



Government of **Western Australia**  
Department of **Justice**  
**Corrective Services**

# Response to Review:

*Snapshot Series:* People in Custody with a  
Hearing Impairment

**October 2023**

Version 1.0

## Response Overview

### Introduction

The Snapshot Series Review into *People in Custody with a Hearing Impairment* (the Hearing Impairment Review) was announced by the Office of the Inspector of Custodial Services (OICS) on 20 March 2023. A wide range of documentation, statistics and access to systems, policies, processes, custodial facilities including staff and prisoners were made available to OICS upon request for the purpose of the review.

On 20 July 2023, OICS provided a debrief on the Hearing Impairment Review findings and on 28 August 2023, the Department of Justice (the Department) received the draft report for review and comment. The draft report highlighted the key findings and made 11 recommendations. The Department has reviewed the draft report and provides further context, comments, and responses to the recommendations.

### Review Comments

The Department recognises the importance of hearing as a fundamental method in how we communicate with each other, interact with our surroundings, and function in our day-to-day lives. The Department welcomes the findings of the OICS Hearing Impairment Review which highlights the progress the Department has made towards addressing hearing impairment issues for people in custody, whilst noting the challenges to ensuring all people in custody receive an appropriate level of care and treatment in respect to ear and hearing health.

The Department has recently implemented a number of initiatives to assist in identifying hearing impairments in people in custody. In 2021, the Department introduced functional impairment screening by clinical staff to identify potential impairments in people across various health domains, including hearing. The screening is not a formal diagnostic tool, but a mechanism that assists clinical staff in identifying potential impairments through general observation and interaction, which subsequently allows for formal referrals to be made for audiology services where hearing issues are apparent.

As acknowledged in the Hearing Impairment Review findings, the screening has helped identify more hearing-impaired people in custody. Some data inconsistencies have been identified since the launch of the screening, resulting in the Department introducing controls to address these issues. Health Services conducts audits of the data to identify and correct inconsistencies, and regularly liaises with facility-based clinical staff to encourage the use of screening and reinforce its correct application.

As at September 2023, approximately 70 per cent of the current adult and youth custodial population had received the screening, demonstrating the Department's commitment to the successful rollout of the tool and the identification of prisoners with health impairments including hearing.

It is the Department's intention to undertake screening for all persons upon reception into custody. In addition, the Department continues to promote other mechanisms in place to identify hearing impairments. These include encouraging self-reporting, through annual health assessments, and general health awareness campaigns.

Given young people in custody are identified as at high risk of having unidentified hearing impairments, the Department commenced a pilot program at Banksia Hill Detention Centre for audiology screening, delivered by Shoebox Audiometry. This service has since been determined as unsuitable for rollout, with other screening tools now being considered.

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The Department is currently assessing the feasibility of two alternative screening solutions; 1) an online screening tool delivered by audiology service *SoundScouts*, which is currently undergoing assessment for suitability and funding approval; and 2) an in-reach service delivered by *Amplifon Australia*, which currently provides in-reach audiology at Acacia Prison.

It was pleasing to note OICS' findings in relation to the adjustments made to improve access to treatment and education programs. Facilitators conducted assessments to determine what supports were required for hearing impaired participants prior to commencing programs. The Department recognises this as an important practice.

Planning is also underway for long-term infrastructure and technology improvements across the custodial estate that will help provide solutions for supporting people in custody with hearing impairments. The Department has prepared a budget submission for the 2023/24 Mid-Year Budget Review seeking funding to commence the implementation of an Offender Digital Services Platform (ODSP). Through the ODSP, the Department proposes to install a new prisoner communication system and associated infrastructure, which will include potential solutions for how prisoners with hearing impairments are communicated with within a custodial environment.

It is anticipated that the planned co-location of Health Services and the Disability Co-ordination Team (DCT) will improve information exchange and communication channels, resulting in a greater and efficient exchange of offender health-related information.

The findings of the OICS Hearing Impairment Review will be considered as part of the current review of the Commissioner's Operating Policy and Procedure (COPP) 4.8: *Prisoners with Disability*. The Operational Policy team will assist custodial facilities in localising policy amendments to ensure all facilities have up-to-date procedures in managing prisoners with disabilities, including hearing impairments.

## Response to Recommendations

### 1 Review the findings of the inquest into the death of Mootijah Shillingsworth and consider changes to medical induction processes to improve identification of chronic middle-ear infections in at-risk populations.

<b>Level of Acceptance:</b>	Supported in Principle
<b>Responsible Division:</b>	Corrective Services
<b>Responsible Directorate:</b>	Offender Services

#### Response:

The Department has conducted an initial review of the findings arising from the inquest into the death of Mootijah Shillingsworth. There are multiple differences in medical induction processes from NSW in comparison to Western Australia and the Department has not identified any practice changes for implementation. Of note, all persons within the Department's care are scheduled for review by a General Practitioner within 90 days of reception. This reception assessment is comprehensive and includes but is not limited to the following:

1. ear examinations;
2. enquiries as to whether the person in custody is experiencing ear issues (e.g, pain, discomfort or other symptoms indicative of an infection);
3. enquiries relating to whether the person has received any care from specialists within the community and whether they are on any waitlists in relation to their ear issues; and
4. questions pertaining to whether the person has any family history of ear issues.

The current process the Department has in place is distinguished from the process at the time in NSW whereby reception assessments were only done by nurses and GP referrals were "as required" rather than as a matter of course.

A further distinction is that at the time of the death of Mr Shillingsworth, NSW had paper-based medical records in comparison to the electronic medical record system the Department has in place, which enables nursing and medical staff to access both current and historic health information.

Further, persons that present with ear complaints whilst in the Department's care are reviewed by members of the health team and all health centres are equipped with auroscopes and equipment for conducting ear examinations, and CT scans to detect middle-ear infections are facilitated via public hospitals when required.

### 2 Review Disability Co-ordination Team referral processes and address the feedback loop error from Health Services.

<b>Level of Acceptance:</b>	Supported
<b>Responsible Division:</b>	Corrective Services
<b>Responsible Directorate:</b>	Offender Services

#### Response:

It is anticipated that the planned co-location of Health Services and the Disability Co-ordination Team (DCT) will improve information exchange of health-related information between the respective business areas and mitigate the possibility of the DCT not being notified when a diagnosis occurs.

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### **3 Expedite development of a well-resourced disability services team for adult prisoners.**

**Level of Acceptance:** Supported in Principle  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services

#### **Response:**

The Department is developing a proposal to expand the DCT, which will inform future budget submissions.

### **4 Develop a policy framework for identifying disabilities in young people who enter custody.**

**Level of Acceptance:** Not Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Women and Young People

#### **Response:**

The following mechanisms are in place to (1) identify disabilities in young people; and (2) to manage young people with disabilities:

1. Youth Justice Services (YJS) community staff are the primary case managers for all sentenced young people, and are responsible for creating and updating disability alerts on the Total Offender Management Solution (TOMS) for all young people who are clients of community YJS (including young people in detention). In addition all sentenced young people have a Youth Justice Officer (YJO) assigned to them.
2. Those who do not have an assigned YJO are case managed by a Senior Case Manager, who assume the responsibility for the creation and updating of disability alerts.
3. The Disability Alert on TOMS is accessible to all centre staff and includes any confirmed diagnoses, or areas of significant deficits, and whether the young person is registered with National Disability Insurance Scheme (NDIS). The alert also includes an explanation of the young person's deficits in non-psychological language, as well as strategies that can be used by staff to inform their approach, interactions, supervision, support and management of young people with a disability.
4. Where concerns are identified regarding a young person's level of cognitive functioning, a request can be made by the Courts for a full neuropsychological, or neurodevelopmental report to be completed.
5. A NDIS Justice Liaison Officer is co-located at Banksia Hill to support referrals and engagement of NDIS funded services.

In addition, the Department is in the process of establishing a multidisciplinary team comprising of a Neuropsychologist, Speech Pathologist, Occupational Therapist, Psychiatrist and Paediatrician to provide assessment and intervention services for those young people identified as having neurocognitive deficits. In view of the abovementioned practices, it is considered that a formal policy is not required.

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**5 Examine the cost-benefits of using ShoeBox to screen all people in custody for hearing loss.**

**Level of Acceptance:** Not Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services

**Response:**

The Department has determined the use of Shoebox as unsuitable for rollout across the custodial estate and is currently considering two alternative audiology screening solutions as follows:

- 1) An online screening tool delivered by *SoundScouts*. The Department is in the process of determining the funding requirements for this tool and investigating its compatibility with the Department's systems.
- 2) In-reach audiology services delivered by *Amplifon Australia*. The Department is looking at the possibility of Amplifon delivering in-reach services at public custodial facilities. The engagement of Amplifon would bring the Department in line with Acacia Prison's audiology services, which are currently being serviced by Amplifon through an agreement with Serco.

**6 Establish in policy expanded eligibility criteria for providing Department-subsidised hearing aids to people in custody.**

**Level of Acceptance:** Not Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services

**Response:**

The Department does not support this recommendation on the basis that the Health Services policy is in line with community equivalence and standards and the Department ensures that all funding sources available to a person in custody are considered when sourcing hearing aids. In the event a person in custody does not qualify for funding, the Department will consider each case individually for funding by the Department.

**7 Amend PM15 – Additional Medical Costs and Orthopaedic Appliances to reflect current practice that prisoners are not required to purchase replacement hearing aid batteries at their own expense.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services

**Response:**

The Department's Health Services will amend PM15 – *Additional Medical Costs and Orthopaedic Appliances* to remove the requirement for prisoners to purchase hearing aid batteries at their own expense. This amendment will reflect the current practice of exchanging batteries via health centres.

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**8 Amend custodial policies to encourage staff to consider how a known or suspected impairment or disability may relate to, or partly explain, poor behaviour or misconduct.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Operational Support

**Response:**

COPP 4.8 *Prisoners with Disability* contains processes for prisoners who have difficulty communicating or understanding information being presented to them. This COPP is currently being reviewed and in consultation with stakeholders, consideration shall be given to consider the impact an impairment may have on a prisoner's behaviour. The review will also see the alignment of COPP 4.8 to other operational policies, such as COPP 10.1 – *Prisoner Behaviour Management*, COPP 10.5 – *Prison Offences and Charges*, and COPP 11.3 – *Use of Force and Restraints*.

**9 Introduce sound amplification technology into classrooms and treatment program rooms to improve accessibility for hearing-impaired people in custody.**

**Level of Acceptance:** Supported in Principle  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services

**Response:**

The Department supports in principle the use of sound amplification technology in classrooms and treatment program rooms and is currently exploring the feasibility of trialling the technology, pending funding availability and identification of a trial facility.

**10 Explore alternative methods for communicating announcements, instructions and emergency warnings to people in custody with sensory impairments such as hearing loss.**

**Level of Acceptance:** Supported in Principle  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons

**Response:**

Adult Male Prisons will collaborate with business areas and custodial facilities to ensure that where necessary, alternative communication techniques are implemented to provide announcements, instructions and emergency warnings beyond the current support mechanisms for prisoners with hearing impairments.

This will also be explored through the scope of the ODSP project, which ties in with the Department's Long-Term Custodial Technology Strategy that will support the modernisation and digital transformation of prison Information and Communications Technology services and infrastructure.

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**11 Provide custodial staff with training on hearing health and common behaviours associated with hearing-impaired people in custody.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Operational Support

**Response:**

A review of the current *Disability Awareness Training* and *Effective Communication* training currently provided to Prison Officers and Youth Custodial Officers will be conducted to determine suitable additional information relating to hearing impairment.

The added training information will assist officers in their understanding of the behaviours associated with hearing impairments and how these may be misconceived as poor behaviours, whilst enabling staff to assist in supporting better communication and de-escalation techniques within the Corrective Services setting.