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REPORT OF AN ANNOUNCED INSPECTION OF
BANDYUP WOMEN'S PRISON



Report of an Announced Inspection of
Bandyup Women's Prison

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Contents

THE INSPECTOR'S OVERVIEW

A WOMEN-CENTRED APPROACH TO CUSTODIAL MANAGEMENT

STARTS TO TAKE HOLD AT BANDYUP PRISON iii

CHAPTER 1

A CONTEXTUAL ANALYSIS OF BANDYUP IN 2005 1

Introduction 1

Inspection Methodology 2

Inspection of Bandyup Women's Prison in 2002 3

The Two Faces of Bandyup 5

Imprisonment of Women in Western Australia 6

Staying True: A fundamentally women-centred approach to the custodial
management of Women 8

How effectively does Bandyup manage the needs of women in its custody? 10

Change Management at Bandyup 11

Bandyup Women's Prison: A State or Local Facility? 14

Particular Challenges for Bandyup 16

Conclusion 19

CHAPTER 2

BANDYUP, THEN AND NOW 20

Introduction... 20

Strategic Policy... 20

Security and Safety... 24

Staff Ratios, Recruitment and Training 33

Staff Orientation and Training 34

Health..... 38

Work, Education and Training 42

Programs... 46

The Nursery... 49

Then and Now..... 52

PHOTOS OF BUNBURY REGIONAL PRISON 53

CHAPTER 3

| | |
|--|----|
| A WOMEN-CENTRED PRISON? | 55 |
| The Question of Welfare: Who is Responsible? | 56 |
| Quality of Life | 59 |
| Staffing Issues | 65 |
| Mothers and Mothers-To-Be | 67 |
| The Grievance Process..... | 71 |
| Health Services | 73 |
| Discipline and Punishment | 76 |
| Relationship with Boronia Pre-Release Centre | 81 |
| Re-entry | 82 |
| Lifers | 85 |
| Where to From Here?..... | 86 |

CHAPTER 4

| | |
|------------------------|----|
| THE WAY FORWARD..... | 87 |
| The Achievements | 87 |
| The Deficits..... | 88 |
| A Final Comment | 89 |

CHAPTER 5

| | |
|-----------------------|----|
| RECOMMENDATIONS | 90 |
|-----------------------|----|

APPENDIX 1

| | |
|---|----|
| DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006 RECOMMENDATIONS | 92 |
|---|----|

APPENDIX 2

| | |
|------------------|-----|
| SCORE CARD | 102 |
|------------------|-----|

APPENDIX 3

| | |
|-----------------------|-----|
| INSPECTION TEAM | 106 |
|-----------------------|-----|

APPENDIX 4

| | |
|----------------|-----|
| KEY DATES..... | 107 |
|----------------|-----|

The Inspector's Overview

A WOMEN-CENTRED APPROACH TO CUSTODIAL MANAGEMENT STARTS TO TAKE HOLD AT BANDYUP PRISON

At the time of this inspection (May 2005) Bandyup Women's Prison had achieved a significant turnaround from the unacceptably low performance at the time of the previous inspection (June/November 2002). In opening my Exit Debrief, I reminded staff of that bleak experience as follows:

'The prison was [in 2002] in a state of near-crisis: disorderly, directionless and unsafe. Staff morale was low, and Management confused and despairing. Health services were very poor, industries tokenistic, programs almost non-existent, welfare support services threadbare, visiting opportunities and facilities sub-standard. There was no leadership from Head Office to support on-site Management.... Bandyup was at that time a male prison occupied by females.... There was no grasp within the Department of the idea that the imprisonment of women must be based upon a women-centred philosophy.'

This Report sets out in detail the various improvements and achievements. A good measure is that 16 of the 22 Recommendations from our first Report had been implemented to an extent that was acceptable – the highest rate in any of the prisons that have so far been subject to second-phase inspections. The main driver of this came from the fact that, at about the time our concerns about Bandyup were becoming apparent, the Department set up a new Directorate of Women's Custodial Services. This Directorate was to be responsible for the conditions of women prisoners across the whole State though, if overall progress were to be achieved, Bandyup was the key site to get right by implementing a women-centred approach to custody. Such an approach emphasises women's roles as mothers and carers, their high levels of pre-imprisonment abuse, their chronic health needs and the crucial factor of building self-esteem through skilling and education: see further paragraphs 1.34 – 1.42. In the case of Bandyup, where more than half of the population are Aboriginal, each of these matters the overlay of the place of Aboriginal women in their society.

The first occupant of that position, Ms Cheryl Clay, set out to cooperate with this Office to bring about change, initiating a series of regular meetings where progress was reported and further input invited. When Ms Clay left the Department, her successors honoured that process. This has proved to be an extremely effective model for moving a prison forward, representing at its best the 'partnership' aspect of inspection.

Recognising that the implementation of a women-centred approach required profound cultural change, not merely tinkering with the existing regime, the Director of Women's Custodial Services put a 'change management' team into the Prison. Such a team can work 'off line', not bogged down with the daily routines of the prison, whilst Management does not have to try to conceptualise and lead the change.

The first objective of the change management team was to bring in a 'structured day'. For every prisoner, there must be some point and purpose to the day, something to be done or followed up in an ordered way. Previously Bandyup was notable for its idleness and the lackadaisical air that pervaded the whole regime. A structured day feeds into everything else in the prison regime – the sense of safety, the quality of interpersonal and inter-racial relations, and the morale of both staff and prisoners. Changes to the gratuity system fortified

A WOMEN-CENTRED APPROACH TO CUSTODIAL MANAGEMENT
STARTS TO TAKE HOLD AT BANDYUP PRISON

this development; prisoners can now be rewarded as much for how committed they are to use their time constructively within their own capacity as for what jobs they are doing (see paragraphs 2.111 – 2.115).

Another aspect of women-centred imprisonment relates to staffing. For many years Bandyup's management and senior ranks had been dominated by males. This Office had argued that a target of a 60/40 female/male split should be achieved across the site, and by the time of the inspection this was the case. However, the key middle management rank on the ground – Senior Officers – was still dominated by males. The Department to its credit has, since the inspection, successfully sought exemption under section 135 of the *Equal Opportunity Act 1984* to enable promotion of women officers to that rank for the purposes of service at Bandyup: see W.A. Government Gazette, 9 June 2006, pages 2045–2048 (decision of the State Administrative Tribunal).

It is important that the improvements at Bandyup do not lose their momentum. In that respect there are some causes for concern. First, there have been delays in commencing major planned improvements to the site. These relate to: the construction of 40 new self-care beds in house-style blocks; the construction of a proper entrance and functional gatehouse; and related to that the improvement of visiting facilities (crucial to a women-centred custodial philosophy). The earliest time at which these projects may now commence is February 2007, with completion anticipated by March 2008 – though these timelines are dependent upon the exigencies of the tendering and construction process.

Construction and commissioning of the self-care accommodation and regime is particularly important as it ties in with the proper and full utilisation of the Boronia Pre-Release Centre. This facility was opened in May 2006, so had been operational for a year at the time of our inspection of Bandyup. It is a far-sighted initiative, adopting a women-centred philosophy of custodial management. However, as at May 2005, it is being under-utilised. A facility that could handle 70 prisoners usually accommodates between 40 and 50.

The explanation for this is that Bandyup does not consider that sufficient prisoners are at any given time ready for transfer to an environment that in security terms is virtually open and which in regime terms requires a considerable degree of self-management. Our concern was that Bandyup had not been making sufficient effort to take prisoners (particularly Aboriginals) to the point where they were ready for successful transfer to Boronia. This matter is fully documented in paragraphs 3.129 – 3.134, and underpins Recommendation 28. The proposed new self-care unit should be a stepping stone for some prisoners to the Boronia Pre-Release Centre, thus enabling better correctional value-for-money to be obtained from the investment in Boronia whilst simultaneously improving the quality of prison life at Bandyup.

A second matter of concern was the paucity of case management inputs. Only about one-third of the eligible prisoners had received an IMP. Consequently, there was very little planning to enable them to address their offending behaviour through taking appropriate offender programs. This has a knock-on effect in terms of possible release on parole and also impacts upon the utilisation of the pre-release facilities of Boronia.

A WOMEN-CENTRED APPROACH TO CUSTODIAL MANAGEMENT
STARTS TO TAKE HOLD AT BANDYUP PRISON

There are other matters of some concern mentioned in this Report, but it would be churlish to dwell upon them in a context where the prison has made such good progress. The greatest risk for the future is that the Department of Corrective Services might dilute its commitment to the notion of a dedicated Director of Women's Custodial Services. There has been some talk during the re-organisation of the Department about making this position also responsible for the management of some of the adult male prisons. This would be an egregious and unnecessary error. The present organisational arrangement is one of the few in the Department that one can unequivocally say has worked well. It should not be weakened. Issues relating to the imprisonment of women will always need a high-level champion in any Prison Service, and Western Australia, having recognised this and achieved real improvements in the provision of services to women in custody, should stick to a winning formula.

Richard Harding
Inspector of Custodial Services
19 June 2006.

Chapter 1

A CONTEXTUAL ANALYSIS OF BANDYUP IN 2005

INTRODUCTION

- 1.1 The Office of the Inspector of Custodial Services is mandated, under s 19 of the *Inspector of Custodial Services Act 2003* (WA), to inspect each prison in Western Australia at least once every three years. The Office is currently engaged in the second phase of inspections with each prison, detention centre and court custody centre in the state having been subject to at least one formal inspection since the establishment of the Office in June 2000. This Report chronicles the second announced inspection of Bandyup Women's Prison that occurred between 22 and 27 May 2005.
- 1.2 Roebourne Regional Prison was the first prison that was re-inspected as part of the scheduled inspection cycle. Report No. 24 explores the second formal inspection of that prison which took place in November 2003. In that report, the Inspector explained the framework for reporting findings of second round inspections. Essentially, reports of second round inspections have the following two purposes:
- to measure progress against the baseline findings of the initial inspection and, of course, the recommendations that emerged from these findings; and
 - to identify new issues that emerged during the inspection of the facility, which are in effect new findings that generate new recommendations.
- 1.3 These reports, therefore, satisfy the statutory responsibility of this Office, shed light on current performance and expose new matters to be addressed by the prison. These new matters will, in turn, be monitored as part of the process of continuous inspection, and the effectiveness of action taken will be evaluated at subsequent inspections. In this way, the new and emerging issues become part of the baseline evidence for the third phase of inspections.
- 1.4 The present Report of Bandyup Women's Prison is modelled upon this template and as such examines developments at Bandyup from 2002 to 2005.
- 1.5 This first chapter explores the critical issues confronting Bandyup currently, some of which have been identified by the prison management and others which have emerged through the process of continuous inspection. These issues reflect the contemporary context within which Bandyup Women's Prison operates. They will be deconstructed in this chapter as issues in themselves, how they relate to Bandyup specifically and Bandyup's response so far.
- 1.6 Chapter Two reviews current progress against the recommendations that emerged from the 2002 inspection.¹ 'Progress' implies action that has either been commenced or completed in response to the recommendations. The inspection team has evaluated this progress by means of a collaborative 'scorecard' exercise following the completion of the recent inspection. This process involved rating each recommendation on a scale of one to five:
1. Poor
 2. Less than acceptable

¹ The report of this inspection was published and tabled in March 2003. Any reference to the previous inspection and the recommendations in this report will, therefore, be referred to as the "2003 report" or the "2003 recommendations".

3. Acceptable
 4. More than acceptable
 5. Excellent
- 1.7 This type of scoring exercise is fundamental to assessing the effectiveness and indeed the sincerity of action taken in relation to the Inspectorate's recommendations.² In the second inspection report of Roebourne Regional Prison the Inspector commended the value of the scorecard exercise in providing Parliament, the Minister, the Department of Justice³ ('the Department') and the public a broad-brush picture of departmental and prison-specific performance.⁴
- 1.8 In various parliamentary debates and committee hearings, it has become evident that the question of effectiveness is important to parliamentarians and that this, in turn, is closely related to the question of the extent to which the Department has implemented those recommendations – above all, those that were accepted at the time but also, to some extent, those that were not accepted. Implementation rates and patterns thus become a rough surrogate measure for the Department's own performance in the area of prison and prisoner management.
- 1.9 The operations of a prison are not static. Prisons operate within dynamic social, economic and political environments, characterised by constantly shifting priorities that directly impact on a prison's performance. Thus, it would be naïve to assess the performance of any prison based only upon its previous performance. Chapter Three of this Report, therefore, considers new and emerging issues identified during the recent inspection of Bandyup Women's Prison. These issues provide vital information about how the prison is currently functioning. They are an integral part of the context within which the prison operates and will no doubt inspire further benchmark recommendations against which future performance will be measured.
- 1.10 The final chapter, Chapter Four, discusses the conclusions the Inspectorate has reached based on the information in the previous three chapters, and presents the recommendations that emerge from these conclusions.

INSPECTION METHODOLOGY

- 1.11 The formal on-site inspection of a prison is only one part of the process of continuous inspection employed by the Inspectorate. Further, the (most often) five day on-site phase of an announced inspection is only one part of the entire inspection process, which begins long before the inspection team enters the prison and continues long after the inspection team leaves the prison.
- 1.12 The pre-inspection activities that were undertaken prior to the announced inspection of Bandyup Women's Prison in May 2005 were:

2 Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 24 (October 2004) iv–v.
3 Now known as the Department of Corrective Services.
4 *Ibid.*, iv.

- staff surveys;
- prisoner surveys;
- prisoner focus groups;
- briefing by the Department to the Inspectorate about the current status of Bandyup; and
- extensive desktop research by each inspection team member of the documents provided by Bandyup and the Department at the request of this Office.

1.13 The on-site inspection of Bandyup Women's Prison commenced on Sunday 22 May 2005 and formally ended with the Inspector's exit debrief delivered on Monday 30 May 2005. There were 14 inspection team members, each of whom were tasked with inspecting specific areas of the prison's operations. Their on-site inspection work was informed by extensive research prior to entering the prison. The team included external consultants commissioned by the Inspectorate to inspect particular areas within their expertise. The agencies that these experts represented were the Department of Health, the Office of Aboriginal Health, the Parliamentary Commissioner for Administrative Investigations (Ombudsman), the Department for Community Development and the Department of Education and Training. This inspection methodology is consistent with good practice and has been successfully implemented on all previous inspections conducted by the Inspectorate since its establishment in June 2000.

INSPECTION OF BANDYUP WOMEN'S PRISON IN 2002

- 1.14 The first inspection of Bandyup Women's Prison took place between 9 and 14 June 2002, with a follow-up visit in November 2002. The follow-up visit was necessary due to a major building and refurbishment project underway at the prison that should have been completed by the time of the June inspection, but that was still in progress.
- 1.15 Report No. 13 of an announced inspection of Bandyup Women's Prison examines the findings and recommendations of the first announced inspection of Bandyup Women's Prison in June 2002. These findings and recommendations provide the context for the findings and recommendations of the current inspection. It is useful, therefore, to provide a brief overview of the principal findings and recommendations that emerged from the inspection in June 2002.
- 1.16 Report No. 13 provided a comprehensive account of Bandyup Women's Prison within the context of internationally accepted literature on the custodial management of women. The report was, therefore, largely thematic with the inspection findings and recommendations strongly embedded within this theory. It is crucial that an organisation understand the framework within which it operates in order for it to define its role and purpose, and ultimately satisfy the needs of clients. The previous inspection report detailed this framework for Bandyup thoroughly, thus providing a sound context within which the emerging recommendations could be meaningfully understood.

- 1.17 The 2003 recommendations were categorised into the following key theme areas:
- Strategic policy.
 - Security and safety.
 - Staff ratios, recruitment and training.
 - Health.
 - Work, education and training.
 - Prisoners as mothers.
 - Peer support and prisoner support officers.
 - Temporary transfer scheme.
- 1.18 There were various recommendations made in relation to each of these themes, indicating that Bandyup's performance was lacking in some respects in each of these areas. This is further explored in Chapter Two.
- 1.19 The 2003 report rated Bandyup Women's Prison as poor in relation to planning or articulation of the prison's role in the imprisonment of women. Any activities in this regard were described as based on women's behaviours, rather than women's needs, a reactive rather than a proactive approach. The prison was described as ill-disciplined, stressful and chaotic with a culture marked by aggression and lack of respect.⁵ The staff complement was male dominated and the inspection team reported a range of unacceptable behaviours by staff, including bullying, harassment and swearing at prisoners – practices consistent with a disorganised culture. Inevitably, this kind of culture serves the interests of the dominant group – of staff and prisoners – and thus associated with this situation was a strong resistance to reform.
- 1.20 In Western Australia, the system of classifying prisoners in relation to their security status is the same for men and women and is primarily concerned with the seriousness of the offence committed and (if previously incarcerated) the individual's escape history. There is no regard given to gender or the circumstances of the individual or the commission of the offence. This has particular implications for women in custody who may be the primary caregiver to a dependent child or children and is also of particular concern to Bandyup as the state's only maximum-security facility for women. Women who are assessed as maximum-security are generally sent to Bandyup regardless of where they usually reside. If their usual place of residence is a long distance away from Bandyup, the woman's relationship with her family, in particular her children, is severely disrupted. A woman's security assessment, therefore, has serious implications for both her placement in the prison system and her relationship with her family. Although not a formal recommendation, the need for a more gender responsive assessment tool was emphasised in the previous report. This issue remains current and is noted in this Report in the context of the potentially alienating repercussions for women who are dislocated from their families and other support systems.

5 OICS, *Announced Inspection of Bandyup Women's Prison*, Report No. 13 (June 2002) 31.

- 1.21 Another major theme discussed in Report No. 13 was ‘cross-cultural responsiveness’. This is a theme that will be further explored in the present Report as it continues to be a problematic and insufficiently addressed issue. The point was made that Bandyup was not responsive to the specific needs of women from culturally and linguistically diverse (CALD) backgrounds. This point will be reiterated, and the severity of the issue further emphasised given the increasing number of CALD women emerging in prisons across Western Australia. Further, the issue of the large and disproportionate number of Aboriginal women in custody at Bandyup will be explored in the context of appropriate management and services for this group.
- 1.22 Report No. 13 discussed the relationship between Bandyup and other prisons, specifically Nyandi Prison. Nyandi has been decommissioned and currently serves as the centre for prison staff training. However, the discussion around Bandyup and its links with the other regional and metropolitan prisons that accommodate women prisoners is still relevant, and should focus on the integration of services and management of women in custody in line with women-centred good practice.

THE TWO FACES OF BANDYUP

- 1.23 The findings of the current inspection were in a sense contradictory. On the one hand, they acknowledged the positive progress that is evident in some of Bandyup’s practices, while on the other there are findings that are not as complimentary and, in fact, are very disturbing. This Report aims to achieve a balance in reporting these findings without compromising the legitimacy and reality of any of these incongruous findings.
- 1.24 It is important to preface this review of the inspection findings by reiterating the point made earlier in relation to the rigorous and robust approach of this Inspectorate towards inspections. This approach has been effectively employed on more than 20 occasions. The findings, therefore, although apparently contradictory, are no less definitive. Rather, they reflect an actual situation; namely, that of Bandyup Women’s Prison as a prison that has made remarkable progress since it was last inspected in 2002, but which remains a prison under stress. If progress is to continue, those elements that are placing the prison under stress must be successfully negotiated. The statement that Bandyup Women’s Prison has made impressive progress but remains a prison under stress was emphasised by the Inspector in his exit debrief at the conclusion of the recent inspection:⁶

Bandyup 2005 is almost unrecognisable from Bandyup 2002. There has been a quantum leap in performance... However, there are still numerous areas where further improvements can and should be made... That being so, you – management and staff – run into the paradox that you are performing well enough not to have any excuse for not performing even better!

6 Harding R, *Exit Debrief: Bandyup Women’s Prison Inspection 22 May to 26 May 2005* (May 2005) 2.

IMPRISONMENT OF WOMEN IN WESTERN AUSTRALIA

- 1.25 Bandyup Women's Prison was opened in 1971 and is the principal receipt, remand, assessment and sentence prison for women in Western Australia. It is also the only secure facility for women in this state. The new minimum-security facility for female prisoners is Boronia Pre-Release Centre, which was opened in 2004. Apart from Bandyup and Boronia in the metropolitan area, there is limited accommodation available for female prisoners in four regional prisons in Western Australia, namely Broome, Greenough, Eastern Goldfields and Roebourne. The purpose of Bandyup Women's Prison is to provide a safe and secure custodial facility that contributes meaningfully to the successful rehabilitation and reintegration of women into the community.⁷
- 1.26 The national rate of imprisonment is increasing.⁸ The Australian Bureau of Statistics reports that the average daily number of prisoners in Australia in the March quarter 2005 was 24,152, an increase of 336 (1%) on the December quarter 2004, and an increase of 1,371 (6%) on the March quarter 2004. These figures reflect the general upward trend of the annual average daily prisoner numbers.
- 1.27 Western Australia has the highest rate of imprisonment for Aboriginal prisoners, namely 3,471 Aboriginal prisoners per 100,000 adult population (followed by New South Wales at 2,211). Women represent seven per cent of the average daily number of prisoners in Australia. As at March 2005, there were 1,660 women in custody nationally, 490 of whom were Aboriginal.
- 1.28 At the time of writing this Report, there were 254 women in prison in Western Australia of a total prison population of 3,468. This reflects the national average in relation to representation of women in custody; that is, seven per cent.
- 1.29 The tables below provide figures of the dispersal of female prisoners across Western Australia. The first table includes data on Aboriginality and sentence status, and the second table provides total figures.⁹

7 Bandyup Women's Prison, *New Employee Orientation Handbook for Public Sector Employees and Prison Officers, First Class Officers and Senior Officers* (March 2005).

8 Australian Bureau of Statistics, *Corrective Services, Australia 4512.0* (March 2005).

9 Figures provided by the Department of Justice, correct as at 22 June 2005.

A CONTEXTUAL ANALYSIS OF BANDYUP IN 2005

| Facility | Sentenced | | Total | Unsentenced Aboriginal | (Remand) Non-Aboriginal | Total |
|--------------------|------------|----------------|-------|---------------------------|----------------------------|-------|
| | Aboriginal | Non-Aboriginal | | | | |
| Bandyup | 51 | 63 | 114 | 20 | 19 | 39 |
| Boronia | 16 | 33 | 49 | 00 | 0 | |
| Broome | 6 | 0 | 6 | 00 | 0 | |
| EGRP ¹⁰ | 6 | 0 | 6 | 10 | 1 | |
| Greenough | 20 | 4 | 24 | 20 | 2 | |
| Roebourne | 6 | 2 | 8 | 50 | 5 | |
| Total | 105 | 102 | 207 | 28 | 19 | 47 |

| Facility | Aboriginal | Non-Aboriginal | Totals |
|-----------|------------|----------------|--------|
| Bandyup | 71 | 82 | 153 |
| Boronia | 16 | 33 | 49 |
| Broome | 6 | 0 | 6 |
| EGRP | 7 | 0 | 7 |
| Greenough | 22 | 4 | 26 |
| Roebourne | 11 | 2 | 13 |
| Total | 133 | 121 | 254 |

- 1.30 These figures highlight the concentration of both sentenced and remand female prisoners in the maximum-security metropolitan facility, Bandyup Women's Prison, as well as the over-representation of Aboriginal women in the prison system (52 per cent – in July 2002 Aboriginal female prisoners represented 44 per cent of women imprisoned in Western Australia).
- 1.31 In September 2002, there were 113 women (30 Aboriginal) incarcerated at Bandyup Women's Prison. In June 2005, there were 153 women (71 Aboriginal) incarcerated at Bandyup. Further, in September 2002, there were 40 women incarcerated in regional prisons in Western Australia. In June 2005, there were 52 women held in regional prisons.¹¹
- 1.32 These statistics reflect the national reality of the increasing prison population, and specifically evidence the growth in the female and Aboriginal female prisoner population. The story these statistics tell is that issues relating to the custodial management of women can no longer be ignored or sidelined using the defence of small numbers. The numbers are increasing, and appropriate and meaningful strategies to address this should accompany the increase in numbers. Moreover, the rate of female imprisonment is increasing across the state, in the regions and in the metropolitan area. This has significant implications for Bandyup as not only the largest, most secure women's prison in the state, but also the primary assessment and receipt prison for female prisoners in Western Australia.

10 Eastern Goldfields Regional Prison.

11 The regional prisons referred to are Broome, Eastern Goldfields, Greenough and Roebourne.

This role of Bandyup in the assessment and transfer of female prisoners to and from other prisons in the state supports this Office's description of Bandyup as a 'hub' prison. This notion of Bandyup as a hub prison will be scrutinised later in this chapter. The immediate point, however, is that the increasing numbers of female prisoners in Western Australia demands appropriate and holistic management strategies that are not site specific but rather cut across all the prisons accommodating women in Western Australia.

- 1.33 This point was made in the report of the first inspection of Bandyup Women's Prison in June 2002, and is still relevant in 2005:¹²

This Report is not about regional prisons, nor the women held in them. However, any discussion of the complex melting pot that is Bandyup needs to be informed by the broader issues of women's imprisonment in the state, including issues of race, culture and distance, and the complex links that exist between prisons accommodating women and between prisons and agencies that deal with women prisoners and their families.

STAYING TRUE: A FUNDAMENTALLY WOMEN-CENTRED APPROACH TO THE CUSTODIAL MANAGEMENT OF WOMEN

- 1.34 In his exit debrief following the recent inspection of Bandyup Women's Prison, the Inspector commented that the June 2002 inspection was a bleak and confronting experience for everyone concerned. There was at that time no grasp within the Department of the idea that the imprisonment of women must be based upon a 'women-centred' philosophy.¹³
- 1.35 Since then, there has been the development of a women-centred philosophy for Bandyup to the extent that this is elaborated in the direction, vision, purpose, principles and key result areas set out in the Bandyup Women's Prison Business Plan.¹⁴
- 1.36 The previous inspection report of Bandyup Women's Prison explored the women-centred approach to female prisoners as a dominant theme throughout the report. Indeed, this theme was the subject of several recommendations. The Department to their credit has positively addressed many of these recommendations and the extent to which they have done so operationally will be explored in Chapter Two. The contextual framework, however, that supports strategies that address the needs of women in custody must be informed by an understanding that custody is not a woman's life, rather it is one of a woman's life experiences. This concept is fundamental to a women-centred ideology and demands that services designed to address a woman's needs in custody are not confined to the time she is physically incarcerated, but must inevitably consider her life before, during and after custody, as well as her connections outside of prison. Women experience extreme social isolation when incarcerated. Thus, strategies to address a woman's needs while in prison that focus solely on her individual needs during her time in prison exacerbate this isolation. The custodial management of women in line with a women-centred approach should be integrated, holistic and genuinely address the 'throughcare' needs of women in prison.

12 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 11

13 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 1.

14 Bandyup Women's Prison, *Business Plan 2004–2005* (undated).

- 1.37 This approach assumes collaboration across a range of government agencies and service providers. This was acknowledged in a recent study undertaken by researchers at Murdoch University in Western Australia, entitled 'Severed Connections: An exploration of the impact of imprisonment on women's familial and social connectedness'. The author concludes that:¹⁵

Because of the many and complex issues affecting women in prison it is unrealistic to expect that the prison authorities can effectively resource all necessary rehabilitative interventions. Instead we need a programme and service delivery model which allows for a meaningful collaboration of government and non-government agencies aimed at providing an integrated service to women and their families. Such a model should be centred on client needs and not modified to suit departmental and service provider needs as is often now the case.

- 1.38 A thorough description of this kind of model is beyond the scope of the present Report. Nevertheless, the collaborative approach the model implies must be acknowledged in any meaningful discussion of managing women in custody according to their specific needs.
- 1.39 In June 2002, the Department released a profile of women in prison that detailed the main findings of the Prisoner Characteristics and Needs Survey of adult female prisoners in Western Australia.¹⁶ The results of the study are a snapshot of the adult female prisoner population in Western Australia at that time. The study was a pre-requisite to accurately identifying the characteristics of this population in order that appropriate services could be designed in line with this benchmark population. The intention was that the resultant profile would, among other things, increase community understanding of the lives of women in prison and allow for services to be specifically tailored accordingly. The final report, however, did not specifically suggest any strategies or action plans in this regard.
- 1.40 This work undertaken by the Department is significant and crucial to the development of a truly women-centred approach. The methodology employed was survey research and the data collected by the survey were the self-reported experiences of prison life for adult women in custody in Western Australia. Although the 'self-report' nature of the survey was described in the Department's final report as a limitation of the study, these self-reports represent the women's perceptions of their quality of life in the Western Australian prison system and are therefore invaluable sources of data. The end result of the study was a profile of women in prisons across Western Australia who have¹⁷

experienced significant social and economic disadvantage when compared to the female Western Australian population as a whole. This is particularly so in the areas of education and employment. The survey respondents also experienced high levels of abuse, both as children and adults. The experiences of Aboriginal women who participated in the survey demonstrate even greater levels of disadvantage, suggesting systemic disadvantage suffered by many Aboriginal people in Western Australia. The responses to the survey highlight the disruption experienced by the families of female prisoners and the difficulties faced in maintaining family relationships during a period of imprisonment.

15 Goulding D, *Severed Connections: An exploration of the impact of imprisonment on women's familial and social connectedness* (October 2004) 55.

16 Department of Justice, Community and Juvenile Justice Division, *Profile of Women in Prison* (June 2002).

17 *Ibid.*, 24

- 1.41 It is commendable that this research has been and continues to be replicated by the Women's Custodial Services Directorate, thus ensuring that the profile of women in custody in Western Australia is a contemporary and accurate reflection of women in Western Australian prisons.
- 1.42 Since January 2004, the Department of Corrective Services in New South Wales has implemented a system whereby children visiting family members in prison are registered, for counting purposes. Since that time, 24,000 different children have been registered as visitors to prisons in New South Wales. Forty-seven per cent of these children are under five years of age, most are under 10 years of age and most are visiting an incarcerated parent.¹⁸ Although these statistics relate to New South Wales, they are useful in that they echo the findings of the Department's profile study in relation to the familial disruption experienced by women in prison, and further support the importance of a women-centred approach that considers the overall life experience of a woman while incarcerated as opposed to only her prison experience. The quality of life for mothers in custody at Bandyup Women's Prison will be explored in various contexts at various stages of this Report. The central point here is to reiterate the relationship between acknowledging a woman's whole life experience and managing her accordingly during her time in custody.

HOW EFFECTIVELY DOES BANDYUP MANAGE THE NEEDS OF WOMEN IN ITS CUSTODY?

- 1.43 In March 2005, Bandyup senior management engaged an external consultant to conduct a review of practices against current theory and good practice in women's custodial services. The consultant's report was distributed in late May 2005, a few days before the commencement of the second announced inspection of Bandyup Women's Prison. The report concluded that an examination of Bandyup Women's Prison against current theory and good practice in women's custodial services indicates that the philosophy, values and key objectives developed at Bandyup are consistent with contemporary literature.¹⁹
- 1.44 Although this conclusion appears, on the surface, to be positive, the Inspectorate is of the opinion that this report fails to convincingly ascertain the appropriateness and closeness of fit of Bandyup's actual, on the ground practices and processes with current theory and good practice.
- 1.45 The Department understands that women in custody need to be managed differently to men in custody – their present needs and past experiences are too different to be satisfied by the same management strategies. Since the previous inspection in 2002, the management at Bandyup has embarked upon a journey of change designed to align Bandyup's practices with the specific needs of the women in its care. This Office has commended the management at Bandyup on this initiative and the extent to which it has progressed. In this regard, the Inspectorate agrees with the final paragraph of the consultant's report that concludes:²⁰

18 NSW Department of Corrective Services, presentation to Institute of Criminology seminar, Sydney University Law School (23 June 2005).

19 Cant R, *Examination of Bandyup Women's Prison Against Current Theory and Best Practice in Women's Custodial Services* (2005) 15

20 Ibid.

[T]he approach taken to change management whereby there is pressure for change, a clear, shared vision about the direction of change, actionable first steps, the capacity for change in terms of training and resources, leadership, reinforcement of the change in terms of management recognition for staff and ultimately evaluation of the changes is good practice for implementing successful change. Sharing the responsibility for developing innovative women-centred policies and processes with staff at all levels in the prison should ensure staff commitment to the innovations.

CHANGE MANAGEMENT AT BANDYUP

- 1.46 In January 2003, the Department of Justice commenced the planning for a dedicated change management strategy for Bandyup.²¹ This included allocating a \$400,000 budget to the Women's Custodial Services budget for the purpose of funding the Bandyup change management strategy. This was to fund a dedicated change management team, as well as the fees for the change management consultant who was engaged to guide and direct the process. The change management team was recruited in November 2003, initially for a 12 month period; however, their contracts were extended until June 2005. The change management team further enrolled 25 change agents to be part of the team driving the process. The change agents were drawn from across the state and comprised a cross-section of prison staff, including many Bandyup staff members.
- 1.47 The change management team used the change agents as a 'sounding board' for their ideas about the change process, as well as a consultation forum. The change agents reflected the ideas that had been discussed back to their work colleagues for input on these ideas, particularly in relation to whether or not the ideas could be effectively operationalised. This process appears to have been genuinely successful in engaging a large and diverse group of staff in the process, thus facilitating their ownership of the project. It is important to note, however, that despite the process being driven and indeed 'owned' by the change agents (staff), ultimately ownership of the process rests with the superintendent who had to approve each step of the process and is in this way integrally involved in the whole journey. The result of this change process, therefore, has been a dramatic shift in the culture among the staff at Bandyup. The disorganised culture referred to above that was observed during the 2002 inspection of Bandyup has been replaced by a less fragmented and certainly more organised culture. This is due in large part to the innovative structured day concept that was introduced as integral to the change process, and which is further described below.
- 1.48 Although the change management team is no longer operational on-site at Bandyup, it is anticipated that the change agents will continue to progress the change management process as an integral part of the operational culture of Bandyup. In line with the Inspectorate's practice of continuous inspection, the sustainability of the change management process at Bandyup will be consistently monitored.

21 Bandyup Women's Prison, *Summary of Change Management Strategy* (May 2005).

- 1.49 Information provided by the prison prior to the recent inspection lists 67 changes or initiatives that have been implemented at Bandyup during the last 12 months of the change management journey. A change management process, however, should be a constantly evolving process rather than a series of discrete adjustments. Change management in the framework of an appropriate, needs-based strategy to manage women in custody should be driven by well-informed philosophical ideals. To their credit the change management team, together with the change agents, did develop a Bandyup-specific philosophy, vision and purpose document, according to which any proposed change in business practice is assessed before being implemented.
- 1.50 The new philosophy, vision and purpose for Bandyup Women's Prison that emerged out of the change management process champion a women-centred approach to managing women in custody. These statements emphasise the needs of women in custody, the opportunities for women to change their lives through engaging in activities that are meaningful for them personally, the disadvantaged lives of many of the women prisoners, maintaining links with families and friends, and reintegration into the community. These statements assert how Bandyup intends to conduct its business. These statements need to be kept alive in the day-to-day operations of the prison in order for them to retain their integrity and sincerity.
- 1.51 One most obvious and profound consequence of Bandyup's change management journey is the new structured day program, which was implemented on 17 January 2005. The principles upon which the structured day concept is founded are intrinsically women-centred. These principles embrace women's needs as the primary driver of any activity that is to be included as part of the structured day regime:²²
- Women must be engaged in meaningful daily activities that contribute to their holistic wellbeing and rehabilitation.
 - Women must be presented with opportunities in exercising personal responsibility in decision-making that address their individual needs.
 - Within the structured day timetable, provision must be made for women to address their physical, psychological and mental health needs via health appointments and interventions.
 - Within the structured day timetable, provision must be made to facilitate visits for women so that their links with the community, family and children can be nurtured and enhanced.
- 1.52 The structured day regime at Bandyup sees women engaged in meaningful activity for five hours each day, split into two sessions (morning and afternoon) of two and a half hours each, five days a week. The activities that comprise the structured day include work, education, programs, official and social visits, medical appointments, recreation and personal time. A component of the structured day program is a revision of the gratuity system that rewards the women's involvement in any activities they may choose to make up their structured day. This is a direct response to one of the Inspectorate's recommendations in the 2003 report. The details of the new gratuity system are more thoroughly presented in Chapter Two.

22 Bandyup Women's Prison Change Management Team, *Delivering the Bandyup Philosophy of Imprisonment through a Structured Day* (February 2005).

- 1.53 This new structured day initiative is consistent with a truly women-centred approach to managing women in custody and this Office will continue to applaud and encourage Bandyup management in this effort. Indeed, this point was emphasised by the Inspector in his exit debrief, in which he admired the new structured day as²³

the single greatest contribution of the change management process to the re-focussing of Bandyup. Everyone has welcomed it – prisoners, uniformed officers, education officers, VSOs, the chaplaincy, health service staff and so on. Suddenly, there is some real order and purpose in the prison regime. The structured day feeds into everything else in the prison – the sense of safety, the quality of inter-racial relations, the morale of both staff and prisoners.

- 1.54 Although implementation of the new structured day concept has been a pivotal component of the change management process at Bandyup, this should not be confused with the process of change as a whole. As mentioned previously, change is an evolutionary process rather than a series of discrete modifications, no matter how beneficial these may be to the lives of the prisoners. The process of change is, ultimately, bigger than its individual components. The challenge that remains for Bandyup in relation to the change management process is to ensure that all practices continue to be directed by the overall aim of the change management strategy, which was to

implement a new direction of prisoner management that recognises the needs of women in custody, their children and their families by ensuring opportunities for personal development, skill enhancement and family relationships that will support their transition to the community.²⁴

- 1.55 This section has traced the evolution of the Department's approach towards managing the women in its custody from a male-centred approach to one that is becoming increasingly consistent with a truly women-centred approach. The 2002 inspection report discussed the history of Bandyup Women's Prison in terms of its 'masculine' predecessors, and, indeed, the Inspector's Overview to that report was (ironically) entitled, 'Why can't a woman be more like a man? is no longer a legitimate question'.²⁵ For the most part, the Department has responded appropriately to recommendations made in this regard. The profile of women offenders published by the Department in 2002, the opening of the contemporary minimum-security facility for women (Boronia Pre-Release Centre) in May 2004, and the continuing commitment to Bandyup's change management process all demonstrate a sincere attempt to manage the women in its care consistently with best (women-centred) practice principles. Whereas in 2002 this Office could not credit Bandyup with any impressive initiatives in this regard, in 2005 the Inspectorate is pleased to be able to positively comment upon and evaluate a number of Bandyup's initiatives within the context of good women-centred practice.

23 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 4.

24 Bandyup Women's Prison Change Management Team, *Delivering the Bandyup Philosophy of Imprisonment through a Structured Day* (February 2005).

25 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 4.

BANDYUP WOMEN'S PRISON: A STATE OR LOCAL FACILITY?

- 1.56 The commitment of this Office towards a genuinely women-centred approach to managing women in custody dates back to the early days of the Inspectorate's operations. This Office is, similarly, committed to the concept of Bandyup as a state rather than a local facility, or what the Inspectorate refers to as 'Bandyup as a hub prison'. These two concepts are intricately linked. If Bandyup Women's Prison is to embrace a truly women-centred approach to managing its (female) prisoners, Bandyup management cannot ignore the 52 female prisoners that are currently accommodated at regional prisons across Western Australia and the 49 women accommodated at Boronia Pre-Release Centre (which represent roughly 20 per cent of the entire population of female prisoners across Western Australia). This statement becomes more meaningful when one realises the extent to which female prisoners are regularly moved between Bandyup and other prisons. Managing female prisoners according to women-centred custodial practices while at Bandyup, but managing the same prisoners according to traditional (male-centred) custodial practices while they are incarcerated elsewhere in the state is a ridiculous scenario. Unfortunately, this situation currently exists and will remain so until the concept of Bandyup Women's Prison as a hub prison is acknowledged and internalised. A women-centred approach is not truly women-centred if it remains site specific. This approach should apply to individuals, rather than physical structures.
- 1.57 In this context, 'hub' refers to a place that is a centre of activity or interest. Bandyup Women's Prison is the primary receipt and assessment facility for incarcerated women in Western Australia, and it is also the only secure facility for women in this state. It is common practice for Bandyup to negotiate with other prisons for the transfer of prisoners to and/or from Bandyup, for a range of reasons, such as to facilitate visits with family for a prisoner whose family does not reside in the metropolitan area, to allow a prisoner to complete a necessary program, to allow a prisoner to be located in the same prison as family members, and so on. This Office has been reassured that the removal of prisoners to and/or from Bandyup for more sinister reasons, as well as forcible transfers does not occur. It was certainly the case during the inspection of Bandyup Women's Prison in 2002 that women were being involuntarily transferred to Greenough Regional Prison due to the construction work that was occurring on the Bandyup site at the time. The 2002 report explains the distress this caused many women:²⁶
- 1.58 The initial arrangements for prisoners to transfer to Greenough caused serious unrest and concern to prisoners, partly because the criteria and the process were not transparent, and partly because, to achieve the required numbers, some transfers were involuntary. Since then, the criteria and processes have been reviewed and clarified and some of the major problems addressed, such as insufficient prior notice of transfer. However, the involuntariness of some transfers remains a cause of anxiety and distress for prisoners and criteria that result in a skewed population of transferees is an additional cause for concern.

26 Ibid., 55

1.59 Bandyup, as a hub prison, has to manage transfers both into and out of Bandyup. This Office has been informed that Bandyup does everything possible to accommodate those prisoners from remote regional areas for whom Bandyup was not a choice of facility and who wish to return to a regional prison closer to their families. The issue of involuntary transfers, however, is extremely significant for the women in custody and contradicts a women-centred approach. Indeed, accommodating women as close as possible to their homes is recognised by the Department as fundamental. Objective 6 of the Department's Strategic Plan for Aboriginal Services 2002–2005 includes as one of the actions to reduce the negative impact of incarceration on Aboriginal people, accommodating Aboriginal prisoners within their homelands.²⁷ Further, one of the standards contained in the Standard Guidelines for Corrections in Australia is that:

[T]he placement and assignment of prisoners to prisons should also include the principle of enabling prisoners to reside as closely as possible to their family, significant others, or community of interest.²⁸

1.60 Some final thoughts on the responsibility of Bandyup as a hub prison to have input into the statewide custodial management of women consistent with a women-centred approach emerge out of the Inspectorate's previous reports on inspections of the regional prisons in Western Australia. Each of these reports at some stage refers to the plight of women in the regional prisons. Report No. 21 of an announced inspection of Greenough Regional Prison for example, remarked that:²⁹

It is the Inspectorate's experience in the regional prisons that women are tolerated rather than positively catered for... At Greenough any activity that involves association between male and female prisoners is not allowed. This operating principle has a significant negative impact on the quality of services that women can access, and it makes for a restrictive and claustrophobic environment for the women that denies legitimate re-socialisation opportunities. In particular, women have significantly reduced opportunities in relation to employment and education.

1.61 Indeed, this report formalised the Inspectorate's attitude in a recommendation that the Department develop a strategic framework to guide service improvement for women in regional prisons.

1.62 There have been two formal inspections conducted of Roebourne Regional Prison.³⁰ Both of these reports contain recommendations specifically targeting issues confronting women prisoners in Roebourne. The first recommendation was that the Department addresses the underlying deficiencies for women prisoners, while Report No. 24 of the second inspection of Roebourne Regional Prison recommended that the Department review the conditions of imprisonment and the services provided to females at Roebourne.

27 Department of Justice, Prisons Division, *Strategic Plan for Aboriginal Services 2002–2005* (undated) 15.

28 *Standard Guidelines for Corrections in Australia* (Revised 2004) Guideline 1.39, 15

29 OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 21 (May 2003) 44–46.

30 OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 14 (April 2002); OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 24 (October 2004).

- 1.63 The Bandyup Women's Prison Business Plan 2004–2005 includes two strategies within the key result area of 'Custody and Containment' that consider the relationship between Bandyup and the relevant regional prisons.³¹ These are to:
- continue liaison with regional prisons that accommodate women; and
 - develop a protocol for transition between Bandyup and Greenough.
- 1.64 In relation to the first strategy this statement is vague and does not imply any specific operational strategy. The second strategy sounds alarm bells in the light of the findings of the 2002 inspection concerning the involuntary transfers to Greenough during Bandyup's refurbishment program, a reaction which may be premature but which means that further details about the motivation for and rationale behind this strategy are required.
- 1.65 The evolution of the women-centred approach of the Department in managing women in its custody referred to previously appears to apply only to Bandyup. Bandyup as the pioneer of the current women-centred practices, as well as in its role as a hub prison has a responsibility to expand the approach to the regions. Finally, it should be the role of the Director of Women's Custodial Services to guide and support Bandyup in this regard.

PARTICULAR CHALLENGES FOR BANDYUP

- 1.66 A significant finding of the recent inspection was that Bandyup has made significant progress since the 2002 inspection but remains a prison under stress. This section briefly explores the factors contributing to this 'stress' as part of the contextual issues influencing Bandyup's current operating environment. These should not necessarily be seen in isolation from the issues that have been scrutinised above, but rather are factors relating specifically to the complexity and diversity of Bandyup's prisoner population.

A Complex Population

- 1.67 Data indicate that almost all Bandyup prisoners are likely to have suffered abuse at some time, either as a child or as an adult. They are also more likely than not to have children under the age of 18 and to be sole parents.³² In other respects, however, these women's needs may vary significantly – they are almost equally likely to be Aboriginal as non-Aboriginal, may be on remand rather than sentenced, or may be at Bandyup for a short sentence or a long one. And while substantial numbers are likely to be from regional and remote areas, to be poor and may also be illiterate, others will not be. This is the complex population of Bandyup Women's Prison. Bandyup management have acknowledged that meeting the needs of such a complex population is one of their critical challenges.
- 1.68 The diversity of Bandyup's prisoner population is further complicated by a 'one size fits all' approach according to which the diverse groups of prisoners are all managed. This is neither in the best interests of these groups of women nor the individuals who comprise the groups, nor is it particularly good women-centred practice. The diversity and complexity of the prisoner population at Bandyup is examined in the sections immediately below as well as throughout this Report.

31 Bandyup Women's Prison, *Business Plan 2004–2005* (undated).

32 Salomone J, *Towards Best Practice in Women's Corrections: The Western Australian Low Security Prison for Women*, (Western Australia: Department of Justice, undated) 4.

Aboriginal Prisoners

- 1.69 In September 2002, there were 30 Aboriginal women incarcerated at Bandyup Women's Prison. In June 2005, there were 71 Aboriginal women at Bandyup. The figure has more than doubled in less than three years. These 71 women represent 45 per cent of Bandyup's population, a statistic that is consistent with the state statistic of 52 per cent Aboriginal female prisoner representation across Western Australia.
- 1.70 As at March 2004, Aboriginal women across the country were imprisoned at 21 times the rate of non-Aboriginal women.³³ As has been noted earlier, Western Australia has the highest rate of imprisonment of Aboriginal women of all States and Territories.³⁴
- 1.71 Part of the Department's response was to identify the reduction in the over-representation of adult Aboriginal people in the prison system as the primary objective of the Department's Prisons Division Strategic Plan for Aboriginal Services 2002–2005. As indicated by the statistics provided above, however, instead of decreasing, the proportion of Aboriginal people imprisoned has increased to the extent that now more than one in every two female prisoners in Western Australia is Aboriginal.³⁵
- 1.72 While Bandyup itself clearly does not control the number of Aboriginal women it has in its custody, questions about the strategies Bandyup has initiated to address the specific needs of the large number of Aboriginal women incarcerated there are still relevant.
- 1.73 Research recently undertaken by the federal Aboriginal and Torres Strait Islander Social Justice Commissioner indicates that there is a widespread failure to address the specific needs of Aboriginal women in the criminal justice context.³⁶

Previous Social Justice Reports have noted the apparent invisibility of Indigenous women to policy makers and program designers in a criminal justice context, with very little attention devoted to their specific needs and circumstances ... Indigenous women do not have a strong voice to be able to advocate for their needs through the criminal justice system. It is clear that Indigenous women tend to be overlooked as a group of prisoners with distinct needs ... the needs of Indigenous women are generally treated as being met through services which are designed for Indigenous men or through the operation of mainstream services for women (which are not culturally specific) ... One of the main findings of this research is that [this approach] will not work.

- 1.74 Bandyup is, thus, not unusual in this respect, although neither is it in a position to be lauded for its achievements.

33 Aboriginal & Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004* (Canberra: HREOC, 2005).

34 Australian Bureau of Statistics, *Corrective Services, Australia 4512.0* (March 2005).

35 It is acknowledged that the Western Australian state government does recognise that the number of Aboriginal people in custody is too high and they have committed to new initiatives to address this problem.

36 Aboriginal & Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004* (Canberra: HREOC, 2005) 20.

Regional Prisoners

1.75 As at 30 April 2005, 22 per cent of the women at Bandyup, more than one in five, came from a regional or remote area.³⁷ To some extent this high number of non-local women at Bandyup is unsurprising given that there are no prison facilities whatsoever for women in the south-west, and the very limited secure facilities for women at the Roebourne, Broome or Eastern Goldfields Regional Prisons.³⁸ Another factor affecting the number of regional women at Bandyup is the limited availability, if any, of offending behaviour programs for women in regional prisons. As a result regional women who are assessed as requiring programs as part of their case management are in the invidious position of having to choose between jeopardising their parole eligibility and transferring to Bandyup to access the programs.

Remand Prisoners

1.76 This Office recognises that newly sentenced and remanded prisoners are particularly vulnerable and potentially high risk, requiring special management.³⁹ The proportion of remand prisoners at Bandyup has doubled between 30 June 1997 and 30 June 2004. Although the remand Bandyup population at the time of the inspection remained consistent with the 2004 prison census data, at about 30 per cent, the Superintendent of Bandyup indicated at the pre-inspection briefing on 23 May 2005, that there had been more than 50 per cent remand prisoners on some occasions in the past. The increase in women on remand in custody is consistent with the increase in the number of remand prisoners generally in Western Australia, and indeed across Australia. Significantly, however, while the rate of detention of remand prisoners at Bandyup in 1996–1997 was consistent with the rate across the state (at around 15 per cent), on census night in 2004, 30 per cent of the prisoners detained at Bandyup were unsentenced, while only 16 per cent of prisoners generally and 22 per cent of female prisoners were unsentenced. This is indicative of the growing role of Bandyup as a remand prison, which goes even beyond that arising as a result of the general increase in remand populations across the system. Further evidence of a growing role for Bandyup as a remand prison can be seen in prison census data which show that on 30 June 1997, 71 per cent of remand women were held at Bandyup while on 30 June 2004 this had increased to 81 per cent.⁴⁰

1.77 Indeed, the increasing remand population at Bandyup has been identified by senior management at Bandyup as one of their critical issues. As far as possible, the remand prisoners at Bandyup are included among the sentenced prisoners for the purpose of engaging in structured day activities. Thus, although remand prisoners are not required to work or participate in the structured day at Bandyup, they are certainly encouraged to do so. This is a promising initiative on the part of the prison.

37 Department of Justice, 'Prison Population as at 30 April 2005, Prison and Security Rating by Statistical Division' (as recorded on the Department's TOMS database).

38 See , OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 27 (March 2005) and *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006).

39 Report No. 27, *ibid.*, 2.

40 By way of contrast, Hakea held 79 per cent of male remandees: Department of Justice, *Annual Statistical Report – Adult Custodial 1996–1997* and *Annual Statistical Report – Adult Custodial 2003–2004*.

- 1.78 A large population of female remand prisoners contributes to the complexity of the overall prisoner population at Bandyup in that it is one other dimension of prisoner with unique needs that must be appropriately managed. A prisoner entering Bandyup on remand, whether for the first or subsequent time, lives with enormous uncertainty. She will be concerned about the welfare of her family, she will be fearful of life in prison and she will be unsure as to the rules and standards of behaviour that the prison requires. She may be angry at being in prison in the first instance and will almost certainly be upset at the prospect of spending any amount of time in prison. The impact of all these emotions is compounded for those Aboriginal women who are also a long way from home, out of their country. This situation requires specific management and procedural strategies, which, in the context of an already complex population to manage, could get confused and forgotten.
- 1.79 These three groupings of Aboriginal, regional and remand prisoners constitute large proportions of the population at Bandyup and provide a glimpse into the intricacies of life at Bandyup, for both the prisoners and staff. These groupings have been identified and their issues briefly explored in this chapter to begin to reveal the context within which Bandyup operates and the associated challenges. Chapter Three of this Report will expand on these, as well as contemplate other factors that further complicate the operating environment of the prison.

CONCLUSION

- 1.80 In the Overview of the 2003 inspection report, the Inspector surmised that Bandyup is not beyond redemption, but that its future development must be located within an understanding of and commitment to a women-centred approach to women's imprisonment.⁴¹ Although this judgment is still relevant, its tone is markedly more favourable than in March 2003 when the Inspector made this statement.

41 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 7.

Chapter 2

BANDYUP, THEN AND NOW...

INTRODUCTION

- 2.1 The Inspectorate's findings and conclusions from the first announced inspection of Bandyup Women's Prison in June 2002 were consolidated into 22 official recommendations.⁴² These recommendations were circulated to the Department before the publication of this first inspection report (in March 2003), which agreed with 20 of the 22 recommendations. The two remaining recommendations were either already in progress or followed on from another recommendation with which the Department had previously agreed. These original findings provided the baseline data against which future findings could be assessed.
- 2.2 Given that the Department had agreed with the overwhelming majority of the Inspectorate's recommendations three years ago, it would seem prudent at this stage to assess their progress against these 22 recommendations. This is less of a 'checking up' exercise than it is a process designed to maintain the momentum of improvement that follow-up inspections seek to discover. The inspection team has evaluated progress against the 2003 recommendations in a collaborative exercise (the 'scorecard' exercise referred to in Chapter One) that was conducted on completion of the recent inspection. This chapter will explore the results of this evaluative process.
- 2.3 The 22 recommendations were categorised according to relevant themes in the 2003 report. Progress against these recommendations will, therefore, be considered in relation to the universal theme to which each recommendation corresponds.

STRATEGIC POLICY

- 2.4 The state of Bandyup in 2002 was consistent with the general state of women's imprisonment in the United Kingdom in 1997 when HM Chief Inspector of Prisons for England and Wales conducted a thematic review of the so-called female estate across the United Kingdom. This review was premised on HM Chief Inspector's previous inspection findings that⁴³
- the management of the female estate lacked any sort of cohesion. We often came across individuals or small groups of staff who were doing their best in very difficult circumstances, but, despite examples of good initiatives in some female establishments, there was a worrying lack of focus on the needs of women prisoners overall. At that stage no analysis had been carried out of these needs and certainly no strategy developed for meeting them. In fact no single person below the Director General himself was responsible and accountable for what happened in prisons holding female prisoners.
- 2.5 Indeed, the Inspector, in the 2003 inspection report, did compare Bandyup Women's Prison in Western Australia with Holloway Women's Prison in the United Kingdom and rated Bandyup as coping little better than Holloway.⁴⁴ The disorganised, fragmented and leaderless approach to managing female prisoners was common to both jurisdictions.

42 Ibid., 105–108.

43 HM Chief Inspector of Prisons for England and Wales, *Follow-up to Women in Prison: A Thematic Review* (2001). Available at, <http://www.homeoffice.gov.uk>.

44 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 4.

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- 2.6 In the exit debrief following the recent inspection, the Inspector reiterated his dissatisfaction with the state of Bandyup in 2002:⁴⁵

Our June 2002 inspection was a bleak and confronting experience for everyone concerned – inspection personnel, staff and prisoners. The prison was in a state of near-crisis – disorderly, directionless, and unsafe. Staff morale was low, and management confused and despairing... There was no leadership from Head Office to support on-site management.

- 2.7 In the follow-up to *Women in Prison*⁴⁶ HM Chief Inspector of Prisons in the United Kingdom applauded the appointment, by successive director generals of the prison service, firstly of a head of a women's policy group and later an operational manager of women's prisons. He further commented that:

[T]his was my first and main recommendation in *Women in Prison* because, as has been proved in every other operational or commercial organisation in the world, consistent improvement depends on there being someone responsible and accountable for it.

- 2.8 Similarly, at the time of the 2002 inspection there was an urgent need for the Department to address the strategic issues in relation to the custodial management of women. In this regard, the recommendations relating to strategic policy in 2003 broadly emphasised the development of a women-centred philosophy and purpose for Bandyup Women's Prison that is theoretically derived and mirrors good practices, as had been outlined in that report.⁴⁷ It was further recommended that the Department should develop policy and operational guidelines in keeping with the new women-centred philosophy, and that the evolution of a truly women-centred approach should be guided by the (then incumbent) Director of Women's Custodial Services.
- 2.9 The Department's response to the four recommendations made by the Inspectorate in relation to strategic policy was to agree with all of the recommendations. Indeed, the Department had, by this time, assumed a proactive approach to the strategic management of women in custody that, to some extent, pre-empted the Inspectorate's recommendations following the announced inspection. Strategies included in this approach were the appointment of a Director of Women's Custodial Services and the development of a profile of female prisoners incarcerated in prisons across Western Australia.

The 'Women's Estate'

- 2.10 At the time of the 2002 inspection, the Department had committed to the development of a Women's Custodial Services Directorate ('the Women's Estate'), and processes were in place to appoint a director. The Inspector has commended the commitment of the Department to the establishment of a Women's Custodial Services Directorate, and has acknowledged the important role the respective directors have played in progressing the action that has been taken in response to the Inspectorate's recommendations.⁴⁸

45 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 1.

46 HM Chief Inspector of Prisons for England and Wales, *Follow-up to Women in Prison: A Thematic Review* (2001). Available at, <http://www.homeoffice.gov.uk>.

47 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003).

48 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005).

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- 2.11 The Women's Custodial Services Directorate is responsible for the development and implementation of a new philosophy for the imprisonment of women in Western Australia. The philosophy is based on respect and integrity of prisoners and emphasises personal, family and community responsibility.⁴⁹ The Department's understanding of the role of the Women's Custodial Services Directorate is to provide high-level guidance and to ensure that initiatives are coordinated in line with its philosophy. Further, this Directorate should provide a gateway for the coordination of services to all women prisoners throughout the State, namely Boronia Pre-Release Centre and the three regional prisons, Roebourne, Broome and Eastern Goldfields.⁵⁰
- 2.12 Since the establishment of the Women's Custodial Services Directorate, the position of director has been filled by a number of different individuals, following the departure of the inaugural appointee at the beginning of 2005. These individuals have performed the role of director on a temporary acting basis for various lengths of time. At the same time as commending the Department on the establishment and the role of this directorate, this Office is concerned about the lack of substantive leadership. A directorate cannot function efficiently and at optimum capacity if the leadership is unstable due to constant changes of director.

Recommendation 1

The Department must continue to support and adequately resource the Women's Custodial Services Directorate. Further, the Department should appoint a suitable substantive director on a permanent basis as soon as possible.

Profile of Women in Prison

- 2.13 In June 2002, the Department completed a profile of female prisoners across Western Australia.⁵¹ This allowed those responsible for managing female prisoners in Western Australia the opportunity to understand their client group for the first time. The profile emerged from a survey that was conducted with 140 women incarcerated in prisons across the state, a response rate of 70 per cent.⁵²
- 2.14 The survey results identified a profile of women in custody that provided information on a variety of factors, including personal characteristics, imprisonment and offending histories, family and relationship issues, social disadvantage, health and wellbeing, special needs and returning to the community. This research is fundamental to understanding the needs of women in custody, and consequently formulating an appropriate approach to addressing these needs. It is to the credit of the Department that this research has been replicated in subsequent years, with the most recent female prison population summary having been conducted in 2005. The information obtained through these surveys should inform policy setting and decision-making. The substantive director of the Women's Custodial Services Directorate should have explicit responsibility in this regard.

49 Department of Justice, *Women in Prison* (undated).

50 Ibid.

51 Department of Justice, Community and Juvenile Justice Division, *Profile of Women in Prison* (June 2002).

52 Ibid.

The New Metropolitan Low Security Prison for Women

- 2.15 In developing the concept of a new metropolitan low security prison for women, the Department was disposed to reflect on its practices regarding the management of its female prisoners. Prior to such a facility being commissioned in May 2004, a ‘best practice’ document was produced that identified the pertinent issues around the custodial management of women and how these should be operationalised in a new low security custodial facility for women.⁵³
- 2.16 The Metropolitan Low Security Prison for Women Project commenced in 2001 with the following objectives:⁵⁴
- Successful reintegration of women into the community together with a reduced rate of recidivism.
 - An operational philosophy that recognises and incorporates the needs of women prisoners.
 - Reforms in the way women offenders are managed and a women’s perspective in design and operation of prison facilities.
 - Integration of the prison into the community and community into the prison.
 - ‘Normalisation’ of living arrangements and management approaches.
- 2.17 These objectives are consistent with good practice in terms of a women-centred approach to managing women in custody, and are grounded in various theoretical approaches. The result of this project was the commissioning of the Boronia Pre-Release Centre for Women, which has been operational for almost two years.

The ‘New’ Bandyup

- 2.18 The Department’s advances in thinking around managing women in custody inevitably impacted on Bandyup Women’s Prison. These shifts were further assisted by the strategic policy recommendations made by this Office following the inspection in 2002.
- 2.19 In his exit debrief at the conclusion of the 2005 inspection the Inspector assessed Bandyup as ‘unrecognisable from Bandyup 2002. There has been a quantum leap in performance.’⁵⁵ The Inspector commended the role of the Women’s Custodial Services Directorate for maintaining the momentum in terms of progress against the Inspectorate’s previous recommendations. He also acknowledged the role of the change management team at Bandyup in this regard:⁵⁶

Another key aspect in taking Bandyup forward was the appointment of a Change Management Team. When a prison is in crisis, the line management must concentrate on maintaining stability; it is too much to expect them also to initiate fundamental change. My Office has recommended the appointment of a change management team at each of the prisons we have inspected that were in a state of near-crisis – Hakea, Roebourne, Eastern Goldfields and Bandyup itself. At Hakea, for example this was done to good effect. And now it has been done at Bandyup, with equally good effect.

53 Salomone J, *Towards Best Practice in Women’s Corrections: The Western Australian Low Security Prison for Women*, (Western Australia: Department of Justice, undated).

54 *Ibid.*, p. 5

55 Harding R, *Exit Debrief: Bandyup Women’s Prison Inspection 22 May to 26 May 2005* (May 2005) 2.

56 *Ibid.*, 3

Both the change management process and the development and refinement of a philosophy for women's imprisonment have been done in a highly consultative way – another admirable aspect of the model which has fed into the successes achieved so far.

- 2.20 Under the guidance of an experienced consultant, the change management team has been responsible for driving the reform agenda at Bandyup. The change management process was briefly described in the preceding chapter of this Report. The appropriate change management dialogue in the present chapter, therefore, is specifically in relation to the outcome of the process as progress against the strategic policy recommendations made by this Office in 2002. As noted above, the Inspector is of the opinion that the change management process at Bandyup has been effective in improving Bandyup's performance. Notably, the change management team, through its consultative approach, has developed a new philosophy, purpose and vision for Bandyup Women's Prison that is truly informed by a women-centred approach and which supports the Inspector's finding that issues concerned with women's imprisonment now have a status and moral credibility within the Department that they previously lacked.⁵⁷
- 2.21 This Office has considered the Department's response to recommendations made in 2003 in relation to strategic policy as acceptable. The real test, however, is always in the closeness of fit between the broad statements and actual practices on the ground. This test will be applied at various relevant stages throughout this Report, and will consistently be applied against good practices in a women-centred approach to managing women in prison.

SECURITY AND SAFETY

- 2.22 The Inspectorate made four recommendations about security and safety at Bandyup Women's Prison. Each of these recommendations was more specific than the strategic policy recommendations addressed in the previous section of this chapter. The Department of Justice agreed with all of the Inspectorate's recommendations relating to security and safety.

Prison Movements

- 2.23 This Office recommended that a facility and systems be established to improve the gatehouse procedures and to enable more effective control over movements into and out of the prison. The Department's response at the time was that new gatehouse procedures were being adopted in all prisons and that the presence of a drug detection dog and handler at the prison would increase security and provide further control over movements into and out of the prison. Nonetheless, the Department acknowledged the limitations of the gatehouse facilities at Bandyup and committed to further review these facilities.
- 2.24 Since the recommendation was made, however, there has been very little progress to address this recommendation. The most disappointing feature of the Department's lack of progress against this recommendation is the length of time that has lapsed between the recommendation being made and any action whatsoever being implemented in its regard. Since the recommendation was made in 2003, there has been no improvement in the gatehouse facilities at Bandyup. A project has recently commenced to address this and a number of other structural limitations at Bandyup, however, the Inspectorate is of the opinion that this action, taken three years after the initial suggestion, cannot be considered real progress in the context of security risks identified and known to the Department.

57 Ibid., 4.

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- 2.25 The project that has commenced to address this recommendation is called the ‘Bandyup Women’s Prison Entrance Improvement and Accommodation Project’. In December 2004, the project team produced a discussion paper detailing each area to be reviewed within the scope of the project, and how this should be aligned with good practice principles. According to this document, ‘the new philosophy for Bandyup Women’s Prison is the driver for the Bandyup Entrance Improvement Project’.⁵⁸ While this is admirable, it seems extraordinary that three years have passed with nothing being done because there was no philosophy to drive the action. The Inspectorate’s response is that this delay is unacceptable, particularly given the comprehensive account of good women-centred practices in custodial settings contained in the report of the 2002 inspection.⁵⁹ There was certainly sufficient information in that report to have provided a sound starting point for much swifter progress in response to this recommendation.
- 2.26 Bandyup has been allocated approximately \$7 million over three years for this project. The scope of the project includes a review of the service delivery, processes, staffing and facilities in the following contexts:
- street entrance/front gate;
 - administration;
 - reception;
 - orientation;
 - visits (child, social, official, day and overnight visits);
 - prisoners with resident children; and
 - discharge (including transitional and self-care accommodation).
- 2.27 Despite the appointment of a project team and the preliminary work that has commenced for the design of a new gatehouse facility, it appears this project has been postponed in preference for increased accommodation capacity (in light of population pressures). Certainly, this Office has been led to believe that the priority has shifted away from the gatehouse and movement control facilities to the construction of 40 new self-care beds due to commence within the next 12 months. The Department’s response to this opinion was that it was incorrect. The Department maintains that additional funding of approximately \$7 million was subsequently made for the provision of additional accommodation, which neither delayed the progress of the gatehouse element nor reduced the funding available. On the contrary, the Department maintains that significant efficiencies were made through sharing resources such as the project team and consultants between the two projects, which increased the percentage of funds that could be spent on the infrastructure, and construction of the two elements will be undertaken simultaneously. Whilst the Inspectorate may concede this point, the fact remains, however, that no progress had been made to implement the recommendation made in 2002, and it is doubtful whether the women and their visitors at Bandyup have reaped the benefits of the “significant efficiencies” the Department claims have been made so far in relation to this project.

58 Shortland-Jones R, *Bandyup Entrance Improvement Project, Discussion Paper* (December 2004).

59 OICS, *Report of an Announced Inspection of Bandyup Women’s Prison – June 2002*, Report No. 13 (March 2003).

- 2.28 As well as neglecting to address the issue of inadequate security for the entry to the prison, no procedural or policy measures have been taken to assist in making entry to Bandyup more secure. In summary, the Department's response to this recommendation has been less than acceptable.
- 2.29 During the on-site inspection in May 2005, inspection personnel found that the current prisoner entry and reception area design and function are inadequate. From the outset there are issues with the entry method of vehicles into the prison and unloading of prisoners from vehicles. All vehicles are brought into the prison precinct before a comprehensive security check is conducted. The potential security implication here is further compounded by the fact that the sally port cannot be secured in some instances due to modification of the prisoner reception area which affected the sally port. Bandyup staff advised that, as a result of this modification, the length of the sally port was reduced, resulting in the sally port not being able to securely accommodate the larger vehicles used to transport prisoners. Consequently, it has become common practice at the prison that the sally port is not secured at all when vehicles are on-site for the loading and unloading of prisoners.
- 2.30 Finally, included in the Department's response to this recommendation was a commitment to assign a drug detection dog and handler at Bandyup on a permanent basis. The biggest internal safety and security issue for the prison is contraband and in particular drug trafficking (both illegal and prescribed medication). In the past year a dog and handler have been located on-site. At the time of the recent inspection, however, the handler had been off duty on workers' compensation. As a result, the cancellations of visits decreased, and all indications were that trafficking of contraband was likely to have been occurring. This Office was advised, at the beginning of October 2005, that the prison is expecting a permanent dog and handler within a few weeks following the completion of a five-month training school. Were this initiative not already in process, the Inspectorate would certainly be recommending that the Department permanently assign a dog and handler to Bandyup Women's Prison. Insufficient attention had been given to this important security and safety function.
- 2.31 The obvious recommendation to emerge from the above would in fact be a repeat of the 2002 recommendation, that a facility and systems are established to supplement the role of the current gatehouse to enable more effective control over movements into and out of the prison. This is an unsatisfactory situation, and one that will conceivably be rectified by the Bandyup Women's Prison Entrance Improvement and Accommodation Project. The Inspectorate will continue to monitor the processes and outcomes of this project.

Searches

- 2.32 In 2002, the Inspectorate recommended that procedures for pat down searches and strip-searches be controlled by regulations and only be performed by female custodial staff. Staff need to be trained to undertake searches with sensitivity to prisoner backgrounds of possible abuse.⁶⁰ A context for this recommendation was a finding from that inspection that, in the absence of female custodial staff, female nursing staff were being called upon to perform strip-searches.

60 Ibid., 106

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- 2.33 There certainly are regulations in place to guide appropriate conduct in relation to searching female prisoners. Section 41 of the *Prisons Act 1981* provides the legislative authority for the searching of prisoners generally, along with Regulation 78.⁶¹ Further, Bandyup Women's Prison Local Order 20⁶² ensures that standard and consistent search procedures are defined and maintained and applicable to all prisoners at Bandyup.
- 2.34 Local Order 20 stipulates that it is mandatory for a prisoner to be searched every time she enters or leaves the prison. It is also mandatory for a prisoner at Bandyup to be strip-searched upon reception and discharge from the prison, before placement into an observation or punishment cell, and upon placement into the Crisis Care Unit.
- 2.35 This Local Order specifies that, in the case of pat down searches, where possible, the searching officer shall be of the same gender as the prisoner but that a second officer witnessing the search may be of either gender.⁶³
- 2.36 Clause 5.1 of the Local Order specifies that strip-searches shall only be conducted where ordered by the Superintendent (or delegate) and a written report must be made following the search. Clause 5.2 stipulates that two staff of the same gender as the prisoner to be searched shall conduct all strip-searches and Clause 5.3 emphasises the gender issue by stating that the search shall not be conducted in the presence or within sight of any person not of the same gender.
- 2.37 Thus, although the necessary regulations are in place with regard to pat down and strip-searches, it is questionable whether the part of the recommendation relating to the gender of the staff conducting and/or witnessing the search has been adequately addressed, given that the Local Order does allow for a male officer to be present as a witness during a pat down search of a female prisoner. Ultimately, the satisfactory progression of this recommendation will depend on the staffing configuration at Bandyup, specifically whether or not there are adequate numbers of female custodial staff present on any given shift to allow for two female officers to be present in the event that a search of a prisoner is necessary.
- 2.38 The Department's response to this recommendation in both 2002 and 2005 included a commitment to training in searching procedures as a standing component of the training package at Bandyup. In the six months preceding the inspection in May 2005 (November 2004 to May 2005), there was only one training session dedicated to searching procedures. This was a three hour session that was allegedly conducted by the Assistant Superintendent with uniformed staff on Friday 31 December 2004.⁶⁴
- 2.39 It is acknowledged that training sessions on issues specific to female offenders, such as special needs, nature of offending and abusive histories does also occur at Bandyup. Further,

61 *Prisons Regulations 1982* (WA).

62 Local Order 20, *Search Procedures – Prisoners* (signed off by the Superintendent of Bandyup Women's Prison on 22 February 2005).

63 Local Order 20, clauses 4.2 and 4.3.

64 Bandyup Women's Prison Training Schedule for 2004 and 2005 (provided to the Inspectorate prior to the recent announced inspection.)

new employees at Bandyup are provided with a handbook that includes information on issues affecting female prisoners. In relation to searches, however, there is only one paragraph in this handbook that refers to the link between these female-specific issues and the implications for staff conducting searches on female prisoners for whom these issues may be relevant. The paragraph reads:⁶⁵

[W]omen who have been abused may have difficulty dealing with restraints, seclusion and searches, which they may interpret as dangerous or threatening and which may result in re-traumatisation. Staff searching women should be sensitive to these traumas.

- 2.40 The profile of women in prison in Western Australia that the Department developed in June 2002 specifically included abusive histories as an integral aspect of the profile of this particular population.⁶⁶ It is important that crucial information such as this is adequately communicated to staff at an operational level, thus ensuring that important findings such as this inform practice on the ground. Further, it is imperative that any changes that are made to procedures such as strip-searches are clearly and immediately communicated to officers who perform these procedures. This is particularly relevant for staff who may have been in the job for a long time and have become comfortable with procedures that may in fact be outdated and/or have been modified.
- 2.41 While the Department's overall response to this recommendation was considered acceptable, this Office is concerned about strip-search procedures applied to female prisoners attending inter-prison visits, specifically between Bandyup Women's Prison and two male prisons, Hakea and Acacia. This issue will be further explored in Chapter Three within the broader context of discipline and punishment of female prisoners. Male prisons expecting scheduled inter-prison visits with female prisoners from Bandyup should take into account Bandyup's own Local Order on searching of prisoners that stipulates the gender of staff responsible for conducting searches of female prisoners. It is acknowledged that this is not a Bandyup-specific recommendation and may not be relevant given the changes that Bandyup management has assured the Inspectorate are occurring with regard to strip-searching women on inter-prison visits.

Recommendation 2

Training and awareness raising about the implications of an abusive past for female prisoners' reaction to being searched should be included as a specific component in the recruit training school, and should be consistently provided to all staff at Bandyup as part of Bandyup's staff training package, in keeping with Bandyup's new women-centred philosophy.

65 Bandyup Women's Prison, *New Employee Orientation Handbook for Public Sector Employees and Prison Officers, First Class Officers and Senior Officers* (Revised, March 2005).

66 Department of Justice, Community and Juvenile Justice Division, *Profile of Women in Prison* (June 2002).

Bullying at Bandyup

- 2.42 An inspection finding in 2002 was that the management of sexual aggression among prisoners within Bandyup was reactive and unsupported by any robust internal policy. This finding prompted the recommendation that the prison confronts issues of sexual aggression and predation in the prison, develops codes of conduct and adopts disciplinary responses that identify and sanction offenders.⁶⁷ The Department agreed with this recommendation and referred to the prison's anti-bullying policy as evidence of its commitment to this recommendation.
- 2.43 The policy provided by Bandyup to this Office was last reviewed in October 2004 and was due to be reviewed again in October 2005. This anti-bullying strategy describes what bullying is, the subtleties and covert nature of bullying, and management options for dealing with the perpetrator and the victim.
- 2.44 Bandyup's anti-bullying strategy is, however, contradictory. The policy states that it is the bully who is to be punished, not the victim; yet, on the same page of the policy it is acknowledged that '[G]enerally we are forced to impose a "punitive regime" on the bullied prisoner (the victim) as opposed to the perpetrator (the bully).'⁶⁸ The recommendation regarding bullying emerged as a result of findings in 2002 that:
- [D]espite an anti-bullying policy in the prison, whose intent is to sanction the bully rather than the victim, the protection prisoner rather than the prisoner threatening her had become the victim of a punitive regime.⁶⁹
- 2.45 Indeed, findings from the recent Inspection also indicated a confused approach to anti-bullying at Bandyup. Inspection personnel found that the management of bullying behaviour at Bandyup was unsatisfactory, for both the bully and the victim. The victims are dissatisfied with the way bullying behaviour is managed because, more often than not, there are no consequences to be observed as a result of the bullying behaviour. The bullies, on the other hand, are dissatisfied because they feel that they are "convicted" of bullying without being given an opportunity to answer the allegations or without even necessarily being clear about exactly what aspect of their conduct was labelled as bullying.
- 2.46 It appears that allegations of bullying at Bandyup are verified through "covert" means, particularly un-notified surveillance of identified prisoners. If officers are satisfied that a prisoner is bullying other prisoners, that person may be shifted or subjected to close supervision, both of which would be experienced by prisoners as punitive, but which technically are not labelled as punitive measures. At the same time, because such action is not meant to be punitive and there is no formal process, the prisoner complaining is unlikely to recognise that any action has resulted from her complaint. Bullying is undoubtedly a difficult behaviour to address. However, in the context described above, the outcomes identified are not satisfactory for either party.

67 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 106.

68 Bandyup Women's Prison, *Anti-bullying Strategy* (reviewed October 2004).

69 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 46.

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- 2.47 In discussions with relevant staff during the on-site phase of the recent inspection – in particular concerning the issue of the lack of a right of reply or advice about what the perpetrator is supposed to be doing wrong – inspection officers were told that often the individual accused of bullying would be given an “informal chat” about the problem. This, however, has the potential to exacerbate the problem, with one prisoner identifying such an “informal chat” as itself bullying. This prisoner felt that it had already been determined that she was “‘guilty’ of bullying, and she had no access to any formal process or redress. This is an indication that the anti-bullying strategy may not be providing the appropriate levels of support or guidelines to either staff or prisoners.
- 2.48 For any strategy to be truly effective it must be believed in and embraced by staff, from management down. Indeed, the Inspectorate has made this point previously:⁷⁰
- Any successful strategy must be top-down, the staff and senior management must ensure, lead, oversee, and constantly reinforce its implementation. A positive anti-bullying culture is created by the staff at all levels, supported by the majority of prisoners, who must see its operation in practice. The key to its success rests on the built environment, effective strategies to deal with bullying, and most importantly, on the professionalism of the staff working in the institution.
- 2.49 In light of the above comment, further evidence of the failure of the anti-bullying strategy at Bandyup is reflected in the results of the Bandyup staff survey that was conducted prior to the on-site inspection in May 2005. In these surveys, the effectiveness of the bullying and standover policies and procedures was rated lower than any other area surveyed, with only 30 per cent of respondents believing these to be effective. Similarly, in 2002, ‘two-thirds of officers surveyed believed the prison has inadequate policies and practices for dealing with bullying and standovers’.⁷¹The consistency of these findings demonstrates the lack of progress on the part of the Department and the prison in relation to this recommendation.

Protection Prisoners: The Forgotten Women?

- 2.50 Arguably, if anti-bullying policies were effective within prisons, there should be no need for protection units within prisons. The fact that Bandyup Women’s Prison has a facility to accommodate so-called ‘protection prisoners’ is testament to the limitations of an anti-bullying strategy. The Inspectorate acknowledges the association between bullying in a prison and placement of prisoners in a protection unit. The recommendation referred to above, therefore, was directly followed by a recommendation in 2003 that conditions and regimes in the protection unit be addressed and improved and the protocols in relation to such prisoners clarified and documented.⁷²
- 2.51 In May 2003, the Inspectorate published Report No. 15, a thematic review of policy and practice in relation to vulnerable and predatory prisoners in Western Australia.⁷³

70 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003).

71 OICS, *Report of an Announced Inspection of Bandyup Women’s Prison – June 2002*, Report No. 13 (March 2003) 46.

72 *Ibid.*, 106

73 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003).

This review found that protection arrangements at Bandyup Women's Prison were profoundly unsatisfactory: Bandyup Prison fails all of the tests for a healthy prison in respect of protection prisoners and staff working in that environment.⁷⁴

- 2.52 Thus, the situation for protection prisoners at Bandyup had been assessed as poor in 2002, following the inspection, and was equally unsatisfactory in 2003. Unfortunately, the inspection in 2005 found no marked improvement.⁷⁵
- 2.53 The facility for protection prisoners at Bandyup remains unchanged from the previous inspection. It consists of six basic cells and is situated adjacent to Unit One A wing. There are shared kitchen and shower facilities and a small enclosed garden area. The Unit is poorly resourced, has extremely limited access to staff and as a result the women held in the Unit experience a lack of supervision and assistance. Access to virtually all of the services and facilities at Bandyup is extremely limited for these prisoners. For the most part the women are confined together in the protection area with little meaningful activity. They leave the unit only for one hour each day when they attend the library and canteen, and are only provided with recreation opportunities for one hour on a Saturday and Sunday.
- 2.54 Only recently have other prisoners, such as 'peer tutors', been allowed to access the protection area. Peer support prisoners have only occasional, ad hoc access. These peer tutors visit the protection prisoners once a week and provide a range of activities to the women. Peer tutors are long-term prisoners who reside in self-care at Bandyup and they have expressed a willingness to visit the women in protection more often.
- 2.55 Given the limited size and infrastructure of the unit, the protection prisoners also have no access to the general hierarchical privileges within the mainstream prison regime associated with good conduct. The protection prisoners themselves stated to inspection personnel that they are all drug-free, yet they are not given the same privileges that accompany this conduct elsewhere in the prison, such as extra telephone calls.
- 2.56 Another indication of the difficulties faced by the women in protection at Bandyup is the issue of the laundering of their clothing and bedding. Until recently, the protection prisoners' clothing and bedding was sent to the main prison laundry to be washed and dried. While the prisoners' clothing itself could not be identified as belonging to any particular prisoner (the clothing was labelled with prisoners' numbers, not their names), the laundry bag in which the soiled clothing was placed was clearly identified as 'D&V'.⁷⁶ The women in the Protection Unit complained that often the main prison laundry did not return the clothes they sent for laundering. This was perceived as deliberate on the part of the (mainstream) laundry workers. This may seem like a minor issue; however, for the women confined to the Protection Unit at Bandyup this is yet another instance

74 Ibid., 80

75 The Department has responded to this point by insisting that changes have been made to the Protection Unit at Bandyup. The fact that conditions in the Unit are still so poor despite the changes the Department claims only serves to emphasise the Inspectorate's point that the conditions are unacceptable.

76 This refers to disturbed and vulnerable. The Protection Unit used to hold disturbed and vulnerable (crisis care) prisoners before the construction of the Management and Crisis Care Units. The Protection Unit is sometimes (unofficially) still referred to as the 'Disturbed and Vulnerable' Unit.

of victimisation. As a consequence, the Inspectorate, during the course of the on-site phase of the inspection, recommended that a washing machine and dryer be installed in the Protection Unit so the women could be responsible for their own laundry. Not only would this make life easier for the women, it is consistent with good women-centred practice in that it increases their own sense of personal responsibility and goes some way to normalising everyday life for the women. The washing machine and dryer have since been installed.

- 2.57 On a positive note, the paperwork and processes for documenting a prisoner's placement into protection appeared adequate, and included continuous review of the placement. Protection prisoners also stated that they had a clear understanding of the processes to be followed should they wish to return to the mainstream population.
- 2.58 The Department's implementation of the Inspectorate's recommendations regarding bullying and protection is less than acceptable. The recent inspection identified significant flaws in Bandyup's anti-bullying strategy, and revealed that conditions and regimes in the Protection Unit had not improved.
- 2.59 As noted earlier, bullying behaviour and how to manage it within a prison environment are extremely complex issues. The Department has acknowledged this and as a result has initiated the Predatory and Vulnerable Prisoners Project.⁷⁷ The purpose of this project is to
- broadly review current concepts and practice in relation to the bullying and victimisation of prisoners by other prisoners and how this links with prisoner protection arrangements, with a view to recommending the most effective policy and practice for Western Australia.⁷⁸
- 2.60 The first stage of this project has been completed and involved a review of the conceptual literature on bullying in prisons as well as a prisoner safety survey that was conducted in most prisons in Western Australia. This project emerged out of an historical framework strongly informed by reports⁷⁹ and recommendations previously made on numerous occasions by the Inspectorate. The Inspectorate is encouraged by this, and is hopeful that the outcome of this project may finally manifest in implementation of the Inspectorate's numerous recommendations about vulnerable and predatory prisoners that have been made in the past.
- 2.61 Thus, although this Office has evaluated the Department's response to these two recommendations regarding bullying and protection regimes negatively, the Inspectorate is cautiously optimistic that the Predatory and Vulnerable Prisoners project will address the Department's failings in relation to managing bullying in prisons. The Inspectorate will continue to monitor this project and the Department's response to the project outcomes and recommendations.

77 Department of Justice, Offender Services and Sentence Management Branch Prisons Division, *The Predatory and Vulnerable Prisoners Project (Stage 1)* (May 2005).

78 Ibid., 5

79 Specifically, OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 11 (October 2001) and OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003).

STAFF RATIOS, RECRUITMENT AND TRAINING⁸⁰

2.62 The Inspectorate made five recommendations relating to staffing at Bandyup following the inspection in 2002. These recommendations incorporated the following themes:

- a target for a staff gender ratio at Bandyup;
- the recruitment of staff specifically for Bandyup Women's Prison;
- orientation for new staff in accordance with the new philosophy and purpose of Bandyup; and
- the development of orientation and recruit training packages for new staff at Bandyup.

2.63 The Department agreed with all of the Inspectorate's recommendations. Their responses to the recommendations included commitment to a number of positive strategies and initiatives in order to satisfactorily progress the recommendations. Although the Inspectorate considers the Department's response to these recommendations as acceptable, much more needs to be done in this regard.

Staff Gender Ratio

2.64 In its response to this recommendation, the Department advised that, following agreement between Bandyup and the Western Australian Prison Officers Union, a staff gender ratio of 60 to 40 weighted towards women has been achieved. This figure was reiterated by Bandyup management in the initial briefing provided by Bandyup management prior to the commencement of the on-site inspection. Moreover, the Department claimed that a team comprising 50 per cent males and 50 per cent females manages the prison.

2.65 On 25 May 2005, half way through the on-site inspection, figures were provided to relevant inspection personnel by Bandyup staff that showed that females make up 51 per cent of base grade and first class prison officers. When further broken down across ranks, the ratio of female officers decreases further, to the extent that only one out of six senior officers at Bandyup is female. It would seem, therefore, that the prison, while improving the staff gender ratio as recommended, has not accomplished its own target of a 60:40 ratio, despite claims to the contrary.⁸¹

2.66 Although it is acknowledged that the two most senior management positions at Bandyup (Superintendent and Assistant Superintendent) are held by women, the lack of female leadership at other levels across the staff component at Bandyup was identified as an issue for female officers generally and was reflected in the pre-inspection survey results. Respondents indicated that the lack of female leadership among uniformed officers was one reason staff gave for dissatisfaction with local management and a feeling of general lack of inclusion in decision-making.

80 More information on staffing issues is included in Chapter Three of this Report. The information on staffing contained in the current chapter is specifically relevant to progress against recommendations that were made about staffing at Bandyup in 2003.

81 The Department claims that the target 60/40 gender ratio was accomplished on the Bandyup FTE Report of 30 December 2004. The figures provided above are, however, a matter of fact and an indisputable, evidence-based Inspection finding. The Department does admit that the staff gender ratio can fluctuate due to new intakes and transfers out of Bandyup but that the prison actively works to a uniformed (all ranks) gender ratio target of 60/40.

Bandyup Specific Recruitment

- 2.67 In an attempt to address this imbalance of female leadership at Bandyup, local management have applied for a Bandyup-specific promotions system that will take into consideration the need for a proportion of senior officers to be female and for senior staff to have a specific desire to work at Bandyup with female offenders. Under this system the prison will be interviewing for three senior officer positions and six first class prison officer positions. From this selection process, Bandyup was able to attract three substantive senior officers, one of whom was female, and two substantive first class prison officers.
- 2.68 The recommendation about Bandyup-specific recruitment was specifically worded that the Department advertises for and recruits new custodial staff specifically for Bandyup.⁸² The Department's response to this particular recommendation read as follows:⁸³
- Thirty-two per cent of Bandyup's current staff have served less than 12 months in the service, the majority of which are female.
 - Reception Officers have been appointed with exemptions made under the EEO Act for them to be identified as female only positions.
 - A POPS process specifically for Bandyup Senior Officer and FCPO positions will run in April 2005. The advert will read 'Women are encouraged to apply'.
- 2.69 The Inspectorate is dissatisfied with this response for two reasons: The first two comments do not actually address the recommendation. The recommendation was for a Bandyup-specific advertising and recruitment process, not to specifically recruit only female staff or reserve positions as female-only positions. Although it is considered good women-centred practice for female staff to be actively involved in the management of female offenders in custody, this Office would be reluctant to insist that a Bandyup-specific advertising and recruitment campaign be focused on only attracting women. The manner in which the Department has chosen to interpret, and indeed progress, this recommendation is confused.
- 2.70 Secondly, with reference to the third comment in the Department's response, this Office is, once again, surprised and disappointed in the length of time it has taken to meaningfully progress this recommendation. The recommendation was made in 2003 and the response in 2005 is still written with a future intention in mind.

STAFF ORIENTATION AND TRAINING

- 2.71 Each of the Inspectorate's recommendations should not be read in isolation from the others. Likewise, the recommendations should not be progressed and/or implemented in isolation. Rather, the recommendations are strong suggestions from this Office for collaborative and integrated action in order to improve a prison's operating environment and the strategic policies that regulate this environment.

82 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 106.

83 Updated Department of Justice response to the 2002 recommendations provided to the Inspectorate prior to the Inspection of Bandyup Women's Prison in May 2005.

Orientation

2.72 The recommendation made in 2003 in relation to the orientation for new staff stated that:⁸⁴

All incoming and incumbent staff at Bandyup are given a comprehensive and formal orientation to the prison that includes an induction into the philosophy and purpose of Bandyup as per Recommendation 1; all uniformed staff at Bandyup are given appropriate in-service training that fits them for service at a women-centred women's prison; and, recruits to Bandyup are trained specifically for service at this prison, partially on-site. Staff should be trained urgently and comprehensively in unit management and IMPs.

2.73 The point made above about considering all recommendations pertinent to an inspection holistically (rather than employing a piecemeal approach) is particularly relevant here. The preceding recommendation about advertising and recruiting staff for Bandyup should have been considered in the context of this recommendation relating to orientation of staff. A comprehensive and deliberate orientation process for new staff should prepare a new recruit for work at Bandyup, regardless of whether the new recruit is male or female. The advertising and recruitment process, therefore, should target suitable individuals (not necessarily only suitable females), who, once formally orientated, are capable of working in a women-centred custodial environment and aware of good women-centred practices and processes.

2.74 All staff commencing at Bandyup now receive a formal orientation to the prison. A senior officer conducts staff orientation for all public sector employees employed at the prison, both uniformed and non-uniformed. The orientation consists of four stages: a video presentation; a tour throughout the prison; a general handbook from the Department regarding system-wide issues; and a handbook specifically developed for Bandyup employees. This site-specific handbook identifies a range of issues specific to working with women as well as services available to staff at the prison, including:⁸⁵

- Bandyup philosophy, purpose and vision;
- facility details;
- prison routine;
- profile of women in prison;
- issues affecting female prisoners;
- management structure, staff structure and profile;
- offender services at Bandyup;
- health services;
- vocation and support officers; and
- staff services.

84 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 106.

85 Bandyup Women's Prison, *New Employee Orientation Handbook for Public Sector Employees and Prison Officers, First Class Officers and Senior Officers* (revised, March 2005).

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- 2.75 The package contains a description of each staff position within the prison and a section for the new staff member being orientated for themselves and the described staff member to sign to state they have met and had a discussion about the role that staff member plays in the prison. A separate security orientation booklet is also provided.⁸⁶
- 2.76 There has been substantial progress on this ‘front end’ of the orientation process. However, there does not seem to be any structured ongoing support for new staff, and in particular new uniformed officers. A structured mentoring system would perhaps be beneficial, where one senior staff member is nominated as the designated individual whom new uniformed recruits can approach if they have any questions or issues about working at Bandyup. This role could play a crucial part in influencing how the ‘culture’ of the prison is imparted to new recruits, and the subsequent evolution of the prison culture.

Recommendation 3

A senior staff member at Bandyup Women’s Prison should be appointed as a mentor for new uniformed recruits entering Bandyup as part of a structured mentoring system.

Training

- 2.77 Staff training was an area that was included as part of Bandyup’s change management strategy. One of the focuses for change management was to increase the competencies of staff in all operational areas, and in particular those identified as relevant to the management of women offenders.
- 2.78 Indeed, documentation provided to the Inspectorate prior to the on-site inspection of Bandyup listed the following changes with respect to staff training that have occurred at Bandyup as part of the change management strategy:⁸⁷
- A uniformed staff training needs survey was conducted to inform the 2005 training schedule.
 - 2004–2005 – 12 month staff training schedule which includes the following training:
 - women’s custodial training for all staff;
 - operational skills training;
 - local training;
 - staff wellbeing sessions;
 - a one-day staff managing drug use training course to support the drug free unit; and
 - a one-day verbal judo training course for all staff.
 - Nine staff members from across the Bandyup Prison site have successfully completed the staff support training.

86 Bandyup Women’s Prison, *Security Orientation Booklet* (undated). This is a confidential document.

87 Bandyup Women’s Prison, *Summary of Change Management Strategy* (April 2005).

- 2.79 The general ongoing training for staff seems to have improved since the last inspection. Prisoners are locked down every Friday morning to allow many of the rostered staff to attend scheduled training sessions. The same sessions are run over three different Fridays to try to maximise the opportunity for as many staff as possible to attend. The sessions include a number of women-centred topics that would benefit staff in their work at Bandyup – family and domestic violence, drug and alcohol abuse, surviving sexual abuse, mental health, the nature of female offending, special needs awareness, self-esteem, equal opportunity, conflict resolution and issues surrounding association with female prisoners. While the range and relevance of topics is an improvement on the previous training schedule, the majority of training still relates to generic security and administration-based sessions operated by the Department at all sites. While this is necessary ongoing training for staff to receive, the emphasis should be placed on putting this in a context that is Bandyup-focused, highlighting how these policies and practices should be applied to women prisoners.
- 2.80 New recruits are not specifically trained for employment at Bandyup to work with female prisoners. All staff are trained centrally and are not identified in advance as prospective employees within the female prison estate and trained accordingly. To this extent, the Department has not adequately addressed the recommendation that recruits to Bandyup are trained specifically for service at this prison, partially on-site.⁸⁸
- 2.81 Staff responses to the survey regarding training indicate that they do not perceive their training needs to have been any better met in the years since the last inspection. Of particular relevance is the low level of training with regard to IMP and case management in light of the recommendation from the previous report. Only 11 per cent of staff reported having IMP training in the past two years, and 51 per cent of respondents stated they required more training in this area. In this respect there has not been adequate progress towards this recommendation. The experiences of prisoners support this, with case management very obviously not being an active part of Bandyup's system for managing prisoners. (Case management will be discussed more thoroughly in Chapter Three of this Report.)
- 2.82 This Office is also concerned about the lack of cultural awareness training. There are no cultural awareness training sessions indicated on the 2004 or 2005 training schedules that were provided to the inspection team prior to the recent inspection. Only 17 per cent of respondents to the staff survey indicated receiving any cultural awareness training in the past two years, and 44 per cent indicated that they required more training in this field. With the consistently high proportion of Aboriginal prisoners being accommodated at Bandyup, the prison can no longer ignore this vital component of staff competence. In December 2004 the Policy Framework for Substantive Equality was endorsed as official government policy and resulted in the establishment of a Substantive Equality Unit located in the Equal Opportunity Commission.⁸⁹ The Department was one of the agencies in which the policy framework was successfully piloted, and it will now be implemented across the public sector. The policy framework addresses systemic racism and is designed to ensure that all people

88 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 106.

89 The Policy Framework for Substantive Equality is available at www.equalopportunity.wa.gov.au.

have access to a public service that best meets the different needs of Western Australia's diverse community. Thus the focus has shifted from cross-cultural training to include anti-racism training.

Recommendation 4

Given the increasing proportion of Aboriginal women represented in Bandyup's population, the level and extent of cross-cultural awareness and anti-racism training provided to staff working at Bandyup should be increased and formally provided on an ongoing basis.

HEALTH

- 2.83 The areas of health and medical services are arguably the most controversial to inspect, particularly at a complex facility such as Bandyup Women's Prison. Women's health needs are, of course, different to those of men and should, accordingly, be arranged differently. The health care needs of women cannot be separated from those of their children. In a prison environment, managing the medical requirements of female prisoners combined with those of their children, who may either be residing permanently with their mothers in the prison or on extended visits, can be particularly complicated and challenging.
- 2.84 In 2003, the Inspectorate made three recommendations relating to health services at Bandyup. Although the Department agreed with all the recommendations, it eventuated that not all of the assurances the Department provided in relation to these recommendations could be confidently accepted by this Office.

Development of a Women's Health Strategy

- 2.85 The recommendation in this regard was that a women's health strategy be developed for Bandyup Women's Prison that outlines and addresses women's health needs in general, and the specific health care needs of Aboriginal patients.⁹⁰
- 2.86 The Department's response in 2003 was that this work is currently in progress and will be completed when the Director, Women's Custodial Services becomes available to participate in the process.⁹¹ Prior to the recent inspection, the Department's updated response to this recommendation was that this work is currently in progress. The Director of Health will work in conjunction with the Director, Women's Custodial Services and members of the women's custodial services reference group to develop a women's health strategy.⁹²
- 2.87 Despite this work supposedly being in progress in 2003 (and more recently in 2005), at the time of the recent inspection, no progress had been made in relation to the development of a specific women's health strategy. Health services have established portfolio groups and clinics to address specific women's health issues, including antenatal care, pap-smear tests and Hepatitis C. The overall women's health strategy as recommended in the 2002 inspection is, however, still to be developed. This is imperative to ensure recognition that women in custody have specific health needs that cannot be met by the broader health system.

90 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 107.

91 *Ibid.*, 112

92 Department of Justice, *Action Plan for 22 Recommendations of the Office of Inspector Custodial Service's Report of an Announced Inspection of Bandyup Women's Prison conducted between 9 and 14 June 2002* (undated).

Recommendation 5

The development of the overall women's health strategy as recommended by this Office in 2003 should be progressed urgently. All relevant policy documents (such as the Local Drug Action Plan) should be incorporated within the comprehensive women's health strategy in keeping with a holistic approach to managing the health needs of incarcerated women.

Medical Care of Children at Bandyup

- 2.88 The protocol for babies and/or children requiring medical attention while residing at Bandyup at the time of the inspection in 2002 was that they were required to leave the prison to attend a medical appointment or receive any medical service. The Inspectorate made a recommendation to address this practice and, as such, recommended that the Bandyup health service assume responsibility for the medical care of children who live in the nursery with their mothers or who are visiting the prison for extended visits or overnight stays.⁹³
- 2.89 It is satisfying that this recommendation has been implemented and Bandyup medical staff now provide on-site health services to children in their mother's care. The only instance in which a child has to leave the prison for medical reasons is if she/he needs to be hospitalised. The mothers in the nursery did, however, experience difficulty receiving prompt medical assistance from the Bandyup medical staff. On one occasion, a feverish baby did not receive medical attention for three hours after the mother requested medical help. This is most probably due to inadequate staffing arrangements in the nursery, and possibly across the entire prison site. The issue of staffing limitations and accompanying recommendations will be discussed in Chapter Three. In addition to the medical services provided to Bandyup mothers, a child health nurse visits Bandyup weekly to carry out routine checks on the infants residing in the nursery and provides information sessions for the mothers.

Use of Restraints

- 2.90 In 2003 the Inspectorate recommended that restraints are not in future to be used on female prisoners attending outside medical appointments unless an individual is judged to be at high risk of escape, and never used on women in labour or giving birth. Rules and regulations governing the use of restraints during escorts were to be amended accordingly.⁹⁴
- 2.91 The recommendation emanated out of an incident that was revealed to the inspection team during the inspection in 2002 which involved a Bandyup prisoner who gave birth by caesarean section in a public hospital and was restrained with either shackles or handcuffs for almost the entire duration of her stay in hospital.

93 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 107.

94 Ibid.

2.92 The Department agreed to review the use of restraints on female prisoners attending medical appointments, but stated in their response that there was no record of restraints being used on any woman giving birth.⁹⁵ The Inspector's response to this was that the documented evidence was clear-cut.⁹⁶ Further, the Department assured the Inspectorate that specific permission must be granted by the Superintendent for restraints to be used on women being escorted to medical appointments. More recently, shortly before the 2005 inspection, the Department referred the Inspectorate to Policy Directive (PD) 44 relating to the escort of pregnant women that has supposedly been modified to more appropriately address the Inspectorate's recommendation.

The Policies

2.93 PD 44⁹⁷ stipulates that (pregnant and postnatal) minimum-security prisoners are not to be mechanically restrained and that officers are not to be present within sight or hearing of the prisoner during any appointment, except upon request by the prisoner or medical staff, in which case the officer present must be female. In relation to medium and maximum-security prisoners, mechanical restraints are not to be used, unless the designated superintendent determines, for each individual case, that there is a significant risk to public safety. In such cases, the use of restraints is to be for the shortest period possible, and the restraints are to be removed as soon as the level of risk is assessed as having decreased. The same level of officer supervision applies for medium and maximum-security prisoners as for minimum-security prisoners.

2.94 The AIMS policy on restraining prisoners while being escorted or attending appointments outside of a secure environment is that, regardless of the prisoner's security rating, restraints are to be applied. Although the AIMS policy does acknowledge PD 44 in that it states restraints shall not be applied to a pregnant person in custody where PD 44 applies.⁹⁸ This policy also, however, states that, in the absence of a direction otherwise from the Superintendent, all minimum-security prisoners must be restrained.

2.95 It is important to note that the AIMS policies in relation to these issues have been through a departmental approval process. As a result of these departmental-approved policies, only superintendents have the power to prevent minimum-security prisoners being restrained and, subject to the exception of pregnancy as included in PD 44, no one has a discretion to prevent medium and maximum-security prisoners being restrained in an unsecured environment. Neither AIMS management nor AIMS officers have any personal discretion to not restrain prisoners.

PD 44 – A 'Motherhood' Statement?

2.96 On 16 June 2003, a revised policy directive (PD 44) was issued apparently in response to the latter part of the Inspector's recommendation referred to above. Specifically incorporated to

95 Ibid., 112.

96 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 8.

97 The title of this Policy Directive is 'Escorting and Supervision of Pregnant or Postnatal Prisoners'.

98 AIMS' transport and court custodial services are not generally subject to departmental instructions and directives for its prison services. Instead AIMS has developed its own policies and procedures which are subject to review and approval by departmental contract managers.

apply to the Department's private contractor for the delivery of court custody and transport services,⁹⁹ the directive complied with the word (if not the spirit) of the recommendation. It somewhat anomalously exempted all pregnant women in custody from being restrained (irrespective of the stage of pregnancy) but did not apply to the restraint of women after they had given birth. As such, that version of PD 44 stands as some kind of 'motherhood statement', with all pregnant women exempted from being mechanically restrained, while failing to exempt those women who have just given birth.

2.97 Consistent with departmental practice and just days before the recent inspection (on 13 May 2005), an amended PD 44 was introduced that removed the obligation to restrain women who are 'postnatal'.¹⁰⁰ The new PD44 is undoubtedly a significant improvement on the previous version and more accurately satisfies the Inspectorate's recommendation in this regard. The exclusion of postnatal women from the original PD 44 is, however, worrying. One incident that was revealed to inspection personnel during the recent inspection exposes the serious consequences of this flaw in the policy directive and further tarnishes Bandyup's reputation in terms of being a women-centred facility.

2.98 On 19 March 2005, just two months before the inspection of Bandyup Women's Prison in May 2005, a pregnant Bandyup prisoner was taken to hospital having gone into labour. She was a medium-security prisoner. During the inspection, this woman told inspection personnel about her experience in the hours following the birth of her child in hospital. She told how she woke within hours of having given birth to find an AIMS officer applying a metal restraint to her ankle so that she could be secured to the hospital bed. This action on the part of AIMS staff is clearly required under the terms of the then applicable policy directive, as its exemptions only applied to women who were pregnant or in the process of giving birth. In fact the restraining of the woman was also arguably in accordance with the direction from the prison, which stated: PD 44 to apply until day after birth.

In Whose Interest?

2.99 In 2003, this Office strongly argued (and of course made a recommendation) against the use of restraints on women attending outside medical appointments, and stated that:

[I]n a context where previous abuse or disease can engender deep shame in women and discourage them from accessing services seen to be invasive, the added shame of appearing in public in restraints is often a cause of women not pursuing appropriate treatment at all.¹⁰¹

2.100 Disappointingly, this issue continues to fester at Bandyup and was raised by a few of the women during the recent inspection. These women were angry at having to be restrained whilst being escorted to and attending medical appointments, and related incidents in which they refused to attend a scheduled medical appointment shortly before it was due to occur because of the insistence on the use of restraints. The policy¹⁰² directing this practice

99 AIMS Transport and court custodial services are not generally subject to Departmental instructions and directives for its prison services. Instead AIMS has developed its own policies and procedures which are subject to review and approval by Departmental Contract Managers.

100 Defined to mean having given birth and still in hospital.

101 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 78.

102 This policy is a controlled document.

is, in fact, the AIMS policy that does not permit persons in custody to be unrestrained at any time while attending an outside appointment, including those times the prisoner has to make use of ablution facilities.

2.101 The Inspectorate finds it extremely difficult to justify the routine subjection of such women to this onerous and invasive regime. This practice is inconsistent with a women-centred approach, and as such provokes the question: In whose best interests is this practice?

2.102 The Inspectorate is, therefore, dissatisfied with the Department's progress in relation to this recommendation. The AIMS and Department policies are confusing when read together. PD 44 protects pregnant and postnatal women from being restrained regardless of their security rating. Further, PD 44 is acknowledged in the AIMS policy on restraining prisoners and, as long as AIMS staff are informed by the Superintendent that PD 44 applies in a particular case, it remains sacrosanct. The Inspectorate does commend this development. However, clearly the recommendation has not been addressed in its entirety. The recommendation referred to female prisoners attending outside medical appointments, and was not only applicable to pregnant prisoners. As has been identified above, prisoners attending medical appointments outside the prison are being restrained and worse still, are being accompanied (sometimes chained) to an officer during their appointment. The Inspectorate does not consider this to be progress.

Recommendation 6

The Women's Custodial Services Director should undertake a review of the use of restraints on all women prisoners with a view to developing policies on use of restraints that are appropriate (women-centred) and govern AIMS' policies.

WORK, EDUCATION AND TRAINING

2.103 In 2003, the Inspectorate recommended that:

[T]he prison in conjunction with Head Office revise the gratuity system for women and develop a needs-based integrated program of work, training and education for women that gives priority and status to education; this should be reflected in the structure of gratuities.¹⁰³

2.104 This recommendation was a result of a conclusion from the 2002 inspection that the purpose and function of the gratuities system needed revision, particularly in a women-centred operating environment:¹⁰⁴

Work, education and a properly functioning gratuities system need to be integrated. The current system takes little account of women's needs, based on a gendered understanding of work and education, and it functions badly in the context of a multi-purpose women's prison.

103 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 107.

104 *Ibid.*, 65.

2.105 In 2003, the Department responded that this recommendation would be addressed within the change management framework at Bandyup. In 2005, the Inspectorate is encouraged by the progress the Department has made in response to this recommendation, and indeed considers this progress to be more than acceptable, to the extent that the Inspector, in his exit debrief concluding the recent inspection, applauded the new gratuities system as ‘a very women-centred notion and absolutely apposite for Bandyup’.¹⁰⁵

The New Structured Day at Bandyup

2.106 Chapter One of this Report referred to the new structured day regime at Bandyup Women’s Prison and the new gratuities system that accompanies this regime in the broader context of change management at Bandyup. The information provided below should, therefore, be read as a continuation of the preceding description included in that chapter.

2.107 The new structured day regime at Bandyup is premised on the new philosophy for Bandyup Women’s Prison. The excerpt below is the overarching principle within this philosophy that sets the standard for the new structured day regime:¹⁰⁶

Engaging in meaningful daily activities contributes to the holistic wellbeing of women. By presenting opportunities for women in exercising personal responsibility in decisions that address offending behaviours, educational needs, physical, psychological and mental health needs, personal development, life skills and the role of women as parents, the rehabilitation of women results in a reduction in risk of offending which contributes to a safer general community.

2.108 As mentioned in Chapter One, the new structured day regime involves women in structured activity for five hours each day, five days a week. Structured activities include work, education and programs. The new structured day is, however, also flexible in order to allow provision for women to attend medical appointments and social and/or official visits. Recreation and personal time are also considered part of the structured day. This new regime places the responsibility on the women to decide for themselves the activities they would most like to participate in and/or benefit from. This is further facilitated by the new gratuity system that is not limited to awarding only work related activities, but rather rewards the women commensurate with their commitment to engage in a range of personal and professional development activities. The new gratuity system is intricately linked with the meaningful nature of the activities. In this regard:¹⁰⁷

It is not acceptable for a prisoner who is provided with an activity for an hour a day or who only attends for an activity one or two days a week to be described as engaged in an activity that is meaningful. It will be a suite of activities, all being meaningful, that can engage a prisoner in a maximum of 10 activities sessions per week.

105 Harding R, *Exit Debrief: Bandyup Women’s Prison Inspection 22 May to 26 May 2005* (May 2005) 5.

106 Bandyup Women’s Prison Change Management Team, *Delivering the Bandyup Philosophy of Imprisonment through a Structured Day* (February 2005).

107 Ibid.

- 2.109 This change in the structure of daily activities for the women at Bandyup has been a phenomenal effort on the part of the change management team, senior management and indeed all staff at Bandyup and is highly commendable. It has required a complete rethink of all activities at Bandyup, particularly given the priority attached to the meaningful nature of the various activities.
- 2.110 This Office further commends the inclusion of remand prisoners in the new structured day regime. At the time of the inspection in May 2005, 30 per cent of the population of prisoners at Bandyup Women's Prison were remand prisoners. This is a significant proportion of the population and would negatively impact on both the regulation of the structured day activities, and, more importantly, the wellbeing of the remand prisoners. It is not appropriate to assume that a remand prisoner will only be incarcerated for a short period of time and as a result does not require opportunities to work or engage in other activities during her stay in prison. While many remand prisoners do only stay in prison for a short period, this is not true of all remand prisoners. Bandyup's approach, therefore, is to encourage the involvement of remand prisoners in the new structured day regime, while at the same time ensuring that this does not impact on the needs of a remand prisoner to adequately prepare for her trial.¹⁰⁸

The New Gratuity System at Bandyup

- 2.111 The process of developing the new gratuity system at Bandyup was part of the change management process and involved a thorough review of the old gratuity system that revealed the following problems:¹⁰⁹
- The system did not always provide sufficient incentive to encourage prisoners to take part in meaningful activity.
 - The system was not managed sufficiently well to ensure that the gratuity payments were equitable for a given task.
 - The system was not structured enough to prevent unit staff from altering prisoners' gratuity levels.
 - The system did not allow for the possibility of a prisoner wanting to leave a highly paid work position in order to engage in another meaningful activity as well, such as education.
- 2.112 The new gratuity system rewards prisoners on a number of levels, rather than on how hard they work. So, prisoners are also rewarded for wanting to engage in education or for the programs they attend. The amount (level) of gratuities paid to a prisoner is determined by the number and variety of sessions she chooses as part of her structured day regime.¹¹⁰ The table following shows the new model.

108 Whilst it is positive that remand prisoners be given the opportunity to work, they cannot be required to work.

109 Bandyup Women's Prison Change Management Team, *Delivering the Bandyup Philosophy of Imprisonment through a Structured Day* (February 2005).

110 Level 1 is the top level and level 5 is the lowest, or subsistence level. Prisoners on level 6 (no payments) are those who refuse to work.

BANDYUP, THEN AND NOW...

| <i>Gratuity Level</i> | <i>Sessions</i> |
|-----------------------|--|
| 1 | Ten or more sessions completed. Only paid to prisoners who hold positions that have been identified as having special skills and/or being afforded a high level of trust. |
| 2 | Ten sessions completed. Only paid to prisoners who are undertaking a traineeship or prisoners who have completed 10 sessions from a combination of employment plus education and/or programs, with a minimum of two sessions for any one activity. |
| 3 | Nine to 10 sessions completed. |
| 4 | Six to eight sessions completed. |
| 5 | Three to five sessions completed. |
| 6 | Zero to two sessions completed or refuses to take part in activities. |

2.113 The gratuity system rewards good behaviour. Those prisoners who comply with prison rules are eventually considered trustworthy prisoners and can work their way towards employment in positions of trust and in sensitive areas of the prison. Likewise the gratuity system can also be used as a disciplinary tool, and has in the past been managed in this way. The new gratuity system will also act as a disciplinary measure in instances where a prisoner does not attend a session and does not provide a good reason. In these instances, appropriate staff (such as an education officer or industrial officer) will remove one session of activity and the prisoner will not be paid a gratuity for that missed session, and may drop to a lower gratuity level. In effect, therefore, each individual prisoner is in control of her own individualised gratuity plan, and the success or failure of this is directly dependent on the attitude of the prisoner towards her own structured day regime.

2.114 At the time of writing this Report, unfortunately, the electronic Total Offender Management System (TOMS) functionality to accommodate the new gratuity system was not available. However, this has not impeded the implementation of the new system that is being managed manually until the electronic application is available.

2.115 The new structured day and accompanying gratuity system at Bandyup is an outstanding example of good women-centred practice, and the Inspectorate reiterates its satisfaction with the Department's progress against this recommendation.

PROGRAMS

- 2.116 In 2003 the Inspectorate recommended that the prison, in conjunction with the Department, develop a suite of programs that are fundamentally women-centred. The Department agreed with this recommendation in 2003, and, in June 2005, a Women-Centred Program was piloted at Bandyup Women's Prison.
- 2.117 The Women-Centred Program is based on fundamental women-centred principles, and program modules include: roles of women, parenting, anger management, self worth, sexual abuse, relapse management, depression, amongst others. The program is said to have a relational and psycho-social focus which gives centrality to women's relationships, especially with children and their role in their community. This program was piloted with a group of women at Bandyup in June 2005.
- 2.118 It is still true that all of the current programs (other than the Brief Intervention Services)¹¹¹ are adaptations from those originally developed for male prisoners. Nevertheless, all have been recast to some degree and most depend on the women participants bringing their own life experiences to the group and on facilitators using appropriate examples.
- 2.119 Another positive initiative in relation to programs at Bandyup is the development of a Community Program. This program was developed in conjunction with the Superintendent, recreation officers, the change management team, education staff and prisoners at Bandyup. The philosophy that underpins the Community Program is the equitable access by prisoners to programs and services that are available in the outside community. As such, the Community Program seeks to raise awareness of the diverse agencies, volunteer groups, social clubs and service organisations that exist in the community as part of the process of reintegrating the women into the community.
- 2.120 The Community Program incorporates five key areas: volunteer community groups; hobby crafts and art; health and fitness; personal development; and music and performing arts. The program is available each weekday afternoon. A different theme runs each afternoon for a period of six weeks, when new programs commence.
- 2.121 The Community Program is not recreation, but rather is considered to be engaging in personal development. It forms part of the portfolio of structured day activities at Bandyup. Those women who choose to participate in the Community Program, along with other activities, such as work or part-time education, earn a higher gratuity level in keeping with the new gratuity system described above.
- 2.122 Thus, there appears to be a sound suite of programs developing for women at Bandyup, and generally operating at a high standard. For programs to be effective, however, they need to be accompanied by an efficient assessment system. Unfortunately, the recent inspection revealed shortcomings in the assessment system at Bandyup. Chapter Three examines these further.

111 This is a program that addresses drug and alcohol use and is provided to remand prisoners and those prisoners with short sentences. The program is not owned by Offender Services in the Department of Justice, but is delivered by an external service provider.

2.123 The Inspectorate is pleased with the progress the prison and the Department have made in responding to the recommendations made in 2003 about work, education and training. This Office considers the changes that have occurred to be genuinely women-centred. Indeed, the true test of this was prisoners' attitudes that were canvassed during the inspection: all prisoners approached complimented the changes to the structured day.

Prisoners as Mothers

2.124 The Inspector, in his exit debrief following the 2005 inspection, made the following comment:¹¹²

[W]omen prisoners must be managed in such a way as to maximise the potential for positive contact with children and family support whilst the women are imprisoned and so as to facilitate the re-establishment of family relationships upon their release. This is a key element in a 'women-centred' regime and philosophy. As our Report demonstrated in detail, an understanding of the meaning of 'women-centred' regimes was totally lacking at Bandyup in 2002. Its dysfunctionality was directly related to this factor.

2.125 It is most unfortunate, in light of the positive assessment of Bandyup's women-centred approach to engaging prisoners in appropriate and meaningful activities within the structured day, that their performance in relation to maximising the potential for positive contact between the women and their families remains as dysfunctional in 2005 as it was in 2002.

2.126 In 2003, the Inspectorate recommended that:

- an outdoor visits centre be established, equipped for children;
- the visits centre be made more child friendly;
- visits times be re-assessed;
- video visits be made more accessible to prisoners from outside the Metropolitan area;
- separate facilities for overnight stays with children be established and resourced; and
- the nursery be better equipped for babies as they grow and develop.¹¹³

2.127 The Department agreed with these recommendations. Their response included promises in relation to each of these, none of which have eventuated. The Inspectorate considers the Department's progress in addressing these recommendations as poor.

Structural Deficiencies of the Visits Facility

2.128 In 2003, this Office described the visits centre at Bandyup as 'small...sterile and not at all child friendly'.¹¹⁴ In 2005, inspection personnel described the visits centre at Bandyup as small, oppressive, stark, cramped and totally child unfriendly.¹¹⁵

112 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 2.

113 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 107.

114 *Ibid.*, 85.

115 Inspection notes from various inspection team members.

- 2.129 The visits centre is one of the target areas as identified by the Bandyup Women's Prison Entrance Improvement and Accommodation Project. The discussion paper distributed in December 2004 by the team responsible for this project acknowledged the deficits in the current visits facility at Bandyup and made a series of recommendations in line with good practice to address these deficits. Importantly, these recommendations echo recommendations made by the Inspectorate in 2003 about the visits centre at Bandyup, specifically with regard to increasing the child friendly nature of the centre and establishment of an outdoor visits centre.
- 2.130 This Office, however, remains unconvinced that the Entrance Improvement and Accommodation Project will prioritise the visits centre defects, just as we are unconvinced that this project will prioritise the gatehouse deficits (referred to earlier in this chapter), thus further disappointing the Inspectorate's expectation that these outstanding recommendations will be addressed.

Recommendation 7

That the Inspectorate's outstanding recommendations in relation to the establishment of an outdoor visits centre and the refurbishment of the visits centre to make it more child friendly be addressed as a matter of priority.

- 2.131 In order to temporarily address the deficiencies of the current visits centre, a demountable will be installed next to the visits centre. Currently, part of the existing visits centre is quarantined for the Passive Alert Dog (PAD) searches, thus using valuable visits space. It is proposed that the PAD searches will occur in the demountable, once installed. This is a positive initiative, albeit an interim one.

Video-link Facility

- 2.132 Bandyup has the capacity to provide video-linkups for visits and court appearances. Video-links are available to regional prisons and the juvenile detention centres where inter-prison visits are not available. The cycle for video-links replicates the system that is in place for inter-prison visits, namely they are available only once every six weeks. These conditions also apply to the two juvenile detention centres in Western Australia.
- 2.133 Video-links are arranged through the prisoner support officer and booked by the bail and movements officer. All linkups are done through the bail and movements officer's office. This has implications for confidentiality and also interrupts his work. The video-link system from Bandyup is primarily utilised for court purposes, with use of the equipment for social visits having assumed secondary importance. During the week, an average of three court linkups occur each day. On a Friday, this may increase to ten. Video visits, however, are limited to Saturday mornings only when four spots are available, which must be pre-booked. Understandably, these spots are always fully booked.

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- 2.134 Links to remote communities are arranged through regional Community Justice Services offices.¹¹⁶ These are done on Tuesdays, Wednesdays and Thursdays. There is an acceptance that some degree of flexibility is required for these links. Such links, however, are rare, often due to the fact that these facilities can be located in areas that are difficult for individuals in remote areas to access. Further, Bandyup has been accused of being inflexible in relation to processes around video linkups for social purposes. This Office is, therefore, not confident that Bandyup will alter its 'four spots only on a Saturday' rule in relation to video visits for the women.
- 2.135 The Inspectorate reiterates the finding against this recommendation as poor. There should be a coordinated and sustained program to facilitate video visits when distance precludes face-to-face visits. Through Bandyup, video links ought to be occurring regularly between prisoners temporarily transferred and their non-local visitors.

Recommendation 8

In instances where a mother or primary carer and her child or children are both incarcerated at different facilities, video linkups between the two facilities should be available on a needs basis.

Recommendation 9

Separate systems should be established to manage court and social visit video linkups. The social visit linkups should be treated as a real visit and be located in an appropriate area of the visits centre with designated supervisory staff.

THE NURSERY

- 2.136 Bandyup's capacity to allow for children to remain with their mothers either on a long-term or short-term basis is severely restricted by the existing facilities. The Inspectorate was critical of Bandyup's facilities in the 2003 inspection report, describing it as a cold and sterile environment with minimal toys and equipment suitable for baby play and child development.¹¹⁷ Indeed, in his overview to that report, the Inspector concluded that the role of prisoners as mothers was inadequately recognised.¹¹⁸
- 2.137 The facility (and consequently the criticisms) remains the same in 2005. While the nursery is clean and relatively spacious, it is still not ideal for mothers with babies. The mother and child spend most of the day confined to the nursery, which is not a very stimulating environment. The unit consists of four bedrooms with two shared bathrooms and communal kitchen, laundry and living facilities. Mothers cook for themselves from stores provided by the kitchen. The prison provides a cot, change table, pram and a limited supply of cloth nappies. The mother is required to provide everything for the baby. Mothers in prison do receive equitable benefits in terms of government child support payments and family tax benefits.

116 Community Justice Services is a Directorate within the Department of Justice.

117 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003).

118 *Ibid.*, 6

2.138 The extremely limited number of places available within the nursery remains a serious concern. The nursery can only accommodate four mothers and their babies. In the past this has resulted in mothers being denied access to the accommodation. When this occurs the mother must give her baby to someone outside the prison to care for: an emotionally devastating experience for the mother, and certainly not a practice consistent with a women-centred approach. At the time of the recent inspection, only two mothers were residing in the unit, but six pregnant women were expected to give birth in the months following the inspection. Many of these women were understandably anxious about the prospect of not being able to keep their babies due to lack of available space in the nursery. The prison acts on a 'first come, first served' basis, as well as trying to assess as many mothers as possible for transfer to Boronia where there are more and better facilities. With many of the pregnant women currently being on remand, however, this is not a viable prospect for most of them. Progress against this recommendation is, therefore, unsatisfactory.

Extended Stays for Children

2.139 The nursery is also utilised for overnight visits for mothers and their children, up to school-going age (between six and seven years). Given the infrastructure limitations of the nursery described above, and the increasing demand for permanent residential places in the nursery, often applications for overnight stays with children are rejected or overnight visits cancelled due to lack of available accommodation. This is neither acceptable nor in the best interests of the mother or the child.

2.140 What has improved, however, is that there is now a demountable building that accommodates day visits for mothers and children. While the facility is basic it does provide a separate space where mothers and children can spend time together. A maximum of three children can spend the day with their mother in the day-stay demountable. The prison allows up to two extended visits sessions (either during the day or overnight) per prisoner per month.

2.141 Overall little appears to have changed since the last inspection, when the prison was criticised for allocating its building and refurbishment program funding in such a way that overlooked the fact that women prisoners have children and family responsibilities, and that developing and maintaining family contacts should be a priority focus of the prison.¹¹⁹ In fact, at the time of the current inspection, and with new funding available, the prison once again did not appear to identify female prisoners' needs to develop and maintain family contacts as a priority in its proposed refurbishments.

2.142 Bandyup's new philosophy states that by providing a focus on the needs of women in custody, women can be assisted to develop and maintain links with family, friends and the community and their role as carer can be nurtured.¹²⁰ It would appear, however, from the analysis of the (lack of) progress made against the Inspectorate's previous recommendations on family connections, that Bandyup's current practices are inconsistent with their new women-centred philosophy.

119 Ibid., 100.

120 Bandyup Women's Prison, *Philosophy, Purpose and Vision Statements* (undated).

Peer Support and Prisoner Support Officer

- 2.143 Following the inspection in 2002, the Inspectorate recommended that head office provide more training and guidance for prisoner support officers and peer support groups, and that prisoner-based mentors for prisoner support officers are appointed.¹²¹
- 2.144 The Department agreed with this recommendation and in response appointed a permanent prisoner support officer (PSO) as well as a second part-time PSO. More recently, and in anticipation of the 2005 inspection, the Department advised this Office that the PSO now has two mentors at Bandyup, although no advice was provided as to the specific role of these mentors. Inspection personnel, however, discovered that the prison-based mentor for the PSO had only recently been nominated. Although this is positive progress, it is difficult to understand why such an initiative would take so long. The inspection highlighted the enormity of the role of the PSO and peer support team in terms of dealing with prisoners' issues, which are often complex. While the PSO supports the peer support prisoners, the delay in providing a prison-based support for these officers is unsatisfactory. There are also concerns that the statewide PSO network¹²² has been replaced by the devolution to prison-based support.¹²³
- 2.145 Certainly a number of women spoke of the assistance they received from peer support, and believed it was a useful and appropriate method of providing support to women prisoners.
- 2.146 The Inspectorate found that insufficient progress has been made with regard to training for both the PSOs and the peer support prisoners. At the time of the inspection in May 2005, only one peer support prisoner had received the essential 'gatekeeper' training in suicide risk identification and prevention, and she advised Inspectorate staff that this training had not been received at Bandyup but at another facility prior to her being transferred to Bandyup.¹²⁴
- 2.147 Despite these shortcomings in the Department's progress, the Inspectorate considered the Department's response to this recommendation as acceptable, with a proviso that further exploration of the role of the PSOs and the peer support team is required. This issue is further explored in Chapter Three of this Report, which considers the welfare aspect of a PSOs role, as well as responsibilities the PSO and peer support team should assume in various processes at Bandyup Women's Prison.

121 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 108.

122 It seems that there had been regular meetings of all PSOs throughout the state to discuss issues as they arose and also, to some extent, to provide a venue for debriefing.

123 It seems the PSO conference on 16 March 2005 was proposed to be the last.

124 This Office is aware that there is a backlog in Gatekeeper training throughout the prison system in Western Australia.

THEN AND NOW...

2.148 The Inspectorate has mixed views about the Department's progress against the recommendations made in 2003 following the first announced inspection of Bandyup Women's Prison. This chapter has explored the Department's progress and provided an updated progress report in relation to the significant themes that emerged from the 2003 recommendations. There is no doubt that Bandyup has progressed in the last three years; however, this Office presumes that action would be taken in response to all of the recommendations. Disappointingly, this has not been the case for Bandyup. Further, the standards and expectations now are higher than they were three years ago, prompting the Inspector's comment in his exit debrief that Bandyup 'is performing well enough not to have any excuse for not performing even better'.¹²⁵

125 Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 2.

PHOTOGRAPHS OF BANDYUP WOMEN'S PRISON



After: Prisoners have decorated these benches all around the prison.



Before: A bench before it was brightened up.



The communal outdoor area of Unit 1, one of the oldest units in the prison.



The existing entrance to the prison.

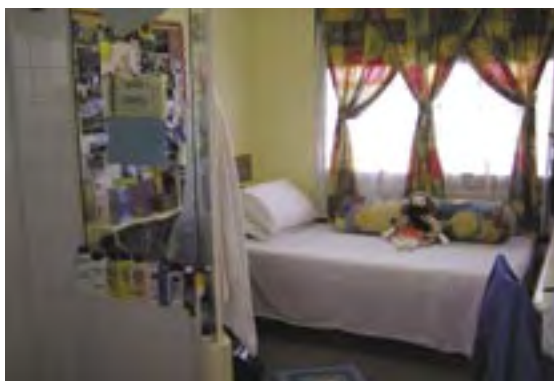
PHOTOGRAPHS OF BANDYUP WOMEN'S PRISON



Jacaranda Park is an under utilised outdoor recreation area.



The Aboriginal meeting place – prisoners do not utilise this meeting place much. The location of the meeting place will be affected by the new Gatehouse when construction begins.



A typical cell in the Drug Free Unit (Unit 2).



The entrance to Unit 2. Unit 2 is the newest accommodation block and houses the Drug Free Unit.

Chapter 3

A WOMEN-CENTRED PRISON?

- 3.1 After the previous inspection of Bandyup Women's Prison, the Inspector concluded that Bandyup was a male prison, occupied by females. Security ratings accorded to male criteria, staff were predominantly male and the role of women prisoners as mothers and care-givers was inadequately understood and recognised. The Inspector went on to state that there was no grasp of the idea that the imprisonment of women must be based upon a 'women-centred' philosophy.¹²⁶
- 3.2 Since then there has been the development of a 'women-centred' philosophy for Bandyup to the extent this is elaborated in the direction, vision, purpose, principles and key result areas set out in the Prison's Business Plan and as an underpinning to the change management process in August 2004.
- 3.3 Chapter Two described Bandyup's performance in relation to progress against the 22 recommendations made by the Inspectorate following the first announced inspection of Bandyup Women's Prison in 2002. These recommendations formed the initial baseline for assessing future performance. It would be inappropriate, however, for the Inspectorate to evaluate Bandyup's performance over the past three years solely against this baseline. A prison's operating environment does not remain static. Rather, there are untold motivators for change in such a context, including political incentives. Once a recommendation has been successfully and appropriately operationalised however, it should fall away and the action that was taken in relation to the particular recommendation should become part of the baseline knowledge in lieu of the recommendation itself.
- 3.4 The first announced inspection of Bandyup Women's Prison assessed the prison according to two sets of complementary criteria.¹²⁷
- 3.5 On the one hand, the current concerns in women's corrections articulated in the international literature provided a backdrop against which we could explore the situation at the prison. The literature also indicated standards of good policy and good practice. On the other, we have attempted to measure the performance of the prison against the four cornerstones (care and wellbeing, custody and containment, reparation and rehabilitation) and to see what kind of balance exists between them. This was a less useful measure because, in practice, the associations of each of these cornerstones are more male-oriented than women-centred. They were less meaningful in the Bandyup context than the test of theory and international good practice.
- 3.6 Similarly, in 2005 Bandyup's performance will also be assessed according to two sets of complementary criteria, namely the Inspectorate's three-year-old recommendations (discussed in Chapter Two of this Report), and good practice principles in relation to the custodial management of women, which will be the focus of this chapter.

126 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003) 6.

127 *Ibid.*, 19.

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- 3.7 In keeping with the thematic nature of the 2003 inspection report, the relevant international perspectives on issues in women's imprisonment were thoroughly debated in Chapter Two of that report and will not, therefore, be duplicated in this Report.
- 3.8 The project charter that was developed for the change management team at Bandyup included the following aim:¹²⁸
- Implement a new direction of prisoner management that recognises the needs of women in custody, their children and their families by ensuring opportunities for personal development, skill enhancement and family relationships that will support their transition to the community.
- 3.9 This aim is indeed consistent with a women-centred approach to managing women in custody. The extent to which this aim has been achieved and is reflected in operational practice will be assessed throughout this chapter.¹²⁹

THE QUESTION OF WELFARE: WHO IS RESPONSIBLE?

- 3.10 A significant inspection finding was that the welfare needs of the majority of women at Bandyup were not being addressed to a sufficient standard. Welfare in this context refers to the women's day-to-day needs and concerns, for example assistance with or increased allowance in relation to telephone calls, assistance with housing and rental issues, and so on, as well as more formal welfare support in the form of assessment and treatment programs. Women in prison, understandably, have high welfare needs, particularly when they first arrive. They are most likely to be extremely worried about their state of affairs outside the prison boundary, and their concerns may range from who will look after their children to who will take care of their household responsibilities.
- 3.11 The issue of these sorts of welfare services for women in prison is complex, and is closely linked with assessment and case management. Assessment and case management are processes designed to mediate the needs and characteristics of individual prisoners with the prison system throughout their custodial stay. Through the assessment and ongoing case management processes, the particular welfare needs of particular women should be addressed. Unfortunately, it was quickly evident in the recent inspection that the assessment and case management system at Bandyup has many challenges to overcome.

128 Banyup Women's Prison, *Summary of Change Management Strategy* (May 2005).

129 Although the change management process continues at Bandyup, there is no longer a formal change management team. The change management team disbanded in June 2005, one month after the inspection. Thus, although it is acknowledged that change is an evolutionary process that should continue to improve practices indefinitely, the change that occurred at Bandyup was considered as significant and advanced enough to continue without being driven by a dedicated team. For this reason, the Inspectorate is confident in its assessment of Bandyup's performance at the time of the inspection against the changes that had occurred at that point.

Assessment and Case Management: Too Little, Too Late?

- 3.12 Assessment involves the completion of a Management and Placement (MAP) checklist for each prisoner within 72 hours of her being incarcerated, as well as the development of an Individual Management Plan (IMP) for those prisoners sentenced for more than six months within 28 days of entering the prison.
- 3.13 The MAP establishes the initial security rating and consequently determines a prisoner's placement in the system. The MAP also flags other major concerns such as alerts, medical needs, protection needs, outstanding court matters, community contact issues and dependant children issues. The IMP involves a number of assessments, including an educational, vocational and treatment assessment. The IMP outlines the management of the prisoner in regard to their security rating (present and potential), prison placement, program needs, health needs, educational and work placements, eligibility dates for parole and other forms of release and future sentence review dates. As such, therefore, the IMP is of profound importance and has implications for Parole Board assessments.
- 3.14 Case management encompasses the constant review of a prisoner's IMP, as well as management of the prisoner's needs on a day-to-day basis. The Director General's (DG) Rule 14¹³⁰ envisages that prison officers act in the role of case officer to encourage and support the prisoner in her or his progress through the sentence in accordance with the IMP. Indeed, the case officer is responsible for preparation of the regular reviews that ought to occur. Finally, DG Rule 14 stipulates that all prisoners with an IMP are to have a case officer allocated.¹³¹
- 3.15 On 24 May 2005, the third day of the inspection, of the 76 sentenced prisoners at Bandyup, only 27 had completed IMPs. Further, only six of the 39 prisoners whose IMPs were outstanding were in their first 28 days post-sentence. The majority of the outstanding IMPs were well beyond two months overdue.
- 3.16 The 2002 inspection report¹³² noted that a large proportion of short-term prisoners were Aboriginal and that they were therefore disadvantaged by the ruling that sentences be over six months in length for an IMP assessment to be made. With 25 of the 37 prisoners with effective terms of six months or less being Aboriginal, and only eight Aboriginal prisoners among the 27 completed IMPs referred to above completed, the situation for Aboriginal women has not changed since 2002. Effectively, this means that only eight out of 49 sentenced Aboriginal women at Bandyup are in a position to access rehabilitative programs.¹³³
- 3.17 The process of developing a MAP and IMP for individual prisoners is valuable in identifying other welfare needs. In principle, these should be referred to the unit manager for attention by the relevant wing officer, but can also be referred variously to management, Prisoner Counselling Service, the case officer, PSO, chaplain, and so on.

130 Department of Justice, Director General Rule 14, (Case Management and Associated Procedures).

131 Ibid. DG Rule 14 applied at the time of the inspection. It has since been repealed (along with DG Rule 13) and replaced by DG Rule 18.

132 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003).

133 There are, however, two programs available for remandees and short term prisoners. These are the four-hour Brief Intervention Service and the Prison to Parole Drug Counselling Service.

- 3.18 Unfortunately, such referrals are ad hoc and there is no system to ensure that actions are followed through to conclusion. Such interventions could possibly be needed for an extended period, particularly if they involve family issues. In sum, the current assessment system represents something of a lost opportunity to address the rehabilitative needs of women in a holistic way.

Recommendation 10

The Department should urgently resource implementation of case management at Bandyup.

Recommendation 11

The Department should develop a more holistic framework for case management and welfare services for women, including for short term prisoners and prisoners on remand.

- 3.19 A critical factor in the delay in completing IMPs was the lack of any dedicated staff to undertake this activity. At the time of the inspection, there were no substantive programs officer positions at Bandyup. Rather, staff are deployed by the Offender Services branch on a needs basis to facilitate programs, provide relief and assist with other aspects of the portfolio including treatment assessment. These individuals are also often shared between various prisons.

Recommendation 12

The Department must take urgent steps to review staffing needs for treatment assessment and report writing to clear up the backlog and ensure timely completion of requisite Individual Management Plans, other assessments and reviews.

Role of the Prisoner Support Officer and the Peer Support Group

- 3.20 The failure of the prison to adequately address prisoners' welfare needs, both formally (through the assessment procedures) and informally (through referrals) impacts on the Prisoner Support Officer (PSO) and the peer support group, to whom prisoners turn either in the first instance or when all other avenues have been exhausted. This situation reflects a lack of understanding of the core business of the peer support team, which is the identification of, and assistance to, prisoners at risk. The PSOs and peer support prisoners made it clear to inspection personnel that it is not their role to address the general welfare needs of prisoners.¹³⁴
- 3.21 The issue of who is responsible to address prisoners' welfare needs is further complicated by demarcation between the roles of various prison officers. Inspection personnel were advised, for example, that a case manager's role was purely to ensure that a prisoner complied with his or her IMP requirements and that it was the unit manager's role to address prisoners' welfare needs. The Department's recent report on its Suicide Prevention Social Welfare Project, examined concerns about the delivery of welfare services to prisoners. While the report

¹³⁴ The PSOs did accept a limited welfare role.

conceded that it is the role of prison officers to provide general welfare assistance to prisoners, it also noted that this does not function as it is intended, and that the shortfall is often taken up, in an ad hoc manner, by PSO's and peer support prisoners.

- 3.22 This haphazard approach to managing the welfare needs of prisoners at Bandyup inevitably leads to undeserved criticism and even abuse received by PSO's and peer support prisoners due to the systemic failure within the prisons to properly resource and allocate responsibility for addressing prisoners' welfare needs.
- 3.23 During discussions with prison officers at Bandyup, they indicated that they felt unable to properly address prisoner welfare needs and were hindered in their attempts to establish relationships with prisoners, because they did not have sufficient time to do so. They claimed that the amount of work they have to do on a daily basis effectively restricts them to the 'pods' – the movement control offices for staff that are located in each unit. Inspection personnel observed this and interpreted it as a barrier-style culture in relation to the management of prisoners by prison officers at Bandyup. This style of management is not good women-centred practice.
- 3.24 Finally on the point of peer support and welfare, this Office has always supported a protocol whereby peer support team members are involved in reception processes to provide support and advice to new prisoners as well as potentially contribute risk assessment information on new arrivals. While it was observed that peer support prisoners were involved in the process of orienting new prisoners to Bandyup, they were not permitted into the reception area.

Recommendation 13

The role of the Prisoner Support Officers and the peer support group should be reviewed, clearly defined and communicated across the entire prison, including prisoners, staff and management.

Recommendation 14

Peer support group prisoners should be involved in reception processes at Bandyup.

QUALITY OF LIFE

- 3.25 No doubt, the problems with the provision of adequate welfare services adversely impact on the quality of the women's experience of prison life. This section further explores the quality of life issues for women at Bandyup, specifically in relation to the women's experiences of daily life at Bandyup.

Reception

- 3.26 The quality of life experience for women at Bandyup begins when they are first received into the prison. Chapter Two described the limitations of the reception facility in the context of a previous recommendation made by this Office in 2003, and the scheduled construction changes to the reception and overall gatehouse facility at Bandyup. The Inspectorate has further concerns about the physical location of the reception area at Bandyup. The reception area is situated adjacent to the Crisis Care and Management Units. Both of these units

accommodate vulnerable and disturbed prisoners who either require continuous observation and crisis care intervention or management as a result of a breach of the prison's disciplinary requirements. It is not uncommon for prisoners located in these units to display behaviours (such as abusive shouting at staff) that new prisoners being processed through reception may find threatening or alarming. It is acknowledged that the physical location of the reception area is an infrastructure issue that cannot be immediately addressed in response to a recommendation of this Office; nonetheless, it remains important to identify this co-location of various functions as problematic. As the Chief Inspector of Prisons in the United Kingdom has commented:¹³⁵

Principles and criteria [applied in the course of an inspection] may call for things that cannot be delivered. These are not the conditions that the prisons or the Prison service, want to provide. However, a prison's inspectorate that began to accept this as normative, because it was becoming normal, would be derelict in its duty.

- 3.27 The notes that follow regarding reception and orientation briefly consider the processes followed when receiving and orientating women who first arrive at Bandyup. These notes should also take into account the recommendation made above regarding the presence of peer support team prisoners in the reception process.
- 3.28 Reception staffing at Bandyup is all female and this is consistent with a women-centred approach to managing the point of entry for new female prisoners. The 24-hour medical coverage that is available for new prisoners is also good women-centred practice.

Orientation

- 3.29 The orientation process at Bandyup is disorganised. There is no dedicated orientation officer; rather the task of orienting new prisoners to the facility is the responsibility of the Unit One A Wing or A Wing assist officers. At the time of the inspection, the orientation process had to be completed within three days of a new prisoner arriving at Bandyup. However, the inspection team was informed that it was anticipated that the orientation process would be extended to five days in order to ensure that a new prisoner's education, employment, medical and treatment program needs were adequately aligned with the new structured day timetable. Upon admission, an orientation pack is provided to the new prisoner. Once the new prisoner has proceeded through reception and has settled in a unit, peer support prisoners complete a second stage orientation process during which they work through the orientation package with the new prisoner.
- 3.30 This seems a disjointed orientation process. A more streamlined process would involve peer support prisoners attending at reception when new prisoners arrive. In this way, new admissions are introduced to the appropriate peer support prisoner who immediately becomes a familiar face for the new prisoner. The peer support prisoner could provide the most essential information during the reception process so as not to overwhelm the new prisoner, and follow up with more in-depth orientation information the next day. The recommendation made above that peer support team prisoners should be involved in reception processes in order to facilitate the orientation process is reiterated here.

135 Owers A, BIHR *Human Rights Lecture: Prison Inspection and the Protection of Human Rights* (2003).

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- 3.31 Although it is acknowledged that the orientation pack that is provided to new arrivals is comprehensive, possible limiting factors are that its effectiveness depends on the prisoner possessing a high level of literacy and that it contains many different forms that must be read and completed. In fact, one of these forms is the 'Reception Literary Testing' form. As its name implies, the form is designed to assess the literacy level of the new admission. The assessment involves the form being held up in front of the prisoner who is asked whether or not she understands the bold text that reads 'CAN YOU READ THIS NOTICE?' This can be a confronting experience for a person with low literacy skills. Indeed, inspection personnel were informed by many prisoners, particularly the Aboriginal women, that they had been forewarned either by family members, friends or prior admission to the prison about this 'test', and, as a result, they just 'nod and say yes'. This test is, therefore, not an effective measure of literacy levels.
- 3.32 Orientation videos are available that showcase both Bandyup and Boronia Pre-Release Centre. At the time of the inspection in May 2005, however, these orientation videos had been seized as part of the Department-wide operation to seize all prison videos as a result of inappropriate material being discovered in a certain prisoner's video collection (in a male prison). Although it had only been a matter of weeks that these videos had been out of circulation, many of the women denied having ever seen any orientation video for either Bandyup or Boronia.¹³⁶ An orientation video can be a useful tool in facilitating the settling in of a new prisoner, particularly for those prisoners who may have literacy problems.
- 3.33 Reception and orientation processes can significantly influence the quality of life experience for a woman entering a prison environment. It is in the best interests of prison staff and management as well as the new prisoner for these processes to be as smooth yet as robust as possible.

Food¹³⁷

- 3.34 There is widespread dissatisfaction with the food served in many of our prisons. Consistent with most inspection findings in relation to food, meals at Bandyup were universally criticised at Bandyup by prisoners in those units supplied from the main kitchen. In the pre-inspection survey, 54 per cent of respondents rated the food as bad or very bad.
- 3.35 Excessive weight gain was also a common complaint among the women. Whilst this may, in some instances, be attributed to lack of a nutritious diet outside of prison, a significant number of women attributed this directly to lack of appropriate food and opportunity for exercise.¹³⁸ The usual response from the Department to these complaints is that all the meals provided are low fat. This is an unacceptable response in this context. The closeness of fit between the characteristics of the actual population consuming the meal and the actual meal consumed needs to be assessed and, where found lacking, an appropriate diet must be constructed that takes into account the particular health needs of a nutritionally disadvantaged population.

136 The issue of transition from Bandyup Women's Prison to the minimum-security Boronia Pre-Release Centre is discussed separately in this chapter.

137 The Department has queried most of the findings in relation to food at Bandyup. These findings are an accurate reflection of the women's experiences at Bandyup. Issues in relation to food in prisons are widespread and should be debated within a broader context, such as a discussion paper or thematic report.

138 The Department disputes this finding, which was reported as such based on the perceptions of the women in Bandyup. There have been improvements in the recreation opportunities at Bandyup since the 2005 inspection.

- 3.36 Special diets – such as vegetarian or those requested for religious reasons – can be requested. Those placed on a vegetarian diet are not allowed to eat fish. This fails to recognise that many vegetarians do, in fact, eat fish. In addition, there was no evidence that appropriate need for protein replacement was considered in the provision of vegetarian diets.
- 3.37 The diet options available for pregnant women are the same as those available for the general population. In the context of a supposed women-centred approach, however, this seems incongruous given that the nutritional needs of pregnant women may differ from those who are not pregnant. At Bandyup, pregnant women essentially have two dietary choices – the regular prison diet or a vegetarian diet. Neither of these is appropriate. The regular diet is high in processed food, which is often high in fat, salt and other unhealthy preservatives. The vegetarian diet, on the other hand, does not sufficiently satisfy protein requirements. Pregnant women have high calcium and protein needs, may require access to particular vitamin and mineral supplements and must take care to avoid bacterial infections such as listeria, which may be acquired from food that is allowed to stand for extended periods before being consumed.
- 3.38 The relevant point to be made here is not necessarily about the food itself; rather, the significant issue is the lack of a women-centred approach in relation to the provision of appropriate dietary choices. Providing limited choices with further limitations attached to these choices is not a women-centred approach.

Recommendation 15

Women at Bandyup should be consulted and involved in the process of developing the menu, and there should be formal systems in place to obtain feedback from the women about the menu and the quality of the food.

Recommendation 16

A diet specifically addressing the needs of pregnant women should be developed (in consultation with relevant prisoners) and offered as a matter of course to pregnant women at Bandyup.

Programs

- 3.39 Chapter Two of this Report detailed the positive developments in relation to the development of a suite of women-centred programs at Bandyup. This suite includes offender treatment programs, as well as community programs designed to assist the women to reconnect with community agencies and services. The Inspectorate is most impressed with these initiatives, and has recommended that the further development of such women-centred programs continue to be sufficiently resourced.
- 3.40 A program currently being offered at Bandyup which was not mentioned previously, and which certainly deserves to be mentioned, is the ‘Good Beginnings’ program. An assessment of the Good Beginnings program is relevant here as contributing to the quality of life of women at Bandyup, and should also be read in the context of the re-entry services provided by Bandyup. Re-entry is discussed in a later section of this chapter.

3.41 In his exit debrief following the recent inspection, the Inspector declared that:¹³⁹

With regard to parenting skills, we were impressed by the ‘Good Beginnings’ program. This program works with prisoners in prison and families on the outside. It was originally taken up with Commonwealth funding, but when that ran out the Department took it up as part of its direct responsibility. This was appropriate, and again, indicates a women-centred approach.

3.42 The Good Beginnings program provides parenting skills education to prisoners. It is a requirement that all mothers with babies residing in the nursery undertake the program. In addition, the program provides transport for (some) children to visit their mothers at Bandyup, runs the day visits facility at Bandyup and provides up to three months’ service for Bandyup prisoners released on parole or home detention, including individual counselling. This service is not limited to prisoners returning to their metropolitan homes, but extends to regional areas as well. The program has, as its primary responsibility, the needs and wellbeing of the children.

3.43 In the previous chapter, the prison received a poor report in relation to its commitment to maintaining strong links between prisoners and their families. The positive assessment of the Good Beginnings program, therefore, is satisfying. The Department should, as well as supporting the program financially, itself be providing and/or resourcing services that contribute to the holistic wellbeing of women prisoners. Indeed, a recommendation is made later in this chapter regarding the provision of transport for families attending visits at Bandyup. This is a good example of a positive contribution the Department could make to further demonstrate its commitment to a women-centred strategy.

Education

3.44 The introduction of the new structured day regime at Bandyup has increased usage of education services because education is now considered to be a fundamental aspect of structured day activities and the level of gratuities paid takes into account the women’s education choices.

3.45 In May 2002, there were only four full-time students and 30 part-time students utilising the education centre at Bandyup. In January 2005, 66 out of 150 women were engaged in education activities at Bandyup, and by April 2005 this had increased to 86 out of 156. There are currently 10 full-time students, four of whom are Aboriginal. There is an Aboriginal Education Worker (AEW) who works in the education centre on a part-time basis. The Aboriginal students appreciated having the AEW in the centre as she was able to provide input regarding the provision of culturally appropriate education programs to the Aboriginal women, particularly those from regional areas.

3.46 The Inspectorate endorses this commitment to increasing the engagement of prisoners in education activities. Further, this Office commends the work of staff in the education centre, particularly the senior education officer who works tirelessly to accommodate the education needs of all the women participating in education.

139 Harding R, *Exit Debrief: Bandyup Women’s Prison Inspection 22 May to 26 May 2005* (May 2005) 6.

- 3.47 As with various other areas of the prison, there are certain structural deficits in the education centre. The impending construction of the additional accommodation blocks will place further pressure on the education centre, which is already functioning at its maximum capacity. It is imperative that the education staff are consulted about the possible impact of an increased population on education services, and the implications of this on the physical structure of the education centre.

Employment: Developing a Women-Centred Model

- 3.48 According to the Bandyup Industries Action Plan 2004–2005 industry and employment are not focused on a male paradigm of production, outputs and revenue generation but rather serve as vehicles for the development of skills and the means to achieve accredited training.¹⁴⁰ This is based on the premise that many women prisoners aspire not so much to a full-time career, but to balance family care responsibilities with part-time work and other community involvements. Indeed, the new structured day regime at Bandyup has been designed to better reflect the social realities of women in the community. Nevertheless, it must be recognised that work experience, education and training are still essential if women are to secure and maintain employment, or to enhance their capacity in other areas.
- 3.49 Industry and employment opportunities have been reviewed for a better fit with community realities and to identify accredited training in each area. The status of cleaning, for example, has been raised by the creation of a new vocational support officer (VSO) position for cleaning and the establishment of an Assets Management Certificate, which should assist in obtaining employment in that area. However, similar efforts in other areas such as the laundry, canteen and kitchen have not been successful.
- 3.50 Since the inspection in 2002, the industries area has secured two new contracts: making some small items for St Vincent de Paul which provides a limited work opportunity for protection prisoners within their own unit; and assembly and finishing of furniture pieces made by prisoners in one of the male prisons. Furniture assembly and finishing has provided regular employment for women in the Skills Development Workshop. This has also, however, had the effect of reducing any capacity to provide training and experience more generally in woodwork or metalwork. Indeed, this was lamented by the women working in this area, and is certainly a step backwards in providing alternatives to so-called, traditionally ‘women’s work’ (cooking, sewing, cleaning, laundry, and so on). This was also an issue identified in the 2002 inspection report.
- 3.51 The inspection uncovered a piecemeal approach in relation to the link between employment and training, a situation that is compounded by the confusion of roles of the VSOs, which is described in further detail below. It would appear that the new structured day regime has been successful in terms of structuring the day into meaningful portions of time for the women. The obvious next step is to coordinate the content of the various activities that comprise the structured day into truly meaningful blocks of activity for the women.

140 Bandyup Women’s Prison, *Industries Action Plan 2004–2005* (undated) 4.

Recommendation 17

That a clear framework be developed that not only links education and training activities to employment opportunities within the prison, particularly in relation to prison industries, but maximises the opportunity for women at Bandyup to have their vocational skills formally recognised.

Recommendation 18

That the roles of all relevant staff, including vocational support officers, education workers and prison officers who are involved in the provision or support of education and training programs be clearly defined so as to support the above framework and that these roles be actively promoted throughout the prison regime.

Recommendation 19

Adequate resources (staff and financial) be allocated for the development, implementation and management of the above framework.

STAFFING ISSUES

3.52 The nature, number and attitude of the staff in a prison directly impact on the quality of life experience of the prisoners living in that environment. The point was made in the preceding chapter about the requirement for increased and more focused women-centred training for officers working in a female prison environment. This is a significant point and is thus reiterated here.

Diversity

3.53 As has been discussed elsewhere in this Report, the profile of the prisoner population at Bandyup is changing, the most significant change being the increase in the proportion of Aboriginal women. As the Inspector pointed out in his exit debrief following the recent inspection, this change has certainly not been reflected in the staffing profile.¹⁴¹ The Department has made real efforts to recruit Aboriginal officers, including women, for regional prisons. A similar positive effort is now overdue for Bandyup.

Recommendation 20

The Department implement a recruitment campaign specifically to recruit Aboriginal staff for Bandyup.

3.54 Chapter Two of this Report included a discussion on an adequate staff gender ratio at Bandyup. The point was made that while this may have been achieved at the prison officer level, there is a severe shortage of female staff at the senior officer level. Further, it was commented that female staff should not be recruited solely on the basis of their gender. Rather, all staff should be suitably and specifically trained to work at Bandyup given the complexity and the differing needs of the population.

¹⁴¹ Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005) 15.

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- 3.55 The Inspectorate does, however, support the idea of a critical mass of female custodial staff at Bandyup. Not only is this good women-centred practice, it is also necessary to prevent incidents that could compromise the safety and wellbeing of both prisoners and staff. Bandyup must ensure that they have a sufficient critical mass of female custodial staff on each roster. This provides the women with a choice of staff to approach for particular problems, and also affords greater protection for staff against possible allegations of inappropriate behaviour.

Safety

- 3.56 The issue of staff safety in a prison environment is always paramount. Personal safety is of particular concern to non-uniformed staff. In his exit debrief, the Inspector emphasised that staff safety is no longer a matter for second- or third-best solutions.¹⁴² The inspection revealed that there are gaps in Bandyup's strategies for ensuring staff feel safe in their working environment.
- 3.57 Civilian staff are issued with duress alarms, colloquially referred to as 'screamers'. These are alarms that make a loud noise when activated. An inspection team member conducted a test of the effectiveness of these alarms by deliberately asking one of the education staff members to activate her duress alarm. The team member reported that there was absolutely no response from the officers stationed outside the closed office, who apparently did not hear the alarm. Another officer stated that she heard something but did not take any action, presuming it to be one of frequent false alarms. This is clearly a flawed system.
- 3.58 Another staff safety issue is the lack of sufficient radios and sets of keys for non-custodial staff. This means that there are instances in which these staff are either locked into or out of certain areas without any means of letting themselves in or out, and potentially no way of communicating their situation to anyone. This has significant safety implications.
- 3.59 Dynamic security, in the form of roving security patrols for example, is deficient at Bandyup. This finding is consistent with an inspection finding referred to earlier in relation to officers spending the majority of their time in the 'pods' attending to the reactive and administrative requirements of their job, thereby restricting their ability to focus on dynamic security strategies.

Recommendation 21

Bandyup must develop and implement a robust strategy for ensuring the safety of all staff working within the prison. The Department should support Bandyup in this initiative.

Vocational Support Officers

- 3.60 Prison industries focus on the development of skills, to achieve accredited training, and the provision of activities that most readily meet the social realities of women and link to traineeship opportunities.¹⁴³ Inspection personnel, however, discovered that, if this is genuinely the focus, the current level of staffing and resources is inadequate.

¹⁴² Ibid., 13.

¹⁴³ Bandyup Women's Prison, *Industries Action Plan 2004–2005* (undated) 4.

- 3.61 The perception among the VSOs is that they are a forgotten population when it comes to discussions about increasing the number of prison officers commensurate with the increase in the prisoner population. The steady and predictable increase in the number of prisoners at Bandyup combined with the increased demand for work in industries as a result of the introduction of the new structured day regime has not been accompanied by a notable increase in industrial staff.
- 3.62 VSOs are required to supervise high numbers of prisoners in their workplaces. This inevitably involves maintaining the safety and security of themselves and the prisoners, as well as carrying out their traditional role of providing information and training to prisoners working in their industry. At some point, one of these roles will be compromised if there are not enough staff in a workplace to ensure that large numbers of prisoners are both adequately supervised (and safe) and are receiving the appropriate level of attention in relation to their training and information requirements. This has obvious implications for the training needs of the women, as well as raises significant concerns about the safety of both the officers and the prisoners. This relates to the point made above regarding the inadequate provision of dynamic security across the Bandyup prison-site.
- 3.63 Some of the VSOs described themselves as ‘babysitters’ rather than ‘trainers’. They do not feel supported by local management in respect of their actual role and, as a result, are being forced to undertake tasks on behalf of prisoners that are inappropriate to their role. These tasks include attending to the welfare needs of prisoners, such as arranging telephone calls and following up on requests to see medical staff. This is the responsibility of the prison officers working in the units and should be attended to before the prisoners leave the units to go to their work areas. This is yet another consequence of the confusion about who is responsible for ensuring that the welfare needs of the prisoners are met that has been discussed in a preceding section of this chapter.
- 3.64 It is a potentially risky situation to have a group of staff who feel marginalised and resentful. While they applaud the improvements that have materialised as a result of the introduction of the structured day, they feel disregarded in relation to the impact the increased demand for work in the industry areas has had on their responsibilities.

MOTHERS AND MOTHERS-TO-BE

- 3.65 The structural and resource limitations of the nursery have been discussed in Chapter Two of this Report, and the marginalisation of pregnant women with respect to nutritional provisions has been explored above. This section uncovers a generally haphazard approach to managing the needs of pregnant women and new mothers at Bandyup.
- 3.66 Staffing levels and qualifications are not appropriate to a mother and baby unit. No child specialists are employed on-site. The prison officer responsible for the nursery at Bandyup also has responsibility for other areas, and this means that mothers and babies in the nursery are left unattended with no support or supervision for most of the day. This presents potentially serious duty of care issues for the prison. An astonishing example of this deficit was a recent

fire drill exercise during which the mothers and babies in the nursery were forgotten and left in the nursery while the rest of the prison was evacuated.

- 3.67 Appropriate professional expert staffing is fundamental to the success of any mother and baby unit. Knowledge of how to best construct a child's physical environment to facilitate proper development, the ability to provide parenting programs for mothers and the proper care for children should be provided by qualified professionals. Such professionals should have defined roles so boundaries with parental responsibilities are firmly established. Even prison custodial staff should have appropriate training as a pre-requisite to employment in a mother and baby unit.
- 3.68 A genuine women-centred approach to managing pregnant women and new mothers in custody should include a systematic strategy that comes into operation as soon as the prison is informed that a prisoner is pregnant. This strategy should include provision of all the services and choices available to these women. The women should not have to 'opt in' to these choices and services. Rather the services should be automatically available with women given the choice to 'opt out'. Thus for example, a diet tailored for pregnant women should be available; information about what forms must be completed should be disseminated; employment, recreation and exercise options within the prison in line with community standards of appropriate employment, recreation and exercise for pregnant women should be available; and programs on childbirth, breastfeeding, caring for your newborn, etc should be available. The women should then be able to choose from this range of options.

Recommendation 22

A comprehensive strategy for managing pregnant prisoners should be formalised and put in place at Bandyup Women's Prison in keeping with good women-centred practice.

Recommendation 23

There should be dedicated staff responsible for supervising mothers and babies in the nursery who are specifically trained to work in that environment.

The Needs of Aboriginal Women¹⁴⁴

- 3.69 The profile of Aboriginal women incarcerated at Bandyup Women's Prison was discussed in Chapter One of this Report. That chapter also detailed the number of Aboriginal women in prisons across Western Australia and the steady increase that has occurred in the number of Aboriginal women being imprisoned in this state. The information presented here, therefore, should be read in conjunction with that presented in Chapter One.
- 3.70 The Bandyup Business Plan 2004–2005¹⁴⁵ recognises the need to address the emotional, physical, spiritual and cultural needs of the prisoner, and includes four initiatives from the

144 The Inspectorate has addressed the issue of imprisonment of Aboriginal people thoroughly in various previous inspection reports, including Report No. 24, Report No. 27 and other reports still in progress. This description of the imprisonment of Aboriginal women at Bandyup Women's Prison should, therefore, be read in the context of these more comprehensive descriptions.

145 Bandyup Women's Prison, *Business Plan 2004–2005* (undated) 2.

Aboriginal Services Strategic Plan to be progressed in the 2004–2005 financial year. These initiatives, which included the development of an elders/speakers program, engaging an Aboriginal chaplain, supporting the work of the Aboriginal Visitors Scheme (AVS), and developing strategies that would provide more equitable access to structured activities, had been implemented by the time of the inspection in May 2005. The new structured day arrangements would appear to offer more options and therefore a more equitable arrangement for the Aboriginal women to secure higher paying gratuity levels. This data was, however, not available at the time of the recent inspection and this commitment will be monitored by the Inspectorate. Further, the initiatives described above (particularly the AVS and Aboriginal chaplain references), are generic throughout the Western Australian prison system and not a specific development from the Women's Custodial Services Directorate. Another generic measure throughout the adult prison system is the creation of a 'cultural meeting place' for Aboriginal prisoners. While Bandyup does have such a meeting place, it is in an unattractive position and is not easily accessible. The area cannot be accessed on the weekends because the staffing levels are inadequate to provide adequate patrols. During the week, the only time that the area can be accessed without a pass is during the lunch period between 11.30 am and 12.50 pm. A written pass is required between 9.30 am and 11.30 am. Further, some of the Aboriginal women interviewed were not aware that they were allowed to access the site and understood the area to be out of bounds.

Access to Family

- 3.71 It is recognised that women experience imprisonment differently from men. For women, 'imprisonment includes a significant increase in family stress, caused, for example, by separation from dependent children, children taken into care, or inability to care for older family members. Consequently, it may be necessary to augment women's prison regimes with measures that ameliorate these care-giver stresses.'¹⁴⁶
- 3.72 Separation from children and family is the greatest concern for all imprisoned women, and those women whose families live within reasonable travelling distance of Bandyup Women's Prison depend heavily on visits from their families to relieve the stress of separation. The Aboriginal women who were consulted during the inspection mentioned that lack of transport to the prison often impacts on their families being able to visit them at the scheduled visits times. Public buses pass the prison only twice a day, and not necessarily at times that coincide with the prison visiting hours.
- 3.73 Banksia Hill Juvenile Detention Centre, Acacia Prison and Roebourne Regional Prison offer bus services for visitors.¹⁴⁷ The Banksia Hill and Acacia buses collect visitors at the Midland train station at scheduled times and drop them off at the same place following their visit. The bus servicing the visitors to Roebourne Regional Prison operates from Port Hedland.

146 Department of Justice, Suicide Prevention Taskforce, *Suicide in Prison* (July 2002).

147 Unfortunately, recurrent funding has not been secured for the Roebourne bus service.

Recommendation 24

Bandyup Women's Prison should provide some form of public transport for visitors, which includes scheduled collection and drop-off times at a central location with ongoing connections to public transport.

Regional and Remote Prisoners

- 3.74 For Aboriginal women, as well as being separated from family, there is the added pain of separation from country. Prison is perceived by most prisoners as a hostile and foreign environment. This perception is heightened for those Aboriginal women who are incarcerated hundreds or even thousands of kilometres away from their families. During the recent inspection, the regional Aboriginal women at Bandyup expressed anger, fear and shame at being held in custody at Bandyup. They were afraid because they did not understand the rules and processes they were required to follow to conform to life at Bandyup. As a result of this, and out of fear of 'shaming' themselves, they do not speak up and voice their concerns and frustrations. Thus, they felt neglected and dissatisfied. These regional women were contemptuous of the manners and behaviour of the younger, 'city' women and said that they felt 'shame' at having to listen to them. Finally, their frustration is worsened by the communication barriers they experience as a result of English not being their first language.
- 3.75 These women should be accommodated in prisons in their own country, close to children and family. Unfortunately, overcrowding in regional prisons has severely limited the opportunities for either permanent transfers or for temporary transfers to regional prisons for visits with their families. Those transfers that do occur are for the most part temporary and for court attendance purposes. On the one hand, the Inspectorate acknowledges that this is a systemic problem. On the other hand, however, the Inspectorate is also disappointed with the Department's progress in adequately addressing Aboriginal issues. In this regard, Bandyup has not lived up to the aim in the change management team project charter to recognise the needs of women in custody and ensure opportunities for engaging with their families in order to support their transition back into the community.

The Provision of Culturally Appropriate Services

- 3.76 Disappointingly, the recent inspection revealed that there is very little available for Aboriginal women at Bandyup. Aboriginal women represent 45 per cent of Bandyup's prisoner population. The lack of services for this group, therefore, is neither women-centred nor culturally appropriate, and undoubtedly impacts negatively on their rehabilitation requirements. This lack of culturally appropriate services is also in conflict with the Department's own strategic plan for Aboriginal services.¹⁴⁸ Objective Two of this plan is to ensure the Prisons Division is responsive to the specific needs of Aboriginal women prisoners.¹⁴⁹ Initiatives in this regard include the provision of appropriate accommodation, a comprehensive physical and mental health strategy within the context of a broad women's health strategy and specifically appropriate programs.

148 Department of Justice, Prisons Division, *Strategic Plan for Aboriginal Services 2002–2005* (undated).

149 Ibid.

- 3.77 Bandyup has made positive progress in developing strategies to address the needs of the whole prison population, for example their drug and mental health strategy (discussed later in this Report) and the new structured day arrangements. Each of these initiatives contains elements that either refer to or are relevant for Aboriginal women. However, at a broader level there still remains a deficit in a dedicated commitment to address the needs of the almost 50 per cent of the population at Bandyup who are Aboriginal. Deficits for women who come from remote communities and speak little Australian English are particularly pronounced.
- 3.78 Admittedly, many of the issues relating to the imprisonment of Aboriginal women are broad, systemic issues that the prison cannot address on an operational level. However, it is not appropriate to use this as a justification for not providing any relevant services, particularly those specific to women.

Recommendation 25

Bandyup Women's Prison must urgently address the gap in the provision of culturally appropriate services for Aboriginal women incarcerated there. This includes the provision of culturally appropriate activities and services, including diet, health services, and increased accessibility in relation to the cultural meeting place.

THE GRIEVANCE PROCESS

- 3.79 The inspection found that the grievance process at Bandyup Women's Prison has failed as a medium through which the women could communicate their complaints and concerns. This failure is evident in the prisoners' lack of confidence in the outcomes of grievances (when outcomes are actually achieved) and, more significantly, in prisoners' general lack of awareness about how the process actually works.
- 3.80 The inspection team member responsible for examining the grievance process at the prison was a representative from the Office of the Parliamentary Commissioner for Administrative Investigations (the Ombudsman's office) who attended the inspection at the invitation of the Inspector as an expert advisor in this area. This individual investigated both the internal and the external grievance systems at Bandyup, and her finding was that both systems were critically flawed.

The Internal Grievance System

- 3.81 Women needing to lodge a grievance are required to document the details of the matter they wish to complain about on a 'Unit Interview Form'. Our expert advisor discovered that these forms had only recently (a few weeks before the commencement of the on-site inspection) been made readily available in the common areas in various units. This is good practice with regard to a grievance system as it increases confidence that the system is actually confidential and anonymous. Prior to the forms being readily available, prisoners advised that they were required to approach a prison officer to request a form. This is not good practice.
- 3.82 The women told inspection personnel that the lodging of grievances was generally discouraged by staff at Bandyup. Even more disturbing, the women did not understand that, if they approached a prison officer with a verbal grievance and were reproached or in any

way discouraged by the officer, that they could in fact still pursue the matter using the formal (written) grievance process. Therefore, although there is an awareness of the word ‘grievance’, there appears to be confusion and a lack of awareness about the process.

- 3.83 The Bandyup Women’s Prison *New Employee Orientation Handbook for Public Sector Employees and Prison Officers, First Class Officers and Senior Officers*¹⁵⁰ does not (among the list of contact people and telephone numbers) refer to any contact person or designated ‘grievance liaison’ officer responsible for prisoner grievances. In fact, the document is silent on prisoner grievances, although it does contain information on staff grievances.
- 3.84 The women disclosed that they do not receive feedback on the progress or even the outcome of their grievance. There is obviously no adequate monitoring and feedback system in place at the prison.

The External Grievance System

- 3.85 Prisoners engage this system if they believe that their particular issue requires intervention by another agency, external to the prison. The Inspectorate’s expert advisor found that there is a lack of confidence in systems by the people who are relying on these processes to make a confidential complaint; or have a complaint considered or reviewed by an external decision maker. The general belief that the prison does not facilitate external complaints was compounded when prisoners could not contact the Ombudsman’s office on the free telephone number via the prisoner telephone system for a period of at least one month. This problem was rectified during the on-site inspection once it was discovered by our expert advisor.
- 3.86 There was much confusion among the women about the purpose of the blue, confidential mailboxes, and many struggled to differentiate between the grievance process and the confidential mail process. As a result, grievance forms were being posted in the blue confidential mailboxes. There is little information in the units about the grievance process, and what information is available is all in written format.
- 3.87 This inspection finding supports a recurring suspicion the Inspectorate has harboured in relation to the grievance system at Bandyup that has emerged out of the process of continuous inspection, as well as consistent Bandyup prisoner complaints to this Office that the prison is not managing their confidential complaints to external agencies appropriately.
- 3.88 In April 2005, the Offender Services and Sentence Management office in the Department submitted a proposal for a project to review the prisoner grievance system, an anticipated outcome of which was the development and application of effective business practices in the management and resolution of prisoner grievances. Subsequent to the inspection, an external review of the Department’s prisoner grievance system has also commenced, and a working paper was released in December 2005. This Office looks forward to the outcomes of that review and will monitor the Department’s (and indeed the prison’s) response to these outcomes.

150 Bandyup Women’s Prison, *New Employee Orientation Handbook for Public Sector Employees and Prison Officers, First Class Officers and Senior Officers* (revised, March 2005).

HEALTH SERVICES

3.89 In 2003, the Inspectorate reported that ‘overall, the health service at Bandyup currently falls short of an acceptable standard.’¹⁵¹ The recommendation that followed specified that a women’s health strategy should be developed. Chapter Two of this Report identified this recommendation as not having been satisfactorily addressed by the Department. The issues relating to the delivery of health services at Bandyup that appear below should, therefore, be considered within this shortfall. Further, in the recent thematic review of prisoner health services in Western Australia, the Inspectorate recommended the development and implementation of a comprehensive women’s health policy that addresses the needs of women in regional prisons as those at Bandyup and Boronia. These notes should, therefore, also be read within the context of this broader thematic evaluation.

Mental Health

- 3.90 Senior management at Bandyup has identified the needs of women with mental health problems as one of their critical issues. Further, they acknowledge that the prison has no designated mental health facility and associated limited resources in the area of mental health care. Despite these assertions, Bandyup is still responsible for managing these women as part of its core business.
- 3.91 At the time of the inspection in May 2005, there were 32 women on Bandyup’s mental health register.¹⁵² The population of Bandyup on 26 May 2005 (that is during the inspection) was 158. The proportion of this population, therefore, that was on the Mental Health Register was 20 per cent, or one-fifth of the population.
- 3.92 Bandyup has one full-time mental health nurse and one part-time mental health nurse. A psychiatrist attends every two weeks. Bandyup has, indeed, taken positive steps in addressing the needs of those prisoners with mental health problems. The Bandyup Mental Health Action Plan includes key initiatives in developing a more coordinated and proactive approach to the management of mental health problems. Some of these initiatives are:
- Coordinated discharge planning that begins from the second contact. Many of the women are already patients of community mental health services and planned discharge helps support their throughcare back into the community.
 - A more robust appointment system whereby the mental health nurses aim to see all referrals within 72 hours.
 - Individual Management Plans that are developed specifically for high mental health needs prisoners. These plans adopt a multi-disciplinary approach and are reviewed at the daily Prisoner Risk Assessment Group meetings.
- 3.93 The Inspectorate commends these developments and notes that they indicate a willingness to improve systems and services for women who experience mental health problems. These initiatives are in keeping with a women-centred approach to the custodial management of females.

151 OICS, *Report of an Announced Inspection of Bandyup Women’s Prison – June 2002*, Report No. 13 (March 2003) 82.

152 Bandyup Mental Health Register for week ending 27 May 2005 supplied by Bandyup Women’s Prison nursing staff.

- 3.94 There is a full-time prisoner counselling service (PCS) available at Bandyup and inspection officers assessed this service and the people involved in providing this service positively. The PCS consists of three full-time and two part-time counsellors. This team appears to function well together and inspection team members were impressed with the level of their commitment. Although the service they provide is robust, the PCS team seems to function in a vacuum. While family relationship issues are arguably prevalent for many prisoners, there is no attempt to involve other family members in the therapeutic process. It is also a concern that referrals are not normally made to outside providers or even to the Department's own community-based psychologists to provide further counselling on release.
- 3.95 It is difficult to be overly critical of the prison given the limited resources and options to deal with individuals exhibiting such behaviours. The prison has obligations for the care and wellbeing of other prisoners and the welfare of its staff. This Office acknowledges that the prison is under enormous pressure to manage difficult individuals in a way that will reduce their potential to harm others.

Strategies for Controlling Drugs in the Prison

- 3.96 Between 1 January 2004 and 28 February 2005, there were a total of 633 charges heard by the Visiting Justice at Bandyup Women's Prison. Of these total charges, 253, or approximately 40 per cent, were drug-related (i.e. possession of drug or drug use paraphernalia, use of drug, refusing to provide urine sample).¹⁵³ This compares to 134 drug related incidents noted from charge data between 22 July 2003 and 26 July 2004 at Casuarina Prison. In the recent inspection report on Casuarina Prison, the Inspectorate assessed this statistic as a very worrying level of drug use in any prison, let alone in a maximum-security facility.¹⁵⁴ By these criteria the level of drug use in Bandyup as indicated by the charge data would also have to be of concern.
- 3.97 This Office acknowledges that the problem of controlling drugs in a prison environment is a universal problem and not one that is unique to Bandyup. The Inspector, in his exit debrief following the completion of the recent inspection, commended the various initiatives that Bandyup has developed in relation to managing drugs in the prison.¹⁵⁵

Bandyup's Local Drug Action Plan

- 3.98 The Bandyup Women's Prison change management team identified 10 key objectives to be achieved in order for Bandyup to become a truly women-centred prison. The fourth of these objectives is to implement an effective drug strategy that eliminates the import of drugs to Bandyup Women's Prison and provides support and education for prisoners to remain drug-free.¹⁵⁶

¹⁵³ Failure to provide a urine sample is treated as a positive result in that a charge is drawn.

¹⁵⁴ OICS, *Report of an Announced Inspection of Casuarina Prison, Report No. 28* (June 2005).

¹⁵⁵ Harding R, *Exit Debrief: Bandyup Women's Prison Inspection 22 May to 26 May 2005* (May 2005).

¹⁵⁶ Bandyup Women's Prison, *Summary of Change Management Strategy* (undated).

- 3.99 Bandyup has developed a Local Drug Action Plan 2005–2007 (dated April 2005). In keeping with the overarching Justice Drug Plan (dated May 2003) the Bandyup Local Drug Action Plan acknowledges that aiming to assist prisoners to become or remain drug-free facilitates readiness for re-entry to the community. Consequently, this should reduce the risk of reoffending. The Bandyup Local Drug Action Plan is broadly consistent with the Western Australian Drug and Alcohol Strategy 2002–2005, and the National Drug Strategy: Australia's integrated framework 2004–2009.
- 3.100 Bandyup's Local Drug Action Plan is set within a harm minimisation framework, with the key strategies within this framework being demand reduction, supply reduction and harm reduction. The development of this Local Drug Action Plan is commendable, as is Bandyup's progress in relation to implementing the plan. The implementation of the plan could perhaps be further enhanced by increased liaison between various sections of the prison, such as health services and programs, which would facilitate a more holistic approach to drug use issues. This could be achieved in conjunction with the overall development of a women's health strategy, as was recommended by this Office in 2003 and again in Chapter Two of this Report.
- 3.101 The Justice Drug Plan highlights the need for prisoners to have access to opiate replacement pharmacotherapies equivalent to members of the broader community. This principle of equitable access is carried through in the Bandyup Local Drug Action Plan, and there is evidence of its effective implementation in regard to methadone within the prison.

Drug Free Unit

- 3.102 The 32-bed Drug Free Unit (DFU) was established in Bandyup in June 2004. Residents of the DFU have to meet certain criteria to be eligible for entry into the DFU. These criteria include demonstrated good conduct, attitude and self-management, full-time employment or education, good industry reports, proven drug-free status (a specific urine test is taken and a negative result must be returned), and free of serious prison offences for three months. In November 2004, an interim six-month review of the DFU was conducted. A comprehensive review of the DFU is scheduled for February 2006.
- 3.103 As incentives to residing in the DFU, prisoners are entitled to have a small drinks' fridge in their cell, there is additional furniture in the communal living area, washing machines and dryers, blinds in the windows, and a few other 'homely' touches such as tablecloths and additional condiments available at mealtimes. There is also some cooking done in the unit on Sundays, such as cooked breakfasts and baking. There are some drug education resources, such as books and videos, available in the DFU; however, the women indicated that these were under-utilised.
- 3.104 At the time of the recent inspection, there were 28 prisoners residing in the DFU, only five of whom were Aboriginal. Staff advised inspection personnel that Aboriginal women complained about the 'inhospitable' nature of the accommodation in the DFU and preferred the accommodation in Unit One, also referred to as 'the compound'.

3.105 The six-month review indicates that, during the first six months of operation of the DFU, 27 per cent of all placements in the DFU were Aboriginal women. The current figure for placements of Aboriginal women in the DFU is 18 per cent. The six-month review notes that 'from the outset there were concerns regarding the proportion of ATSI women residing the DFU. However, since the unit opened the number of ATSI women has increased from 4 to 10.'¹⁵⁷ That the number of Aboriginal women in the unit has since dropped back to five is of concern to this Office, and is a limiting factor in terms of the DFU realising its full potential.

Recommendation 26

Strategies to increase the representation of Aboriginal women in the Drug Free Unit should be implemented, in keeping with the recommendation for improved culturally appropriate services generally for Aboriginal women residing at Bandyup.

3.106 The DFU does, however, appear to be a useful adjunct to other demand reduction strategies within Bandyup, discussed above. The Inspectorate anticipates the outcomes of the comprehensive review to be conducted in February 2006 with interest.

Drug Testing Procedures

3.107 Inspection personnel uncovered a particularly shocking practice in relation to obtaining urine samples from the women as part of the random drug testing process. Women informed inspection team members that they were instructed to hold their arms up, away from their body, and to remain naked while providing the sample. Many women spoke of the lack of dignity and the sense of violation they felt at being subject to these undignified procedures. This practice is in breach of Standing Order B9, which states: '[T]he prisoner is to be strip-searched but permitted to dress again prior to the specimen being provided'.¹⁵⁸

3.108 Inspection officers queried this with senior management at Bandyup. Although management was, in the first instance, doubtful about the accuracy of the Inspection finding (which is unfortunate given the robust Inspection methodology employed by this Office), Bandyup management did agree to remind Officers of the appropriate procedures for obtaining urine samples from female prisoners in accordance with the relevant Standing Order. This practice is out of keeping with a women-centred approach. The Inspectorate is dissatisfied that this occurred at all and reiterates that all staff should be constantly reminded about the correct procedures for obtaining urine samples from female prisoners.

DISCIPLINE AND PUNISHMENT

3.109 There is a range of formal measures available within the prison system for punishing behaviour and disciplining prisoners. These vary from regimes that are punishment-oriented, to regimes that are designed to 'manage' disruptive or distressed prisoners. At Bandyup Women's Prison, any regime that requires women to be confined, regardless of whether for punishment or management, involves the women being sent to the Management Unit.

¹⁵⁷ Radi S, *Six Month Review of the Drug Free Unit, Bandyup Women's Prison* (November 2004).

¹⁵⁸ Bandyup Women's Prison, Standing Order B9 (Procedure for Testing for Alcohol and Drug Offences).

Going 'Down the Back'

- 3.110 In 2001, Bandyup's notorious 'F Block' which had been used for isolation, crisis care, punishment and protection was effectively gutted by a fire started by a prisoner. In its place, a new management unit was constructed. This unit was constructed adjacent to the also newly constructed Crisis Care Unit, as well as to the reception area. The co-location of these various units is surprising given the potential for prisoners creating disturbances in the Management Unit to cause further distress to both new prisoners (being processed in the reception area) and at risk prisoners (located in the Crisis Care Unit).¹⁵⁹
- 3.111 The current co-location of the Crisis Care and Management Units at Bandyup was reflected in the women's descriptions to inspection personnel of being sent 'down the back' irrespective of whether they were being confined to either of these units for reasons of crisis care or management (essentially punishment). This reference demonstrates the lack of distinction made by the women between what might technically be considered punitive and welfare oriented interventions. In summary, for the women at Bandyup, formal discipline and punishment is not seen generally as distinguishable from the crisis care interventions designed to assist women at risk.

A Repressive Regime?

3.112 Measures to discipline and punish women at Bandyup include:

- The laying and prosecution of formal prison charges under the Prisons Act 1981. These are heard by the Superintendent, or in more serious cases are determined by a visiting magistrate or justice of the peace, or can be referred to a court.
- Confinement to a cell under the good order provisions of the Prisons Act 1981, s 36 for short-term orders and s 43 for long-term orders, the former reviewed by the Superintendent and the latter needing to be approved by the Executive Director of Public Prisons and referred to the Minister. Technically such confinement is not a punishment.
- A close supervision regime, resulting in a prisoner being removed from their unit and subject to additional supervision and restricted privileges. Technically such a confinement is also not a punishment.
- Regression within the hierarchical prison system, for example loss of self-care accommodation.
- Loss of privileges,¹⁶⁰ typically at Bandyup this means loss of access to television or recreation.¹⁶¹

159 This issue has also been discussed in a previous section of this chapter.

160 The process by which a prisoner may lose a privilege should be (depending on the nature of the conduct at issue), a verbal warning will be issued: '*Do this or else...*' If the prisoner fails to comply the relevant officer then may issue a loss of privilege. The loss of privilege is written up by the relevant officer and is sent to the unit manager for authorisation. The prisoner has an opportunity to put her side of the story, to sign the form if she believes it accurately records the incident, and is provided with a copy. The form then goes to the operations manager and an incident report is completed to record the incident. If the prisoner is unhappy with the loss of privilege she can appeal the decision to the Superintendent or through the internal grievance process. There are also external agencies such as the Ombudsman's Office which may exercise jurisdiction over a complaint. Staff advised that few losses of privilege are appealed.

161 Positively, visits do not appear to be used as a privilege that should be lost for misconduct at Bandyup. However, the loss of access to a telephone which is utilised on occasion could be very onerous if not demanded by the nature of the misconduct and also impede re-entry with its focus on developing and maintain links in the community, particularly for regional women.

- 3.113 The first three of the above orders, whether technically a punishment or not, result in confinement to the Management Unit.
- 3.114 Staff at Bandyup advised inspection personnel that they preferred to rely on the lesser forms of punishment and purportedly utilised the non-punitive options such as s 36 confinements to address unlawful or inappropriate conduct by women. Further, they mentioned they also preferred to use the loss of privileges option, which was seen as an immediate penalty that set a precedent for other prisoners. Staff were also clear that short-term good order confinements under s 36 of the Prisons Act 1981 were not to be utilised as a form of punishment, although it was also obvious that these formed a crucial part of the disciplinary regime in the prison. If this is indeed the case, and staff are tending to prefer the non-punitive courses of action for unacceptable behaviour, this has significant implications for the women in that loss of privileges and s 36 good order confinements do not have to be, and are not routinely, recorded on parole reports by the prison and are less likely to impact on security ratings and regression in the hierarchical system.
- 3.115 In light of these comments, the data obtained during the course of the recent inspection and discussed below are revealing.

Loss of Privileges

- 3.116 Between 1 November 2004 and 30 April 2005, approximately 250 women in Bandyup were subject to 219 orders for loss of privileges. Over the same time period, approximately 570 men in Hakea had 215 loss of privilege orders and approximately 370 men in Casuarina had 250 loss of privilege orders.
- 3.117 Evidently, the women at Bandyup are being subject to far higher rates of loss of privileges than the mixed remand and sentenced prisoners at Hakea, or the predominantly maximum-security prisoners at Casuarina.

Good Order Confinement

- 3.118 Bandyup also appears to rely heavily upon the confinement of women to the Management Unit under s 36 orders. To gain an indication of the utilisation of cells in the Management Unit, between 31 October 2004 and 28 February 2005 (a four month period), there were 142 placements for dispersal/s 36 purposes; 54 for punishments; 27 for medical observations; 17 for observation; nine for drugs and five for close supervision. As indicated above, all these various regimes with their detailed legislative and policy bases occur in the same place, 'down the back', and are perceived as punishment by the women.¹⁶²
- 3.119 The figures provided above do indeed support the staff's claim that they are more inclined to the lesser forms of punishment over the formal prosecution of prison charges.

162 There are various Director General's Rules, Policy Directives, Operational Instructions and Standing Orders that contain details about the different conditions attached to each different regime.

Charges

3.120 The table below provides a comparison between the population at Bandyup over the last decade or so, the proportion of this population to the entire prisoner population across the state, and the proportion of charges at Bandyup within this context.¹⁶³

| Year | Bandyup Daily Average Count | Percentage of Daily Average - All Prisoners | Percentage of Total Charges |
|---------|-----------------------------|---|-----------------------------|
| 1996/97 | 95 | 4.3% | 5.7% |
| 2000/01 | 132 | 4.2% | 8.9% |
| 2001/02 | 100 | 3.4% | 4.6% |
| 2002/03 | 120 | 4.2% | 12.4% |
| 2003/04 | 151 | 5% | 16.7% |

3.121 Given Bandyup officers' perception of how they manage the women offenders in their custody, the above data are highly significant. These illustrate that, far from Bandyup having a low rate of formal prosecution, it in fact charges women at something like three times the average rate across the prison system. With just five per cent of the total prison population in 2003/04, Bandyup was responsible for over 16 per cent of the charges laid.

More Controlling Practices...

3.122 As indicated above, the formal disciplinary and punishment regime to which women at Bandyup are subjected appears excessive in comparison with other prisons. However, it became clear during the course of the recent inspection that women in custody at Bandyup are in fact subject to a range of additional disciplinary practices. The focus of these practices related specifically to the control and supervision of women's bodies and includes the use of restraints and strip-searches. These add another dimension to the repressive and insensitive nature of the Bandyup regime for women.

3.123 The recent inspection exposed certain practices at Bandyup that are of concern to this Office. These included practices in relation to strip-searching women on inter-prison visits, the use of restraints on women who have just given birth, and obtaining urine samples from women. The use of restraints and appropriate procedures for strip-searches were the subject of two separate recommendations following the first inspection of Bandyup in 2002.¹⁶⁴ These issues have, therefore, been discussed in Chapter Two of this Report in the context of progress against the recommendations that emerged from the 2002 inspection and will not be repeated here. The concerns surrounding obtaining urine samples have been discussed in a previous section of this chapter. The Inspectorate must, however, take any opportunity to emphasise its displeasure at what appears to be an unnecessarily restrictive and punitive regime, not to mention one that is fundamentally contrary to good women-centred practice.

163 Data as reported in Department of Justice, Draft Annual Statistical Reports – Adult Custodial. (These data are only in draft for the years 2001/02 onwards.)

164 OICS, *Report of an Announced Inspection of Bandyup Women's Prison – June 2002*, Report No. 13 (March 2003).

- 3.124 Reference was made in Chapter Two to the inappropriate practices in relation to strip-searching women attending inter-prison visits to male prisons, particularly at Hakea and Acacia. Women revealed that they were strip-searched on leaving Bandyup, strip-searched on entering the other prison, strip-searched on leaving that prison and strip-searched on entering Bandyup. One woman also told of being strip-searched during an inter-prison visit after she had used the toilet. To their credit, management at Bandyup has put a stop to this overuse of strip-searches and the women attending inter-prison visits are now only searched when they leave Bandyup and when they return.
- 3.125 Although it may be argued that these practices are not intended to be part of a disciplinary and/or punishment regime but rather ways of managing the women in custody, a woman being subjected to any of the demeaning practices described above would no doubt find it difficult to interpret the experience as anything less than punitive.
- 3.126 Similarly, although it may be argued that staff at Bandyup tend to prefer the more non-punitive disciplinary measures, the fact that these more often than not still result in confinement to the Management Unit, which is also used for punishment purposes, implies that this generous attitude on the part of staff may not necessarily be interpreted as particularly generous by the women subject to the confinement. Indeed, no doubt the niceties of the distinctions between the various regimes mean little to those who are subjected to them. Finally, the figures provided above undisputedly place Bandyup in the disagreeable position of being one of the leading prisons in Western Australia in relation to the prosecution of charges.
- 3.127 These methods of discipline and punishment are contrary to good women-centred practice, and as such are discouraged by this Office. Whilst the Inspectorate understands the difficulty of managing some types of behaviour, the confusion of regimes that is currently occurring in relation to the use of the Management Unit is unacceptable. Further, while it may be argued that there are structural limitations at Bandyup that inhibit more visionary approaches to managing difficult prisoners, the reality for the women at Bandyup who are subjected to the abovementioned styles of management transcends these structural deficits. Bandyup should reconsider its strategy, as the belief that less punitive options are adopted for the management of women does not appear to be substantiated by the data.
- 3.128 In keeping with good women-centred practices in relation to disciplining and punishing female prisoners, Bandyup should constantly monitor and assess both the practices and procedures employed to discipline and/or punish the women, as well as the outcomes of these for the women incarcerated at Bandyup.

Recommendation 27

Bandyup should reassess the criteria for the utilisation of various disciplinary interventions.

RELATIONSHIP WITH BORONIA PRE-RELEASE CENTRE

- 3.129 In his exit debrief following the recent inspection, the Inspector said that one cannot talk about Bandyup without analysing its relationship to Boronia.¹⁶⁵ Indeed, this comment reflects comments made in Chapter One of this Report regarding Bandyup as a ‘hub’ prison. The point was made in that chapter that Bandyup, as the primary assessment and reception facility for women prisoners in Western Australia, should be responsible for ensuring that the women-centred practices that inform its own operating environment are continuous across various sites, and not only unique to Bandyup. Part of this responsibility is ensuring that the women transferred out of Bandyup are adequately prepared for the environment to which they are being moved. This could be another prison or indeed release to freedom to the community.¹⁶⁶
- 3.130 Between 1 January 2005 and 25 May 2005, 93 women were transferred from Bandyup Women’s Prison to Boronia Pre-Release Centre. Between 1 January 2005 and 14 May 2005, 59 women were transferred back to Bandyup from Boronia. Interestingly, the recent inspection of Bandyup Women’s Prison revealed that women transferred from Bandyup to Boronia Pre-Release Centre were not being adequately prepared for life at the centre. No doubt the reasons for the large number of transfers back to Bandyup from Boronia are varied. However, the point remains that adequate preparation undoubtedly affects the way in which a woman adapts to the new environment.
- 3.131 Bandyup is a maximum-security women’s prison. Boronia is a minimum-security facility with a structural and operating environment that is of course very different from that of Bandyup. This Office has been concerned that inadequate preparation of women at Bandyup for life at Boronia disadvantages these women and inhibits their opportunities for successfully integrating into life at Boronia. This, in turn, inhibits their rehabilitation opportunities, since the lifestyle at Boronia mirrors (as closely as possible) that which is considered acceptable in mainstream society.
- 3.132 Bandyup has what it refers to as the ‘Transition Unit’. This is a self-care style accommodation unit that women, who have been assessed as appropriate for transfer to Boronia, reside in before being transferred. The philosophy behind this unit is that women become accustomed to a life in which they are responsible for looking after themselves in terms of cooking, cleaning and general household duties, as well as communal living. In addition to successfully cohabiting with other women in the Transition Unit, a woman on her way to Boronia must have completed the relevant programs at Bandyup and must have progressed sufficiently through the system to have achieved a minimum-security classification which inevitably implies suitability for a pre-release environment.
- 3.133 On 23 May 2005, during the recent inspection of Bandyup, there were five women at Bandyup who had been assessed as suitable for transfer to Boronia. None of these women was actually living in the Transition Unit. On the same day, five women were living in the Transition Unit, none of whom had yet been assessed as suitable for transfer to Boronia.

165 Harding R, *Exit Debrief: Bandyup Women’s Prison Inspection 22 May to 26 May 2005* (May 2005) 9.

166 The role of Bandyup in preparing women for release to the community is discussed in the ‘Re-entry’ section of this chapter.

- 3.134 In effect, the Transition Unit is not being used appropriately and the result is that women leaving Bandyup for Boronia are not being adequately prepared for life in the open Boronia community. In the exit debrief, the Inspector acknowledged that it is appropriate to be cautious about the type of prisoners transferred to an open environment, particularly given the political sensitivity around Boronia since it opened in 2004:¹⁶⁷

Boronia has quite rightly been treated conservatively in its first year of operation. Bandyup has resisted the temptation to send ‘difficult’ prisoners across, despite its own overcrowding problems. It is absolutely appropriate that a new prison be given the opportunity to settle into its own routines and consolidate its culture before undertaking the difficult organisational tasks. Even so, more than 50 transfers back have occurred in the first year. These have been for a variety of reasons. However, good prior orientation would probably have assisted in some of these cases. Certainly, if the group of transferees to Boronia is now to be widened – which it should be – prior orientation is crucial.

Recommendation 28

A comprehensive orientation process should be implemented to adequately prepare women for life at Boronia. This orientation process should not be separate from the initial orientation the women receive on entering Bandyup. This process must include appropriate use of the Transition Unit.

RE-ENTRY

- 3.135 There are significant numbers of women re-entering the community from Bandyup Women’s Prison. Between 1 January 2005 and 30 May 2005, of those prisoners who had served a sentence of four months or less, 88 sentenced prisoners and 116 remandees were released to freedom.
- 3.136 One of the most innovative and commendable developments at Bandyup (and throughout the Western Australian prison system) according to the 2004 Social Justice Report¹⁶⁸ was the Community Re-entry Program. Two aspects of that program, introduced in 2003–2004, are relevant to Bandyup – the Community Re-entry Coordination Program and the Community Transitional Accommodation and Support Service. Ruah is the community-based service provider contracted by the Department to provide both of these services for Bandyup prisoners.

Community Re-entry Co-ordination Program

- 3.137 The Community Re-entry Coordination Program provides continuity of service, commencing inside the prison and continuing upon the prisoner’s release. The program seeks to refer prisoners to appropriate community and government agencies, and for example, assists prisoners to access accommodation, Centrelink services, and counselling in the community. Also positively, the program is accessible by prisoners’ family members. To give an indication of the scope of the service provided by Ruah, for both Boronia Pre-Release Centre and

167 Harding R, *Exit Debrief: Bandyup Women’s Prison Inspection 22 May to 26 May 2005* (May 2005) 10.

168 Aboriginal and Torres Strait Islander Social Justice Commissioner, *w* (Canberra: HREOC, 2005).

Bandyup, in the final quarter of 2004, Ruah reported that it had 37 casual clients with whom it had 92 contacts, and 13 formal clients with whom it had 160 contacts.¹⁶⁹

3.138 Although it appears all prisoners may access the Community Re-entry Coordination Program, a particular focus is on those who do not require post-release supervision, as their needs are supposed to be addressed by the CJS Re-entry Officer. According to the Social Justice Report, the provision of post-release support services for prisoners serving a finite time (those who are not subject to post-release supervision) and those who were in custody on remand, makes the Community Re-entry Coordination Program a first in Australia.

3.139 The Social Justice Report states:¹⁷⁰

To date, community re-entry provides the most comprehensive response in addressing the lack of post-release support for prisoners exiting prison. The scheme is in its infancy and no solid conclusions can be drawn from it ... during the consultations in Perth, concerns were raised that re-entry did not adequately recognise and take into account the unique needs of Indigenous people exiting prison.

3.140 Community re-entry therefore appears to be highly commendable, although its effectiveness will need to be monitored and evaluated over the longer term. It is of note that if the Community Re-entry Coordination Program is assessed as effective, consideration should be given to expanding it so that remanded prisoners, an increasingly growing proportion of prisoners and in particular female prisoners in Western Australia, should also be a specifically targeted group for these services. This is because even though many prisoners may only be remanded in prison for a short time, they may be a long distance from their homes and require assistance to return. Moreover, for some prisoners, remands can be extended. Clearly, these women will have suffered equal disruption to their lives as those who are serving a finite term, and they should equally be entitled to access re-entry assistance.

Community Transitional Accommodation and Support Service

3.141 This is another innovative development on the part of the Department and the second component of the re-entry service at Bandyup. The service includes the provision of housing, and support to access and maintain accommodation. However, the Department itself reported in relation to this service that 'due to a lack of housing, not all eligible prisoners are allocated housing'.¹⁷¹

3.142 Although the scope of this service is extremely limited, the efforts of the Women's Custodial Services Directorate in supporting the service are to be commended. The Women's Custodial Services Directorate has assumed a truly women-centred approach by both recognising the significance of access to accommodation for women exiting custody, as well as being prepared to become involved in its provision. For all its limitations, the relative superiority of the Women's Custodial Services Directorate in relation to this issue can be seen in the fact that with only a small minority of prisoners, the Directorate has access to nine of the 22 metropolitan-based houses available through this service.

169 Casual clients are those who are not formally admitted to the program, with contact occurring prior to release from prison and formal clients are those who have agreed to participate in the program on a case management basis: *Re-entry Program Performance Monitoring Q3 and Q4 (2004)* 15–16.

170 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004* (Canberra: HREOC, 2005) 28–29.

171 *Re-entry Program Performance Monitoring Q3 and Q4 (2004)* 29.

- 3.143 It is clear, however, that this initiative by the Department, even with the relatively better serviced area of transitional housing for women, is not going to be remotely adequate to meet the housing needs of all women exiting prison. Unlike the Community Re-entry Coordination Program, this service does not particularly target prisoners who will be unsupervised upon release, but is available to all (sentenced) prisoners. However Bandyup staff advised that none of the women exiting the prison are 'put on the streets', and that at least crisis accommodation is arranged for them for the first two to three days after release. Again, although this is positive to the extent that the prison is assuming a degree of responsibility to assist women post-release, it is plainly inadequate, as many of these women will be 'on the streets' within a week after release.

Relationship with the Department for Community Development

- 3.144 Following the inspection in 2002, the Director General of the Department for Community Development (DCD) stated in a letter to the Inspector that DCD was keen to develop a system to ensure that if there were concerns arising over DCD involvement with prisoners and their families they could be addressed quickly and to the satisfaction of all parties. However, it was evident from the volume and nature of prisoner complaints at the time of the current inspection that this purported system was not in place.
- 3.145 In keeping with good practice inspection methodology, the Inspectorate engages the services of external experts when conducting the on-site phase of inspections. In the case of the recent Bandyup inspection a senior staff member of the Department for Community Development (DCD) participated as an integral member of the inspection team.
- 3.146 Many of the women at Bandyup have children who are in the care of DCD. At the time of the inspection, for example, one woman at Bandyup had 11 children, seven of whom were state wards in the care of DCD. This woman was deeply concerned about the level of communication she received from the DCD case worker responsible for managing the placement and supervision of her children. She reported difficulty obtaining accurate information from the case worker about her children's welfare, frequency of visits and access to photographs of her children. Further, she was concerned that DCD was planning on apprehending her baby who was residing in Bandyup with her upon her release. This woman's concerns were echoed by a number of other women who had dealings with DCD. The Inspectorate acknowledges that this is an issue that needs to be negotiated between the Department of Corrective Services and the Department for Community Development. However, the concern of this Office is that this uncoordinated approach is not women-centred and has a significant effect on those women at Bandyup who rely on DCD for information about the welfare of their children. The inspection discovered this to be a critical gap in services.
- 3.147 As a result of this finding, the DCD representative on the inspection team made contact with the DCD Consumer Advocate who undertook to visit Bandyup Women's Prison every fortnight to ensure that the DCD clients at Bandyup are actually receiving an efficient service from DCD and to advocate on their behalf if this is not in fact occurring. This is one example of the good inspection practice of this Office, whereby issues that are identified during the course of the on-site phase of an inspection that can be immediately addressed, are indeed addressed during the course of the inspection.

LIFERS

- 3.148 There are a number of women at Bandyup serving long prison sentences, including a core group of 12 women on indefinite sentences. For these women, prison will be their home for most of their natural life. This is a very different scenario from most of the prison population who have a finite release date or opportunity for parole at a specified date in the future. Common sense suggests, therefore, that this group of women require a specific management strategy that takes into account the long-term nature of their incarceration.
- 3.149 A key finding of the thematic review of lifers conducted jointly by Her Majesty's Inspectorates of Prisons and Probation in the United Kingdom was that the importance of work with lifers must be acknowledged due to the gravity of the offences, the lifelong consequences for victims and their families, the indeterminate nature of the sentence for lifers and the sense of responsibility experienced by staff working with them.¹⁷² Further, this report recommended that the prison service should devise and implement a strategy to address the individual circumstances of potential life sentence cases, including the coordination of work by uniform and specialist staff and the allocation of the necessary resources.¹⁷³
- 3.150 In March 2005, two prisoners escaped from the minimum-security Karnet Prison Farm. The Department's response to these escapes has been to curb the assessment of long-term prisoners to minimum-security status and to hold back on transferring those long-term prisoners who are already classified as minimum-security to open prison environments, such as Karnet and Wooroloo Prison Farms. This has implications for all long-term prisoners across the state, who fear that it will be extremely difficult for them to achieve minimum-security status and be transferred to a minimum-security facility as a result.
- 3.151 These women have been in the prison system for a long time and have a comprehensive understanding of the prison regime. As such, they can be a strong and influential group within the prison. It would seem prudent on the part of the prison management to respect these women and their experience of prison life by tailoring strategies specifically to assist them. Further, the perception amongst this group that they will never attain minimum-security status and be eligible for a minimum-security facility should be actively challenged.
- 3.152 This Report contains numerous references to the complex population at Bandyup Women's Prison. The core group of so-called 'lifers' at Bandyup adds to this complexity. Just as it has been suggested elsewhere in this Report in relation to other complex groupings that specific strategies should be developed to address the needs of the various sub-groups within the prison, this suggestion is equally applicable to the group of long-term prisoners incarcerated at Bandyup. These women have invested large portions of their lives into the making their experience of prison life, and indeed that of other prisoners, as tolerable as possible. This contribution should be acknowledged by the prison and appropriately rewarded, in consultation with this group of women.

172 *Lifers: A Joint Thematic Review by Her Majesty's Inspectorates of Prisons and Probation* (1999) 5.

173 *Ibid.*, 8.

WHERE TO FROM HERE?

- 3.153 This chapter has expanded on the critical issues confronting Bandyup that were contextually identified in Chapter One and evaluated in Chapter Two in relation to whether sufficient progress had been made in their regard. The final chapter that follows provides a brief overview of the significant issues that have been explored and suggests a proactive way forward through a number of recommendations.
- 3.154 The themes that have been discussed in this and the preceding chapters, as well as the recommendations that follow, now form a new level of baseline intelligence for the Inspectorate. Any progression (or regression) in relation to this new baseline performance level will be carefully monitored by this Office in keeping with the process of continuous inspection applied by the Inspectorate.

Chapter 4

THE WAY FORWARD

- 4.1 The Inspector, in his exit debrief following the recent inspection of Bandyup Women's Prison, declared that:

Bandyup 2005 is almost unrecognisable from Bandyup 2002. There has been a quantum leap in performance ... However, there are still numerous areas where further improvements can and should be made ... management and staff run into the paradox that you are performing well enough not to have any excuse for not performing even better.

- 4.2 This comment has appeared in a previous section of this Report. It is relevant here too, however, as it is an appropriate summary statement for the state of Bandyup Women's Prison as found during the inspection in May 2005.
- 4.3 The Inspectorate acknowledges that the process of undergoing an inspection can be a daunting experience for prison staff and management. This Office, however, believes that an Inspectorate should be regarded as a useful medium through which critical gaps in services can be identified, and whose recommendations can be drivers for change and progress.
- 4.4 In 2002 Bandyup's performance was assessed by this Office as sub-standard. The 2005 assessment of Bandyup reveals a picture of Bandyup that looks very different from that which existed three years ago. There has been substantial change and progress, accompanied by a forward-thinking approach. Bandyup, with the support of the Department, must continue to aspire to good practice in relation to managing women in custody. A standard has been set as a result of the improvements that have been implemented and Bandyup cannot afford to slip back to a level of performance that is below these standards. Given this, the full meaning of the Inspector's comment above encouraging continued progress and improvement in the prison's operations becomes apparent.
- 4.5 In keeping with the Inspector's approach to assessing the state of Bandyup Women's Prison in 2005, as contained in the exit debrief, this chapter summarises the conditions at Bandyup according to the achievements since the first inspection and the continuing deficits. This final chapter, therefore, is both a concluding comment on Bandyup in 2005 as well as a proposal as to the way forward for Bandyup.

THE ACHIEVEMENTS

- 4.6 No doubt, the most prominent achievement since 2002 has been the development of the Women's Custodial Services Directorate (the 'Women's Estate') within the Department. The realisation of this initiative was in part due to the Inspectorate's recommendations and this Office commends the Department in this regard. It is unfortunate, however, that this Directorate has been without a substantive Director for some time. Those who have acted in the position have indeed become champions for the Women's Estate. However, there is no doubt that an organisation is more effective if controlled by stable leadership.
- 4.7 Also in response to recommendations made by this Office, the change management process at Bandyup has been a resounding success and would not have been possible without the continued commitment of current management at Bandyup. The process of change required a profound shift in the culture of Bandyup, specifically attitudes and approaches of staff. This was achieved through robust management of the process and persistent consultation of staff. The change management process continues to evolve at Bandyup. The Inspectorate is satisfied

that every effort will be made to sustain the momentum and continuously improve operations at Bandyup. Indeed, the disorganised culture that was a feature in the inspection findings three years ago has been replaced by a more temperate operating environment.

- 4.8 The new structured day regime has been largely responsible for the more moderate climate at Bandyup in 2005 compared to 2002. This regime has imposed a structure upon daily life at Bandyup that is inclusive of all the women at Bandyup and has been informed by a strong women-centred philosophy. The Inspectorate applauds this initiative and the efforts of all staff and management in implementing this new regime so successfully. This Office is also particularly pleased that the women-centred philosophy is being operationalised within the structured day regime, the impending changes to the visits times and the development of a suite of women-centred treatment and community programs being two examples.
- 4.9 Any criticism of Bandyup Women's Prison that appears in this Report must be considered in the context of the positive initiatives and progress that has occurred since the prison was last inspected in 2002. Although the Department has taken action on many of the Inspectorate's recommendations, Chapter Two of this Report did highlight areas of deficit in this regard.¹⁷⁴ Further, a prison can never afford to stand still for any length of time. The shifting nature of the political and social environment, as well as the fluctuating population does not allow for stagnation. The deficits summarised below (and contained in previous chapters) should therefore be considered within a framework of improvement and moving forward rather than as stand alone criticisms.

THE DEFICITS

- 4.10 The findings from the recent inspection raised some concerns about certain aspects of Bandyup's operations that this Office considers to be contrary to the good women-centred practices the prison espouses. These concerns are primarily incorporated in Chapter Three of this Report, but are included here in summary form as areas to be especially considered on the journey forward.
- 4.11 The point has been reiterated throughout this Report that the prisoner population at Bandyup is extremely complex. Bandyup management has acknowledged this fact as one of their 'critical issues'. Unfortunately, despite this acknowledgement, the current services at Bandyup fall short of satisfactorily addressing the needs of this complex population. Chapter Three contains detailed information in this regard. That chapter explained the lack of culturally appropriate services, the bottleneck in the assessment process and the confusion about who is responsible for the basic welfare needs of the prisoners as examples of areas in which Bandyup is failing the prisoners. Further, the point had been made in Chapter One that Bandyup must recognise its role as a 'hub' prison; that is, a state rather than only a local facility. This is an inevitable definition for Bandyup given that it is the state's only maximum-security, receipt and assessment facility for women and considering the amount of movement between Bandyup and the other prisons that accommodate women in this state. Until this point is fully understood and internalised, services that are fundamentally women-centred for women at Bandyup will be compromised. Ultimately, a truly women-centred approach must acknowledge the diversity of any given group of women. Services should be arranged

¹⁷⁴ See the Recommendation Scorecard in Appendix 2.

according to these diverse needs, rather than reflecting the experiences and preoccupations of one particular group.

- 4.12 Significantly, there are glaring gaps in the services and facilities available at Bandyup which impede women prisoners' contact with their children and other significant persons. Any conclusion that policies that are innovative and address the needs of women in custody have been developed and implemented at Bandyup, in particular those which provide an opportunity for women to rebuild, develop and enhance their relationships with children, partners, family members and other significant persons are not founded in an analysis of the prison's practice as opposed to its stated aspirations. Moreover, with the gaps in service delivery by external agencies experienced by regional women and a failure of various government agencies, including the Department, to work collaboratively on meeting the needs of women as mothers and care-givers, indicates that so-called 'joined up' government in this area at least also remains an aspiration rather than a reality.
- 4.13 It appears that there is a mismatch of a disciplinary and punishment regime developed to manage how male prisoners are believed to behave when it is applied to women. On the face of it, when the application of the same regime to different groups results in a statistically demonstrable worse outcome for one of those groups (as indicated by the figures contained in Chapter Three), this is evidence of indirect discrimination. Given the data on the regime of discipline and punishment at Bandyup provided in the previous chapter of this Report, there are certainly grounds to conclude that far from Bandyup no longer being a man's prison with a male culture uneasily accommodating the other gender, indeed it does operate in such a way, at least in relation to discipline and punishment, that it indirectly discriminates against the women who are imprisoned there.

A FINAL COMMENT

- 4.14 This Report has attempted to provide a balanced assessment of Bandyup Women's Prison in 2005. This assessment has inevitably required a comparison between current performance and the baseline information obtained during the first announced inspection of the facility in 2002, as well as a review of the new and emerging contemporary issues. As such, this Report has assessed the performance of Bandyup in terms of progress against the Inspectorate's previous recommendations, as well as in relation to good practice with regard to managing women in custody. Although positive progress has been made, there remains work to be done to ensure sustainable and appropriate provision of services for women in custody. This Office, however, is optimistic that the improvements that have already occurred will sustain and encourage further improvements. Further, the Inspectorate believes that there does exist the capacity and commitment among the current management at Bandyup to continue to aspire to good practice and drive change.

Chapter 5

RECOMMENDATIONS

- 1) *The Department must continue to support and adequately resource the Women's Custodial Services Directorate. Further, the Department should appoint a suitable substantive director on a permanent basis as soon as possible.*
- 2) *Training and awareness raising about the implications of an abusive past for female prisoners' reaction to being searched should be included as a specific component in the recruit training school, and should be consistently provided to all staff at Bandyup as part of Bandyup's staff training package, in keeping with Bandyup's new women-centred philosophy.*
- 3) *A senior staff member at Bandyup Women's Prison should be appointed as a mentor for new uniformed recruits entering Bandyup as part of a structured mentoring system.*
- 4) *Given the increasing proportion of Aboriginal women represented in Bandyup's population, the level and extent of cross-cultural awareness and anti-racism training provided to staff working at Bandyup should be increased and formally provided on an ongoing basis.*
- 5) *The development of the overall women's health strategy as recommended by this Office in 2003 should be progressed urgently. All relevant policy documents (such as the Local Drug Action Plan) should be incorporated within the comprehensive women's health strategy in keeping with a holistic approach to managing the health needs of incarcerated women.*
- 6) *The Women's Custodial Services Director should undertake a review of the use of restraints on all women prisoners with a view to developing policies on use of restraints that are appropriate (women-centred) and govern AIMS' policies.*
- 7) *That the Inspectorate's outstanding recommendations in relation to the establishment of an outdoor visits centre and the refurbishment of the visits centre to make it more child friendly be addressed as a matter of priority.*
- 8) *In instances where a mother or primary carer and her child or children are both incarcerated at different facilities, video linkups between the two facilities should be available on a needs basis.*
- 9) *Separate systems should be established to manage court and social visit video linkups. The social visit linkups should be treated as a real visit and be located in an appropriate area of the visits centre with designated supervisory staff.*
- 10) *The Department should urgently resource implementation of case management at Bandyup.*
- 11) *The Department should develop a more holistic framework for case management and welfare services for women, including short term prisoners and prisoners on remand.*
- 12) *The Department must take urgent steps to review staffing needs for treatment assessment and report writing to clear up the backlog and ensure timely completion of requisite Individual Management Plans, other assessments and reviews.*
- 13) *The role of the Prisoner Support Officers and the peer support group should be reviewed, clearly defined and communicated across the entire prison, including prisoners, staff and management.*
- 14) *Peer support group prisoners should be involved in reception processes at Bandyup.*

RECOMMENDATIONS

- 15) *Women at Bandyup should be consulted and involved in the process of developing the menu, and there should be formal systems in place to obtain feedback from the women about the menu and the quality of the food.*
- 16) *A diet specifically addressing the needs of pregnant women should be developed (in consultation with relevant prisoners) and offered as a matter of course to pregnant women at Bandyup.*
- 17) *That a clear framework be developed that not only links education and training activities to employment opportunities within the prison, particularly in relation to prison industries, but maximises the opportunity for women at Bandyup to have their vocational skills formally recognised.*
- 18) *That the roles of all relevant staff, including vocational support officers, education workers and prison officers who are involved in the provision or support of education and training programs be clearly defined so as to support the above framework and that these roles be actively promoted throughout the prison regime.*
- 19) *Adequate resources (staff and financial) be allocated for the development, implementation and management of the above framework.*
- 20) *The Department implement a recruitment campaign specifically to recruit Aboriginal staff for Bandyup.*
- 21) *Bandyup must develop and implement a robust strategy for ensuring the safety of all staff working within the prison. The Department should support Bandyup in this initiative.*
- 22) *A comprehensive strategy for managing pregnant prisoners should be formalised and put in place at Bandyup Women's Prison in keeping with good women-centred practice.*
- 23) *There should be dedicated staff responsible for supervising mothers and babies in the nursery who are specifically trained to work in that environment.*
- 24) *Bandyup Women's Prison should provide some form of public transport for visitors, which includes scheduled collection and drop-off times at a central location with ongoing connections to public transport.*
- 25) *Bandyup Women's Prison must urgently address the gap in the provision of culturally appropriate services for Aboriginal women incarcerated there. This includes the provision of culturally appropriate activities and services, including diet, health services, and increased accessibility in relation to the cultural meeting place.*
- 26) *Strategies to increase the representation of Aboriginal women in the Drug Free Unit should be implemented, in keeping with the recommendation for improved culturally appropriate services generally for Aboriginal women residing at Bandyup.*
- 27) *Bandyup should reassess the criteria for the utilisation of various disciplinary interventions.*
- 28) *A comprehensive orientation process should be implemented to adequately prepare women for life at Boronia. This orientation process should not be separate from the initial orientation the women receive on entering Bandyup. This process must include appropriate use of the Transition Unit.*

Appendix 1

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006 RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|--|--|
| 1. The Department must continue to support and adequately resource the Women's Custodial Services Directorate. Further, the Department should appoint a suitable substantive Director to the Directorate on a permanent basis as soon as possible. | Agree/High/Administration The structure of Adult Custodial Division within the newly created Department of Corrective Services has been reviewed and as a result the position of Director Women's Custodial Services has now been submitted for advertising. |
| 2. Training and awareness raising about the implications of an abusive past for female prisoners' reaction to being searched should be included as a specific component in the recruit training school, and should be consistently provided to all staff at Bandyup as part of Bandyup's staff training package, in keeping with Bandyup's new women-centred philosophy. | Agree/Moderate/Staffing Issues Entry Level Training Modules are being reviewed with a view to emphasizing the impact of search procedures on women. Bandyup has a 12 month Training Schedule that alternates between Working with Women in Custody training and Operational Skills training. The impact of search procedures on women will be emphasised in this ongoing training schedule. |
| 3. A senior staff member at Bandyup Women's Prison should be appointed as a mentor for new uniformed recruits entering Bandyup as part of a structured mentoring system. | Agree/Low/Staffing Issues Recognising probationary staff arriving at Bandyup required support, mentors were appointed for the most recent arrivals to Bandyup. A formal process to support both mentors and probationary officers has been developed. In the short term the system will be supervised by the Business Manager until the appointment of Senior Officer Training. |
| 4. Given the increasing proportion of Aboriginal women represented in Bandyup's population, the level and extent of cross-cultural awareness and anti-racism training provided to staff working at Bandyup should be increased and formally provided on an ongoing basis. | Agree/Low/Racism, Aboriginality, Equity These two subjects will be added to the staff training package. |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|--|--|
| <p>5. The development of the overall women's health strategy as recommended by this Office in 2003 should be progressed urgently. All relevant policy documents (such as the Local Drug Action Plan) should be incorporated within the comprehensive women's health strategy in keeping with a holistic approach to managing the health needs of incarcerated women.</p> | <p>Agree/Moderate/Health The provision of health services to women in custody has been developed with service agreements formed with FWPA, Marie Stopes and other women's health agencies. A policy and standards officer (health) has been recently appointed and will be addressing the matter of women's health policy.</p> |
| <p>6. The Women's Custodial Services Director should undertake a review of the use of restraints on all women prisoners with a view to developing policies on use of restraints that are appropriate (women-centred) and govern AIMS policies.</p> | <p>Agree/Moderate/Custody and Security The Women's Custodial Services Director will undertake a review of the use of restraints consistent with women-centred philosophies which are cognisant of risks to good order and security of facilities and staff and the safety of the community</p> |
| <p>7. That the Inspectorate's outstanding recommendations in relation to the establishment of an outdoor visits centre and the refurbishment of the visits centre to make it more child friendly be addressed as a matter of priority.</p> | <p>Agree /High/Care and Wellbeing Planning for a complete new visits 'precinct' has been undertaken, complete with recommendations for improvements in the related services provided and operational procedures. This element is currently unfunded. The new 'social' visits area comprises a variety of comfortable indoor and outdoor open air/under cover seating, providing both quiet spaces and proximity to children's play areas. An outdoor play area specifically designed for younger children will be available, as will an indoor area which is suitable for teenagers as well as children. The whole area will be sizeable enough to hold large functions such as the children's Christmas party and allow for group outdoor activities such as barbecues when appropriate.</p> |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|---|
| | <p>Separate visit rooms will be available which can accommodate larger family groups and/or special circumstances, such as at times of bereavement.</p> <p>Non-contact visit booths will have views on to landscaped courtyards and will be able to accommodate a prisoner's child with her in the booth providing the child has indicated as contraband-free.</p> <p>Overnight visits facilities will comprise four individual units, each with two bedrooms, kitchenette, bathroom, living area and garden.</p> |
| <p>8. In instances where a mother or primary carer and her child or children are both incarcerated at different facilities, video linkups between the two facilities should be available on a needs basis.</p> | <p>Partly Agree /Moderate/Care and Wellbeing</p> <p>In instances where a woman indicates a need to video link with her child/children in a detention centre then all reasonable efforts will be made to facilitate that video visit. However, a schedule of booked video visits will be maintained.</p> <p>Specifically designed video link facilities will be an integral part of the new visits 'precinct' which will allow for greater access to the facilities than is possible currently.</p> |
| <p>9. Separate systems should be established to manage court and social visit video linkups. The social visit linkups should be treated as a real visit and be located in an appropriate area of the visits centre with designated supervisory staff.</p> | <p>Partly Agree /Low/Care and Wellbeing</p> <p>The video link facility mentioned above will service social visits, inter-prison/facility visits and court appearances. The equipment will be located in the official visits section of the visits 'precinct' and when not being used, can be stored away, allowing the room to be used for other official or special family visits. The room itself will be comfortable and non-institutional, looking on to a landscaped courtyard, whilst still providing the appropriate level of light and acoustic clarity to allow for court visits.</p> |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|--|--|
| 10. The Department should urgently resource implementation of case management at Bandyup. | Agree/High/Rehabilitation As a result of the “Mahoney Inquiry” the Department has been funded for 6 Assessment and Case Management Coordinators and 12 Assessment Officers in prisons. These positions when deployed will assist in the reinvigoration of case management at Bandyup. |
| 11. The Department should develop a more holistic framework for case management and welfare services for women, including short term prisoners and prisoners on remand. | Partly Agree/Moderate/Rehabilitation The review of case management will examine its relevance to women and identify whether or where the model needs to take a more holistic approach. It is not agreed that case management will extend to remand or short term women prisoners. This group of prisoners are offered access to all services at Bandyup but particularly the Re-entry services, Brief Intervention Services, Transitional Accommodation Services and the Good Beginnings Program. |
| 12. The Department must take urgent steps to review staffing needs for treatment assessment and report writing to clear up the backlog and ensure timely completion of requisite Individual Management Plans, other assessments and reviews. | Agree /High/Staffing Issues The positions identified in the response to recommendation 10 when deployed will go some way towards addressing the backlog of and ensuring timely completion of IMPs at Bandyup. Additional funding for a treatment assessor is also being sought by Bandyup in the 2006/07 budget process. |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|---|
| <p>13. The role of the Prisoner Support Officers and the peer support group should be clearly defined and communicated across the entire prison, including prisoners, staff and management.</p> | <p>Agree /Low/Care and Wellbeing</p> <p>Over the past 12 months the Duty Statements (JDF) of the Prison Support Officer (PSO) has been evaluated and changed to reflect the role and responsibilities within a generic overview of general PSO duties.</p> <p>Currently, the Offender Services team and the PSOs are developing site specific Duty Statements to address the needs of each individual prison site. This process will create a JDF that reflects the unique nature of each prison site and allow for flexibility within the workplace.</p> <p>Bandyup has a comprehensive staff orientation manual which outlines the role of the PSO to all staff who are employed to work at Bandyup Women’s Prison. Staff training has been provided by the PSO about their role and that of the Peer Support Team. Furthermore, the PSO has developed Duty Statements and JDFs for the prisoner Peer Support Team so there are clear guidelines for Peer Support members.</p> |
| <p>14. Peer support group prisoners should be involved in reception processes at Bandyup.</p> | <p>Agree /Low/Care and Wellbeing</p> <p>When developing the role of prisoner Peer Support members, considerable discussion took place with all parties surrounding their placement in Reception. Peer support members were resistant to this initiative due to the close confines of Reception and the lack of privacy for new arrivals with the requirement to disclose private details. Peer support members are linked with prisoners at the earliest opportunity.</p> <p>The planning for the new Reception Unit will allow the Peer Support Team to operate in confidence. This concept was a primary consideration in the development and planning of the new facility.</p> |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|--|
| 15. Women at Bandyup should be consulted and involved in the process of developing the menu, and there should be formal systems in place to obtain feedback from the women about the menu and the quality of the food. | Agree /Low/Care and Wellbeing Unit meetings between the unit managers and prisoners are held at regular intervals. The future agenda for these meetings will include a segment on food service and all comments and recommendations in relation to food service will be forwarded to the Chef Instructors at Bandyup for assessment. |
| 16. A diet specifically addressing the needs of pregnant women should be developed (in consultation with relevant prisoners) and offered as a matter of course to pregnant women at Bandyup. | Disagree/Care and Wellbeing The catering service is aware of the risks to pregnant women from Listeria and provides information on this to pregnant women. The diet for pregnant women is not differentiated from the normal diet that has been established within the parameters of the “Australian Dietary Guidelines”. The prison has managed the long lock-down period by providing a sandwich in their cell over night for those women who choose to disclose their pregnancy. The catering service will comply with any medical diet that is prescribed for any prisoners, including pregnant prisoners. |
| 17. That a clear framework be developed that not only links education and training activities to employment opportunities within the prison, particularly in relation to prison industries, but maximises the opportunity for women at Bandyup to have their vocational skills formally recognised. | Agree /Low/Rehabilitation Education staff are to conduct a vocational training audit on prison industries and employment activities at Bandyup Women’s Prison. The audit will outline individual units, qualifications and traineeship opportunities for the site. |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|---|
| <p>18. That the roles of all relevant staff, including vocational support officers, education workers and prison officers who are involved in the provision or support of education and training programs be clearly defined so as to support the above framework and that these roles be actively promoted throughout the prison regime.</p> | <p>Agree /Low/Staffing Issues The above audit report will outline qualifications, roles and requirements needed by staff to fulfil the full potential of training opportunities. The audit will assess barriers and where possible outline strategies to address these barriers.</p> |
| <p>19. Adequate resources (staff and financial) be allocated for the development, implementation and management of the above framework.</p> | <p>Agree /Low/Administration The above audit will outline any barriers that may exist financially to achieve maximum vocational training potential.</p> |
| <p>20. The Department implement a recruitment campaign specifically to recruit Aboriginal staff for Bandyup</p> | <p>Disagree /Staffing Issues From the data the Department has collected from the last 2 years recruitment efforts, it is clear that to focus on recruiting Aboriginal people or women specifically, is not nearly as successful as when the Department has used a generic approach, i.e. to include metropolitan and regional. In fact, when the Department targeted employment for Eastern Goldfields and Roebourne Regional Prisons, it received half the Aboriginal applicants than it normally received. Prison Officer Recruitment is currently exploring various options and these include examining why Aboriginal applicants withdraw from the process and how we can modify the tests and process as to not exclude Aboriginal applicants. This will be one of many recruitment strategies and is largely dependent on funding.</p> |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|--|
| <p>21. Bandyup must develop and implement a robust strategy for ensuring the safety of all staff working within the prison. The Department should support Bandyup in this initiative.</p> | <p>Agree /High/Staffing Issues The Department has conducted a Safety and Security Review of all prisons. As a result of this review, a number of new initiatives will be developed across all sites. Bandyup has been chosen as a pilot site for the introduction of a fully monitored duress alarm system, and this will ensure all persons entering the site are issued with an individual alarm to enhance their safety. The recent introduction of a more comprehensive Orientation process will ensure all agencies and staff entering the work site will have a broader understanding of safety and security procedures. At a local level, security processes at Bandyup are reviewed on a regular basis and audited by the Assistant Superintendent Prison Services.</p> |
| <p>22. A comprehensive strategy for managing pregnant prisoners should be formalised and put in place at Bandyup Women’s Prison in keeping with good women-centred practice.</p> | <p>Agree /Moderate/Care and Wellbeing A Local Order (23) has been developed for the management of pregnant women in custody. In addition, a staff member has been identified to manage a portfolio for “pregnant women” ensuring all agencies involved in their care meet on a regular basis to develop and review practices. The process will be overseen by the Operations Manager.</p> |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|---|
| <p>23. There should be dedicated staff responsible for supervising mothers and babies in the nursery who are specifically trained to work in that environment.</p> | <p>Partly Agree /Low/Staffing Issues An officer has been nominated to manage the portfolio of “mothers and Children in the Nursery”. This officer will coordinate the services to the Nursery and also provide a link between involved agencies. Management requested an evaluation of the Nursery by Ngala. The report has made a number of suggestions to create a soothing environment for infants under 12 months with some suggested resources. These suggestions are being actioned. In addition, the Good Beginnings Program has been funded for 12 months with the contract requirement to appoint a Family Support Worker whose role it will be to assist and support the mothers in the Nursery.</p> |
| <p>24. Bandyup Women’s Prison should provide some form of public transport for visitors, which includes scheduled collection and drop-off times at a central location with ongoing connections to public transport.</p> | <p>Partly Agree /Low/Care and Wellbeing Preliminary research associated with the Building Project indicates that 14% of visitors to Bandyup feel that the journey is difficult for them. Bandyup will trial a bus service to determine the levels of use by visitors to the prison. A proposal to obtain funding for the provision of contracted transport to run between Midland train station and Bandyup three times per week has been compiled and is seeking endorsement.</p> |
| <p>25. Bandyup Women’s Prison must urgently address the gap in the provision of culturally appropriate services for Aboriginal women incarcerated there. This includes the provision of culturally appropriate activities and services, including diet, health services, and increased accessibility in relation to the cultural meeting place.</p> | <p>Partly Agree /Low/Racism, Aboriginality, Equity As a result of Recommendation 87 of the Mahoney Report a framework for an “Indigenous Services Committee” has been developed to coordinate and monitor the implementation of the Department’s Indigenous Strategies at Bandyup. This committee will be managed by the Assistant Superintendent Operations. The current “Meeting Place” will become part of the work site for the new “Gate House” at Bandyup. As such, the matter has been identified as an agenda item for the Indigenous Services Committee.</p> |

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

| Recommendation | Acceptance Level/Risk Rating/Category/Response |
|---|--|
| <p>26. Strategies to increase the representation of Aboriginal women in the Drug Free Unit should be implemented, in keeping with the recommendation for improved culturally appropriate services generally for Aboriginal women residing at Bandyup.</p> | <p>Partly Agree /Low/Racism, Aboriginality, Equity To be examined by the Indigenous Services Committee.</p> |
| <p>27. Bandyup should reassess the criteria for the utilisation of various disciplinary interventions.</p> | <p>Partly Agree /Low/Care and Wellbeing The provision of an additional 40 beds self-care accommodation will allow for a far greater number of placement options within the remainder of the prison. It will provide a true hierarchy of accommodation and allow for a greater range of supervision levels than currently exist and will reduce the need to place prisoners in the management unit because there is no suitable longer-term option. The additional beds could free up sufficient space to allow for the creation of a close supervision unit to be run. With the opportunity to fully implement the hierarchical model, a review of disciplinary interventions will be undertaken.</p> |
| <p>28. A comprehensive orientation process should be implemented to adequately prepare women for life at Boronia. This orientation process should not be separate from the initial orientation the women receive on entering Bandyup. This process must include appropriate use of the Transition Unit.</p> | <p>Partly Agree /Low/Care and Wellbeing Those prisoners, who have been identified in the Assessment process as a candidate for placement at Boronia will be provided with a comprehensive orientation package.</p> <p>Women entering prison are generally distressed and concerned about their immediate needs, it is not agreed that this is an ideal time to discuss their options for possible transfers to Boronia.</p> <p>With the completion of the current upgrade to the Self Care Units the Transitional Unit will be re-established allowing the full Boronia orientation process to recommence.</p> |

Appendix 2

SCORE CARD ASSESSMENT OF THE DEPARTMENT'S PROGRESS AGAINST THE 2003 RECOMMENDATION

| Recommendation Number | Type of Recommendation / Recommendation | Assessment of the Department's Implementations | | | |
|-----------------------|--|--|------|------------|----------------------|
| | | Less than Acceptable | Poor | Acceptable | More than Acceptable |
| 1. | <p>Strategic Policy</p> <p>That a team, including the incoming Director of Women's Custodial Services, policy makers both from within the Department of Justice and from other relevant agencies, qualified academics, operational managers, custodial staff and consumers of women's imprisonment, be set up to work consultatively and representatively in developing a women-centred philosophy and purpose for Bandyup Prison that is derived from theory and practice as outlined in Chapter 2 and elsewhere in this Report. The task is urgent and fundamental to the provision of immediate direction for all operational decisions, current practice and forward planning, and to underpin future reforms at Bandyup.</p> | | | | • |
| 2. | <p>Strategic Policy</p> <p>That, following on from Recommendation 1, Bandyup Prison managers develop a detailed overview of operational and regime issues including, but not confined to, all of the matters raised in this Report, to form the basis for an integrated strategic framework for the visionary management of Bandyup. Prisoner needs, accountability, integrated service delivery, and sustainability are key considerations in the development of this framework.</p> | | | • | |
| 3. | <p>Strategic Policy</p> <p>That, in conjunction with the stakeholders identified in Recommendation 1, the Department of Justice develops policy and operational guidelines for women's imprisonment generally. These guidelines should establish standards and services for women prisoners and should address the needs-based placement, management and sentence planning of women prisoners throughout the State.</p> | | | • | |
| 4. | <p>Strategic Policy</p> <p>That, as part of the policy – and standard-making process described in Recommendation 3, policies and practices that include and affect women's prisons and women prisoners, such as prison staffing, prisoner assessments, access to levels of accommodation and work opportunities are opened to scrutiny on matters of race and gender, and are re-developed on this basis for targeted populations.</p> | | | • | |

SCORE CARD ASSESSMENT OF THE DEPARTMENT'S PROGRESS
AGAINST THE 2003 RECOMMENDATION

| Recommendation Number | Type of Recommendation/Recommendation | Assessment of the Department's Implementations | | | |
|-----------------------|---|--|------|------------|----------------------|
| | | Less than Acceptable | Poor | Acceptable | More than Acceptable |
| 5. | Security and Safety That a facility and systems are established to supplement the role of the current gatehouse, to enable more effective control over movements into and out of the prison. | • | | | |
| 6. | Security and Safety That procedures for pat down searches and strip-searches are controlled by regulations and are only performed by female custodial staff. Staff need to be trained to undertake searches with sensitivity to prisoner backgrounds of possible abuse. | | | • | |
| 7. | Security and Safety That the prison confronts issues of sexual aggression and predation in the prison, and develops codes of conduct and adopts disciplinary responses that identify and sanction offenders. | • | | | |
| 8. | Security and Safety That conditions and regimes in the protection unit be addressed and improved and the protocols in relation to such prisoners clarified and documented. | • | | | |
| 9. | Staff Ratios, Recruitment and Training That a target is set for a staff gender ratio at Bandyup where the balance is significantly towards women at all levels: base-grade uniformed officers, senior officers, programs staff and managers. A time-frame needs to be set and strategies developed for the target to be reached by July 2004. | | | • | |
| 10. | Staff Ratios, Recruitment and Training That the Department advertises for and recruits new custodial staff specifically for Bandyup. | | | • | |
| 11. | Staff Ratios, Recruitment and Training That all incoming and incumbent staff at Bandyup are given a comprehensive and formal orientation to the prison that includes an induction into the philosophy and purpose of Bandyup as per Recommendation 1; all uniformed staff at Bandyup are given appropriate in-service training that fits them for service at a women-centred women's prison; and, recruits to Bandyup are trained specifically for service at this prison, partially on site. Staff should be trained urgently and comprehensively in unit management and IMPs. | | | • | |

SCORE CARD ASSESSMENT OF THE DEPARTMENT'S PROGRESS
AGAINST THE 2003 RECOMMENDATION

| Recommendation Number | Type of Recommendation /Recommendation | Assessment of the Department's Implementations | | | |
|-----------------------|---|--|------|------------|----------------------|
| | | Less than Acceptable | Poor | Acceptable | More than Acceptable |
| 12. | Staff Ratios, Recruitment and Training That Bandyup orientation, in-service, and recruit training packages are developed. | | | • | |
| 13. | Staff Ratios, Recruitment and Training That the selection and appointment of Superintendents to Bandyup and Nyandi take place simultaneously and as a matter of priority. | | | • | |
| 14. | Health That Bandyup health services staff develop a women's health strategy in conjunction with the Director of Prison Health Services and the consultative body referred to in Recommendation 1, such that it outlines and addresses women's health needs in general, addresses the access and health care needs of Aboriginal patients, and establishes systems to make the service proficient and accountable. | | | • | |
| 15. | Health That the Bandyup health service assume responsibility for the medical care of children who live in the nursery with their mothers or who are visiting the prison for extended visits or overnight stays. | | | • | |
| 16. | Health That restraints are not in future used on female prisoners attending outside medical appointments unless an individual is judged to be at high risk of escape, and never used on women in labour or giving birth. Rules and regulations governing the use of restraints during escorts to be amended accordingly. | • | | | |
| 17. | Work, Education and Training As one of the items to be included in the recommended strategic framework (Recommendation 2), that the prison in conjunction with Head Office revise the gratuity system for women and develop a needs-based integrated program of work, training and education for women that gives priority and status to education; this should be reflected in the structure of gratuities. | | | | • |

SCORE CARD ASSESSMENT OF THE DEPARTMENT'S PROGRESS
AGAINST THE 2003 RECOMMENDATION

| Recommendation Number | Type of Recommendation/Recommendation | Assessment of the Department's Implementations | | | |
|-----------------------|--|--|------|------------|----------------------|
| | | Less than Acceptable | Poor | Acceptable | More than Acceptable |
| 18. | <p>Work, Education and Training</p> <p>As one of the items to be included in the recommended strategic framework (Recommendation 2), that the prison in conjunction with Head Office develops a program portfolio that offers programs designed or adapted so they are fundamentally women-centred. This includes the life-skills program and the Cognitive Skills program.</p> | | | | • |
| 19. | <p>Prisoners as Mothers</p> <p>That an outdoor visits centre is developed and equipped for children, the visits centre is made more 'child-friendly' as outlined in the Report, the visits times are re-assessed to maximize the time in visits and to enable school-aged children and workers to visit more easily, and video visits are made more accessible to prisoners from outside the Metropolitan area.</p> | | • | | |
| 20. | <p>Prisoners as Mothers</p> <p>That separate facilities for overnight stays with children are established and resourced; that the nursery is better equipped for babies as they grow and develop; and that the extended visits area is properly equipped for children and babies.</p> | | • | | |
| 21. | <p>Peer Support and Prisoner Support Officers</p> <p>That Head Office provides more training and guidance for prisoner support officers and peer support groups, and that prison-based mentors for prisoner support officers are appointed.</p> | | | • | |
| 22. | <p>Temporary Transfer Scheme</p> <p>The temporary transfer scheme, adopted for the purpose of reducing the Bandyup population during the disruptive building phase, should cease by June 2003.</p> | | | • | |

APPENDIX 3

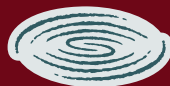
INSPECTION TEAM

| | |
|---------------------------|---|
| Professor Richard Harding | The Inspector of Custodial Services |
| Mr Robert Stacey | Deputy Inspector of Custodial Services |
| Ms Dace Tomsons | A/Manager of Inspections and Research |
| Ms Jeannine Purdy | Inspections and Research Officer |
| Ms Natalie Gibson | Inspections and Research Officer |
| Ms Lauren Netto | Inspections and Research Officer |
| Ms Jude Bevan | Inspections and Research Officer |
| Mr Cliff Holdom | Inspections and Research Officer |
| Mr Stephen Reddy | Inspections and Research Officer (seconded from the Department of Justice) |
| Ms Diane Broadby | Manager Community Relations |
| Mr Joseph Wallam | Community Liaison Officer |
| Ms Sherry Armstrong | Expert Adviser (Ombudsman) |
| Mr Peter Henson | Expert Adviser (Department of Education and Training) |
| Dr Peter Barratt | Expert Adviser (Department of Health) |
| Ms Jocelyn Jones | Expert Adviser (Office of Aboriginal Health) |
| Mr Mike Hepburn | Expert Adviser (Department for Community Development) |

Appendix 4

KEY DATES

| | |
|--|---------------|
| Formal notification of announced inspection | 9 March 2005 |
| Start of on site phase | 22 May 2005 |
| Completion of on site phase | 27 May 2005 |
| Inspection exit debrief | 30 May 2005 |
| Draft Report sent to the Department of Corrective Services | 19 April 2006 |
| Draft report returned by the Department of Corrective Services | 14 June 2006 |
| Declaration of Prepared Report | 19 June 2006 |



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