existing services'.⁹⁶ In terms of transfer of innovation between the private and public sectors, the expansion of re-entry services and introduction of Transitional Manager positions has been a major success. Recent inspections of prisons with a Transitional Manager have resulted in a positive assessment of their impact on the provision of support and services to prisoners preparing to return to life outside prison.⁹⁷
- 5.30 The 2010 inspection found that the high level of service delivery found at Acacia in 2007 had been maintained. Furthermore, there had been growth and development in the breadth of options available to prisoners preparing for re-entry into the community. Re-entry services continued to be a positive model of innovation for the prison.
- 5.31 While the initial development of re-entry services was reliant on the hard work of some dedicated individuals, good systems have been developed to ensure that service delivery is now embedded at the prison and is not dependent on the individuals involved. The staffing dedicated to re-entry has increased since the time of the last inspection. In addition to the dedicated Resettlement Coordinator, there are now two full-time equivalent positions attached to the service area.

92 Acacia Prison Services Agreement, Schedule 4 – Operation Service Requirements (2006) section 3.6.

93 Figures drawn from analysis of TOMS data.

94 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 65.

95 Ibid, Recommendation 19.

96 DCS, *Updated Progress against Report 53 Recommendations (October 2010)*, Recommendation 19.

97 Examples include: OICS, *Report of an Announced Inspection of Karnet Prison Farm*, Report No. 67 (July 2010) [2.42]-[4.48]; OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 62 (November 2009) [5.26]-[5.30]; OICS, *Report of an Announced Inspection of Wooroloo Prison Farm*, Report No. 61 (September 2009) [3.38]-[3.41]; OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009) [4.15]-[4.17].

- 5.32 Prisoner employee resources have also increased. At the time of the inspection, 12 prisoners had full-time employment in the resettlement area providing a knowledgeable contact point for their fellow prisoners and encouraging prisoner engagement. As with all situations where prisoners work in administrative roles and potentially have access to the private information of other prisoners, it is essential that only appropriate information is accessed by these prisoners and that controls are in place to ensure that there is no abuse of their positions. The inspection team was satisfied that this potential was recognised and adequately managed. However, Acacia must remain vigilant and alert to the risks of prisoner employees within the resettlement centre.
- 5.33 Re-entry services are available to prisoners from the point of induction through to their release from prison. The induction process includes a presentation from prisoners who work in the resettlement centre, and there is an extensive section within the Acacia Prison Prisoners Handbook dedicated to detailing the services provided by resettlement.⁹⁸ Prisoners are free to engage with the resettlement centre at any time during their sentence. All prisoners, including any prisoner who does not voluntarily make contact earlier, will be approached four months prior to their earliest release date to assess any final re-entry needs.
- 5.34 Resettlement offers a number of core services to assist prisoners upon release. These have not substantially changed since the time of the last inspection and include acquiring driver's licences, birth certificates and Medicare cards, and organising fine payments. Outcare provide numerous services to the prison in the form of career counselling, life skills courses, accommodation, re-entry support and vocational training. Most of these match the services coordinated by the Transitional Managers in public prisons.
- 5.35 The voluntary programs offered at Acacia are innovative and expansive. They have two key target groups:
- a) prisoners who cannot access an offender treatment program due to the shortage of program places available within the system; and
 - b) short-term prisoners who are not provided with any program interventions within the system.
- 5.36 Acacia has identified that this second category of prisoner tends to absorb a significant proportion of resources within the system because they are likely to have multiple returns to prison with short sentences for minor crimes. Prisoners with a sentence of less than one year are not given an Individual Management Plan so their needs are not assessed. And resources prioritisation within the Department has resulted in a policy decision to focus on high risk and high needs offenders, meaning those with lower level needs are not catered for.
- 5.37 As such, the wide array of voluntary programs offered at Acacia occupies an identified gap in the system. At the time of the inspection the voluntary programs available were:
- Alternatives to Violence Project – a 24-hour program run over three days with 20 participants; one course runs each month.
 - Positive Lifestyles – a three-month cognitive skills based program run two or three times each quarter; it has around 16 participants and is available for completion in the community.

98 Serco, *Acacia Prison Prisoner Handbook* (undated) 15-17.

REHABILITATION AND RESETTLEMENT

- Drumbeat – a 10-week communication program using music. It is aimed at low literacy prisoners and has 12 participants.
 - Positive Communication in Relationships – a program dealing with domestic violence issues run in ten sessions of two hours each.
 - Road to Recovery – a drug and alcohol program.
 - Sexual health program.
 - Positive Parenting – a program which deals with issues of imprisonment and interactions with children.
 - Children in Focus – a one-on-one counselling program.
 - Substance treatment and recovery program – a newly developed program written by the Resettlement Coordinator and evaluated by Uniting Care West.
- 5.38 These programs are all operated in partnership with external agencies including Outcare, the Salvation Army, Relationships Australia, Uniting Care West, Family Relationships Midland, and Holyoake. And all are run at no cost to Serco or the state. Without these programs many prisoners would be receiving no intervention at all.
- 5.39 Since the 2007 inspection resettlement has taken over another room within Oscar Block⁹⁹ to provide a space in which programs and courses can be delivered. Any further expansion of services is limited due to infrastructure restrictions. As with most services run from Oscar Block, space is a significant limitation on service provision and must be addressed as part of the plans to further expand the prisoner population beyond 1,000.
- 5.40 Resettlement staff reported that they had been consulted about future needs in the event of an expansion to 1,400 prisoners. They requested seven civilian staff, new classroom space, and more offices to provide privacy for the discussion of prisoners' confidential needs and circumstances. The existing office space has no dedicated phone line (staff must dial through reception, which is inconvenient given the number of external contacts this area deals with) and more computers, printers and photocopier access will be required.

MINIMUM SECURITY PRISONERS

- 5.41 The Inspection Standards state that 'those who are in the last few months of their sentences prior to release, should be placed at minimum security and preferably in work camps or other pre-release centres'.¹⁰⁰ This is because the environment at these facilities is considered to be more appropriate for the development of skills and knowledge conducive to a more successful return to the community.
- 5.42 The number of prisoners released from Acacia is elevated by the high number of minimum security prisoners it continues to accommodate. While some of these prisoners are at the prison due to placement issues (such as alerts) or to complete programs, most are at Acacia due to a lack of minimum security placement options throughout the state.

⁹⁹ Oscar Block is the building in the prison that houses classrooms that are used for education and programs. It also contains offices for staff from a variety of areas including education, programs, sentence management, peer support and resettlement.

¹⁰⁰ OICS, *Code of Inspection Standards for Adult Custodial Services*, (April 2007) [131].

- 5.43 This has been exacerbated by the rapidly increasing number of prisoners in the system since the last inspection of Acacia. Consequently, Acacia is faced with the challenge of appropriately preparing these prisoners for release from a medium security environment (which the above section has shown they do well). More problematically, Acacia must consider ways to address the disadvantage that these prisoners experience. This disadvantage stems from the fact that these minimum security prisoners have limited access to the services and opportunities that would be available to them if they were residing in minimum security facilities.
- 5.44 At the time of the inspection Acacia was accommodating about 115 minimum security rated prisoners,¹⁰¹ and the reality was that many would not be transferred to a minimum security facility before their sentence ended. The current operations and systems at Acacia mean that they will not access the programs that the prison system has put in place for minimum security prisoners to increase their chances of successful re-entry. In addition, there are no references to services or requirements for minimum security prisoners within the terms of Serco's contract with the Department.
- 5.45 Programs such as work release, section 95 external work and community activities and the Prisoner Employment Program are all examples of good systems that are in place to assist minimum security prisoners, but these are only available to prisoners accommodated in minimum security facilities. Minimum security prisoners 'earn' their lower security status through good behaviour, but their placement at Acacia means they do not receive the benefits of a minimum security environment. These benefits generally include better visits facilities for families, more self-determination in prisoners' day-to-day living and access to better living conditions.
- 5.46 Prior to Serco taking control of Acacia, AIMS had begun to explore options to expand access to appropriate programs for the minimum security prisoners while maintaining security and safety of prisoners. It should be noted that the minimum security numbers at that time were around 60. With that figure now nearly doubled and unlikely to decrease substantially in the medium term, Acacia should again examine that challenge.

Recommendation 6

Provide minimum security prisoners at Acacia Prison with access to appropriate programs and opportunities consistent with their security status.

101 TOMS, *Count Control Facility – Acacia Prison* (28 October 2010).

Chapter 6

EDUCATION, TRAINING AND EMPLOYMENT

EDUCATION AND TRAINING

6.1 Education and training are an integral part of the rehabilitative services that are delivered in prisons to reduce the likelihood of reoffending. A recent Western Australian Parliamentary Committee report reflected this key role, finding that ‘prisoners participating in education are three times less likely to be reconvicted’.¹⁰² The report further observed that:

[T]he cost benefit of investing in effective prisoner literacy and vocational education strategy has been demonstrated in many studies, in respect to achieving a reduction in reoffending rates and supporting reintegration of offenders into society.¹⁰³

6.2 The Committee found, however, that with high prisoner numbers ‘access to education has become increasingly problematic’ and that the resultant waiting list ‘negatively impacts post release outcomes’.¹⁰⁴ This is true throughout the whole prison system, including Acacia.

6.3 The importance of prisoner access to appropriate education and training opportunities within prisons is undeniable. This inspection found that while prisoner access at Acacia had markedly improved since the time of the last inspection, more can be done to expand the penetration of education and training into the prisoner population.

Education

6.4 At the 2007 inspection, education services presented as rather fragile. Acacia had lost its Registered Training Organisation status and was reliant on the endorsement of the Department to deliver much of its educational program. A partial reinstatement of its status had only just occurred at the time of that inspection.¹⁰⁵

6.5 In 2010, education services at Acacia were in a much more robust situation. Since Serco has secured further contracts for prisons and detention centres throughout Australia, the company has consolidated its Registered Training Organisation status by centralising its operations in this area. There is a national manager for quality control as well as an on-site manager at Acacia monitoring performance on an ongoing basis. This has improved both the quality of service provision and the range of services available because any course approved within Serco’s national Registered Training Organisation scope is automatically available to all sites across the country.

6.6 Positively, and with the encouragement of the Department, Acacia has added greater scope to the traineeship courses available in order to allow for more holistic educational pathways for prisoners. This also matches more completely with courses offered in the public prisons, allowing prisoners who transfer to Acacia to continue traineeships that they may have commenced elsewhere in the prison system.

6.7 Basic literacy and numeracy courses, which were a concern in 2007, have improved. The scope of such courses available to prisoners had increased and a dedicated team leader for basic adult education has contributed to this.

102 Community Development and Justice Standing Committee, ‘Making our Prisons Work’: An Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies, Report No. 6 in the 38th Parliament of Western Australia (November 2010) 15.

103 Ibid.

104 Ibid, 23.

105 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 61-62.

- 6.8 As was the case in 2007, external studies were performing strongly within the education centre. At the time of the inspection there were 41 students enrolled in external studies. While this was less than at the time of the last inspection, student numbers were nevertheless at an acceptable level. The most significant issue for these students was access to computers and appropriate study material (discussed further below).
- 6.9 In 2009–2010, the education centre issued 3,834 certificates in short vocational courses (including Bluecard/Whitecard Occupational Safety and Health courses) and 525 certificates for educational programs. During this period an average of 33 per cent of the prisoner population was enrolled in some form of education or vocational training (not including external studies, art and music).
- 6.10 However, the impact on access to education caused by the increased population was concerning. While the number of courses being delivered is positive, the increase to a population of 1,000 prisoners has meant that many courses now have waiting lists. In late 2009, class sizes at the prison increased from 15 to 20 in order to accommodate some of this pressure, but the prison was still unable to accommodate all those who wish to participate. Before the population increases any further, concrete plans for expansion of the education centre must be developed and a timeframe for implementation established to ensure there is no further disadvantage.

Vocational Training and Traineeships

- 6.11 The previous inspection found strong numbers and a good range of traineeships at Acacia. However, despite the healthy numbers, the viability of traineeships was under threat due to the frequency and duration of industrial workshop closures and the extremely limited range of work available.¹⁰⁶
- 6.12 Unfortunately, the number of traineeships delivered at Acacia remains low. In May 2010 there were 30 trainees enrolled at Acacia in Certificate II courses in engineering, horticulture, laundry, asset maintenance, furniture making and hospitality and a Certificate III course in horticulture. At the time of the inspection in November 2010 this had decreased to 21 enrolments.
- 6.13 During 2010, the Department determined that many of Acacia's trade instructors were not sufficiently qualified to supervise traineeships for prisoners. As a result, Acacia was directed to limit the number of traineeships in each prison workshop to three. Trade instructors were required to obtain a Certificate IV in Training and Assessment before traineeship numbers could be increased.¹⁰⁷ In addition, closures of industries due to insufficient custodial staff remained a problem for the prison until early 2010.

106 Ibid, 62.

107 At the time of the inspection, all Trade Instructors had either achieved or were working towards this qualification.

- 6.14 A significant development at Acacia since the last inspection has been the creation of a dedicated vocational training centre in Hotel Block to provide short courses in skill development. The centre particularly targets skills that are in demand in the community with the aim of assisting prisoners to secure employment upon release. The prison is also in the process of trying to streamline vocational training, education and industries service delivery so prisoners can transition between the areas to further develop and enhance their skill sets.
- 6.15 Such a system would be especially beneficial to the large number of short-term prisoners who may not be incarcerated long enough to complete a formal traineeship or even some modules within a traineeship. Each component provides a certificate to show competencies gained during the short course. The courses also provide skills to prisoners who may then go on to work in heavy industries in Romeo Block.
- 6.16 At the time of the inspection, five vocational trainers were working in Hotel Block delivering training in 11 skill development areas including bricklaying, warehousing, welding, construction, occupational safety and health, permaculture, tiling, horticulture and asset maintenance. They are a dedicated group who provide excellent training opportunities to prisoners. The inspection team was informed that skill development was an area marked for expansion within the wider plans for the prisoner population to increase to 1,400. If the plans go ahead, infrastructure and resource issues must be addressed early in the planning stages to provide more training spaces, classrooms and office space for vocational trainers.

Staff and Resources

- 6.17 The past 12 months of operation had seen a stable group of committed staff working in the education centre. Professional development opportunities had improved for the group, with documentation showing that all staff had accessed some form of professional development in 2010. This included both external sessions and internal sessions conducted by Acacia staff within their specific area of expertise. Examples of internal sessions included computer skills training and an internal strategic workshop.
- 6.18 All education and vocational training staff hold a Certificate IV in Training and Assessment. Staff also now regularly participate in moderation, both with external providers and with the Department. Staff declared that this experience had been valuable and increased their awareness of the wider prison education system. This is invaluable in ensuring a good standard of education delivery within any institution providing education services.

- 6.19 Infrastructure limitations were a central concern for the teaching group. Recently, a transportable building had been placed next to Oscar Block to provide additional office space, which has been appreciated by all. This has not, however, reduced the need for an urgent expansion of Oscar Block. The block accommodates a significant number of prisoner services, all of which are under stress due to the increase in prisoner numbers. It is currently limiting access to these services. Before any further prisoner expansion is undertaken, a detailed plan for infrastructure and supporting plant and equipment provision must be completed and a strict timeframe for its completion agreed.



***Oscar block:** The exterior of Oscar Block showing two transportable units that have been attached to the main building. Further expansion will be needed to accommodate proposed prisoner population increases.*

- 6.20 There were also two key human resource issues identified during the inspection. While two administrative positions exist within education to help with administrative and record keeping requirements, the teachers must also undertake a lot of this work, adequate time for which is not necessarily incorporated into their working day.
- 6.21 Secondly, there is no capacity to call in substitute teachers in the event of staff illness. This is a particular issue if the illness persists for an extended period. Some staff reported that they had been asked to take on another class in these circumstances, but for no additional remuneration. The only other option was to cancel the course. This is not acceptable, and Acacia should have a plan in place to allow courses to continue with suitably qualified and remunerated teachers.

- 6.22 As at the time of the previous inspection, prisoner access to computers for the purposes of education remains inadequate. While a second computer lab has been added to Oscar Block, the increase in the number of computers has not kept pace with the increase in population. The current 17 computers for 1,000 prisoners provide a poorer ratio than in 2007. This has been exacerbated by the Department's decision to remove all personal computers from prisoners, so those who were using their own computers (particularly for study purposes) now also require access to the shared computers.
- 6.23 In addition to the inadequate number, the Department's policy has also severely restricted access to electronic based resources for study. There is no access to compact discs or teacher-facilitated internet access. A highly qualified and trained teaching resource is now spending time doing internet searches for prisoners for study purposes. This not only constitutes a drain on the limited teaching resources, but also means that prisoner students are not developing this skill themselves. This situation is untenable and is contradictory to the Department's stated commitment to prisoner skill development and preparing prisoners for re-entry. In this technological age, it is impossible to study without access to electronic resources. As a matter of urgency the Department must resolve this issue.

Recommendation 7

Ensure prisoners have sufficient access to computers and electronic resources to facilitate educational studies, official correspondence and other legitimate needs.

INDUSTRIES AND EMPLOYMENT

Prisoner Employment Levels

- 6.24 In 2007, prisoner employment at Acacia was a poorly functioning area of service delivery. Large numbers of prisoners were regularly unoccupied due to the closure of non-essential work locations. A combination of factors contributed to these closures, but most common was the unavailability of custodial staff to provide supervision in the workshops. The reliance by Serco on cross-deployment of custodial staff from the units was resisted by staff and not feasible given the staffing levels available.
- 6.25 At the time of the last inspection about 180 prisoners at Acacia were unemployed (including 40 who were ineligible for employment). This represented an unemployment rate of about 23 per cent of prisoners, and did not take into account the number of underemployed prisoners without a full day of constructive activity to occupy them and develop skills.
- 6.26 In statistical terms, the employment situation at Acacia has not improved since 2007. At the time of the 2010 inspection, 236 prisoners (including 63 ineligible to work) or nearly 24 per cent were not working.¹⁰⁸ However, Acacia is now accommodating approximately 220 more prisoners than it was in 2007. So while employment positions have increased over the past three years, these have only just kept pace with the prisoner population.

108 Department of Corrective Services, TOMS, Offender Employment Profile – facility (Acacia) (26 October 2010).

- 6.27 The prison should focus not only on providing employment places, but also on ensuring that work opportunities are diverse and meaningful, cater to different skill levels, and occupy a substantial period of the day. An analysis of the employment positions available during the inspection showed an unacceptably high number of prisoners allocated to work places that occupy them for as little as one hour and provide little in the way of meaningful activity or skill development.
- 6.28 Of particular concern was the very high number of prisoners employed as ‘block workers’ with the role of making sure the accommodation blocks are clean and tidy. Undeniably, the accommodation blocks at Acacia were very clean, but with the high number of workers it would have been concerning to find otherwise. There were a total of 197 prisoners employed in this way, meaning most blocks had more than 30 block workers.
- 6.29 The core day at Acacia (that is, the period of time that prisoners should be engaged in constructive activity) is four hours and forty-five minutes each work day (from 8.00 am to 11.00 am and from 1.15 pm to 3.00 pm). The original contractual obligation in 2001 was to provide seven hours of constructive activity each day, but this was reduced when Serco’s contract was negotiated in 2006. In reality, prisoners typically work even shorter hours than this because their arrival at work is often delayed and it is not uncommon for them to be released early. Fundamentally, employment at Acacia is not a realistic reflection of employment in the community, for which the prison should be endeavouring to prepare prisoners.
- 6.30 The Department monitors the level of prisoner employment at Acacia in Performance Measure 11 which refers to ‘[t]he percentage of prisoners involved in structured activity for no less than 30 hours a week’.¹⁰⁹ While this includes activities other than employment, it is one of the key activities that is targeted and provides the only measure by which employment is monitored.
- 6.31 Statistics provided to the Office show that from the time of the previous inspection up to February 2010, Acacia had never achieved the target of 90 per cent against this performance measure. Up until September 2009, the highest percentage it had attained was 67.5 per cent (August 2008), the lowest was 40 per cent (January 2009) and the average achievement in the 2008–2009 financial year was only 53.2 per cent.
- 6.32 In August 2009 when Serco agreed to take an additional 200 prisoners, the terms of Performance Measure 11 were renegotiated. The most important change saw the Department effectively granting Acacia 10 hours per week of the required 30 hours. Therefore, each prisoner audited only required 20 hours per week of structured activity recorded to give the measure 100 per cent compliance.
- 6.33 After these changes came into effect the results for Performance Measure 11 jumped from 45.5 per cent in August 2009 to 75.5 per cent in September 2009. Before the new agreement was applied, the September result had been only 45 per cent.¹¹⁰ The impact therefore has been for structured activity to appear more robust in the 14 months preceding the inspection than was actually the case.

109 Acacia Prison Services Agreement, Schedule 5.

110 Figures obtained from Serco, *Acacia Prison Quarterly Report to Department of Corrective Services* (July, August and September 2009) 11.

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- 6.34 Positively, the result for this measure has continued to rise, indicating overall improvements in structured activity availability.¹¹¹ Given that Acacia did not receive any additional resources to provide structured activity, the Department could not in fairness expect Acacia to achieve the original target. The concern is, however, that the negotiated changes mask the true extent of prisoner unemployment within the prison.
- 6.35 Serco and the Department’s contract management team have each indicated some level of discomfort that Acacia is meeting this target when in reality performance is not good. Both have acknowledged that the current measure is not suitable and further development is required to provide a better reflection of outcomes for prisoners. This was also recognised by the Community Development and Justice Standing Committee in their 2010 inquiry into prisoner education, training and employment strategies.¹¹²
- 6.36 In summary, prisoner access to work is not sufficient at Acacia. This has been exacerbated by the increase in prisoner numbers. The prison cannot absorb any further expansion to its population without a significant investment in infrastructure, plant, equipment and staff to ensure meaningful activity for prisoners.

Positive Developments

- 6.37 Despite the negative conclusions above, there have been a number of positive developments in the area of industries and prisoner employment. As discussed, efforts have been made to improve the number of work positions available and gains in pure numbers have been achieved; however, these have been absorbed by population increases, so no net gains have been achieved. In the last two years, there has been significant investment in equipment and workshop expansion. New contracts have been established, with a focus on shifting from simply occupying prisoners’ time to employment that is industry-based and leads to job opportunities on release.
- 6.38 Closures of industries had reduced substantially in the six months preceding the inspection. The voluntary placement of six custodial officers in permanent industries positions on a five days per week, eight hours per day roster has minimised closures due to staff shortages. This placement is only occurring in Romeo Block and horticulture so the issue of cross-deployment remains in other locations and can cause some problems for those work areas. Acacia advised that it is reviewing its cross-deployment policy across the board, and the Office supports this action.

111 October 2009 (88.89%); November 2009 (91.49%); December 2009 (95.74%); January 2010 (95.83%); February 2010 (100%); March 2010 (93.88%); April 2010 (93.88%); May 2010 (98%) and June 2010 (98%): Serco, *Performance Measure Results* (undated).

112 Community Development and Justice Standing Committee, *‘Making our prisons work’: An Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies* – transcript of evidence taken at Perth, Wednesday 21 April 2010 Session One (2010); Community Development and Justice Standing Committee, *‘Making our Prisons Work’: An Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies*, Report No. 6 in the 38th Parliament of Western Australia (November 2010).

- 6.39 In addition, trade instructors had received basic security training that permitted them to open their workshops even if a full complement of security officers was not available. Rather than dictate how many prisoner workers each workshop can take in these circumstances, each trade instructor performs his own assessment of safety issues within his work environment and determines how many prisoners he will supervise for that day. This flexible, common sense approach is commended, as long as suitable supervisory oversight is maintained to ensure overall risk is appropriately managed.
- 6.40 When the new Assistant Director Business Services started at the prison about 18 months ago, he undertook a full review of industries. At that time it was found that industries were costing the prison money without providing high levels of employment for prisoners or adequate skill development for prisoners who were serving shorter sentences. Following this review, a strategic plan was developed to refocus industries to provide work opportunities relevant to demand in the community, and to provide an income to the prison through contract work.
- 6.41 In addition, it was determined that shorter term prisoners should be targeted by the creation of vocational skills workshops managed through education. This would provide prisoners with meaningful development of employability skills and lead into work within the prison industries area. It would also assist prisoners to obtain work after release.
- 6.42 Planning for these projects is moving ahead, but progress has been a slow. Contracts are gradually being secured for work that will also allow prisoners to develop skills that they would require in employment in the community. Previously, trade instructors were expected to source most of their own contract work, which detracted from their work with prisoners. The Industries Manager and Assistant Director now coordinate this area and have developed a sales and marketing plan for contract work.
- 6.43 The new focus on employability skills, contract work and vocational training should provide the groundwork for the achievement of the Inspection Standard that employment should 'provide opportunities to increase a prisoner's employability upon release'.¹¹³ The most significant barrier to achieving Acacia's goals in this area are the limits on infrastructure and resources previously identified.

Staffing

- 6.44 Trade instructors at Acacia have quite varied roles and different reporting lines that depend upon the area in which they work. One group are employed as vocational trainers and report to the Education Manager; another group provide building, grounds and maintenance services and report to the Facilities Manager; and another group are responsible for the heavy and light industries areas and report to the Industries Manager.
- 6.45 Each group of trade instructors had quite different issues relating to their duties but generally all enjoyed their job and the level of dissatisfaction was markedly lower than that found in 2007. Most of the issues raised during the inspection related to resourcing, and in particular insufficient infrastructure, plant and equipment to properly carry out their roles. There had been some improvement in this regard since 2007, but with the expanded prisoner numbers more investment is required.

113 OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007) 137.

6.46 The number of trade instructors had increased since 2007, with the heavy industries area (Romeo Block) and light industries area (Hotel Block) having approval for 10 full-time equivalent positions. At the time of the inspection, seven of these were filled, two recommended employees were waiting on security clearance from the Department and one position was vacant. All trade instructors had either achieved or were nearing achievement of Certificate IV Training and Assessment qualifications, which allows them to participate in traineeships for prisoners. The education centre is primarily responsible for traineeships so the communication between the two service delivery areas will need to be improved to optimise the experience of the prisoners engaged in the traineeship program.

New Core Day

6.47 Serco is acutely aware that prisoner employment has been one of its most significant challenges, particularly in light of the prisoner population expansion in 2009 and 2010. Planning around how to address this deficiency has been ongoing and culminated in a proposed new 'core day' structure for prisoners. At the time of the inspection, a draft of this plan had been provided to the Department for approval. The Department had provided feedback and amendments were being made.

6.48 The centrepiece of the plan is to slightly extend the structured day hours for prisoners and break the day into two shifts. The morning shift would start at 7.45 am and continue until 11.15 am and an afternoon shift would commence at 12.45 pm and finish at 4.00 pm. Each shift would therefore be provided with three-and-a-half hours of activity. It had not been determined whether the split day would apply to all constructive activity areas or be limited to industries.

6.49 To ensure that industries could run effectively, a group of core workers in each work area would work a full day and be paid at the highest gratuity level. All other workers would only work one shift and be paid at a lower gratuity level. For the other half of the day, these prisoners would be given greater access to education, recreation, voluntary programs and other activities.

6.50 This in some ways reflects the positive example of the structured day at Bandyup Women's Prison that values a variety of activities for women to address their offending needs and personal development.¹¹⁴ The proposed structure at Acacia, however, seems to prioritise rewarding those who are participating in two shifts of employment with the highest level of gratuity. This does not recognise the powerlessness of the prisoner over his work situation and does not place value on other activities (such as education or programs) in which the prisoner may participate.

6.51 It is absolutely worthwhile to place value on other forms of activity besides work and if the core day proposal is approved gratuities should reflect this value. The core day concept is a good idea to manage the less than ideal situation in which the prison finds itself, especially given it is not in control of the asset in which it is operating.

114 See discussion of Bandyup's structured day in OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 57 (December 2008) 57-58.

- 6.52 Ideally, however, employment plays such a fundamental role in reducing recidivism that the priority into the future should be for Acacia to offer all prisoners at least 30 hours per week of employment. To this end, more investment from Serco and the Department is required in industries.
- 6.53 Early planning for the further expansion of the prisoner population to 1,400 prisoners has already begun. Some of the discussions at this stage are looking at the feasibility of a seven day per week industries operation, with trade instructors working a roster such as six days on and eight days off. The Office was not provided with any analysis as to what extent this would allow all prisoners access to employment opportunities. However, it is clear that this area will require significant investment before any further population expansion can occur without the serious risk of the prison simply warehousing prisoners, rather than providing meaningful constructive activity.

Recommendation 8

Provide each prisoner at Acacia Prison with 30 hours of constructive activity per week through structuring of the core day and investment in resources and key supporting infrastructure such as Oscar Block and the industrial workshops.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>1. Administration and Accountability Finalise new maintenance contract arrangements to ensure that the prison services contractor has appropriate control of and responsibility for the maintenance of the Acacia Prison facility.</p>	<p>Supported – existing Department initiative The feasibility of novating the maintenance contract is currently being undertaken in consultation (ongoing, constructive discussion) with Serco and the current maintenance provider, for consideration by Government mid 2011.</p>
<p>2. Administration and Accountability Develop improved processes for recognising innovation at Acacia Prison in order to identify initiatives suitable for transfer into the public system.</p>	<p>Supported – existing Department initiative The Department and Serco constantly seek to learn from each other to identify suitable initiatives which can improve the entire system. A number of strategies have been implemented to ensure these processes are continually improved.</p>
<p>3. Racism, Aboriginality and Equity Develop the role of the Indigenous Advisory Board with a particular focus on driving innovative programs and services for Aboriginal prisoners.</p>	<p>Supported – existing Department initiative The Acacia Advisory Board membership has recently been enlarged and some of the reasoning for this is to develop and drive further programmes relevant to Aboriginal prisoners. Serco will continue to expand the suite of programmes and services available.</p>
<p>4a. Rehabilitation Develop and implement qualitative performance measures for case management at Acacia Prison.</p>	<p>Supported The DCS Acacia Contract Management Team is currently reviewing all performance measures to allow for a greater focus on qualitative outcomes. Performance measures have been reviewed many times over the life of the contract.</p>
<p>4b. Rehabilitation Provide feedback, support and professional development to case management officers based on the qualitative performance measures.</p>	<p>Supported Agree.</p>
<p>4c. Rehabilitation Evaluate the performance measures and examine the feasibility of applying such measures throughout the prison system.</p>	<p>Supported See previous responses to Recommendations 2 & 4(a).</p>

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>5a. Rehabilitation Increase the delivery of offender treatment programs at Acacia Prison.</p>	<p>Supported – existing Department initiative During 2010 the Department commenced a process with Acacia Prison to consolidate program delivery to the priority areas of drug and violent offending. This was agreed and from January 2011 Acacia commenced implementation of the new schedule. During 2010/11 Acacia will deliver 29 programs.</p>
<p>5b. Rehabilitation Develop, test and evaluate innovative offender treatment programs at Acacia Prison in addition to, or as alternatives to, the programs offered in the public prisons.</p>	<p>Supported in principle The Department commits significant resources to clinical governance of program delivery, including a significant program evaluation framework to ensure programs are evidence based and deliver appropriate outcomes. The introduction of programs outside the existing suite for one facility would present costs that could not be justified.</p>
<p>6. Rehabilitation Provide minimum security prisoners at Acacia Prison with access to appropriate programs and opportunities consistent with their security status.</p>	<p>Noted The Department endeavours to minimise the amount of minimum prisoners in medium/maximum facilities, however, there are circumstances where this cannot occur. It is acknowledged minimum security prisoners in facilities such as Acacia cannot experience the same regime as those in minimum security facilities.</p>
<p>7. Rehabilitation Ensure prisoners have sufficient access to computers and electronic resources to facilitate educational studies, official correspondence and other legitimate needs.</p>	<p>Supported in principle The Department will continue to work towards this aim taking into account resources, budget and security implications.</p>
<p>8. Reparation Provide each prisoner at Acacia Prison with 30 hours of constructive activity per week through structuring of the core day and investment in resources and key supporting infrastructure such as Oscar Block and the industrial workshops.</p>	<p>Supported in principle The Department does not underestimate the challenge in this recommendation but is committed to working with Serco to achieve this.</p>

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 53, <i>Report of an Announced Inspection of Acacia Prison.</i>	Assessment of the Relevant Agency's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	<p>Administration and Accountability</p> <p>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>		•			
2.	<p>Administration and Accountability</p> <p>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>			•		
3.	<p>Administration and Accountability</p> <p>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>			• •		
4.	<p>Administration and Accountability</p> <p>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> <p>a) Streamlining security screening and protocols.</p> <p>b) Involving Acacia in planning in areas such as programs.</p> <p>c) Encouraging innovation and learning from good practices at Acacia.</p>		• • •			

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008
RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 53, <i>Report of an Announced Inspection of Acacia Prison.</i>	Assessment of the Relevant Agency's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
5.	Administration and Accountability 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.			•		
6.	Staffing Issues In order to promote a more pro-social culture at Acacia, Serco must improve its communications with staff and address any difference between the two shifts.				•	
7.	Rehabilitation/Reparation Serco must ensure that Industries are open for a five-day week and that full recreation opportunities are open to prisoners.			•		
8.	Custody and Security (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.		• •			
9.	Custody and Security 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).			• •		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008
RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 53, <i>Report of an Announced Inspection of Acacia Prison.</i>	Assessment of the Relevant Agency's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
10.	<p>Racism, Aboriginality and Equity</p> <p>(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>(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>			•		
11.	<p>Administration and Accountability</p> <p>Serco must implement more rigorous processes to account for prisoners' artwork. This has particular pertinence to Aboriginal prisoners, but applies across the board.</p>		•			
12.	<p>Care and Wellbeing</p> <p>(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>			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008
RECOMMENDATIONS

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		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
13.	<p>Care and Wellbeing</p> <p>Serco should reassess its peer support services so they are used to maximum advantage. This should include:</p> <p>Ensuring peer support prisoners have access to all accommodation units;</p> <p>Consolidating the position of the Prisoner Support Officer (PSO).</p>			• •		
14.	<p>Health</p> <p>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>				•	
15.	<p>Health</p> <p>Serco must improve the operations of the ARMS and PRAG systems. This improvement should include:</p> <p>Clearer rules and policies;</p> <p>Effective communication of these rules to staff; and</p> <p>Better processes for PRAG meetings.</p>			•		
16.	<p>Rehabilitation</p> <p>(a) Serco must ensure that it retains and extends its RTO status.</p> <p>(b) A wider range of educational programs should be made available, including a stronger focus on literacy and numeracy skills.</p> <p>(c) More computers must be provided along with computer training.</p>		•	•	•	
17.	<p>Rehabilitation and Staffing Issues</p> <p>Serco must:</p> <p>Ensure that traineeships are properly delivered.</p> <p>Ensure employment conditions for Trade Instructors are equitable to those of all other Serco Staff.</p>			• •		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008
RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 53, <i>Report of an Announced Inspection of Acacia Prison.</i>	Assessment of the Relevant Agency's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
18.	Rehabilitation (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.		•	N/A		
19.	Rehabilitation 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 3

THE INSPECTION TEAM

Professor Neil Morgan	Inspector
Natalie Gibson	Acting Deputy Inspector
John Acres	Acting Director of Operations
Lauren Netto	Principal Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Janina Surma	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
John Gourlay	Expert Advisor, Sir Charles Gairdner Hospital
Dace Tomsons	Expert Advisor, Drug and Alcohol Office
Caroline Heffer	Expert Advisor, Office of Health Review
Melissa Fontana	Expert Advisor, Office of Health Review
Raymond Gidgup	Observer, Aboriginal Legal Service

Appendix 4

KEY DATES

Formal notification of announced inspection	12 August 2010
Pre-inspection community consultation	14 October 2010
Start of on-site phase	31 October 2010
Completion of on-site phase	12 November 2010
Inspection exit debrief	12 November 2010
Draft Report sent to the Department of Corrective Services	7 February 2011
Draft Report returned by the Department of Corrective Services	8 March 2011
Declaration of Prepared Report	21 March 2011



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