



Response to the Announced Inspection:

Eastern Goldfields Regional Prison 2020

November 2020

The Department of Justice welcomes the draft report of the inspection of Eastern Goldfields Regional Prison.

The Department has reviewed the report and noted a level of acceptance against the 18 recommendations.

Attachment A contains comments for your attention and consideration.

Response to Recommendations

1 Make better use of existing infrastructure by re-opening Unit 3 and by finding a viable purpose for Unit 5.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support
Proposed Completion Date: N/A

Response:

Unit 3 closed due to new beds becoming available through the Casuarina expansion project and due to ongoing staffing challenges, including recruitment, an extensive outgoing transfer list, and in accordance with the statewide population management strategy. At the time of the closure of unit 3, priority was given only to prisoners that were classified as out of country to be transferred.

In addition, due to COVID-19 the overall prison population across the estate has dropped dramatically, resulting in reduced capacity levels when compared to previous years. As at September 2020, EGRP was at 76% capacity with the closed units and across the whole estate the capacity level has reduced down to 83%.

Unit 5 is a minimum security facility which forms part of the long term population management strategy which is subject to capacity assessment and resourcing considerations.

2 Undertake a review of recruitment and retention strategies at EGRP and implement identified improvement opportunities.

Level of Acceptance: Not Supported
Responsible Directorate: Corporate Services
Responsible Business Area: Human Resources
Proposed Completion Date: N/A

Response:

The Department is cognisant of the recruitment challenges in the Goldfields, particularly given it being a transient town, and constantly reviews and refines its recruitment strategies for EGRP.

Since the establishment of the Department's in-house Bulk Recruitment function in July 2018, a review of EGRP recruitment processes was undertaken and region specific information, flyers and media were developed to promote employment opportunities at the prison. The review also considered the provision of regional / remote allowances against whole of government budget implications, resulting in an increase to employee housing subsidy at the prison to attract and retain more staff.

Through the Bulk Recruitment function, a total of 93 new trainees have been recruited to EGRP. This is almost 20% of all new trainees even though EGRP only makes up

6% of total prison officers. Three Entry Level Training Programs (ELTP) have been delivered locally.

A HR Taskforce has been established and local engagement has occurred with the local council, community groups and the regional development authority, to increase visibility of the Department as a local employer of choice. Extensive local media campaigns have been run to attract local applicants.

A focus on local hiring is on-going with targeted advertising campaigns undertaken on a regular basis. Sourcing strategies include print press, on-line job boards, social media and local networking.

3 Take steps to identify and address the root causes of dysfunction among groups of staff at EGRP.

Level of Acceptance:	Supported
Responsible Division:	Corrective Services
Responsible Directorate:	Adult Male Prisons
Proposed Completion Date:	Completed

Response:

The Department takes misconduct and unprofessional behaviour of its staff seriously, and managers are supported in taking action to address such behaviour of their staff.

In this instance at EGRP, the dysfunction among senior staff was primarily caused by the behaviour of one individual staff member. The Superintendent EGRP has taken action to address the behaviour of this staff member through the Department's Performance, Appraisal and Development System (PADS) and coaching/mentoring.

The concerns raised by OICS are not indicative of how the senior management team at EGRP generally treat each other or the prison community as a whole, however staff behaviour will be subject to ongoing senior management monitoring.

4 Develop a strategy to recruit and retain more aboriginal staff at EGRP.

Level of Acceptance:	Supported
Responsible Directorate:	Corporate Services
Responsible Business Area:	Human Resources
Proposed Completion Date:	Completed

Response:

The Department continues to have a strong focus on Aboriginal recruitment with Section 51 of the Equal Opportunity Act being applied to advertising. Four targeted advertising campaigns featuring Aboriginal staff have been undertaken since the establishment of the Department's in-house Bulk Recruitment function in July 2018 and three ELTPs have been delivered locally.

The strategy consists of the Department's Aboriginal Workforce Development Unit engaging with the local community on an on-going basis and providing Aboriginal people with support and guidance throughout the recruitment process.

5 Develop a Crisis Care facility that is appropriate for vulnerable prisoners in need of high level support.

Level of Acceptance:	Not Supported
Responsible Directorate:	Corrective Services
Responsible Directorate:	Adult Male Prisons
Proposed Completion Date:	N/A

Response:

The EGRP Crisis Care Unit (CCU) was designed as a short term unit for immediate crisis of prisoners and never designed as a long term unit.

EGRP is a PPP prison that requires any modifications to go through the Contract and to be approved by Project Co. Any changes will also require budget approval and for the changes to be life cycled into a maintenance cost for the next 20 years.

Options have been considered previously, including extending the secure yard and changes to soft furnishings and carpets. These options were not supported due to the associated unacceptable risks.

While changes may continue to be considered, these will only progress where risks can be acceptably managed.

In addition, the Prison Services Evaluation (PSE) Project is currently evaluating options to realign the prison network in order to better address the needs of prisoners, with a focus on the management of vulnerable and high needs cohorts across the estate.

Any medium-long term changes to service delivery for vulnerable, high-needs cohorts at EGRP will need to be aligned with the outcomes of the PSE Project. The PSE Project will present its recommendations to the Expenditure Review Committee as part of the 2020-21 Budget Process.

The use of the CCU will be reassessed to ensure that it is only ever used for its original intended purpose of a short-term stay, in accordance with Local Order 15 - Prisoners Placed in Observation.

6 Provide consistency and leadership for reception staff.

Level of Acceptance:	Supported
Responsible Directorate:	Corrective Services
Responsible Business Area:	Adult Male Prisons
Proposed Completion Date:	Completed

Response:

The Senior Officer roster has been re-written to have the same three Senior Officers rostered to work in each Unit, including Reception. The non-rotation of these staff has led to greater ownership and leadership consistency for reception staff.

7 Expedite the arrangements for a local dental provider to attend EGRP.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services
Proposed Completion Date: Completed

Response:

There is an existing MOU between the Department of Justice, Corrective Services and the North Metropolitan Health Service, Dental Health Services (DHS) for the provision of primary dental care to nominated prisons.

Through the DHS, there is an arrangement with the Boulder Dental Clinic to attend EGRP for two appointments per week on an ongoing basis. It is acknowledged that there was a waitlist for prisoners to see a dentist. In response to this, a dedicated dental clinic was provided at EGRP through the DHS and funded by the Department from 21 - 25 September 2020 to address the waitlist. Further dedicated clinics will be considered on an as needs basis.

8 The Department should review whether the contract with BRS is adequate to meet the needs for EGRP and implement changes where necessary.

Level of Acceptance: Supported
Responsible Directorate: Corrective Services
Responsible Business Area: Operational Support
Proposed Completion Date: 31 December 2021

Response:

Broadspectrum (BRS) are contracted to take over custody of an unscheduled Hospital Sit within three hours of the prisoner being admitted to hospital. In 2019, Corrective Services clarified with BRS that there was no cap on the total number of hospital sits they were required to undertake per day.

Since September 2019, Corrective Services has more stringently applied the Specified Event regime when BRS fails to meet this service requirement. As a result, BRS have been completing a greater number of hospital sits, thereby reducing the total volume of hours prison officers are required to maintain custody of prisoners in these circumstances.

Notwithstanding this overall improvement, the hospital sit data for EGRP shows that only a small proportion of hospital sits were taken over by BRS. Corrective Services will seek to resolve this matter in order to further increase the number of unscheduled Hospital Sits undertaken by BRS at EGRP.

9 EGRP must be supported to provide adequate specialist mental health services for prisoners on site.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services
Proposed Completion Date: Completed

Response:

The Department has established a dedicated Mental Health, Alcohol and Other Drug Branch (MHAOD) which oversees the delivery of a cohesive and multi-disciplinary case management approach to mental health services.

Through the MHAOD Branch, EGRP are supported to provide specialist mental health services through a weekly teleconference by a Registered Mental Health Nurse (RMHN) who provides support and advice to primary health staff. In addition, a Consultant Psychiatrist attends to a clinic list regularly (approximately every fortnight).

Recruitment of a RMHN at EGRP is currently underway, which will enable EGRP to provide specialist mental health care to prisoners on site. It should be noted that recruitment and retention of staff for all positions in the Goldfields region is challenging.

10 The Department should develop and implement a transparent process for the transfer of prisoners with acute health or mental health needs that cannot be managed locally.

Level of Acceptance: Not Supported
Responsible Directorate: Corrective Services
Responsible Business Area: Offender Services
Proposed Completion Date: N/A

Response:

The Department is not aware of any situation where a prisoner who is clinically assessed as requiring a transfer, would be refused a transfer by the appropriate receiving prison.

Prisoners are transferred between facilities for varying reasons and transfers are often negotiated between Superintendents. Where Superintendents/facilities are unable to agree, population management are able to step in and facilitate an appropriate solution.

11 EGRP to explore all possible solutions to provide confidentiality in the Skype, video link and court suites and implement the most effective solution.

Level of Acceptance: Supported in Principle
Responsible Division: Corporate Services
Responsible Directorate: Procurement, Infrastructure and Contracts
Proposed Completion Date: 31 December 2021

Response:

The issue will be investigated and an appropriate solution will be discussed and agreed with Project Co., the facility owners.

12 The Department should ensure that there is an interface between the 'alerts module' and 'visits booking module' in TOMS.

Level of Acceptance: Not Supported
Responsible Directorate: Corrective Services
Responsible Business Area: Adult Male Prisons
Proposed Completion Date: N/A

Response:

The basis for this recommendation is incorrect. TOMS does alert visits booking staff of a prisoners active alerts when attempting to book a visits session.

Additional controls have also been established at EGRP to review active alerts where applicable:

- Local Order 01 - Night Shift Routines, section 5.7.
- Local Order 19 - Visits Centre Operations, sections 3.1, 3.2, 3.4 and 6.1.
- Local Order 22 - Internal Prisoner Movement, section 5.

The requirement for staff to review active alerts when booking alerts will be reinforced.

13 The Department should identify solutions to ensure that the prisoner phone system was operating effectively at EGRP and in all prisons.

Level of Acceptance: Supported
Responsible Directorate: Corporate Services
Responsible Business Area: Knowledge, Information and Technology
Proposed Completion Date: 30 June 2021

Response:

The Department has taken the following actions to remediate the finding by:

- Increasing the volume level settings on each individual Prisoner Telephone handset;
- Increasing the volume gain levels on the Prisoner Telephone System PABX;

- Conducting full end-to-end testing of internal cabling infrastructure to verify connectivity and to ensure performance is within accepted tolerance levels; and
- Assessing the local area network infrastructure.

The Department is aware of continuing issues of intermittent disconnection of some PTS handsets and will be auctioning necessary changes to address.

14 If offender notes are to be used for any administrative decision making then they should be subject to natural justice, including the right of reply.

Level of Acceptance: Not Supported
Responsible Directorate: Corrective Services
Responsible Business Area: Adult Male Prisons
Proposed Completion Date: N/A

Response:

The vast majority of offender notes are simply used for 'noting interactions' between staff and prisoners e.g. EVTU course interview and are how staff pass information onto other staff members. It is accepted that there are some negative notes where incidents / issues are not worthy of generating an Incident Description Report (IDR). IDRs generally lead to prisoners being subject to the Disciplinary Charge process and are not subject to prisoner disclosure either. Where a prisoner feels they are disadvantaged by offender notes, they are able to request copies locally through a Unit Interview Form being provided to the Assistant Superintendent Offender Services.

15 Ensure that treatment assessments are undertaken in person rather than over the phone.

Level of Acceptance: Not Supported
Responsible Directorate: Corrective Services
Responsible Business Area: Rehabilitation and Reintegration
Proposed Completion Date: N/A

Response:

The IMP Review considered the need for a dedicated resource, and determined the demand was insufficient to justify it. While telephone assessment is not generally the preferred modality of assessments, this practice has occurred on a needs basis since 2017. To date there has been no indication that engagement over the telephone has adversely impacted on the level of information required to provide a defensible and robust assessment of risk with appropriate treatment recommendations. The treatment assessors have been able to build a sufficient level of rapport to elicit appropriate levels of disclosure over the telephone.

It should be noted that face to face assessments may also increase the backlog of IMPs at EGRP. As a result of the review of the IMP process, it is expected that majority of the IMPs would be completed by the time the prisoners are transferred to EGRP.

16 The Departure should engage stakeholders with a view to identifying solutions that address the immediate welfare and transport home needs of prisoners released through the courts or prison.

Level of Acceptance: Supported in Principle
Responsible Directorate: Corrective Services
Responsible Business Area: Rehabilitation and Reintegration
Proposed Completion Date: 31 December 2021

Response:

The Transport Options Program (TOP) assists sentenced prisoners to return to their homes upon release from prison or work camp to receive support from family and friends, and to give them the opportunity to engage with NGO rehabilitation and reintegration services post release. Remand prisoners are currently out of scope for this service.

All referrals for TOP services must be generated by Department of Justice staff with a minimum of five working days' notice to allow the development and implementation of the Return Plan that comprises numerous requirements including a pre-travel medical assessment (completed by a Department Medical Officer), the need to obtain permission from the nominated community representative, and community entry permits where required.

Remand prisoners do not have a set release date as such there may not be sufficient time to develop the Return Plan and satisfy the criteria of fit to travel, community approval, entry permits etc.

Although TOP only services sentenced prisoners, it is acknowledged that there is a service gap for prisoners on remand or people needing to be transported home from Courts. Addressing this gap would require extensive input from a variety of multi-agency stakeholders including Police, Community Services, Courts and other government departments.

17 Management must set clear expectations for all staff to ensure they work within the Operational Philosophy. The Unit 4 plan should be updated as a first priority and all other relevant procedures, plans and policies should be reviewed to remove any inconsistency.

Level of Acceptance: Supported
Responsible Directorate: Corrective Services
Responsible Business Area: Women and Young People
Proposed Completion Date: 31 December 2021

Response:

The Women and Young People (WYP) Directorate will work with the Superintendent to develop and update the operational philosophy and unit plan of the female unit.

18 All officers at EGRP should complete Working with Women training.

Level of Acceptance:	Supported
Responsible Directorate:	Corrective Services
Responsible Business Area:	Women and Young People
Proposed Completion Date:	31 December 2021

Response:

All new recruits undertake Working with Women training as part of their initial training course, and a revised and brief online course is currently in development to be rolled out to all prisons by the end of 2020.

The Superintendent EGRP will then ensure officers complete the Working with Women online training.

Attachment A: Inaccuracies and Comments

OICS Reference	OICS Information	DOJ Comments
Page 1, Paragraph 7	<i>“The need to keep work camps viable by keeping numbers high, may be to the detriment of opening Unit 5”</i>	<p>Warburton Work Camp was reopened due to demands made by the Warburton Community.</p> <p>The utilisation of Unit 5 is part of the State's prisoner population management strategy.</p>
Page 5, Paragraph 1	<i>“However, we were also approached in confidence by numerous staff who did not believe the grievance system worked because issues were allegedly ‘swept under the rug’”</i>	<p>The Department takes the conduct of staff seriously and the conflicting comments made does not convince the Department that there is a wide-spread issue at EGRP.</p> <p>The number of officers interviewed or participated in the survey may go some way towards understanding the significance of the issue.</p> <p>As advised in the response to the recommendation on this issue, the dysfunction among senior staff was primarily caused by the behaviour of one individual staff member. The Superintendent EGRP has taken action to address the behaviour of this staff member through the Department's Performance, Appraisal and Development System (PADS) and coaching/mentoring.</p>
Page 5, Paragraph 5	<i>“However, the overall increase was small, and due to an increase in the prisoner population, it did not constitute a proportionate increase in Aboriginal staff at the prison”</i>	<p>The Department continues to have a strong focus on Aboriginal recruitment with Section 51 of the Equal Opportunity Act being applied to advertising. Four targeted advertising campaigns featuring Aboriginal staff have been undertaken since the establishment of the Department's in-house Bulk Recruitment function in July 2018 and three ELTPs have been delivered locally.</p>

OICS Reference	OICS Information	DOJ Comments
Page 5, Paragraph 6	<i>“Aboriginal prisoners are known to seek out Aboriginal staff for assistance and support, particularly if the staff member can communicate with the prisoner in their own language”</i>	While it is clearly helpful if staff, including Aboriginal staff, can speak a particular language and can communicate effectively with prisoners, it is often not able to be achieved. Aboriginal staff continue to be recruited across the state with due consideration given to addressing language barriers as best as possible.
Page 11, Paragraph 1	<i>“We found that communication at the prison at many levels was poor or inconsistent. Both staff and prisoners complained to us about inconsistency”</i>	The Department is not aware of any evidence to support this. The provision of evidence from OICS may assist in addressing the issue should it exist.
Page 15, Paragraph 5	<i>“We were also informed that there had been interest from local private dentists to do regular clinics at the prison, once the facilities and equipment are finalised. We would also encourage this interest to be quickly followed up, and, if appropriate, a dentist engaged for regular service”</i>	There is an existing MOU between the Department of Justice, Corrective Services and the North Metropolitan Health Service, Dental Health Services (DHS) for the provision of primary dental care to nominated prisons. The provision of dental services at EGRP is occurring.
Page 16, Paragraph 9	<i>“We were told that the primary health care staff have not been provided with specialised mental health training. If the Department expects its primary health staff to fill this gap, then it is incumbent on them to provide specialised training”</i>	EGRP are supported to provide specialist mental health services through a weekly teleconference by a Registered Mental Health Nurse (RMHN) who provides support and advice to primary health staff. In addition, a Consultant Psychiatrist attends to a clinic list regularly (approximately every fortnight).
Page 24, Paragraph 7	<i>“If Offender Notes influence assessments and reports on prisoners, they must be subject to natural justice”</i>	Where a prisoner feels they are disadvantaged by offender notes, they are able to request copies locally through a Unit Interview Form being provided to the Assistant Superintendent Offender Services.

OICS Reference	OICS Information	DOJ Comments
Page 25, Paragraph 5	<p><i>“The Department must prioritise and resource clearing the backlog as soon as possible so that more prisoners are properly assessed for their needs and not put at a disadvantage.”</i></p>	<p>The Department has made considerable efforts to reduce the backlog of outstanding IMPs.</p> <p>Between July 2019 and May 2020, the Department has reduced the number of outstanding IMPs by 50%.</p>
Page 28 Paragraph 1	<p><i>We were told by prisoners that:</i></p> <ul style="list-style-type: none"> • <i>Unit workers did not have enough to do.</i> • <i>Prisoners were just emu bobbing for rubbish and washing the walls.</i> • <i>There were not enough work opportunities for Aboriginal men.</i> • <i>Only “white men” got to do Certificate training.</i> • <i>EGRP was not like West Kimberley Regional Prison, where men learned skills and got work experience that helped when they returned to their communities.</i> 	<p>The accuracy of this information needs to be verified.</p> <p>According to data as at 1 September 2020, 81% of prisoners are engaged in some form of work, 62% being Aboriginal.</p> <p>There is no preferential treatment given to "white men". Currently there is no prisoners - Aboriginal or non-Aboriginal doing certificate training.</p> <p>75% of eligible prisoners involved in s95 work are Aboriginal.</p>
Page 28 Paragraph 3	<p><i>“Data shows that 44 per cent of Aboriginal prisoners were either not working or were under-employed, compared to just 21 per cent of non-Aboriginal prisoners who were not working or under-employed. TOMS recorded the presence of Aboriginal prisoners at most work places, however, all s95 workers at the time of the inspection were non-Aboriginal. There was better representation in the kitchen which is a favoured workplace with around 65 per cent of the workers being Aboriginal. Of the seven Warburton Work Camp workers at the time of the inspection, five were Aboriginal, but not all were from local communities.”</i></p>	<p>There is no disproportionate employment for Aboriginal and non-Aboriginal prisoners at EGRP. 82% of the total Aboriginal prisoners and 79% of the total non-Aboriginal prisoners are engaged in employment.</p>

OICS Reference	OICS Information	DOJ Comments
Page 28 Paragraph 4	<p><i>“Observations during the inspection found that like most prisons in the state, the amount of available meaningful work did not match the population of the prison. This not only results in unbalanced ratios within the work force but also makes it difficult to balance the gratuities profile. It also creates a divide between the haves and the have nots as far as work and earnings.”</i></p>	<p>This statement is ambiguous. A better understanding of how gratuities are distributed may assist.</p>
Page 34 Paragraph 2	<p><i>“While it was evident that progress had been made in improving services for women at EGRP, we were concerned about a small, but damaging, pocket of resistance to many of the positive changes we saw.”</i></p>	<p>The Department does not tolerate discrimination against male or female prisoners. The Department’s Code of Conduct standards expects officers to act <i>without prejudice and should not unlawfully discriminate or harass in any form based on gender</i>. In addition, custodial staff are required to undertake working with women training.</p> <p>The Department however will work to address specific concerns if further information can be provided.</p>