



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2017 INSPECTION OF MELALEUCA REMAND
AND REINTEGRATION FACILITY

117

APRIL 2018

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2017 Inspection Of Melaleuca Remand and Reintegration Facility

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Inspector's Overview

GOOD INTENTIONS HAMPERED BY PROCESS, CONTRACT, AND INFRASTRUCTURE

In 2014, prisons holding women in Western Australia were in a state of crisis. For many years they, and Bandyup Women's Prison (Bandyup) in particular, had suffered from neglect, indifference, and structural inequality (OICS, 2018, p. 1). In December 2014, the Department of Justice (the Department), announced that Units 11 and 12 of Hakea Prison would be transformed into a 256 bed, maximum-security, remand and reintegration facility for women.

Tenders were called for, and in July 2016 it was announced that Sodexo Australia Pty Ltd had won the right to manage the new facility. After an extremely short time frame the Melaleuca Remand and Reintegration Facility (Melaleuca) commenced operations on 15 December 2016.

No other prison in Australia provides exclusively remand and reintegration services on one site, for very good reason. The two groups require markedly different services and supports. In addition, Melaleuca's infrastructure was, and remains, totally ill-suited to supporting either of these two groups. This has, and continues to create problems for the contractor.

This, our first inspection of Melaleuca took place in November 2017, less than 11 months after the new prison opened. We are required to inspect each prison every three years, and generally will conduct our first inspection of a new prison within 18 months of its opening, after giving it a chance to bed in. Given the reports we had of problems at Melaleuca, however, we brought that inspection forward.

What we found was that while there had been significant issues, the prison had started to improve. However, there remained major concerns, and because of this we have made 25 recommendations. For comparison, over the last three years the average number of recommendations per inspection has only been 15, although we made 40 recommendations following our 2014 inspection of Bandyup.

To some extent the number of issues reflects the rush by the Department to open Melaleuca, and its abandonment of the previous robust, yet cautious approach adopted to contracting prison services, for example with Acacia Prison and Wandoo Reintegration Facility. The mere four-month period between the signing of the contract in July 2016 and the commencement of operations in December was a high-risk strategy; particularly for a new site, a new concept, and a new contractor (one not only new to the state, but to Australia).

That risk may have been exacerbated by the contractual price. In 2016–2017, Melaleuca made a significant operating loss. This loss included costs associated with mobilisation and operation of the facility in the first year. However, Sodexo forecasts a further increase to that operating loss in its second financial year of operating the facility.

Unfortunately, this operating loss directly impacts on the operation of the facility. This is reflected in lean staffing levels in all areas, and a lack of adequate services for prisoners. It also means that Sodexo has limited capacity to add to the existing infrastructure.

GOOD INTENTIONS HAMPERED BY PROCESS, CONTRACT, AND INFRASTRUCTURE

Another factor impacting on the situation is the contract itself, which at 543 pages is overly aspirational, highly prescriptive, and lacks clear priorities. Sodexo's failure to ensure that they properly understood the terms of the contract created risks for themselves, the women, and the Department. Notwithstanding this, Sodexo signed that contract and the Government is entitled to expect the company to deliver against it.

The above problems were exacerbated by the fact that the critical issue of coordination with other prisons and services (in particular Bandyup) were left to be negotiated on the go. This continues to have serious implications today and resulted in our recommendation that the Department:

Develop clear guidelines for the transfer of prisoners from Melaleuca to Bandyup, prioritising their safety, health, and mental health care needs (Recommendation 23).

The Department indicated that it, and Sodexo were:

currently finalising a number of Memorandums of Understanding relating to prisoner transfers between Melaleuca and Bandyup; including mental health, dental, pregnancy, punishment, and routine transfers (Appendix 4).

It is unacceptable that these agreements were still not in place almost 18 months after Melaleuca had first opened.

Despite its failings, Melaleuca's opening has significantly improved the situation for women prisoners in this state. If Melaleuca had not commenced operations Bandyup, with a design capacity of 209 at 30 June 2016 (OICS, 2016a, p. 6), would today be holding over 517 prisoners. Also improving the situation for women prisoners, was the enthusiasm and passion Melaleuca custodial staff showed for working with the women, with positive and respectful interactions observed during the inspection between staff and prisoners.

The transformation of Wandoo into a dedicated drug and alcohol rehabilitation prison for women has the potential to further improve the situation, and to increase placement options for women. Details on Wandoo remain scant, however, and any potential improvements will only be fully realised if the lessons identified in this report are taken to heart and acted on. Particularly by ensuring that sufficient weight is placed on the State Supply Commission's requirement that "a public authority must ensure that its procurement of goods and services achieves the best value for money outcome" and not simply focus on cost (SSC, 2007).

Andrew Harvey
Acting Inspector of Custodial Services
1 May 2018

SUMMARY OF FINDINGS AND RECOMMENDATIONS

INTRODUCTION

In 2014, the Department of Justice (the Department) announced that Units 11 and 12 of Hakea Prison would be transformed into a 256 bed, maximum-security, remand and reintegration facility for women. The prison would take over the metropolitan remand function for women from Bandyup Women's Prison (Bandyup), and simultaneously provide specialist reintegration services.

Tenders were called for, and in July 2016 it was announced that Sodexo Australia Pty Ltd had won the right to manage the new facility. Melaleuca Remand and Reintegration Facility (Melaleuca) commenced operations on 15 December 2016.

No other prison in Australia exclusively provides remand and reintegration services on one site, and for very good reason. The different cohorts require markedly different services and supports.

Melaleuca's infrastructure is totally ill-suited to supporting these two groups simultaneously. It does not meet the contract or the need. In well-designed prisons, form follows function, and a whole-of-prison philosophy guides construction. Melaleuca on the other hand, was driven by necessity. And it was built to meet budget, not need.

CONTRACT MANAGEMENT

The Melaleuca Remand and Reintegration Facility Services Agreement (the contract) was awarded to Sodexo in July 2016, and was valued at \$82.8 million over five years. The contract runs to 543 pages, including nine Schedules and six Annexures. It is overly aspirational, highly prescriptive, and lacks clear priorities.

The degree to which deliverables are prescribed is excessive, and includes descriptions of how aspirational services should be delivered. This risks focusing attention and effort on compliance, rather than ensuring the needs of prisoners are met effectively and efficiently.

Recommendation 1

Any future revision of the contract should simplify and focus on delivery of outcomes, rather than prescribing how outcomes are achieved

We found that the Department was actively managing the main contract. But Sodexo subcontracts a number of key services, and oversight of these contracts was less rigorous. Without systematic contract management processes in place, performance issues are less likely to be identified or addressed in a timely manner.

Recommendation 2

Sodexo should strengthen its subcontractor oversight processes to ensure optimal service delivery

SUMMARY OF FINDINGS AND RECOMMENDATIONS

RESOURCES AND SYSTEMS

Most areas of operation at Melaleuca were subject to restricted resources and budget limitations. We concluded that the price of the contract was fundamentally too low to meet its requirements. This is a poor outcome for the Department, Sodexo, and the women.

Inadequate infrastructure was affecting service delivery, and this reflects poorly on both parties. The Department has failed to supply the infrastructure necessary for the contractor to meet the expectations of the contract. But Sodexo accepted the existing infrastructure when they took on the contract, and so also bear some responsibility for their situation.

Recommendation 3

The Department and Sodexo should work together to address infrastructure shortfalls at Melaleuca

Staffing levels were too low across the board, from senior management through to custodial officer ranks. In some areas, staff numbers were insufficient to cover workload and operational requirements.

The senior management structure was comparable to Bandyup and other public prisons. This would be sufficient if the facility was up and running smoothly, but it was not. Processes and procedures were still not in place, and Sodexo had not yet come to terms with the requirements of the contract. Sodexo should consider adding a person with high-level contract experience into the management team for 12–24 months.

Recommendation 4

Increase senior management resources at Melaleuca

Low unit staffing numbers meant that absences or redeployments had a big impact. The units were regularly short-staffed, which often resulted in prisoners being locked behind the wing grilles. We were concerned that the number of staff was insufficient to adequately supervise prisoners.

Recommendation 5

Increase custodial staffing levels, particularly in the units

Melaleuca faced major challenges when trying to cover staff absences and leave. Overtime rates at Melaleuca are calculated differently to other prisons in the state. Rather than being a flat double-time or time-and-a-half rate, overtime pay increases incrementally on the base salary rate, over the number of hours worked. Unsurprisingly, most custodial staff were unwilling to give up their time off for the pay on offer.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 6

Review overtime pay rates

Contractual restrictions on prisoner lockdowns meant that Melaleuca had a limited capacity to deliver staff training. In all other medium- and maximum-security facilities in the state, prisoners are locked down for one half-day per week to allow staff training. But Melaleuca is unable to lock prisoners down in this way, and so they are unable to deliver regular staff training.

Resourcing and infrastructure restrictions further limited training opportunities. There was only one training officer, and one training workroom. Sodexo had developed a proposal to adjust prisoner lockdown times in order to provide more training.

Recommendation 7

Increase staff training

Staff morale was good despite challenging early months. Staff across the site exhibited an impressive level of care and respect for prisoners, and interactions were friendly but respectful. Staff used positive language when talking about prisoners, and rapport was clearly very strong. This is a credit to Sodexo and Melaleuca management, and something that all Melaleuca staff should take pride in.

But the officers were increasingly frustrated by limitations they faced. They were unhappy with various aspects of their employment conditions, and their commitment to the prisoners only increased their frustration. We urge Melaleuca's management to take steps to ensure positive ongoing relationships with the custodial staff group.

SAFETY AND SECURITY

Melaleuca's external perimeter is shared with the existing Hakea boundary on three sides. This is a very secure concrete wall, which is regularly patrolled. Melaleuca's border with Hakea itself however, is a single fence line that is far less secure and poses risks that must be mitigated. Furthermore, Melaleuca must be autonomous, and this can only be achieved with an appropriately secure fence between the two prisons.

Recommendation 8

Upgrade the fence between Hakea and Melaleuca to improve screening and reduce risk

The accommodation infrastructure at Melaleuca does not provide any opportunity to separate groups of prisoners who may pose risks to each other. Prisoners needing protection have been held in the Crisis Care Unit (CCU). This is a short-term solution, and is not appropriate for long-term placement.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Prisoners held in the CCU for protection purposes are subject to 24-hour surveillance, regardless of their personal risk. In-cell showers and toilets are under observation at all times. Unlike many other facilities, the live CCTV feed does not include any privacy measures. This is completely unacceptable.

Recommendation 9

With due regard for prisoner safety, ensure the privacy and dignity of all prisoners in the CCU

REHABILITATION

Melaleuca is contractually required to perform key Department mandated assessments, and develop and perform two new assessments. While the contract specifies the form of these two assessments, it does not clarify their purpose, what outcome they should achieved, or how they relate to existing assessments.

The workload for the case management and assessments team was excessive, and unsustainable for a small team new to their roles. The staff were under considerable pressure to stay on top of their departmentally required workload, and the addition of new assessments will only increase the burden.

Recommendation 10

Increase resources, training, and support for Melaleuca's case management function

Melaleuca is required to implement a Personal Officer scheme, as part of its case management framework. However, the Department has not offered any guidance on this, the scheme does not operate at any state-run prisons, and the concept now seems to have been abandoned altogether. The many references to it throughout the contract should be either clarified or removed.

Melaleuca is further required to provide programs that use validated and reliable methodologies, including some designed specifically for Aboriginal women. They are, however, prohibited from using any therapeutic treatment programs currently available in Western Australia's public prisons.

The prison was delivering programs, but none were recognised by the Prisoner Review Board (PRB), and so were not considered in regard to parole applications. The lack of recognised treatment programs therefore, is seeing more parole applications denied, more women serving full sentences, and subsequently re-entering the community under less supervision.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 11

The Department must ensure that both Bandyup and Melaleuca deliver programs which meet prisoners' needs and PRB expectations

THE CONSTRUCTIVE DAY

Upon opening, Melaleuca was not ready to deliver education programs. Short session educational activities are now available, but they do not meet need or demand.

The facilities available for education purposes are completely inappropriate. They are not conducive to concentration or learning, frequently chaotic, and potentially unsafe. Furthermore, they do not offer the capacity to deliver the amount of education required by the contract.

Recommendation 12

Install dedicated education infrastructure

Education staff are dedicated and hardworking, but face significant challenges. The contract requires education to be available 52 weeks of the year, while state prisons only deliver education during school terms. This should provide greater access to education, but it offers little downtime to education staff.

The Head of Reintegration has managerial responsibility for the two teachers, in addition to an already large and high-level portfolio. The staff were appreciative of her support and professionalism, but progress has been painstakingly slow. Education services need to have a better presence, strategic direction, and specialist education knowledge driving it.

Recommendation 13

Appoint an education manager to oversee education at Melaleuca

The contract includes little in the way of requirements for prisoner employment or training, and employment opportunities are very limited. Furthermore, Melaleuca does not have an arrangement with a Registered Training Organisation (RTO) to deliver accredited training, so there is no recognised or accredited training attached to any prisoner employment. This was despite the contract specifically requiring training for prisoners in certain areas of employment. While some industrial officers were qualified in their areas, they were not qualified to deliver certified training, and even if they were they had no capacity to do so.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 14

Ensure Melaleuca has an arrangement with an RTO to provide certified education and vocational training courses

Furthermore, there was no education or training for those working in laundry or cleaning, and no designated position to oversee their work. There are environmental health risks attached to poor practice in these areas, particularly in shared environments such as prisons. Employment positions are also excellent opportunities to provide education and training, and improve prisoners' chances of successful rehabilitation. Failure to capture this is not only a lost opportunity, but it is also a failure to meet the terms of the contract.

Recommendation 15

Introduce a position to oversee training, supervision, and support for prisoners employed as cleaners

Accredited food safety training for prisoners was not available. Education staff delivered a food safety course, but it had been modified and was not nationally accredited. Prisoners who served meals in the units lacked oversight and training, and we observed unhygienic practices.

Recommendation 16

Formalise Food Star Pty Ltd One Star Level food safety and hygiene training for all prisoners at Melaleuca

Melaleuca is poorly equipped for recreation activities. It does not have a gymnasium, or a dedicated recreation officer position. The prison inherited Hakea's second oval, but it was in a very poor state of repair on Sodexo's acceptance of the prison. There was little to engage the 240 women on a regular basis, especially on weekends. Unsurprisingly, prisoners were very unhappy with the amount of organised sport.

We did however, observe peer support prisoners organise a well-attended basketball game. While this was an excellent outcome, the enthusiasm of the prisoners cannot replace the organisation, supervision, and mentoring that could be provided by a dedicated staff member.

Recommendation 17

Ensure that a range of organised sport and recreational activities are run regularly

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Library services were unacceptable for a modern remand facility. The Department's failure to include a library in the supporting infrastructure for Melaleuca is bewildering. Donated books were made available, but they were limited, and there was no system in place to record or track loans. And with no way to secure the books, many had already disappeared.

As a new remand prison, it would be expected that Melaleuca provide access to a legal library. The selection of legal resources in hard or soft copy however was very poor. No computers were available, and legal text books had to be kept in a locked store room.

Recommendation 18

Provide a modern library service, including up-to-date legal resources and computers for the preparation of legal matters

CARE AND WELLBEING

The visits hall was one of the few areas where infrastructure was not only fit for purpose, but very good. It was light, spacious, colourful, and family friendly. A dedicated children's area in one corner included two small tables, and a collection of books and toys. An undercover outdoor area was also available, and the positive attitudes of staff contributed to a good visiting experience.

Melaleuca is required to hold a family day each month, to allow permitted prisoners to spend quality time with their children. However, no family days had been held at Melaleuca since its opening, and only standard visits sessions were available. This was a major shortfall for a facility intended to provide trauma-informed and women-centred services.

Recommendation 19

Provide regular family visits

A visitor centre outside the gatehouse was intended to provide support services to the families of prisoners at Melaleuca. This service was subcontracted, and the agreement only required a Family Support Worker position one day per week. This was grossly inadequate for a women's remand facility.

Recommendation 20

Increase family support services

Melaleuca has the highest proportion of Aboriginal prisoners in the metropolitan area, and the contract sets a high expectation of service for these women. Despite this, we found little in the way of cultural recognition, activity, or support.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The contract states that Sodexo must utilise and promote the Aboriginal Visitors Scheme (AVS) to provide support for Aboriginal prisoners. However, the Department had not provided AVS staff for this purpose. This was a failure of the Department to meet its own contractual requirements.

Recommendation 21

Ensure that the Aboriginal Visitors Scheme has a regular and continuing presence at Melaleuca

HEALTH AND MENTAL HEALTH

Health care services at Melaleuca are subcontracted by Sodexo to Correctional Healthcare Solutions (CHS), part of the Aspen Medical Group. Despite being the greatest source of complaint during the first 12 months of operations, we found that there have been notable improvements in health care delivery.

Healthcare staff at Melaleuca were enthusiastic, dedicated, and motivated. They had good relationships with prisoners and other prison staff. And although the prisoners were generally dissatisfied with the level of service, they spoke positively about health staff.

However, many staff were not receiving a sufficient security orientation prior to working at a maximum-security prison site. Melaleuca's policy was to provide external staff with security inductions within three months of their commencement on site. This was problematic, and we found that some health staff had been inadvertently breaching security protocols.

Recommendation 22

Provide all staff and service providers with a comprehensive security induction prior to commencing work at Melaleuca

A poorly developed working relationship with Bandyup was affecting adequacy of care and treatment for prisoners with urgent and acute needs. We monitored instances where requests for transfers to Bandyup on medical grounds were initially refused, or significantly delayed. This resulted in belated access to appropriate and timely health care.

This is utterly inappropriate. It poses a risk to the prisoner's health and breaches the Department's duty of care. It places unnecessary risk on Melaleuca, and results in prisoners being nursed in unsuitable environments (including the CCU). Processes for the smooth transfer of women between Melaleuca and Bandyup must be improved.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 23

Develop clear guidelines for the transfer of prisoners from Melaleuca to Bandyup, prioritising their safety, welfare, health, and mental health care needs

Dental services were never intended to be delivered at Melaleuca. Given the degree of need among the women at Melaleuca, this is grossly inadequate. For a time, an arrangement was reached between Bandyup and Melaleuca for women to be transferred to attend Bandyup's dental clinic. However, this was soon abandoned, leaving the prison's population with no access to specialist dental services.

Recommendation 24

Access external dental services or employ a dentist in-house

Mental health services at Melaleuca were limited. Mental health nurses could only manage prisoners with severe mental illnesses, such as bipolar disorder and schizophrenia. This left those with more common but less acute issues (as anxiety, depression, personality disorders, self-harm, and even suicidality) with little recourse for support or treatment.

The psychological services team was under resourced and under staffed. Only one of three positions were filled, and the sole psychologist was only able to see those at most acute risk. They had had to reduce their involvement in other areas, which left a lot of vulnerable women at risk.

Recommendation 25

Increase the range and availability of psychological support services

FACT PAGE

NAME OF FACILITY

Melaleuca Remand and Reintegration Facility

BRIEF HISTORY AND ROLE

In 2014, the Department of Justice announced that Units 11 and 12 of Hakea Prison would be transformed into a maximum-security, remand and reintegration facility for women. The prison would take over the metropolitan remand function for women from Bandyup Women's Prison, and simultaneously provide specialist reintegration services.

Tenders were called for, and in July 2016 it was announced that Sodexo Australia Pty Ltd had won the right to manage the new facility.

Melaleuca Remand and Reintegration Facility (Melaleuca) commenced operations on 15 December 2016.

LOCATION

Nicholson Road, Canning Vale, 19 km south of Perth. The traditional owners of the land are the Noongar people.

INSPECTION DATES

15 – 22 November 2017

CAPACITY INFORMATION

Unit	Capacity	Population (13.11.2017)
Unit 11	128	112
Unit 12	128	113
Crisis Care Unit (special beds)	4	4
TOTAL	256	229

Chapter 1

INTRODUCTION

1.1 A NEW WOMEN'S FACILITY

Bandyup in 2014 and the announcement of a new women's prison

In 2014, women's imprisonment in Western Australia was in crisis. That year we inspected Bandyup Women's Prison (Bandyup) for the fifth time, and found that the prison had borne the brunt of that crisis (OICS, 2014).

Bandyup had experienced overcrowding, indifference, and structural inequality for years. We do not suggest that the sidelining of women's needs was intentional. However, departmental policies and priorities had seriously disadvantaged women. The Department of Justice (the Department, previously the Department of Corrective Services) has not had a Director of Women's Services or similar high-level position with a singular focus on the women's estate, for many years. This coincided with a loss of focus on services for women in custody.

On the day our report of the 2014 Bandyup inspection was released, the Department announced that Units 11 and 12 of Hakea Prison would be transformed into a 256 bed, maximum-security, remand and reintegration facility for women. The new prison would take on the metropolitan remand function for women, and simultaneously provide specialist reintegration services.

Tenders were called for, and in July 2016 it was announced that Sodexo Australia Pty Ltd had won the right to manage the new facility. Melaleuca Remand and Reintegration Facility (Melaleuca) commenced operations on 15 December 2016.

A changing political landscape

At the time the new facility was announced, Western Australia had a Liberal government who were pro-privatisation, and pushing to increase the outsourcing of services. Serco held all three existing contracts for custodial services in the state, and the government was keen to introduce a new player to drive contestability.

By March 2017, the political landscape had changed. The new Labor government was less supportive of outsourcing. During the election campaign Labor had announced plans to convert two privately operated prisons into state run drug and alcohol rehabilitation prisons. The 80-bed Wandoo Reintegration Facility (Wandoo), run by Serco, was to transfer back into public hands on 1 May 2018, and be operated by the Department as a rehabilitation prison for women (McGowan, 2017). Labor had also indicated that Melaleuca, despite only operating for a few months at that time, would return to public operation. This plan has not been raised publicly for some time, and there has been no confirmation that it is still going ahead.

The opening of a fourth metropolitan facility for women in Western Australia will be a positive, in terms of the increased capacity, diversity of accommodation options, and greater potential for services. But the broader role of Wandoo as a women's prison, and how it will sit within the women's estate remains unclear. We hope the Department

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learns some lessons from its experience opening Melaleuca around the importance of clarity of role and purpose prior to the facility coming online.

However, even with the addition of 80 beds at Wandoo, the potential loss of Melaleuca would be disastrous for women's prisons in Western Australia. This would likely see more than 150 female prisoners moved back into Bandyup. If this were to happen, at the time of writing Bandyup's population would be more than 500. This would be risky, intolerable, and inhumane.

1.2 THE PLANNING PHASE

The Department set too high a standard

January 2016 saw the Department release its first set of general prison standards, the *Women in Prison: Prisons Standard* (the Women's Standard). The Women's Standard acknowledges that, in general, female offenders:

- engage in different offences to men
- offend for different reasons to men
- follow different pathways into the criminal justice system
- are less violent.

The Women's Standard aims to better meet the needs of female prisoners, and so reduce their risk of reoffending. It acknowledges that gender differences are important, and seeks to integrate those differences into operational and management practices (DCS, 2016, p. 7).

The document also states that its purpose is to provide 'a benchmark by which to establish best practice' (DCS, 2016, p. 8). Although the Women's Standard states that it applies to all adult prisons accommodating women (DCS, 2016, p. 8), accompanying communications indicated the Women's Standard was to remain aspirational for state run women's prisons (McMahon, 2016).

The Melaleuca contract though, states that Sodexo *must* comply with the Women's Standard. The contract's order of precedence goes as far as to set them above departmental policies, and even above the Service Requirements Schedule of the contract itself (MRRFSA, 2016, Sch.1, 1.3(a)).

We support and promote high standards. Because of the neglect of women's imprisonment, it was also important for the contract to drive innovation and better practice. But, given that the Department sees the Women's Standard as aspirational, and given the inappropriate infrastructure at Melaleuca, it was unrealistic to expect Sodexo to meet its requirements, especially in the early part of the contract.

As discussed later in this report, the issues are compounded by the fact that under the contract, Sodexo is also expected to comply with other aspirational departmental documents that are not applied in other prisons and are of uncertain status. They

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include the Healthy Prisons Framework (HPF) which has still not been formally signed off, and Integrated Individualised Offender Management (IIOM), which is obsolete.

Mixing remand and reintegration functions at this site is conceptually flawed

No other prison in Australia exclusively provides remand and reintegration services on the one site. There are very good reasons for this.

Remand prisoners are a high needs and often challenging group. Many come into prison in a significant state of distress. Many are drug or alcohol affected, and they present with proportionally far greater health and mental health needs than the community at large. Remand prisoners also tend to generate a large 'churn' of prisoners in and out of the prison, which in turn generates instability in the group. These issues tend to be exacerbated for female prisoners.

Reintegration prisoners on the other hand tend to be far more settled, and are preparing themselves to return to society. These are very different prisoner cohorts, requiring very different services and supports.

Unfortunately, Melaleuca's infrastructure is totally ill-suited to supporting these two groups simultaneously. Its accommodation units are two identical, maximum-security, double-bunked cell blocks. The units serve the purpose of providing a bed to women and alleviating the population crisis at Bandyup. But they are inappropriate, counter-therapeutic, not at all female-focused, and completely inappropriate for the task intended.

With an intended prisoner mix of 67 per cent remand and 33 per cent reintegration (DOJ, 2017), there is no way to accommodate the two cohorts separately, despite their separate needs. In addition, because they are contained within the same fence and share an exercise yard, movement control between the two units is a challenge.

The project was rushed and the Department ignored lessons from the past

In previous years, the Western Australian government had adopted a robust yet cautious approach to contracting prison services. This was certainly the case for Acacia Prison, and that approach served both the state and the Department well. In the rush to open Melaleuca, this prudent and proven practice appeared to have been abandoned.

There was a mere four-month period between the signing of the contract in July 2016 and the date to commence operations in December 2016. For a new site, a new contractor, and a new concept, this was high risk.

Importantly, the critical issue of coordination with other prisons and services (in particular Bandyup) were left to be negotiated on the go. This significant oversight continues to have serious implications for women in custody today.

The infrastructure does not meet the contract or the need

In well-designed prisons, form follows function. Good examples of this within the state include Boronia Pre-release Centre for Women and West Kimberley Regional Prison. At

INTRODUCTION

these prisons, a whole-of-prison philosophy guided the design and construction of the sites. Melaleuca, on the other hand, was driven by necessity, and it was built to meet budget, rather than need. The Department had overseen the construction of new supporting infrastructure. But when Sodexo took over the site, much of it was still in poor condition. For example, all grassed areas around the units had been left unwatered, and the oval, on which the Department had spent large amounts of money



Photo 1-1: Melaleuca's prisoner yard, 5 December 2016



Photo 1-2: Melaleuca's oval, 5 December 2016

INTRODUCTION

in recent years, was a bleak, unusable sand pit. During the inspection, despite almost a year of reparative work it remained unsafe for use. We were pleased to hear, however, that by early 2018, team sports had commenced on the oval.

Some of the new infrastructure is very good. The Visits Centre, for example, provides an excellent, family friendly space. But too many prison mainstays, including an education centre and employment workshops, are missing.

Other supporting infrastructure omitted includes a dedicated management unit, laundry, gymnasium, library, and chapel. The decision not to include a management unit was a glaring error, with considerable repercussions for Melaleuca's ability to safely manage prisoners. Unfortunately, a lack of guidance around how to navigate this has put great strain on the vital relationship between Melaleuca and Bandyup.

1.3 THE 2017 INSPECTION

Inspection themes

This inspection was conducted from 15 to 22 November 2017. The overarching theme was the extent to which Sodexo was meeting the goals set by the State of Western Australia after its first 11 months of operation. As the first inspection of a new facility, this was a comprehensive (baseline) inspection which included focus on the following areas:

- **Population:** remand/sentenced mix, time to serve, factors affecting placements at Melaleuca, criteria for transfer out of Melaleuca.
- **Infrastructure and living conditions:** capacity, quality of accommodation and of facilities for education/training, program delivery, catering, health services, recreation, and other services.
- **Security, safety, and administration:** security infrastructure and procedures, dynamic security, use of intel, strategies to reduce bullying, violence, contraband and substance misuse, managing misbehaviour, occupational safety and health (OSH) and emergency management, leadership, administration, HR management, planning, internal monitoring and reporting.
- **Services for reintegration prisoners:** support services, health services, case management, education and training, family contact, release planning, community integration, pre- and post-release re-entry systems.
- **Services for remand prisoners:** assistance with bail conditions, welfare/transition support, access to legal resources, access to legal representatives, regime status.
- **Contractual management:** contractual framework, monitoring and reporting systems, measurement of effectiveness and performance, breach processes, and planning for the future of the facility.

As usual, the announced themes provided a guide for our inspection work, which was conducted within the framework of our Code of Inspection Standards (OICS, 2007) as well as the contract.

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Further, given that Aboriginal women make up almost 50 per cent of Melaleuca's population, each theme included specific consideration of that groups particular needs and concerns.

Methodology

Our governing legislation requires that we inspect all prisons and places of custody in the state at least once every three years. The first inspection of Melaleuca was therefore not required until late 2019. But:

- we always aim for a 'baseline' inspection after 12 months
- the early months at Melaleuca were difficult and controversial
- an independent review was deemed beneficial to all parties.

In the lead-up to the inspection, we surveyed prisoners and staff. One hundred and sixty-three out of 221 (74%) prisoners at Melaleuca completed an anonymous survey, which contained questions about living conditions, availability of activities, support services, relationships with staff, and what they liked and disliked about the prison. Less than half of all staff members (43 out of 95 staff, or 45%) completed an online survey, which included questions about human resources, staff and prisoner behaviour and relationships, management support and leadership, training, and what they liked and disliked about Melaleuca. The survey responses were collated and used to guide our inspection.

Background information was also gathered through our regular liaison/monitoring visits, a consultation meeting with external service providers, and Independent Visitor Service reports. Findings provided the inspection team with a clear indication of issues of interest prior to the commencement of on-site activities.

During the on-site phase of the inspection we met with prisoners, staff, senior management, and service providers. We observed Melaleuca's facilities and operations, and reviewed documents, data, and policies. Specialised experts assisted us in the areas of contract management, health and mental health care, and environmental hygiene. Inspection team members worked in pairs to enhance both information collection and accountability.

Chapter 2

CONTRACT MANAGEMENT

The Melaleuca Remand and Reintegration Facility Services Agreement (the contract) was awarded to Sodexo in July 2016, and was valued at \$82.8 million over five years. The contract required Sodexo to deliver services to help women transition back into the community and avoid reoffending. Services included but were not limited to:

- Individualised Integrated Offender Management
- bail process facilitation
- fine diversion
- early release programs
- reintegration and through care programs
- therapeutic services
- education and training to minimise reoffending and encourage personal development.

As part of our inspection we looked to see if a number of characteristics of good contract management were in place. These included:

- effective governance arrangements
- payments linked to clear contract deliverables
- active management, performance monitoring, and review.

2.1 GOVERNANCE ARRANGEMENTS

There were delays in establishing effective governance arrangements at Melaleuca

Sodexo took nearly eight months to establish a stable senior management team at Melaleuca. This delayed the establishment of effective governance arrangements. The Department's contract management group also changed structure after the contract was awarded, and a number of key staff departed.

Sodexo did not employ a long-term Superintendent for Melaleuca until August 2017, nearly eight months after the contract started. Prior to this, the arrangements were wholly inadequate for a new high risk facility. Sodexo's Superintendent and Deputy Superintendent were both recruited from the United Kingdom, and covered for each other while taking leave throughout the commissioning of the facility. A Deputy Superintendent with local experience was only employed in May 2017, and a dedicated Operations Manager started two weeks prior to our inspection in November 2017. The delay in establishing a stable senior management team meant delays in setting up adequate governance arrangements.

Governance processes now appear to be more stable and working effectively

During the inspection, governance arrangements appeared to have stabilised and were working effectively. Both the Department and Sodexo advised they had a good professional working relationship focused on ensuring the contract delivers the intended outcomes for the women at Melaleuca.

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Since August 2017, Sodexo has implemented weekly senior management team meetings to oversee all aspects of their operations. They have recently established an internal assurance program, with a current focus on prioritised areas of contract compliance.

The Department's contract management group had also changed its structure and some senior staff since the contract started. The prison monitors, who monitor compliance with policy and operating standards across the prison estate, have been brought under the Procurement and Contracted Services area. This helps to ensure that the monitoring programs are informed by feedback from the contract management team, and can be tailored to assess specific risks at Melaleuca. The Department has also recently appointed a new Executive Director of Procurement and Contracted Services and a new Melaleuca contract manager. The new team advised that it has been a steep learning curve to understand the complexities of the contract, but they have adopted a prioritised and pragmatic approach to managing compliance.

2.2 THE CONTRACT

The contract is lengthy, complex, and overly prescriptive

The contract runs to 543 pages including nine Schedules and six Annexures. Schedule 3 contains the Contractor Service Requirements and makes up the bulk of the contract at nearly 300 pages. It is overly aspirational, highly prescriptive, and lacks clear priorities.

Furthermore, the contract is not a 'complete' set of requirements. It also requires Sodexo to abide by the Women's Standard (which is aspirational), the Healthy Prisons Framework (which has not yet been finalised), and the Integrated Individual Offender Management (IIOM) framework (which we have been told is defunct). It is not acceptable for a commercial contract to have such vague parameters. The service requirements are excessively prescriptive, often going into minute detail on how a service should be delivered. In addition, while often requiring Sodexo to comply with specific departmental policies, they will also have additional requirements that well exceed departmental policy requirements. For example, the Department's Policy Directive on Catering Services and Dietary and Nutritional Requirements is one page long but, the Food Services requirement of the Melaleuca contract runs to six pages. Sodexo is required to comply with both.

The degree to which deliverables are prescribed is excessive. This extends as far as describing how aspirational services should be delivered. For example, the contract includes the following requirement:

the contractor must support remand prisoners' self-esteem by providing the opportunity for a makeover, assisting them to envisage and develop a positive non-criminal lifestyle (MRRFSA, 2016, Sch.3, 3.1(w)).

The language of these requirements is unequivocal – these deliverables are 'must haves' and 'will haves,' not 'nice to haves.' And while we support such initiatives, setting them

CONTRACT MANAGEMENT

alongside the delivery of basic requirements, with no indication of an order of precedence is perplexing. It makes it difficult for Sodexo to prioritise and focus on essentials. It also means that technical contract breaches will be a daily occurrence.

Just as bewildering is the lack of clarity around some basic operational matters. Above all, the contract provides no guidance on the vital relationship between Melaleuca and Bandyup. This is an issue that we had queried well before Melaleuca opened. It was obvious that it had not been adequately considered. Failure to set out clear guidelines around the protocols for transfers and other matters between these two prisons is a significant oversight, with very real impacts on the treatment and care of women in custody.

One of the reasons to contract in services is to encourage innovation in delivering outcomes. But the overly prescriptive service requirements of the contract actually restrict innovation. It requires innovation, but also describes what form it should take. It is 'innovation by prescription'. By contrast, the Acacia contract, which has served the state well, sets clear requirements about what is expected, but encourages contractor innovation in how to achieve it.

Because the contract is so prescriptive, it also risks focusing attention and effort on compliance, rather than ensuring the needs of prisoners are met effectively and efficiently. Any future revision of the contract should consider simplifying and focusing the service requirements on delivery of outcomes to agreed quality standards, rather than remaining overly prescriptive on how those outcomes are achieved.

Recommendation 1

Any future revision of the contract should simplify and focus on delivery of outcomes, rather than prescribing how outcomes are achieved

Payments delayed due to difficulties in interpreting the performance incentives

The contract links payments to certain contract deliverables, and includes operating and performance incentives. However, there have been delays in some payments due to difficulties in interpreting the performance incentives. At the time of the inspection, monthly service payments totalling \$10.4 million had been made. Three abatements (payment deductions due to non-compliance) have also been made, totalling \$75,000.

At the time of our inspection the Department and Sodexo were still negotiating the interpretation of a number of the performance linked payments. As a result, Sodexo had yet to be paid the first semi-annual performance payment.

Contract payments include monthly service payments and semi-annual performance payments. Table 2-1 details the various types of payments under the contract.

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Table 2-1: Payments available under the Melaleuca contract

Payments linked to prisoner population	Payments linked to cohort and services required	Payments linked to performance of services
Availability Payments for having beds and cells available for prisoners	Cost Recovery Item for laundry and specialist staff training	Operating Performance Incentives for core safety and security performance
Service Linked Payments for daily prisoner services' costs	Hospital Sit Payments overtime payments for escorts to Hospital	Performance Linked Payments for reintegration services delivery and performance
Remand Premium Payment for higher than expected remand receptions	Direct Cost Reimbursements for pharmacy costs	Abatement Amounts for serious incidents affecting safety, security and performance

Monthly service payments account for about 80 per cent of total payments. They include payments for available beds, core service delivery, and direct cost reimbursements less cost recovery items and abatements (penalties for non-compliance).

Semi-annual performance payments are paid every six months (see Table 2-1). These include operating performance incentives, performance linked payments, hospital sit payments, and remand premium payments (should arrivals exceed a set number). Tables 2-2 and 2-3 show the Operating Performance Incentives and the Performance Linked Payments that are included in the semi-annual performance payments.

Table 2-2: Operating Performance Incentives

Operating Performance Measures	Percentage of Total OPI	Benchmark	Frequency of Calculation	Progressive Target Thresholds
The percentage of prisoners who are seriously assaulted	11.11%	≤1.5%	Monthly	<ul style="list-style-type: none"> • 100% of payment if meet the benchmark • 0% of payment if fail to meet the benchmark
The number of occurrences of serious self-harm or attempted suicide	11.11%	0	Monthly	<ul style="list-style-type: none"> • 100% of payment if there are no occurrences of serious self-harm or attempted suicide • 0% if there is one or more occurrences of serious self-harm or attempted suicide

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The number of occurrences of use of force by Melaleuca staff against prisoners	11.11%	0	Monthly	<ul style="list-style-type: none"> • 100% of payment if there are no use of force incidents • 0% of payment if there is one or more use of force incidents
The percentage of random urine sample tests identifying a positive urine sample test result	11.11%	≤5%	Quarterly	<ul style="list-style-type: none"> • 100% of payment if meet the benchmark • 0% of payment if fail to meet the benchmark
The provision of an Individual Abridged Management Plan for remand prisoners within 24 hours of receipt	11.11%	≥95%	Quarterly	<ul style="list-style-type: none"> • 100% of payment if achieve 100% • 75% of payment if between 95% and 100% • 0% of payment if below 95%
The provision of an Individual Management Plan for sentenced prisoners within seven days of receipt	11.11%	≥95%	Quarterly	<ul style="list-style-type: none"> • 100% of payment if achieve 100% • 75% of payment if between 95% and 100% • 0% of payment if below 95%
The percentage of incident reports completed accurately and in accordance with requirements	11.11%	≥90%	Monthly	<ul style="list-style-type: none"> • 100% of payment if achieve 100% • 75% of payment if between 90% and 100% • 0% of payment if below 90%
Hours of constructive activity	11.11%	To be determined	To be determined	To be determined
Results of Prisoner quality of life survey	11.11%	To be determined	To be determined	To be determined

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Table 2-3: Performance Linked Payments

Performance linked payment	Definition
Non-Custodial Justice Options	The Performance Linked Payment the contractor will be entitled to for each prisoner who enters the contractor's care and then the contractor successfully arranges Non-Custodial Justice Options and achieves Same Day Release during the six Operation Months
Early Release	The Performance Linked Payment the contractor will be entitled to for each prisoner over a target rate that obtains parole prior to the end of their sentence during the six Operation Months
Reintegration Services	The Performance Linked Payment the contractor will be entitled to for each prisoner that is identified in the Individual Management Plan as requiring, and subsequently completes the Reintegration Services, (drug & alcohol; training, education & employment; accommodation) during the six Operation Months
Reducing Reoffending	The Performance Linked Payment the contractor will be entitled to for the Reoffending Rate achieved compared to a target benchmark during the six Operation Months. The Reoffending Rate will be calculated as the rate of return by prisoners within two years of being released from the prison who return to either prison or community corrections. The calculation will be based on total eligible prison exits over the six Operation Months. Eligible prison exits are those prisoners released who have served at least 75% of their custodial stay at the prison.

2.3 CONTRACT MONITORING

Oversight and performance monitoring of the contract is good

There is active management and performance monitoring of the main contract, and oversight processes are in place. These include:

- weekly contract management meetings between Sodexo and the Department
- monthly contract performance reporting by Sodexo
- weekly senior management team meetings by Sodexo
- internal audit and assurance by Sodexo
- departmental monitors (prison and operational standards compliance) on-site five days a week with regular reporting
- departmental staff member on site as a dedicated contract compliance officer
- Total Offender Management System (TOMS) logs prisoner related information including incident reporting
- annual performance review by the Department.

We saw evidence of all of the above processes being actively implemented. At the time of our inspection the annual performance review was not yet due.

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Sodexo's oversight of subcontracts is less rigorous

Sodexo subcontracts a number of key services under the contract. Oversight of these contracts services is less rigorous. They include:

- remand, reintegration, and throughcare services
- health services
- programs to meet cultural, religious, and spiritual needs
- recreation programs
- hairdressing.

It is Sodexo's responsibility under the main contract to ensure the contracted services, including subcontracted services, are delivered. The Department advised they do not assume any oversight role of subcontracted services, but they are required to approve all subcontracting arrangements.

We were concerned that Sodexo did not have dedicated contract management staff for these key subcontracted services. Rather, contract management became one responsibility among many, for several of the senior staff group, including the Superintendent. There were no dedicated contract management meetings, instead any issues were discussed as part of the weekly senior management meetings. Without systematic contract management processes in place, performance issues are less likely to be identified or addressed in a timely manner.

Sodexo also advised that none of the subcontracted services had been subject to a competitive tender process and no formal review mechanisms were in place. While Sodexo is not required to use open and competitive processes for subcontracting, such processes represent better practice as they provide an opportunity to assess offerings from a number of suppliers.

Sodexo should consider strengthening its subcontractor oversight processes to ensure a sufficiently resourced and more systematic approach.

Recommendation 2

Sodexo should strengthen its subcontractor oversight processes to ensure optimal service delivery

Chapter 3

RESOURCES AND SYSTEMS

3.1 BUDGET AND INFRASTRUCTURE

Services and resources are constrained by a limited budget

Most areas of operation at Melaleuca were subject to restricted resources and budget limitations. We concluded that the price of the contract was fundamentally too low to meet its requirements. This is a poor outcome for the Department, Sodexo, and the women.

Sodexo made a low bid for the contract, based in part on incorrect assumptions about employment conditions in Western Australia. The Department accepted this bid without adequately assuring itself that Sodexo could deliver the contracted services at the quoted price.

This was a major failing of the tendering process. From an outside perspective, it was difficult to understand how either Sodexo or the Department could have accepted such an unrealistic contract. In practice, it seems unlikely that the contract could ever be profitable for Sodexo.

In 2016–2017, Melaleuca made a significant operating loss. This loss included costs associated with mobilisation and operation of the facility in the first year, which exceeded payments. In the second financial year of operations Sodexo forecast an increase to that loss, as it came to terms with its service obligations.

This directly impacts on Sodexo's operation of the facility. It can be seen in lean staffing levels across all areas, and a lack of adequate services for prisoners. It also means Sodexo has limited capacity to add to the existing infrastructure.

Sodexo had reportedly told Melaleuca management that it would accept significant operating losses. Any additional revenue earned (for example, by providing external catering services) would be available to reinvest at Melaleuca.

Poor infrastructure was affecting service delivery

Melaleuca was driven by necessity not design, and it was built to budget not need. In many areas, the facility is unable to meet the demands of the contract.

The accommodation units were appropriated from Hakea to address an acute accommodation shortage for female prisoners, despite being utterly inappropriate for the task. Supporting infrastructure was designed and built to create an autonomous facility, but key facilities were left out. Melaleuca is now limited in the services and functions it is capable of offering, regardless of contract requirements. It is surprising that Sodexo would willingly be party to a contract when the associated infrastructure renders it undeliverable.

The contract requires Sodexo to meet the remand and reintegration needs of women in a way that is trauma-informed and innovative. However, the two accommodation units are not remotely suited to this purpose. The units are identical and collocated in a shared recreation yard. In practice, it is not possible to separate remand and

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reintegration prisoners, let alone prisoners who may prove a risk to each other. Originally built for maximum-security male prisoners, the units are heavily fortified with bars and grilles. Outside, the view is dominated by security fences and the concrete perimeter wall. In this sense, it is an imposing and intimidating environment, the very opposite of trauma-informed and women-focused.



Photo 3-1: An accommodation wing at Melaleuca



Photo 3-2: Warning sign on the perimeter wall

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Melaleuca has only four crisis-care cells, and does not have any dedicated management cells. This has major implications for disciplinary processes and the management of prisoner behaviour. There are also no appropriate options for separating a prisoner from the mainstream population for protection.

There is limited infrastructure available to provide purposeful activities for prisoners. There is no gymnasium, no library, no chapel, and no workshops. Two programs rooms in each unit are the only spaces available for delivery of programs, education, and other activities such as orientation or hairdressing. One of these rooms has been converted into a makeshift library. The programs rooms are not ideal for service delivery. They are located adjacent to each wing entrance, and so are very loud and frequently disrupted by prisoners moving in and out of the units. They also lack privacy, as the interior is clearly visible from outside.

The brand-new administrative buildings, including the health centre, reception, and administration, lack offices and interview rooms. Most non-custodial staff work in open plan cubicles, including members of the senior management team, psychologists, and case managers. There are many cases when this would be inappropriate due to the need for staff to work with highly sensitive and confidential information.

Storage space is lacking across the site. A large storage area had been converted into a training room, because no training room had been included in the design. The knock-on effect of this was that two case conference rooms were being used for storage. Sodexo had plans to bring shipping containers on site to address the lack of storage space. It is extraordinary that these basic practical necessities were not addressed.

Much like the budget situation, the infrastructure shortfalls reflect failings by both the Department and Sodexo. The Department has failed to supply the infrastructure necessary for the contractor to meet the expectations of the contract. But the contractor accepted the existing infrastructure when they took on the contract.

Both parties must share responsibility and work together to address the infrastructure needs of the facility. At present, the needs of the prisoner population are not being met,

Recommendation 3

The Department and Sodexo should work together to address infrastructure shortfalls at Melaleuca

3.2 STAFF

In many areas at Melaleuca, from senior management through to custodial officer ranks, staffing levels were too low. Melaleuca should not be held to public sector staffing levels, provided services are delivered appropriately. However, in some areas, staff numbers were insufficient to cover workload and operational requirements.

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Senior management positions were stretched and had little support

The senior management structure was comparable to Bandyup and other public prisons.

Table 3-1: Comparison of management structures, Bandyup and Melaleuca

Bandyup structure	Melaleuca structure
Superintendent	Superintendent
Assistant Superintendent Operations	Deputy Superintendent
Assistant Superintendent Security	Head of Operations
Assistant Superintendent Offender Services	Head of Reintegration
Business Manager	Head of Business

This would be sufficient if the facility was up and running smoothly. But it wasn't. Processes and procedures were not yet in place, and Sodexo was still coming to terms with the requirements of the contract. The management team was tasked with addressing these deficits, establishing basic processes and procedures, and managing daily operations — all at the same time. This is unrealistic with existing resources.

Administrative support positions are lacking across the site. As a result, senior staff were often required to manage low-level tasks. The facility had been without a human resources position for several months until the appointment of a Human Resources Adviser in October 2017. Even this position was taken up with data entry and collation that would normally be undertaken by a lower level administrative position.

As discussed earlier, senior managers had the added responsibility of managing Melaleuca's various subcontracts, several of which were due for renewal in January 2018. By early March 2018, two of these key subcontracts were being extended on a month-to-month basis, while some renegotiation was underway.

Sodexo should consider adding a person with high-level contract experience into the management team for 12–24 months. This position could contribute to:

- Clarifying and prioritising the requirements of the contract with the Department.
- Developing conditions, performance measures and management processes for the subcontracts.

Recommendation 4

Increase senior management resources at Melaleuca

Custodial staffing levels were low

Standard staffing in each unit consisted of one Senior Prison Custodial Officer (SPCO), four Prison Custodial Officers (PCOs) across both wings (two per wing), and one PCO in the control room. Low unit staffing numbers meant that staff absences or

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redeployments had a big impact. PCOs complained of regular short staffing in the units, and we observed several instances when a unit was short of one or two PCOs. This often resulted in prisoners being locked behind the wing grilles.

We were concerned that this number of staff was insufficient to adequately supervise prisoners. For example, this model does not provide any staff supervision of the recreation yard, where at times much of the prison population may congregate. This is also where conflict and physical altercation typically occurs. We directly observed and also heard that staff responses to such incidents in the yard were too slow, and many of the women were well aware of how many locked doors PCOs would have to get through before arriving at any such incidents.

Recommendation 5

Increase custodial staffing levels, particularly in the units

Low overtime pay offers no incentive to cover staff shortages

Melaleuca faced major challenges when trying to cover staff absences and leave, despite there being no custodial staff vacancies, and no indication of a problem with absenteeism. Overtime rates at Melaleuca are calculated differently to other prisons in the state. Rather than being a flat double-time or time-and-a-half rate, overtime pay increases incrementally on the base salary rate over the number of hours worked. Unsurprisingly, most PCOs were unwilling to give up their time off for the pay on offer.

Furthermore, budgetary pressures meant that overtime shifts were not always offered to cover staff absences. When they were, the poor overtime rates meant that often nobody was willing to cover the shift. The result was regular staff shortages in operational areas, which impacted on safety and service delivery.

Recommendation 6

Review overtime pay rates

Turnover in the senior management team had hindered progress

Although Melaleuca had been operating for less than 12 months at the time of the inspection, there had already been significant turnover in the senior management team. The Head of Business and Head of Reintegration had both remained consistent since opening, but the key operational positions of Superintendent, Deputy Superintendent, and Head of Operations had all changed at least once.

The original appointments to these positions were temporary, and focused on mobilisation of the facility. But with a short lead in time and an inexperienced custodial workforce, this was an extremely challenging task. We believe that Sodexo should have devoted more resources to the mobilisation phase. The failure to do this meant that

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Melaleuca was insufficiently prepared for opening. Many of the foundations for ongoing operation of the facility were overlooked in the first several months of operation.

Sodexo did not have a strong understanding of the legislative and policy framework in Western Australia. Pay and conditions for custodial staff needed to be amended to comply with the relevant award, and some mandatory requirements such as an OSH process were not established. Many of Sodexo's Prison Operating Manuals (POMs) were found to be inconsistent with the Department's Policy Directives, despite the fact that they had previously been approved by the Department. A large number of the highly-detailed and often unrealistically aspirational requirements of the contract were not addressed during mobilisation, and remained unfulfilled at the time of the inspection.

Consistent feedback from both Melaleuca and departmental staff indicated that the operation of the facility had improved since appointment of the new permanent Superintendent (in August 2017) and Deputy Superintendent (in May 2017). There was still much work to be done, but the management team had started laying the foundations to allow Melaleuca to continue operating into the future. Some essential systems and processes were not put in place until the new Superintendent arrived, such as the OSH system and the internal audit process. A process as basic as timesheets for staff was not introduced until a month before the inspection. There was still no staff support team in place, one of many competing priorities for the senior management team. The lack of capacity to deliver ongoing training for staff had also not been addressed.

There was limited capacity to deliver regular training for custodial staff

Contractual restrictions on prisoner lockdowns meant that Melaleuca had a limited capacity to deliver staff training. In all other medium- and maximum-security facilities in the state, prisoners are locked down for one half-day per week to allow staff training. But as Melaleuca are unable to lock prisoners down in this way, they are unable to deliver regular staff training.

A lack of resources also limited training at Melaleuca. There is only one training officer (the Learning and Development Adviser) who was responsible for delivering the Initial Training Course (ITC) to new custodial officers, induction training for new non-custodial staff, and all ongoing refresher training for staff. She was also required to sign off on certifications for custodial staff (Certificate III in Correctional Practice for PCOs, and Certificate IV in Correctional Practice for SPCOs). This was a heavy workload for one position, particularly as Sodexo had been running back-to-back ITCs since Melaleuca opened.

There were no other staff available to deliver training, or provide back up for the training officer. This was an identified gap that needed to be addressed. There were plans to train some other staff to deliver cardio-pulmonary resuscitation (CPR) and First Aid training by the end of 2017. This needed to increase and extend to other training topics.

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Infrastructure also restricted the amount of training that could be delivered at Melaleuca. There was only one training space available meaning that even if additional trainers were available, only one training session could be delivered at any one time.

Although the training officer had written a comprehensive training calendar, it had not been possible to implement because of the lack of time and resources. No refresher training had been delivered to staff since Melaleuca opened, except CPR training in October and November 2017. This was only achieved by bringing staff in on overtime, and was not a sustainable method for delivering training. Many of the staff who had been at Melaleuca since opening were now due for mandatory annual refresher training, so this was an increasingly urgent issue.

There was a plan to address the problem. By increasing daily unlock hours by 30 minutes, Sodexo intended to introduce a weekly half day lockdown for staff training while still maintaining average out of cell time at 10 hours. This was intended to be in place for 2018. However, this would not address the issue of resources.

Recommendation 7 Increase staff training

3.3 CULTURE AND MORALE

Staff morale was good despite challenging early months

Despite the challenges faced at Melaleuca since its opening, staff culture and morale was strong and positive. The first several months of operation were unsettled, and issues at the prison attracted negative media attention. Most custodial staff were very inexperienced, and the short time between Sodexo winning the contract and the prison's opening meant that staff were less prepared than they could have been. Many spoke about the stress they experienced at that time, both because they felt unsafe at work, and because they were being publicly criticised in the media. It was a credit to those who had persisted and remained at Melaleuca that they maintained their positive attitudes.

There had been significant turnover in PCO ranks since opening. Twenty-nine PCOs had left Melaleuca from a total workforce of 76. Resignations are inevitable with a new custodial workforce, as some discover they are not suited to the job. Some of the turnover was also driven by dismissals of staff who did not reflect Melaleuca values. This undoubtedly contributed to the current positive culture. Staff departures had slowed by the time of the inspection (only one in October 2017), and the workforce was stabilising. This was important for the overall stability of the facility.

Staff culture was positive and empathetic

Our pre-inspection surveys indicated a workforce with a strong commitment to their

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work, and a positive view of their colleagues. Meetings with custodial staff during the inspection were consistent with this. PCOs showed enthusiasm and passion for working with female prisoners, maintained despite the challenges of the early months of operation. Staff across the site exhibited an impressive level of care and respect for prisoners. Interactions between staff and prisoners were positive and respectful, and rapport was clearly very strong. Staff used positive language when talking about prisoners, and demonstrated awareness of their individual circumstances and needs. This is a credit to Sodexo and Melaleuca management, and something that all Melaleuca staff should take pride in.

The Superintendent recognised the value of these attributes, despite the inexperience of the workforce, and described this as a strong foundation upon which to build. He spoke about his desire to improve communication and engagement with staff on the floor, address their concerns and listen to their ideas. It is vital that this is followed through with however, as the good will of the custodial staff group was fraying on a number of fronts.

Staff frustrations were a threat to the positive culture

The PCOs were increasingly frustrated at the limitations they faced. The enthusiasm and commitment they had to help Melaleuca's prisoners only increased their frustration. They were acutely aware and critical of the lack of services available, and wanted to be able to do more to assist them. A number spoke about the disparity between type of work they had applied to do, and the type of work they were doing. Restrictions due to budget, resources, and infrastructure limitations were adding to this.

The group was also unhappy with various aspects of their employment conditions. They stated that rosters were less favourable than they were led to believe during the recruitment process. Unpaid meal breaks were a particular concern. In the early days of operations, PCOs had often been unable to take meal breaks at all. In response to these concerns a meal break roster had recently been introduced. However, the need to stagger breaks meant that some staff were rostered on for their break at 9.00 am. The PCO's concerns included:

- regular short staffing in the units
- poor overtime pay rates
- their ability to cover staff leave and absences
- redeployment of PCOs for escorts or hospital visits.

If Melaleuca loses the goodwill of staff, the negative impact on operations will be significant. The risks include increased staff absenteeism, reduced commitment and performance, and disengagement from the prisoner group. We therefore urge Melaleuca's management to take steps to ensure positive ongoing relationships with the custodial staff group.

Chapter 4

SAFETY AND SECURITY

4.1 CUSTODIAL INFRASTRUCTURE AND PHYSICAL SECURITY

The fence separating Hakea and Melaleuca must be improved

Melaleuca's external perimeter is shared with the existing Hakea boundary on three sides. This is a very secure concrete wall, which is patrolled by the Department's armed Special Operations Group (SOG) 24-hours a day. Various security systems detect and alarm when the wall is approached, and a high cranked demarcation fence prevents easy access to the wall from the inside.

Melaleuca's border with Hakea itself however, is a single fence line excising Units 11 and 12 from the Hakea site. This new, internal fence is made of cyclone wire with a drum cowling at its top and two rolls of razor wire at the base.

Melaleuca's supporting infrastructure was built to form a spine along this fence line, so that the buildings themselves obscure direct sight between the two prisons. However, the use of infrastructure to obscure visibility has only been partially successful. Melaleuca's access road runs behind these buildings and directly adjacent to the internal fence. This means that all deliveries and collections occur at the back of these buildings, and activity in this area is visible from the western edge of Hakea, including its oval.



Photo 4-1: Melaleuca's access road with the fence line on the left and Melaleuca's administrative buildings on the right

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Photo 4-2: The clear view of Hakea's oval from the back of Melaleuca's kitchen

Screens have been erected at certain points along the fence line, and frosted film applied to windows which look directly into Hakea. But female staff who must access the outside areas in their daily work reported regularly being subject to verbal harassment and flashing from male prisoners at Hakea.

In the event of a major incident at either Melaleuca or Hakea, there is little risk of escape over the external wall. Nor is there much chance of someone breaking in over the wall. However, there is a genuine risk that should there be a loss of control at Hakea, prisoners may try to get into Melaleuca over or through the internal fence. This is an unacceptable risk.

This internal fence line is far less secure than the external wall, and the risks it poses must be mitigated. Melaleuca must be autonomous, and this can only be achieved with an appropriately secure fence between the two prisons.

Recommendation 8

Upgrade the fence between Hakea and Melaleuca to improve screening and reduce risk

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The route to Melaleuca is not appropriate for public access

Access to Melaleuca, for staff and visitors, is shared with the existing Hakea entrance. To arrive at the Melaleuca gatehouse, one must first pass Hakea's family support centre, staff car park, officer's social club, the drug detection unit kennel area, pharmacy, and SOG base.

There are significant security concerns with this arrangement. Movement in and out is not controlled or verified, and members of the public may enter either by vehicle or on foot. This is a risk to what should be secure areas. To prevent people accidentally accessing the SOG base a temporary fence has been erected, but this does not prevent visibility or provide a secure perimeter. There is no CCTV coverage in place that could record any infringements.

First time visitors were confused by the arrangement. Some were unsure of how far in they could drive, and had mistakenly parked and presented at Hakea.

Visitors arriving by bus, often with children or prams in tow, must walk 800 metres before reaching the Melaleuca gatehouse. The route is narrow and inconsistently paved, and there is little room for the visitors to get off the road with a pram should a car pass through.

Unclear and confusing signage adds further risk

Signage to Melaleuca, from outside of the prison complex to the prison's entrance, is poorly marked and provides unclear directions. There is little to indicate which prison is which, where visitors to Melaleuca should present, or where they should park.



Photo 4-3: No arrows to identify prison locations



Photo 4-4: No arrows to identify prison locations

SAFETY AND SECURITY



Photo 4-5: A laminated sign on the temporary fence



Photo 4-6: The main sign outside Melaleuca is out of date

In 2015, before works on the Melaleuca site were complete, we raised our concerns about this arrangement with the Department. Our 2016 Hakea report recommended that the Department:

examine the security benefits and cost-effectiveness of providing public access to the Women's Remand and Reintegration Facility from Warton Road, and of installing a boom gate to better control access to staff car parks and other service areas alongside the Hakea Prison perimeter wall.

The Department did not support this recommendation (OICS, 2016, p. 93), and no changes have been made.

Measures to minimise risks to both the public and sensitive departmental facilities could include:

- improved footpaths and signage
- permanent and secure fencing
- CCTV coverage of external areas
- movement control and recording measures.

4.2 RELATIONAL SECURITY AND USE OF FORCE

Best intentions but a lack of experience

Overall, relationships between staff and prisoners were positive. Staff had genuine concern for the prisoners, showed empathy, and were willing to build positive working relationships with them.

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The prisoner surveys found that staff to prisoner relationships were good. Fifty-four per cent of prisoners felt that staff treated them with dignity (12% higher than the state average). This is commendable, but staff inexperience presented some risk. There was evidence, for example, of security procedures not being followed in efforts to comfort and pacify some of the prisoners.

The positive relationship between staff and prisoners should produce good intelligence, but little was being reported. This is likely due to a lack of confidence and training in what constitutes useful intel, and how or when to report it.

Appropriate reporting of intel is vital to the management of any prison, but the methods by which it is obtained must be appropriate. We encourage Sodexo to prioritise access to access to training, and mentoring for custodial staff on the gathering and reporting of intelligence.

Staff are now more willing to intervene

Our survey indicated that 69 per cent of prisoners felt that custodial staff did not use too much force. This is a positive result, but in the early months, prisoners reported that PCOs were reluctant to intervene when prisoners were fighting. Positively, at the time of the inspection, prisoners spoke more highly of staff willingness to step in if a fight was occurring. This contributed to their sense of safety.

During the inspection, an incident took place where five staff were injured trying to restrain a prisoner. Staff involved were aware that the prisoner had physical disabilities, and tried to restrain her in such a way as to not cause her harm. It is possible that by doing so, they caused greater injury to themselves. This incident demonstrates the challenges that are faced at the facility. It also showed the high level of empathy from staff.

4.3 PROCEDURAL SECURITY

Managerial instability hindered progress

Procedural security at Melaleuca had not developed to the level we would expect after almost a year of operations. Some of the reasons may include:

- The mobilisation team had too many competing priorities.
- The mobilisation team's presence onsite was disjointed and lacked continuity.
- Key security staff positions were not filled for lengthy periods.
- The number of new recruits with prior custodial experience was low.
- There were too few experienced staff to guide and supervise the new recruits.

Most of these matters (which were raised with Melaleuca's management and will not be repeated here) could be blamed on inexperience. It is vital that these small indiscretions are nipped in the bud, because of the risk that they become accepted practice.

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A stable management team is seeing improvements in security practice

The appointment of permanent managerial staff in key operational and security positions has seen improvements in security. During the inspection, any issues we raised were addressed promptly and appropriately.

Departmental monitors and a Principal Contracts Officer were based onsite at Melaleuca to provide oversight. The monitors produce monthly reports which were available to the Superintendent. Regular contact between departmental staff was providing a degree of guidance, particularly regarding local policy and practice.

4.4 PROTECTION REGIMES

The CCU is inappropriate for use as a de facto protection unit

Melaleuca does not have specific accommodation for the provision of protection regimes. This is not unusual for women's prisons in Western Australia, where women who may be at-risk due to their crimes are generally managed through placement or other means. Due to the inability to separate groups of prisoners at Melaleuca, prisoners needing protection have been held in the Crisis Care Unit (CCU). This is a short-term solution. The CCU was not designed for this purpose, and is not appropriate for long-term placement.

Women held in the CCU for protection are on a different regime from those in there for care. This can prove disruptive, as time in and out of cells must be staggered. The isolation of this regime, and lack of access to employment, purposeful activity, exercise equipment, other prisoners, and outside areas, are simply unacceptable.

Using the CCU for dual purposes also poses risks. During the inspection, a young woman who had been held in the CCU for some time for psychiatric reasons returned to the units. Not long after, she was confronted by a group of women who assumed she had been in there for crimes against children. She had to be returned to the CCU due to the impact of this on her wellbeing.

All cells in the CCU have round-the-clock CCTV coverage to ensure the safety of those who may be at-risk of self-harm. Prisoners held there for protection purposes are also subject to 24-hour surveillance, regardless of whether they pose a risk to themselves or not. The in-cell showers and toilets are also under unobscured observation at all times. Unlike many other facilities, the live CCTV feed does not include any privacy measures. Prisoners using the toilet and shower facilities are clearly visible to the monitoring PCOs, who are at times male. This is completely unacceptable.

A privacy dot or other such method should be put in place to ensure privacy and decency, without compromising the safety of the prisoner. Those prisoners being held for protection should also be offered the use of the CCU's stand-alone shower.

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Recommendation 9

With due regard for prisoner safety, ensure the privacy and dignity of all prisoners in the CCU

Inappropriate management of a high-profile offender

From October 2017, a high-profile offender spent a total of more than 11 weeks in the CCU under protection. This severely limited her movement, her ability to work, exercise, attend classes, and have contact with other prisoners. She was under constant CCTV surveillance, despite not being there for punishment or because of a risk of self-harm.

Melaleuca had requested a transfer to Bandyup, a prison with far greater accommodation options and managerial experience with prisoners of her profile. However, Bandyup refused on the grounds that she had not yet been sentenced. At that time, her sentencing date was still over three months away.

This is untenable. Decisions regarding the transfer of any prisoner between maximum-security prisons must be based on the welfare and safety of the prisoner, regardless of status.

We have encountered numerous examples of women whose transfer from Melaleuca to Bandyup was delayed due to the lack of a clear arrangement between the two prisons. This poses risks to the health, safety, and welfare of the prisoners. This issue is discussed at greater length in Chapter 8.

A warning

Bandyup has not operated a protection regime for many years. In 2014 we noted that Bandyup was confident in its ability to manage protection issues, and stated that the women were also expected to 'self-manage' their own protection. At that time, we warned that this left the Department legally exposed in terms of its duty of care (OICS, 2014, p. 27).

The serious assault of a high-profile prisoner at Bandyup in January 2018 has called the prison's management of such prisoners into question. The attack was preventable, and the perpetrator had allegedly warned staff of her intentions. As the female prisoner population grows, a reappraisal of policies for managing female protection prisoners is needed. Neither the isolation offered at Melaleuca, nor the 'self-management' approach currently used at Bandyup, appear sufficient.

We do not advocate the introduction of protection units as used in the male estate. Rather we would encourage Bandyup to adopt a sharper approach to risk management, and to the housing and movement of special profile prisoners.

We have already raised this issue with the Department and will continue to monitor it. We will therefore not make a recommendation here.

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4.5 PUNISHMENT

A lack of discipline early on contributed to volatility in the units

The first few months of operations at Melaleuca were marred by a hostile atmosphere, and volatility in the units. There were issues around the reporting of incidents, tension, fights, and assaults, and custodial staff were reportedly reluctant to step in.

Procedures for the swift and orderly punishment of poor behaviour were not in place for many months. Without them, the types of punishment and consequences available to staff were limited. The rush to open Melaleuca and poor mobilisation arrangements were a major contributor to early volatility.

Incidents have reduced and prosecutions have commenced

At the time of the inspection, there were fewer issues in the units and prisoners reported feeling safer. A formal prosecutions process had commenced, with appropriate punishments for offences.

Our pre-inspection survey of prisoners found that 67 per cent felt mostly safe. Discussions with prisoners found that many had been upset and felt unsafe on arrival, but that things had improved. During the inspection, very few prisoners wanted to transfer to Bandyup, with most preferring to stay at Melaleuca.

Under the *Prisons Act 1981 (WA)* the Superintendent of a public prison is required to hear all charges at private prisons. Sensibly for Melaleuca, this duty is performed by the substantive Superintendent of Bandyup. Although that individual had been seconded to another prison for a time, he was still attending the Superintendent's parade to maintain consistency.

At the time of the inspection a qualified prosecutions officer was in place. Unlike other prisons, the prosecutions position at Melaleuca is not a separate role, and the officer must also perform regular duties. This appeared to be working, but there were plans to train two more officers to assist with prosecutions, cover leave entitlements, and share the work load.

Failure to include a management unit was a major error

Periods of punishment set down by the Visiting Justice must be carried out in a designated management cell. This is a major problem for Melaleuca, as it is the only maximum-security facility in the state without a management unit or cell.

The decision not to include a central piece of security infrastructure in a maximum-security facility is bewildering. The theory seems to have been that hard to manage prisoners and those serving periods of punishment would be temporarily transferred to Bandyup.

This arrangement has not worked well in practice, and is not satisfactory for either prison. Melaleuca is reliant on the availability of Bandyup's punishment cells and all

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transfers for this purpose must be negotiated.

Lesser punishments such as confinement to cell, loss of privileges, and regression are also problematic because of Melaleuca's double-bunked cells. If a prisoner is confined to cell, their cell mate can no longer move freely in and out of the cell. This creates extra work for the wing PCOs, who may have to open the cell door numerous times throughout the day. And prisoners who are regressed from standard to close supervision are eligible for fewer electrical items in their cells. Again this may negatively impact on their cell mate.

Melaleuca uses cells in the Unit 11 A/B wing to manage regressions. This is also the wing used for orientation of new prisoners. This is inexplicable and inappropriate, as the most vulnerable prisoners are placed alongside those known to behave poorly, and to standover and bully others.

While Melaleuca is limited by its infrastructure, sensible decisions must be made about how best to work with what is available. It is incumbent on prison management to develop and implement procedures that do not negatively impact other prisoners. We will continue to monitor this situation.

Chapter 5

REHABILITATION

5.1 RECEPTION

Reception staff were considerate but inexperience was creating risk

Pre-inspection survey findings indicated that 74 per cent of prisoners were upset or very upset on arrival at Melaleuca. This is lower than we found at Bandyup earlier in 2017 (86%), but significantly higher than the state average of 49 per cent. It is not surprising that rates are higher for women, but it is obviously important to have good reception and orientation processes.

We found that reception staff were considerate and had good rapport with prisoners. We observed positive interactions, and the women spoke highly of reception staff.

However, reception processes were inconsistent and this was causing problems. Some of the staff had a good understanding of the required processes. They had received additional training for the role, and shadowed more experienced officers before working independently. But newer staff were less well informed, and we saw a number of unsafe practices. Prisons receiving transfers from Melaleuca have also noted inconsistency in practice and a lack of compliance with relevant policy directives.

Reception processes need to improve for the long-term. This is an area that Sodexo and the Department must continue to monitor.

Inadequate resourcing was affecting prisoner privacy

The new reception centre was clean, spacious, and for the most part well-designed. But there were some resourcing and privacy issues.

Interviews with newly arrived prisoners were conducted respectfully, but at the reception centre's front desk. This significantly reduced privacy and may have affected the quality of information collected. The centre included several interview rooms that were designed for this purpose, but they did not support the installation of the required computers.

5.2 ORIENTATION

The contract sets unachievable requirements

The orientation process is important as it gives the first opportunity to set out the rights and obligations of prisoners, and the rules and expectations of the facility. Entering prison for the first time (particularly for those caring for children) is a stressful time so orientation should provide support and guidance.

The contract sets a high standard for orientation requirements. It requires:

- a dedicated wing or 'First Night Unit' for orientation that is:
 - quiet, clean, and bright
 - furnished to provide familiarity and reassurance to women
 - culturally welcoming to Aboriginal prisoners
- separate Orientation Units for remand and reintegration prisoners

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- a formal induction and orientation completed within 48 hours
- a Prisoner Handbook (MRRFSA, 2016, Sch.3, 2.3.4).

As discussed earlier, many parts of the contract are at odds with the infrastructure and with the prisoner numbers and profile. In the case of orientation, the units are not quiet, reassuring, or culturally welcoming. And it would be numerically impossible to provide separate dedicated orientation wings for remand and reintegration prisoners.

The contract also requires that all contracted workers who deliver orientation should be trained in 'understanding group dynamics, the material to be delivered, and Aboriginal cultures'. The reality is totally different and does not even accord with documents provided to us prior to the inspection.

Those documents claimed that the orientation process took place over three days, and included 'meet and greets' with representatives from various staff areas, and a cleaning induction. In practice, however, orientation processes had been delegated to peer support workers to design, organise, and run. Aside from early involvement including assisting with the typing and printing of resources, there was no specific training as required by the contract, and no staff involvement or coordination.

Orientation was inconsistent, ineffective, and lacked staff oversight

During the inspection, we spoke to many prisoners who told us that they did not understand how the prison ran and were unaware of the rules. Many said they did not know the rules until they unwittingly broke them. In fact, our survey found that less than a quarter of prisoners (24%) felt they had received enough information upon arrival. This is unacceptable.

Peer support workers had designed an orientation booklet. It was used to aid the presentation, but was not available for new prisoners to keep. The booklet did not cover all areas and missed out on vital information including the daily routine and count procedures. Furthermore, unit plans, policy documents, and regulations were not available for prisoners to freely access.

We heard that orientation was unpredictable. Staff members were inconsistent in their attendance at the 'meet and greets', and the cleaning orientation was cursory at best. We arranged to observe this section of the program twice, but it did not run on either occasion. The large team of peer support workers were required to rotate through the orientation role, and it was clear that some took this responsibility more seriously than others.

Unit 11 A/B wing has been designated as the 'orientation wing.' However, it is also used for the accommodation of prisoners on close supervision, and those who are difficult to manage. As we have set out above, this is inappropriate as it places inexperienced and potentially very vulnerable women alongside those who are the most challenging.

At the end of the inspection we strongly urged Melaleuca's management to give staff greater responsibility for the production and presentation of an official orientation

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process. Peer support workers would be better placed in assisting roles, with appropriate oversight. At the time of writing we were informed that the orientation process was being amended, and that a prisoner handbook was due to be printed.

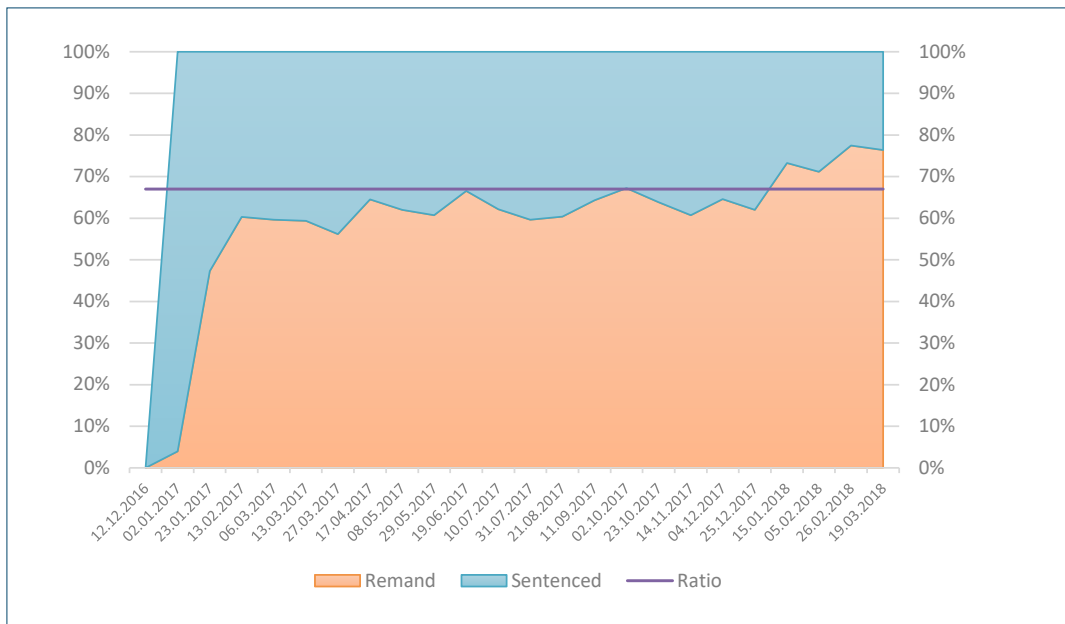
Given Melaleuca's commitment to improvement we are not making a recommendation about orientation, but we will expect improvement.

5.3 REMAND PRISONERS

There is little to separate remand and sentenced prisoners

Melaleuca aims to maintain a two-thirds to one-third population ratio, meaning approximately 67 per cent remand prisoners, to 33 per cent sentenced. Of course, maintaining this ratio depends on the rate at which women enter the facility, and the rate at which Melaleuca is able to move them out, or on. As shown below, maintaining this population mix is not straight forward.

Figure 5-1: Melaleuca's mix of remand and sentenced prisoners, 12.12.2016 – 26.03.2018



The contract states that Sodexo must endeavour to keep remand women in one unit and sentenced women in the other (MRRFSA, 2016, Sch.3, 2.1.2(i)). For the most part, remand women are held in Unit 11 and sentenced women in Unit 12. However, given that the two units have the same capacity (128 beds), and the remand cohort typically fluctuates above 60 per cent, this contractual goal cannot be met.

There is little to distinguish the treatment of remand and sentenced prisoners. For a time, remand women did have access to their own clothing, but this was scaled back following some security concerns (see Chapter 6). Women on remand do have access to

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additional visits and telephone calls as legally required, but otherwise most options in the prison are accessible to either cohort. The main exception is the reintegration service provided by Springboard, which is intended for women in the last three months of a sentence.

Bail services are provided by an experienced departmental Bail Coordinator. Sensibly, when remand services shifted from Bandyup to Melaleuca, Bandyup's Bail Coordinator shifted with it. This staff member has been a valuable asset at Melaleuca, as she brought experience and knowledge in operational compliance.

Access to legal resources and computers was inadequate

Melaleuca's library is discussed in Chapter 6. However, we must note that access to legal resources were completely inadequate for a modern remand facility. There were:

- minimal legal text resources
- no support staff
- no parole packs (to aid preparation of applications for parole)
- no computers for word processing
- no case law database
- no Skype access for legal consultation (unlike Hakea).

In the first year of Melaleuca's operations we received numerous complaints from legal representatives regarding their ability to communicate with their clients. The issue also reached the media. There have been some improvements since then, but we will continue to monitor the situation.

5.4 ASSESSMENT

Melaleuca are developing new assessment tools, as required by the contract

In November 2016, we were informed by the Department that it planned to retain responsibility for all assessments laid out in Adult Custodial Rule 18 (ACR18). This document defines procedures for the assessment and sentence management of prisoners in Western Australia (DCS, 2012).

However, this has since changed, and Melaleuca is now required to perform key ACR18 assessments. These include Management and Placement checklists (MAPs) and the Initial Individual Management Plan, which must be completed within 28 days of sentencing (28-day IMPs) for women with effective sentences of more than six months.

The contract also requires Melaleuca to develop and perform two new assessments. It stipulates that they take the form of:

- An Abridged Individual Management Plan for remand women within 24 hours of reception (the one-day IMP).
- An Individual Management Plan for all sentenced prisoners within seven days of reception, including transfers (the seven-day IMP).

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While the contract specifies the one-day IMP and seven-day IMP as required outputs, it does not specify what their purpose is, what outcome should be achieved by their introduction, and how they relate to the 28-day IMP.

At the time of our inspection, a one-day IMP had been developed, approved by the Department, and was in use. A proposed seven-day IMP had been submitted to the Department and was under consideration.

The one-day IMP is a welcome addition and could see improved services for remand women

The one-day IMP, designed by Sodexo, is required to be completed within 24 hours of a woman arriving at Melaleuca on remand. It aims to capture the immediate, actionable needs of prisoners who have just been received into custody, and ensures that they are acted on swiftly. In effect, it frontloads much of the work that would be completed by a Transitional Manager at state prisons, including:

- urgent issues: ID, MDL, fines, Centrelink/Medicare
- internal referrals: cultural/spiritual advisers, education interests, employment preferences
- external referrals: housing and court matters.

The one-day IMP also gathers information on a woman's education, training, and employment history, and replicates sections of the At Risk Management (ARMS) Intake Reception Assessment. It is performed by a Springboard worker who can carry through some of the referrals generated, but will forward the remainder to the Sodexo reintegration team (including the Faith and Wellbeing Adviser, Learning Facilitators, Psychologists, and Case Workers) for actioning.

The one-day IMP is a good concept. It fills a gap in assistance available to remand prisoners, and we urge the Department to consider a refined version at all state run prisons.

The one-day IMP process is not without its flaws. It is required to be performed within 24 hours of reception at Melaleuca. But in reality this means 24 'business hours.' Therefore, a woman who arrives on Friday night will not go through the one-day IMP until Monday morning. Many women come into custody over the weekend, and without the one-day IMP crucial issues may be left unattended. Melaleuca is an around-the-clock remand facility. To truly be effective, the Springboard position that completes the one-day IMP should be funded for weekends as well.

We noted that sections of the one-day IMP appear to duplicate sensitive, and potentially upsetting, sections of the At Risk Management Reception Initial Assessment (the ARMS assessment) which is used to determine a new arrivals risk of self-harm or suicide. The ARMS assessment is performed during the reception process, in the immediate hours following arrival. We were concerned that duplicating these sensitive questions within a

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short time frame was unnecessary and potentially destabilising. Furthermore, the inclusion of these questions adds little value to the one-day IMP, as they should have already been heard and acted upon during the reception process.

Some flexibility should be considered for the one-day IMP's performance measure

Completion of the one-day IMP is linked in the contract to an Operating Performance Incentive (OPI) payment. As indicated by the table below, the threshold for achieving this payment is high. The full payment is only achievable if 100 per cent of new arrivals receive their one-day IMP within 24 (business) hours. Seventy-five per cent of the payment is available if between 95 and 100 per cent are provided with a one-day IMP, and no payment will be received for less than 95 per cent.

Table 5-1: The one-day IMP Operating Performance Measure

Operating Performance Measures	Percentage of Total OPI	Benchmark	Frequency of Calculation	Progressive Target Thresholds
The provision of an Individual Abridged Management Plan for remand prisoners within 24 hours of receipt	11.11%	≥95%	Quarterly	<ul style="list-style-type: none">• 100% of payment if achieve 100%• 75% of payment if between 95% and 100%• 0% of payment if below 95%

The difficulty is that even if Melaleuca is willing and able to provide the one-day IMP, some women may be too distressed, intoxicated, or otherwise incapacitated to be properly assessed within their first 24 hours in prison. Also, some may be required to be in court the day after arriving. Such factors will make achieving these targets extremely challenging.

In late 2017, a process was agreed on whereby Sodexo could formally apply to the Department for mitigation in circumstances like those described. And while this would appear to be a sensible inclusion, in effect it adds another layer of bureaucratic process. The OPI already sets a very high standard given the prisoner demographic, and the expectation that Sodexo perform an additional duty in such cases fails to acknowledge this.

The seven-day IMP has not yet been finalised

The contract requires an IMP to be completed for all sentenced women within seven days of arriving at Melaleuca. The natural reading of the contract was that this meant the same IMP as the public sector is required to complete in 28 days.

However, Melaleuca's management and departmental staff have agreed that the seven-day IMP is not the same as the 28-day IMP. They have also identified a significant gap in service delivery that the seven-day IMP might fill. This is prisoners on effective

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sentences of less than six months, who under normal circumstances would not receive a 28-day IMP.

According to our interviews, the proposed seven-day IMP will target improved data collection and services for women in this cohort. This is a sensible direction to take, and could result in improved outcomes for this group. By early March 2018 however, a finalised seven-day IMP had not been approved.

Melaleuca's assessment area is under pressure and needs additional resources

Originally, the case management team had been made up of the Head of Case Management and three case workers. However, one case worker position had been converted into a Movements Officer position, as this role had not originally been included in Sodexo's staffing model.

The two remaining case workers had expanding, and potentially excessive workloads. By the time of the inspection they were responsible for the completion of:

- assessment reports (as required by ACR18, including 28-day IMPs, remand and sentenced MAPs, parole reports, and funeral applications)
- following up referrals to external agencies, including from the one-day IMP
- some aspects of the Personal Officer role, including comments on progress for parole reports.

The two case workers had recently learned that they would also be taking on completion of the LS/RNR tool – a time consuming and complex treatment assessment tool traditionally done by a Treatment Assessor or psychologist. Furthermore, the Department had nominated Melaleuca to trial a new assessment, the Risk of Reoffending: Prison Version (ROR:PV) tool which was also being trialled at Bandyup and Hakea.

This workload is excessive, and unsustainable for a small team new to their roles. The Melaleuca assessments area is already under considerable pressure to stay on top of its ACR18 workload, and the addition of the ROR:PV and LS/RNR will only increase the burden.

At the time of the inspection, it had also not been determined which work area would be responsible for completing the seven-day IMP. Both Springboard and the assessments and case worker team were already under too much pressure.

Recommendation 10

Increase resources, training, and support for Melaleuca's case management function

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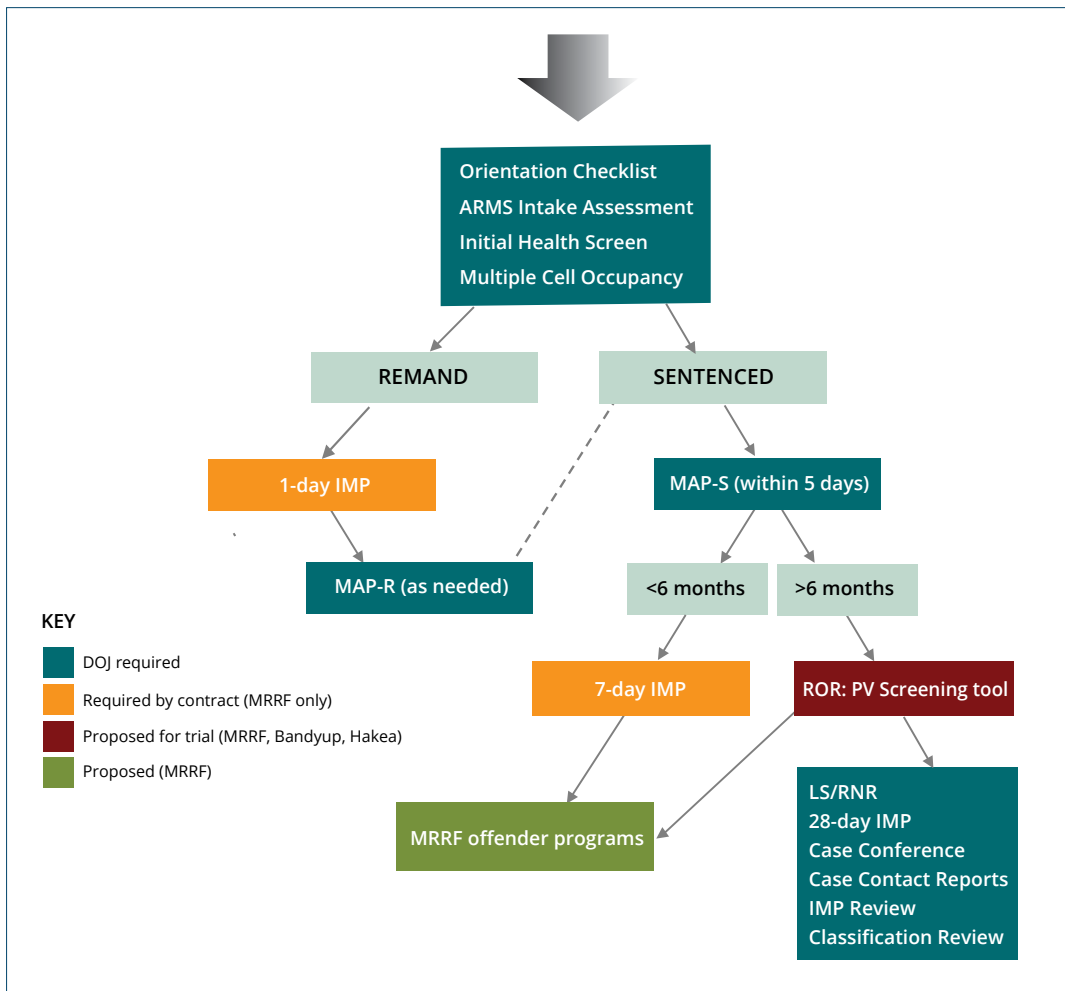
The Department must clarify assessment responsibilities at Melaleuca and Bandyup

As indicated above, Melaleuca's assessments area has lacked clear direction and lines of responsibility. This has affected the workflows of prisons that receive women from Melaleuca, who have been required to complete assessments they expected would already be done.

If Melaleuca are to perform the workload outlined above, they must be adequately trained and staffed to do so. And if Bandyup is no longer required to perform the majority of 28-day IMPs for metropolitan women, the resources required for its assessments team should be reconsidered.

More generally, poor understanding, poor communication, and under-developed relationships are contributing to tension between the prisons. It is the women who pay the ultimate price and this cannot be permitted to continue. We urge the Department to improve communication, including a clear explanation of the role and purpose of the new assessments, and responsibility for completion of ACR18 assessments.

Figure 5-2: Required assessments for prisoners at Melaleuca



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5.5 CASE MANAGEMENT

Melaleuca's contract states that:

- The contractor must implement a Personal Officer scheme.
- The scheme must be consistent with the Department's Personal Officer procedures and standards.
- The scheme must support the Department's IOM approach and comply with its standards (MRRFSA, 2016, Sch.3, 3.1(o)).

The Personal Officer scheme is a case management philosophy widely used in the United Kingdom. In the Western Australian context, the Women's Standard defines a Personal Officer as an officer assigned to a prisoner, who is responsible for their ongoing case management, and who must ensure meaningful interaction and engagement with them (DCS, 2016, p. 86).

At the time of the inspection, the Personal Officer scheme had not yet been rolled out. This is a loss for both staff and prisoners. It promises the kind of one-on-one support work that many of the PCOs we spoke with felt their roles were missing.

As we have reported above, in the rush to open Melaleuca, the prison commenced operations without having vital policies and operational procedures in place, and as a result has been playing catch up ever since. This included the Personal Office scheme. Managers told us that the prison had never been stable enough to introduce the scheme. With the prison's ever growing list of competing priorities, it is difficult to imagine when they are likely to be. However, the Department must also bear some responsibility for the absence of a clear case management model.

The Department has provided little guidance on the required Personal Officer scheme

The Department has not provided Sodexo with an adequate case management framework. Melaleuca is bound by its contract, the Women's Standard, and departmental policies and regulations. But none of these documents provide the procedures and standards to guide the Personal Officer scheme's implementation at Melaleuca, despite being referred to in the contract. Without these, Sodexo risks misinterpreting the Department's intent.

Another problem is that many sections of the contract refer to the IOM. The IOM is an approach to offender management, that the Department defined in 2016 as:

the operationalisation of end to end offender management, occurring along a continuum of care that can be sustained beyond the formal period of supervision or imprisonment. (MRRFSA, 2016, p. 11).

However, the IOM appears to have been abandoned before being rolled out anywhere. If this is the case, and it is now truly defunct, the many references to it throughout the contract should be clarified or removed.

REHABILITATION

Melaleuca is developing its own integrated offender model for female prisoners

During the inspection, we were informed that Sodexo had contracted an experienced woman to assist in developing an offender management model to specifically meet the needs of female prisoners. This was encouraging and we look forward to the outcomes.

There is already good practice to draw on within Western Australia. In 2014, we found that Greenough Regional Prison had developed and implemented a strong case management model for women (OICS, 2014a, p. 57). Greenough's Integrated Offender Management Committee included a monthly roundtable meeting of relevant staff, where each prisoner's specific needs were considered. It set contact goals for each woman, and provided motivation for staff to maintain contact with each prisoner on an individual basis. While it may not be possible to replicate this exact model at Melaleuca, there is much that could be learned from it.

The Department and Sodexo need to work together to ensure a satisfactory outcome in this area, and to translate any positive learnings to Bandyup and other women's prisons.

5.6 TREATMENT PROGRAMS

Melaleuca is not delivering recognised treatment programs

As a remand and reintegration facility, Melaleuca was intended to cater to the first and final stages of imprisonment. Early advice provided to us and others was that Bandyup would continue to be the main provider of therapeutic treatment programs.

However, the written contract again appears to be at odds with what was expected. It states that Melaleuca must run a wide range of treatment programs, including:

- general offending programs
- programs relevant to specific offending behaviour (MRRFSA, 2016, Sch.3, 3.5(c)).

Melaleuca is required to provide programs that use validated and reliable methodologies, including some designed specifically for Aboriginal women. They are, however, prohibited from using any therapeutic treatment programs currently available in Western Australia's public prisons. During the inspection, Melaleuca was delivering the following programs:

Table 5-3: Programs available at Melaleuca

Program	Delivered by	Description	Duration
Alcohol and Other Drugs (AOD) Brief Intervention	Springboard AOD Counsellor	Understanding the impact of addiction	Stand-alone modules for short stay and remand women
AOD Group Program	Springboard AOD Counsellor	Understanding the impact of addiction	10-week group program
AOD Individual Counselling	Springboard AOD Counsellor	One to one needs based counselling	3 sessions for remandees

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Yellow Brick Road to Change	Jade Lewis Foundation	Personal development tools, pro-social skills, decision-making	Ongoing
Grief Recovery Program	Faith and Wellbeing Adviser	Communicating unmet grief and loss experiences, improving communication in relationships	7-week program
Crossroads Correspondence Bible Study	Faith and Wellbeing Adviser	Bible studies with attached lessons	Ongoing
Bible Studies	Prison Fellowship	Life experiences, relationships, and the bible	Ongoing
Prisoners Journey	Prison Fellowship	Bible teachings, faith, and decision-making	8-week program
Alcohol Awareness	Learning Facilitators	Impact of alcohol abuse	2-week program

We are concerned that this list includes unaccredited education, faith, and self-development programs. Over-reliance on faith-based programs can alienate some groups, and is not good practice. Religious support has its place in prisons, but cannot be a substitute for validated and methodologically-sound therapeutic treatment.

At the time of the inspection, the Prisoners Review Board (PRB) which assesses applications for parole, did not recognise any of the programs delivered at Melaleuca. According to departmental data, almost 23 per cent of women past their earliest date of eligibility for parole at Melaleuca were denied because they had unmet treatment needs.

The lack of recognised treatment programs therefore, is seeing more parole applications denied, more women serving full sentences, and subsequently re-entering the community under less supervision.

The aim of having a new prison was to help women progress to the community and to address Bandyup's deficiencies, not to hold the women back. The Department must assess exactly who is placed at Melaleuca, what the prison needs to deliver by way of programs, and what areas are to remain the responsibility of Bandyup.

Recommendation 11

The Department must ensure that both Bandyup and Melaleuca deliver programs which meet prisoners' needs and PRB expectations

REHABILITATION

5.7 REINTEGRATION AND THROUGH CARE

Springboard are subcontracted to provide reintegration services

Sodexo have subcontracted Springboard Community Services Ltd (a consortium formed by Outcare Inc. and Ruah Community Services) to provide services related to offender management, reintegration, and through care. They are required to provide support to both sentenced and remand prisoners, and deliver both in prison and post-release programs and services. Areas they are contractually required to cover include:

- accommodation
- Centrelink
- Legal Aid
- bank accounts
- financial planning
- identification.

The Springboard contract specifies staffing positions and roles, namely three full-time Community Case Workers, a full-time AOD counsellor, and a one-day-a-week Family Support Worker (see Chapter 7). The Community Case Worker positions are required to provide four hours a week of remand triage (in the form of the one-day IMP), and reintegration support for up to 105 sentenced prisoners a year.

The team is made up of experienced re-entry workers, including some from Outcare and Ruah. They are driven, committed, and had a strong sense of purpose. However, there are gaps in service provision.

Springboard are contracted to provide less reintegration support than in a public prison

Springboard were providing a good service but there are significant contractual limitations.

In several areas, they have been contracted to provide less reintegration support than a prisoner would receive in a public prison. It is inexplicable, except on the basis of cost, that a prison tasked with providing specialist reintegration services could be expected to deliver less service.

Springboard are funded to engage with sentenced prisoners three months prior to release. At public prisons, where this service is performed by a Transitional Manager, engagement begins six months out. Springboard also has a 35-hour case management cap per woman. This begins when engagement commences, and includes face-to-face time with the women, administrative work, and travel time to post-release meetings. Once the cap is reached, support must end. Although, at the time of the inspection no Springboard workers had reached this limit, complex cases should not have such a limit.

The contract does not extend to support for women in the event of a failed parole

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application. So, if Springboard have been supporting a woman through a parole application which fails, they immediately cut off their support. This can be a disheartening time for the prisoner and internal support at the prison is already stretched. Furthermore, this would not be the case for a woman receiving similar support from Ruah at Bandyup.

There are also limitations on which post-release accommodation services Springboard can refer women to. This gives them fewer options than at public prisons. Many accommodation providers are locked into contracts with the Department, and this prevents them from also providing to Springboard. This is short-sighted and counter-productive. The community would expect all prisoners to have the best chance of successful reintegration.

Key support services for women are lacking at Melaleuca

For a prison designed around the Department's new Women's Standard, there is a startling lack of support services available in areas known to be needed by women in custody, including:

- domestic violence
- sexual assault
- parenting/child support.

These services are vital in a women's prison, particularly one touted as providing a trauma-informed approach.

The Springboard contract requires a Family Support Worker position for one day per week at Melaleuca. This is completely inadequate, and gives the families who visit Melaleuca far less access to support than they would at other prisons.

It is vital to connect or reconnect mothers with their children. Bandyup and Boronia have shared access to a Department of Communities (DOC) child protection worker, known as the Family Links Officer. There is no liaison position at Melaleuca. During the inspection, we heard that although DOC representatives could attend Melaleuca to meet with women, each instance was negotiated on a case-by-case. We have since been informed that there is ongoing discussion regarding a greater DOC presence at Melaleuca. We support this initiative and will continue to monitor its progress.

Melaleuca has the potential to provide a far greater level of services to its prisoners and is contractually obligated to do so. However, given current levels of funding and resourcing this does not seem possible.

In our view, there is a significant level of unmet need. We urge all parties to consider options to improve services in this area. One is a resource centre, providing a 'one-stop shop' for both remand and sentenced women to connect with community, government, and legal supports on matters related to housing, family, and children's services.

Chapter 6

THE CONSTRUCTIVE DAY

The contract between the Department and Sodexo states that the contractor:

must implement a constructive and structured day program in consultation with the prisoners that operates 7 days a week, with weekends being primarily allocated to recreational activities (MRRFSA, 2016, Sch. 3, 2.3.3(c)).

It also requires that meaningful and constructive activity has defined outcomes, is of demonstrable benefit to the prisoner, and is part of a wider regime that includes:

- employment that contributes to the operational functioning of the prison and its industries
- education and vocational training
- recreation
- attending court and other external appointments
- social and official visits and other appointments within the prison (MRRFSA, 2016, Sch. 3, 2.3.3).

Unfortunately, our pre-inspection survey found that 79 per cent of prisoners did not feel their time was spent doing useful activities. This compares poorly with Bandyup where only 36 per cent of respondents felt this.

The overwhelming feedback from women at Melaleuca was that there was very little for them to do. They were bored, increasingly frustrated, and finding other – less constructive ways – of occupying themselves.

6.1 EDUCATION

The prison was unprepared to provide education programs to women when Melaleuca opened

No educational curriculum was in place when Melaleuca commenced operations. Two Learning Facilitators with experience teaching in the corrections system had been employed full-time, but were not provided a program to deliver. They were under the impression that a Registered Training Organisation (RTO) arrangement would be in place when they commenced, which would provide them with a certified curriculum. That was not the case. All courses for delivery had to first be developed by the Learning Facilitators themselves.

The contract requires Sodexo to implement a broad range of education courses, including:

- short education courses (Certificate I–III's)
- short courses for pre-release prisoners (hairdressing assistant, barista, first aid)
- personal and social short courses (self-development, working with others, goal setting)
- life skills classes

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- restorative justice programs
- a range of recreational activities (meditation, creative writing, cooking, arts and crafts) (MRRFSA, 2016, Sch.3, 2.3.3(e)).

The Learning Facilitators had limited time to develop a curriculum and some basic short courses that met these criteria, before any delivery could commence. These initial courses were put together quickly, were unable to be accredited, and due to time constraints had remained substantially the same since their introduction.

Educational activities at Melaleuca still do not meet demand

The short session educational activities delivered at Melaleuca concentrate on 'soft skills.' They are designed to assist with employability, and the development of personal or life skills. They include:

- creative writing
- arts and crafts
- problem-solving
- developing your art
- IT skills
- employability skills
- general education (literacy and numeracy)
- alcohol awareness
- food safety.

There was a lack of programs addressing the needs of Aboriginal prisoners, even though this was a requirement of the contract. While Aboriginal prisoners traditionally enjoy and are attracted to art in education, and were well represented in the available class, it was not developed and targeted to that group.

Despite numerous complaints from prisoners regarding the lack of education, information provided before the inspection indicated that courses were rarely full, and completion rates were low. For example, of the 155 places available in an arts and crafts course in June 2017, 93 prisoners attended, and only 29 certificates were awarded. This was typical of enrolments and completions across the courses. Several explanations were put forward for this, including:

- The courses were not accredited or recognised, and so not useful outside prison.
- The certificates handed out identified that they were received in prison.
- The short courses were repeated, and there were limited options.
- The classrooms were noisy and disruptive, which made it too difficult to concentrate.

Melaleuca needs to improve both the range of courses and completion rates.

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Education facilities are entirely inappropriate

Most prisons have a dedicated education centre, and some are very impressive. Movement of prisoners in and out of education is controlled, and officers stationed at access points monitor and record all movements.

This is not possible at Melaleuca. Education classes take place in the multi-purpose unit program rooms. These are located directly inside the main entrance to each unit wing, where there is a great deal of foot traffic and noise. They have glass walls which adjoin the entry air locks, and are visible to all passers-by.

This creates a chaotic environment that is not conducive to concentration, learning, or reflection. Prisoners passing by would call out to participants through doors and windows, many of whom were easily distracted by others. For students with histories of disengagement from education, this is utterly inappropriate.

It is also stressful and potentially unsafe for the teachers. They spend most days in the program rooms where they are constantly accessible. There is no movement control and any prisoner can access the rooms when they are occupied. Women can walk in and out of the rooms as they please. The teachers also noted occasions where incidents occurred in the units, but their safety was not checked. This is completely unacceptable.

Even if more courses and education providers were bought into the prison, there would not be the appropriate spaces available to deliver the additional courses. While some certificated training could occur in workplaces (such as the kitchen and gardens) it would still require occasions of classroom delivery.

Melaleuca urgently needs additional infrastructure to deliver its contractually required educational activities.

Melaleuca is not meeting the educational requirements of its contract

The contract is specific on the courses to be offered at Melaleuca, and the list is very closely aligned with education delivery in public prisons. This indicates a very clear expectation of delivery and gives Sodexo little flexibility.

It is unsurprising then that early discussions between Sodexo and the Department explored the use of the Department's own RTO (ASETS) to deliver certified programs at the Melaleuca. However, it was soon established that there were legal issues preventing this and talks were abandoned. By early March 2018, progress had been made towards the delivery of some TAFE accredited courses. But more needs to be done to secure contractually required courses.

This is unacceptable. Education should form a key component of any structured day for prisoners, whether sentenced or remand. The contract recognises this by including education as a 'meaningful and constructive' activity that should form part of prisoners' 30 hours a week of activities. To date the Department also seems to have not taken any substantial action to compel Sodexo to fulfil this aspect of the contract, or apply any

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penalties for failure to do so. The failure to provide appropriate education opportunities must be addressed as a matter of urgency.

Recommendation 12

Install dedicated education infrastructure

Education staff are dedicated and hardworking, but facing significant challenges

Unlike state operated prisons, the Melaleuca contract requires education to be available 52 weeks of the year. State prisons on the other hand, only deliver education during school terms. In theory, this should provide greater access to education at Melaleuca. However, this is not occurring, and the contractual requirements also offers little downtime to the two Learning Facilitators.

Melaleuca's two Learning Facilitators had not received any additional support since commencing. To make time for administration, preparation, and marking, they have negotiated to work four days a week in the classroom, with one day for paperwork. This reduces the already limited resource available for education away from prisoners.

Prisoners known as peer tutors assisted education services in the units. This is understandable given the limited resources, but there was an over-reliance on them which was neither appropriate nor sustainable. It is positive to offer capable prisoners the opportunity to develop their skills and a purposeful role supporting others, but they cannot replace qualified educators.

The newly introduced one-day IMP requires that the education needs of new arrivals are assessed. This is in line with the contractual requirement to have an activities plan, including education, for each woman. However, at the time of the inspection no education assessment tool had been developed, and no additional staff resourcing had been set aside for this task. To do this would create an additional workload for the Learning Facilitators, and further reduce their contact hours with students.

This is untenable. Contact education hours must be increased, not decreased. Melaleuca's Learning Facilitators were extremely committed, but the current situation cannot continue without additional resourcing, strategic direction, and prioritisation.

The Head of Reintegration has managerial responsibility for the Learning Facilitators, in addition to an already large and high-level portfolio. The staff were appreciative of her support and professionalism, but progress towards a more robust education system has been painstakingly slow. Education services needs to have a better presence, strategic direction and specialist education knowledge driving it. This is especially the case given that certified course providers will need to be bought in to deliver the contractually required programs, and the need for an increased teaching resource. To that end, education needs its own manager, or school principal.

Recommendation 13

Appoint an education manager to oversee education at Melaleuca

6.2 EMPLOYMENT

Melaleuca has limited employment options and positions

Surprisingly, the contract for services at Melaleuca includes little in the way of requirements for prisoner employment or training. For a prison tasked with providing rehabilitation this is perplexing.

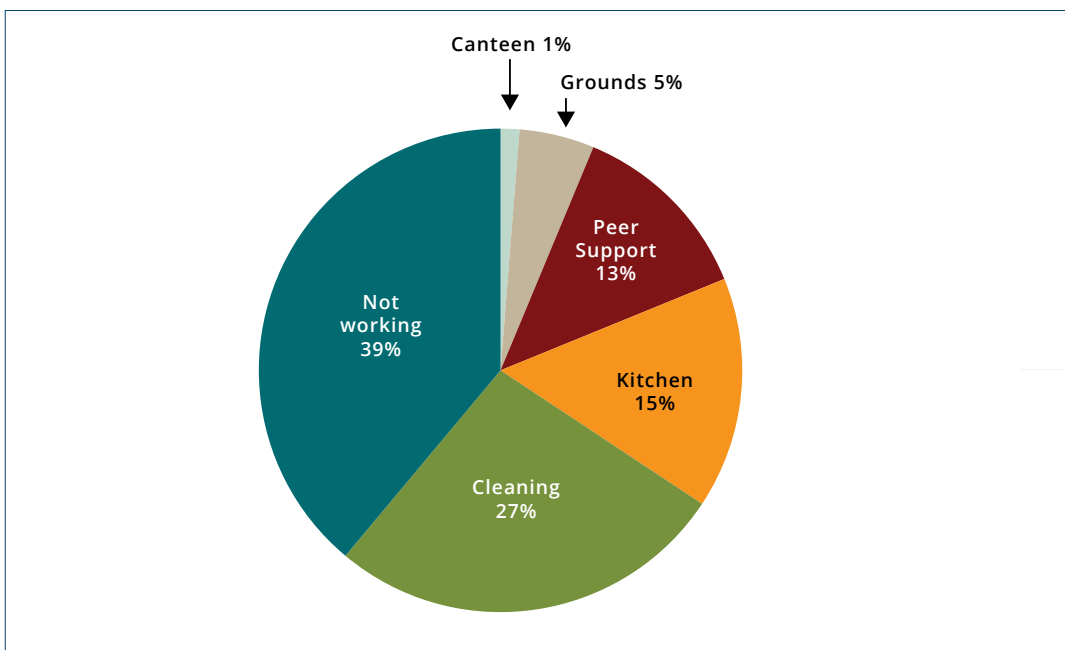
Employment opportunities at the prison are also very limited. This is a direct reflection of the site's limited industries, which include:

- cleaning
- gardening
- kitchen
- canteen.

Once again, this comes down to the failure of the Department to include appropriate supporting infrastructure, and the contractor's willingness to sign a contract despite such obvious shortfalls.

While the new kitchen is impressive, there are no other industrial or workshop areas on site. This severely limits what employment and training the facility can offer, and at the time of the inspection, meant that 93 women (39% of the population) were unemployed.

Figure 6-1: Prisoner employment at Melaleuca 15 November 2017



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No recognised training or accreditation was available

As no arrangement with an RTO had commenced, there was no recognised or accredited training attached to any prisoner employment. This was despite the contract specifically requiring training for prisoners in certain areas of employment. For example, the contract states that Sodexo must provide all prisoners in the grounds and cleaning teams with training of a level that would enable them to gain employment in the relevant industry on release (MRRFSA, 2016, Sch.3, 4.3.6).

While the grounds and kitchen officers were qualified in their areas, they were not qualified to deliver certified training, and even if they were had no capacity to do so. None of the prisoners employed as cleaners had any managerial support, training, or oversight. This is inappropriate, and poses health and safety risks to the workers, their peers, and to the prison itself. Melaleuca and the Department have a duty of care to ensure that prisoners are not exposed to any situations that could create such risk.

Recommendation 14

Ensure Melaleuca has an arrangement with an RTO to provide certified education and vocational training courses

Cleaners and laundry workers lacked oversight

The largest employer during the inspection was cleaning. However, many of these women were 'unit cleaners' whose roles did not occupy them more than a few hours a day. Other cleaning roles however, for example unit laundry workers, had a high workload with comparatively long hours.

According to documentation received before the inspection, all women are required to complete a General Cleaning and Housekeeping orientation module on arrival in the units. In practice this was not operating as intended. We were informed that the cleaning orientation outlined expectations for personal and cell hygiene, information on cleaning products, and instructions in the event of a spill. We attempted to view this presentation twice, but on both occasions it was cancelled.

Clothing and towels are laundered in the units by unit laundry workers. Each wing was equipped with a laundry room, with a commercial washer and dryer. This meant that each laundry serviced up to 64 women. During the inspection, at least one of the washers was out of order, and others were observed to leak. This was damaging the linoleum floor and causing mildew in the poorly ventilated room. Out-of-action machines created pressure on the workers, a backlog of items, and tension among the women.

Laundry workers were not supplied with adequate health and safety requirements to support them in their roles. There was:

- no hand hygiene agent (workers were required to purchase their own)
- limited availability of disposable gloves and aprons for handling visibly soiled items

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- manually dispensed alkaline laundry detergent, resulting in inconsistent volumes.

There was no education or training program for workers with laundry or cleaning responsibilities, and no designated position to oversee their work. Processes differed from laundry to laundry, and tended to be based on the individual worker's preference. The workers were making the best of the resources they were provided with, but a lack of staff coordination and oversight was evident.

There are environmental health risks attached to poor cleaning and laundry practices in shared environments such as prisons, where the health of its inhabitants are already frequently compromised. Employment positions such as these are also excellent opportunities to provide education and training, and improve prisoners' chances of successful rehabilitation. Failure to capture this is not only a lost opportunity, but it is also a failure to meet the terms of the contract, which states that the contractor must employ workers with appropriate cleaning experience to 'deliver training and educational programs to prisoners in respect of effective and safe cleaning practices' (MRRFSA, 2016, Sch.3, 4.5.3(iv)).

It is incumbent on Melaleuca's management to meet the terms of the contract, and offer its prisoners a better chance at rehabilitation.

Recommendation 15

Introduce a position to oversee training, supervision, and support for prisoners employed as cleaners

Food safety training for prisoners was incomplete

The prisoners employed in the kitchen were receiving supervision, support, and some training from the qualified Catering Manager. Kitchen practice was observed to be positive, efficient, and in accordance with relevant standards. Additional training was delivered by pre-start talks three times per month, and focused on matters such as food storage, knife safety, cleaning procedures and the like. The workers' personal hygiene and health including dress code, hand hygiene and habits were constantly monitored and reinforced.

However, accredited training was not yet available. The Learning Facilitators delivered a food safety course, but it had been modified and was not nationally accredited. The kitchen manager was confident that in the future, certified courses would become a strict requirement.

Unfortunately, the prisoners who served meals in the units lacked oversight and training, and we observed less hygienic practices.

Overall, there were lost opportunities to support and assist prisoner rehabilitation.

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Recommendation 16

Formalise Food Star Pty Ltd One Star Level food safety and hygiene training for all prisoners at Melaleuca

6.3 RECREATION

Melaleuca is poorly equipped for recreation activities

Melaleuca does not have a gymnasium, and there is no dedicated recreation officer position. A full-sized basketball court is located in the yard area, and 12 exercise stations have been installed in the grassed area. There are also two table tennis tables, however,



Photos 6-1 and 6-2: Before and after – garden beds and stationary exercise equipment have improved the prisoner yard

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an error during their installation means they are set too high for many women to comfortably use.

Melaleuca inherited Hakea's second oval, but it was in a very poor state of repair on Sodexo's acceptance of the prison. Despite efforts on behalf of Melaleuca and its grounds team, it remained unusable. A beach volley ball court had recently been constructed adjacent to the oval, but at the time of the inspection it had not been used. Goalposts and a net for volleyball were still being sourced at the time of writing.

Yellow Ribbon were contracted to provide activities, and they ran structured sessions in basketball, boxing, and a boot camp. The Grounds Officer (who was also a trained fitness instructor) also ran a boot camp four times per week.

Without a full-time recreation officer there was little to engage the 240 women on a regular basis, especially on weekends when there were no activities available. Unsurprisingly, prisoners were very unhappy with the amount of organised sport. Of the prisoners surveyed, 74 per cent felt it was poor, compared to the state average of 47 per cent.

A number of peer support positions have been designated as Group Activities Champions. During the inspection, we observed these prisoners organise a well-attended basketball game. They had no whistles and/or team colours, but managed to organise two teams and umpires. It was an extremely positive example of prisoner responsibility, and a highlight on the inspection.

While this was an excellent outcome to observe, the enthusiasm of the prisoners themselves cannot replace the organisation, supervision, and mentoring that could be provided by a dedicated staff member.

Recommendation 17

Ensure that a range of organised sport and recreational activities are run regularly

Library services were unacceptable for a modern remand facility

The Department's failure to include a library in the supporting infrastructure for Melaleuca is bewildering. Yellow Ribbon had attempted to provide a library service, and donated books were made available in one corner of a unit program room. However, as there was no system in place to record or track library loans, and no way to secure the books, many had already disappeared.

As a newly operational facility tasked with the provision of services to a remand population, it would be expected that Melaleuca provide access to a legal library for those prisoners who may choose to work on their legal defences. The selection of legal resources in hard or soft copy was abysmal. No computers were available, and legal text books had to be kept in a locked store room. This did not prevent them from going missing however.

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Photo 6-3: The make-shift library



Photo 6-4: The collection of legal references

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Unsurprisingly, 67 per cent of prisoners surveyed felt their access to a library was poor, compared to the state average of just 32 per cent. This is unacceptable, and more must be done to amend this situation.

Recommendation 18

Provide a modern library service, including up-to-date legal resources and computers for the preparation of legal matters

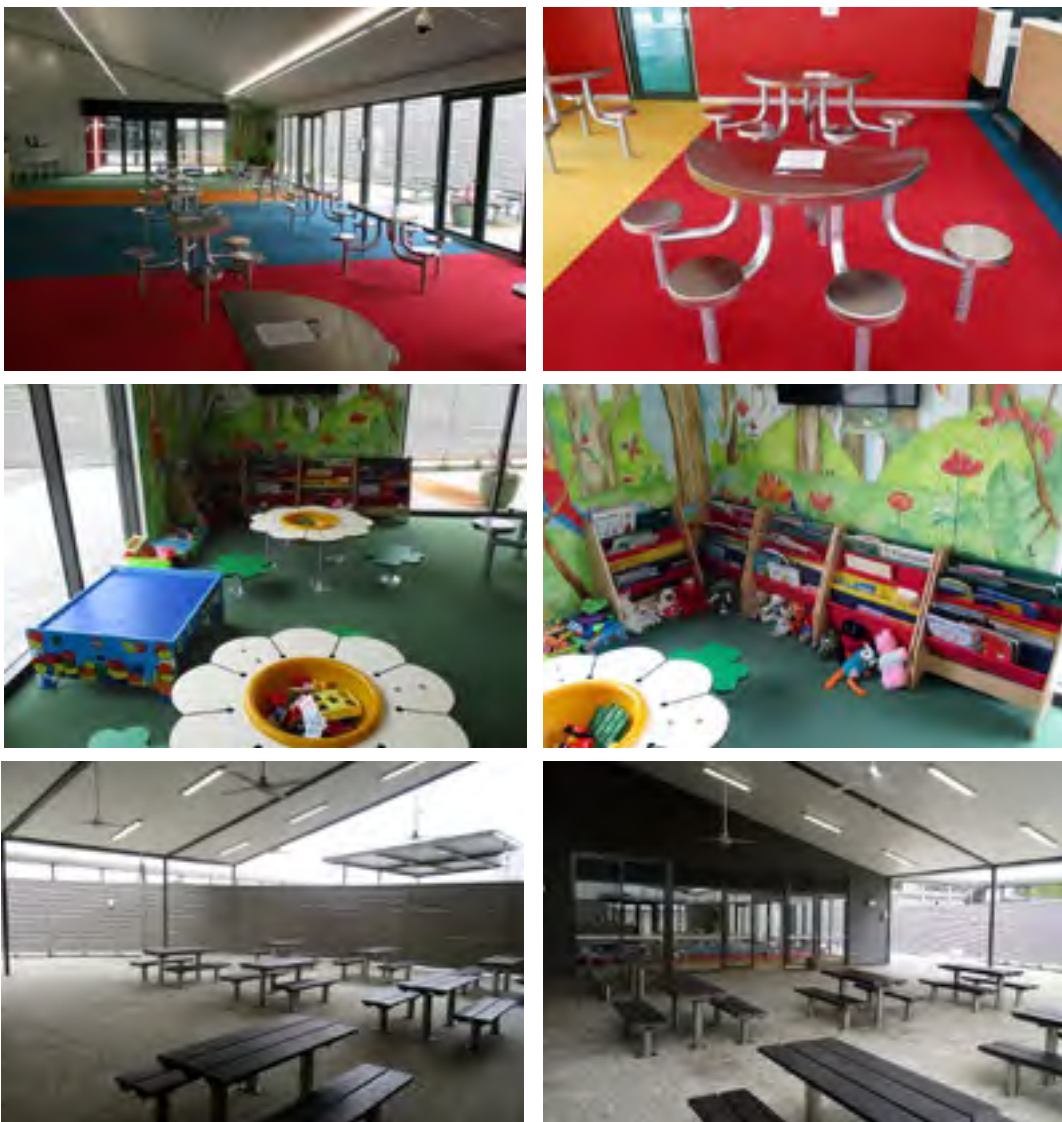
Chapter 7

CARE AND WELLBEING

7.1 CONTACT WITH FAMILY AND FRIENDS

The visits hall was a good facility

The visits hall was one of the few areas where the infrastructure was not only fit for purpose, but very good. It was light, spacious, colourful, and family friendly. A dedicated children's area in one corner included two small tables, and a collection of books and toys. An undercover outdoor area was also available to prisoners with earned privilege status.



Photos 7-1 to 7-6: The visits hall at Melaleuca

Melaleuca provided a good visit experience but no additional family events

In addition to the pleasant environment, the positive attitude of PCOs in the visits area contributed to a good visiting experience. Visitors were treated respectfully throughout the visit. Prisoners from the peer support team served hot and cold drinks to each table. Overall, there was a friendly and welcoming atmosphere in the visits hall.

CARE AND WELLBEING

The contract is demanding in the area of visits, requiring at least six visiting hours per day (MRRFSA, 2016, Sch.3, 2.2.9). At the inspection, Melaleuca was providing two two-hour visit sessions per day, and was looking at ways to introduce a third. As it stands, no facility in the state provides more than four hours of visits per day.

The contract also states that Melaleuca must hold a family day each month, with activities including sports, games, and cooking, to allow permitted prisoners to spend longer, quality time with their children (MRRFSA, 2016, Sch.3, 2.2.9). No family days had been held at Melaleuca since opening. In fact, Melaleuca provided nothing beyond the standard visits sessions for family contact. This was a major shortfall for a facility intended to provide trauma-informed and women-centred services.

Recommendation 19 Provide regular family visits

Family support services were limited and the visitor centre was not fit for purpose

A visitor centre outside the gatehouse was intended to provide support services to the families of prisoners at Melaleuca. This service was subcontracted to Springboard, however, their contract with Sodexo requires a Family Support Worker position for only one day per week. This is grossly inadequate for a women's remand facility.

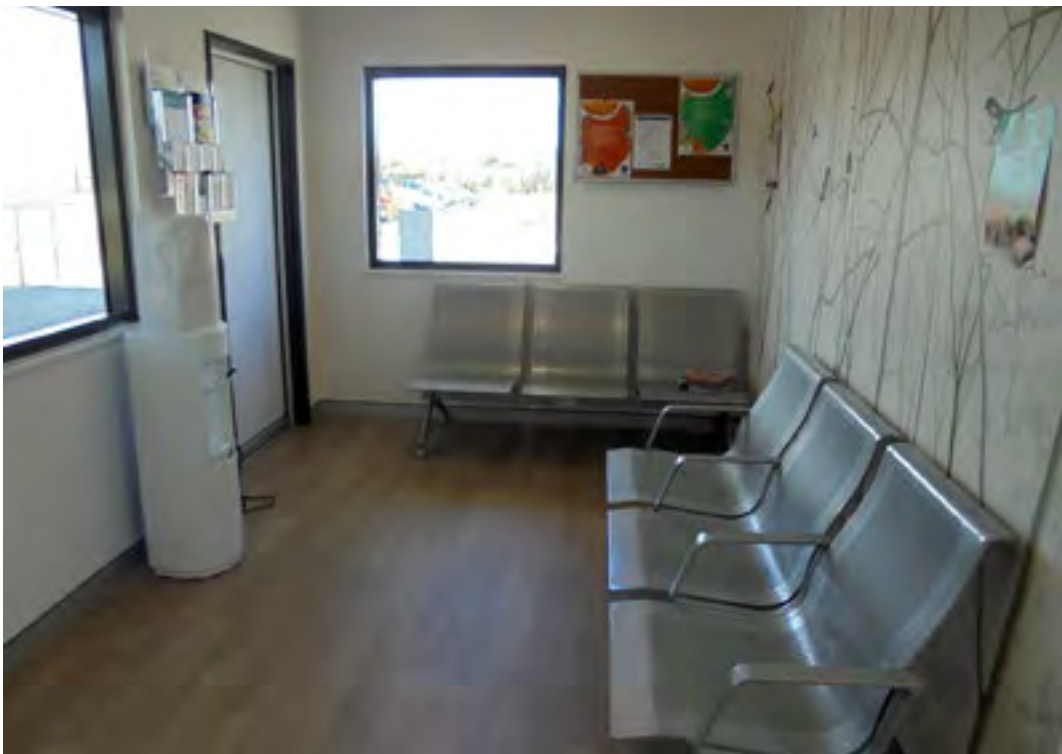
During the inspection, we heard that the family support service provided by Springboard was being underutilised. There are a number of potential reasons for this. The service had only recently commenced, and there had been little advertising of it. Many visitors did not even realise they could enter the visitor centre. Inside, the centre was small and clinical in appearance. It was not a welcoming space, and unsuited for its purpose. The Family Support Worker was located behind a glass partition, and there was no private space to talk with visitors about sensitive issues.

To raise awareness of the service, the Family Support Worker had started attending the afternoon visit session each Saturday. She would run craft activities for children in the visits hall, and in doing so make initial contact with families.

At many prisons, visitors are required to sign in at the visitor centre, and complete paperwork such as statutory declarations prior to entering the prison. This provides an opportunity for the service provider to make contact with families and advise them of the supports available to them. This is not the case at Melaleuca, and is a missed opportunity.

Recommendation 20 Increase family support services

CARE AND WELLBEING



Photos 7-7 and 7-8: The visitors centre, exterior and interior

Prisoners experienced some barriers to telephone contact with family and friends

Most prisoners were satisfied with their ability to contact family via telephone. However, some prisoners faced obstacles. Our pre-inspection prisoner survey found that 76 per cent found it easy to contact family via telephone. While still a high result, this is lower than the state average of 87 per cent, and in an area that should not be difficult to achieve.

CARE AND WELLBEING

As is often the case, we heard numerous complaints about long queues for the telephones in the afternoons, when prisoners are trying to contact family at the end of the school day. The contract requires Melaleuca to implement and maintain a telephone booking system to address this issue, but at the time of the inspection there was no such system in place (MRRFSA, 2016, Sch.3, 2.2.2).

Many prisoners had faced difficulties arranging inter-prison telephone calls with family in other prisons. This appeared to be a result of poor coordination between Melaleuca and the other prisons, and the PCOs' lack of experience with the prisoner telephone system (PTS). This problem could be easily resolved by training PCOs in how to use the PTS.

Foreign national prisoners with family in other countries also found it difficult to make international telephone calls. The cost of these calls was high (reportedly \$20.00 or more), and most prisoners were simply unable to afford them. Melaleuca provided an additional allowance of \$9.00 per week, but this did not cover the cost of a call, and was non-cumulative. This should be changed, so that isolated prisoners can appropriately maintain contact with family and friends.

7.2 CLOTHING, LAUNDRY, BEDDING

Initially, remand women could wear their own clothes, but operational realities saw this abandoned

West Australian prison regulations state that remand prisoners are entitled to wear their own clothing (Prisons Regulations, r60, 1982). However, in recent years this has not been practiced.

The inclusion of this provision in the Women's Standard, and therefore the Melaleuca contract, have seen the system tested in practice. During the early months at Melaleuca, remand women were allowed to wear their own clothing, with certain practical limitations applied. Family and friends could also drop off clothing for individual prisoners. But following some security incidents and reports of trafficking and standover related to clothing items, limits had been placed on the practice. Those women on remand who already had personal clothing with them were able to keep it, but new arrivals on remand were not.

We welcome the attempt to give remand prisoners access to their own clothing. However, Melaleuca was not a good test case. Allowing the trial to run at a new facility with inexperienced staff, and by a private operator untested in Australian custodial practice, was always likely to fail.

Some issues with clothing processes remain

Clothing was rated poorly by 65 per cent of survey respondents. However, it is unlikely this reflects dissatisfaction with the issued clothing as it was new and in good condition. It is more likely that this finding reflects processes surrounding clothing distribution and,

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in particular, delays in issuing seasonally appropriate clothing and bedding. We received numerous complaints from women at Melaleuca relating to the late distribution of summer and winter clothing. It is hoped that related procedures are amended and that subsequent issues are addressed. We will continue to monitor such issues for improvement.

As noted in the previous chapter, prisoner workers launder clothing and personal items in the units. We found that a considerable number of women reported new or exacerbated skin conditions (e.g. dermatitis, eczema, skin sensitivity) on arrival or during their stay at Melaleuca. This was concerning, and was examined by our consultant infection control specialist. She concluded that potential causes included:

- lack of volume dispensing controls (see Chapter 6)
- use of an alkaline laundry liquid detergent
- rebloom
- use of 100 per cent polyester sheets, pillow cases, and doona covers.

The full report made by our infection control specialist has been made available to Melaleuca's management, but a number of the issues will be discussed.

Process issues with subcontracted laundry services

Sodexo entered a three-year subcontract arrangement with Brightwater Care Group Limited to provide a laundry service. Bedding (sheets, pillow cases, and doona covers) is laundered off site weekly, and blankets and doonas are laundered on request.

Prior to the inspection, we received numerous and consistent reports of freshly laundered bedding being returned with a strong damp or mildew odour. Melaleuca uses 100 per cent polyester bedding, as it is fire-retardant. However, it only remains fire-retardant if washed at temperatures lower than those necessary to fully eliminate body sweat, bacteria, and fungi.

Melaleuca had requested that the fire-retardant quality of the sheets be maintained, and as such 'rebloom' had been occurring. This phenomenon occurs when 100 per cent polyester items are washed at lower than recommended temperatures, allowing bacteria and fungi to multiply. This issue was compounded by the fact that the items were being stored in closed containers for periods of time prior to re-use. Rebloom is also known to cause skin problems, an issue reported by several women and their peers during the inspection.

This issue was raised with both Sodexo and Brightwater during the inspection. This resulted in a new agreement. Reports indicate that the issue has been resolved since implementation.

7.3 ACCOMMODATION

Third-hand accommodation that is not appropriately equipped for women

The two accommodation units at Melaleuca were built in 2011. They were used as adult male accommodation and juvenile male accommodation, prior to being excised from Hakea for use as a standalone women's prison.

The two identical units can each hold a maximum of 128 prisoners, and are divided into two wings, which include a kitchenette and day room. The wings have two landings each (upper and lower) and are separated by centrally located control and staff rooms. The fact they are still called units 11 and 12 is a clear reflection of their repurposed status. The units were not built to house female prisoners, and are not suitable to house them.

The day rooms were clean and in good condition, if underused. They were originally designed with the intent of being functioning kitchens, complete with stovetops (that were removed) and space for ovens (that were never installed). Today, the day room kitchenettes contain a kettle, toaster, and fridge, but little to no food preparation takes place there.

All of the cells are double bunked. The design and execution is poor. The bunks include a vertical step ladder, with no handrail. Due to its non-slip surface, steep angle, riser height, and inadequate tread length, the ladders pose a health and safety risk. We were told that it was not uncommon for prisoners to slip, injuring their shins and causing blood contamination of the surfaces.

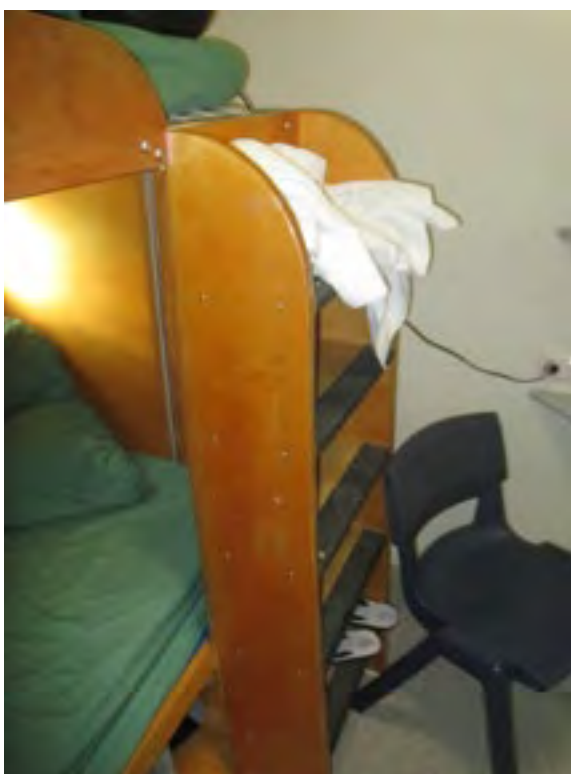


Photo 7-9: Vertical steps to a top bunk with no hand rail

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Photo 7-10: Raised slats on bed bases could be felt through the thin mattresses

The bed bases had a slat structure that are intended to prevent condensation, but proved uncomfortable as the ridges can be felt through the thin mattresses. Sixty-one per cent of surveyed prisoners felt the bedding provided was poor. This is considerably higher than state average of 35 per cent.

Random daily hygiene checks of cells are conducted by the PCOs, to identify issues such as soiled or damaged clothing, bedding, and mattresses. Damaged mattresses are removed and replaced with clean stock. However, there was no documented evidence of a regular mattress auditing process as required by the contract (MRRFSA, 2016, Sch.3, 2.1.2(a)(ii)).

Excess personal property was also noted during the hygiene checks, although it appeared that neither staff nor prisoners were familiar with policy-defined limits on in-cell personal property. Prisoners had no access to policy documents, and received no guidance in this area via orientation. PCOs also clearly wanted guidance in this area, but were not up-to-date with policy despite limits being stipulated in the Prison Operating Manuals (POMS).

All cells include a toilet and shower, but we heard numerous complaints regarding the lack of appropriate sanitary disposal bins in the cells. Instead, single sanitary bins were located in the cleaning storage rooms in each wing. All cells had a bin, but for security reasons these had to be open. Rather than walk to cleaning store to dispose of their used sanitary items, or use the open bin in their cells, many women were flushing them

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down the toilets. Unsurprisingly, there have been ongoing issues with plumbing in the units, with periodic unpleasant back flow occurring in shower drains. This is undignified and unhygienic. Melaleuca's management must ensure that sanitary disposal units are placed in each cell.

7.4 PRISONER COMPLAINTS

There was a good prisoner complaints process in place

Prisoners had access to the standard yellow envelopes for confidential mail to the Department's complaints administration system (ACCESS), and external agencies such as the Ombudsman. Earlier in 2017, the Department's monitors had observed that yellow envelopes were not consistently available to prisoners in the units. This led to a Performance Improvement Notice (PIN) being issued. Sodexo determined that the stocks of yellow envelopes were running out frequently because prisoners were using them to raise issues that should have been dealt with locally and at a lower level. In response, they introduced a new white envelope to address local, low-level issues.

Prisoners were able to use a white envelope to address complaints to the Melaleuca Superintendent or relevant business area. Both white and yellow envelopes were posted in the confidential mail boxes. This eliminated concerns about PCOs discouraging or obstructing prisoners from submitting complaints.

Prisoners were relatively positive, and satisfied that their complaints were being responded to. This is a simple but effective system, and Sodexo had been appropriately responsive when concerns were raised. Overall, the complaints system at Melaleuca now represented good practice.

7.5 FOOD

Menu monitoring was not structured

Meals were served in single portion containers to manage portion quantity and minimise cross contamination of food allergens. All food is cooked fresh each day and the kitchen ran a four-week cycling menu.

However, pre-inspection survey results found that only 37 per cent of prisoners thought the food at Melaleuca was of good quality, compared to the state average of 47 per cent. We found that there was no structured process for prisoner input or feedback regarding meals. Instead, prior to the commencement of each shift in the kitchen, the workers were asked about the previous night's meal and how it was received in the units.

Melaleuca should consider the introduction of a structured feedback system for food, that includes regularly surveying prisoners for menu suggestions.

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An impressive commercial kitchen but short cuts evident

The Melaleuca catering facility is large, well designed, and well equipped. It has the capacity to cater for a far greater number than it currently does. Food preparation is therefore a much-needed potential growth area for the facility.

The kitchen, its food safety program, and hygiene practices were compliant with relevant regulations and standards. But, surprisingly after less than 12-months use, there were significant signs of deterioration in some areas of the kitchen. This was due to poor choice of surfaces, fixtures, and fittings by the Department during planning and building. For example, cool room shelves were not commercial-catering grade, and had already deteriorated through corrosion and rust. A business case to replace them had been delivered to the Department and Melaleuca were awaiting the outcome. Furthermore, floor surfaces in the wash-up areas had been painted with water based paints which had deteriorated in the normal course of their use.

Once again, this is indicative of how short-term financial benefits overshadowed a sensible, long-term view of the facility.

7.6 SUPPORT SERVICES

Faith-based activities were common, but the prison should have a worship centre

Faith services at Melaleuca are coordinated by the Faith and Wellbeing Adviser, which unlike state run prisons, is a position employed directly by Sodexo. Yellow Ribbon and the Prison Fellowship also provided faith-based programs and activities.

No chapel or worship centre was included in the supporting infrastructure for Melaleuca. Therefore, religious services vie for space in the unit programs rooms. As is the case for education and other services, these rooms are too loud, too public, and unsuited to this purpose. There is also a lack of private rooms for pastoral care, and the Faith and Wellbeing Adviser had resorted to booking interview rooms at official visits.

A new strategy for Peer Support

Melaleuca's contract requires that the prison operate a highly specific Peer Support Strategy that is unlike the common practice of state run facilities (MRRFSA, 2016, Sch.3, 2.3.8). As a result, Melaleuca does not have a Peer Support Officer, and peer support prisoners operate in a manner different to that seen at other prisons.

At the 2017 inspection, there were 26 women on the team. They were not assigned a particular unit to live and work in, but rather worked within seven separate roles. All of these roles (except for Library Champion) are outlined in the contract (MRRFSA, 2016, Sch.3, 2.3.8(d)). The peer support roles included:

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Table 7-1: Peer support worker roles and reporting lines

Peer support role	Reports to
Library Champion	Case Worker
Group Activities Champion	Case Worker
Aboriginal Supporter	Cultural Liaison Adviser
Recovery Champion	Drug and Alcohol Counsellor / Substance Misuse Nurse
Education Champion	Learning Facilitator
Healthcare Champion	Medical Staff
Listener	Psychologist / Faith and Wellbeing Adviser / Cultural Liaison Adviser

Each role came with a JDF that outlined the position's accountabilities, attributes, key performance indicators, and included a comprehensive training plan. These did not appear to be far progressed however, with Gatekeeper suicide prevention training due to be provided for the first time the week after our inspection. The peer support workers also noted that they, like all of Melaleuca's prisoners, had no access to the prison's policies or procedures which made it difficult for them to offer clear support and advice to their peers.

The contract further requires that each peer support role reports to a different staff member, who together form the peer support strategy group. The Head of Reintegration chairs the group and meets with them monthly, and is also required by the contract to meet with the peer support workers weekly.

Given the already excessive workloads on several these positions (particularly the Head of Reintegration, psychologists, and case workers), this arrangement may prove to be cumbersome, and an inefficient use of resources.

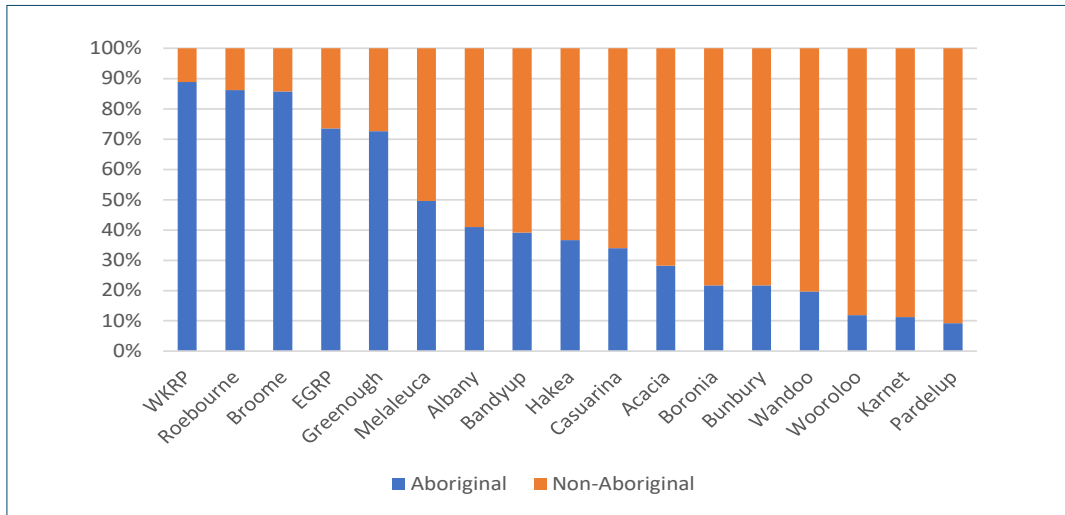
7.7 ABORIGINAL WOMEN

Melaleuca has the highest proportion of Aboriginal prisoners in the metro area

During the 2017 inspection, Aboriginal prisoners constituted almost 50 per cent of Melaleuca's population. This was the highest proportion of Aboriginal prisoners in any metropolitan prison, and slightly higher than that seen at Bandyup when it performed the metropolitan remand function (OICS, 2014, p. 1).

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Figure 7-1: Proportion of Aboriginal population by prison, 20 November 2017



Numbers of out of country Aboriginal women at Melaleuca were low, less than five per cent of the prison population. This is similar to the numbers of out of country women we found at our 2017 inspection of Bandyup. The decline in numbers of women held out of country is the result of an expansion of women’s accommodation at regional prisons, a trend we hope to see continue.

Our pre-inspection survey of prisoners found that 40 per cent felt that Melaleuca’s staff respected their culture. This is slightly higher than the state average (32%) and almost double the response we received at Bandyup in 2017 (24%). Although out of country numbers were low, we found that those women who were out of country were treated with consideration, particularly in regard to their living arrangements.

Despite this, while Aboriginal women were significantly overrepresented at Melaleuca we found little in the way of cultural recognition, activity, or support. This was despite the contract setting a high expectation of service.

Contractual requirements are high and many are yet to be met

The contract includes considerable requirements and commitments in relation to services for Aboriginal women. Many of these are comparable to expectations on state run prisons, including requirements to:

- train staff and contractors in cultural awareness
- establish a Reconciliation Action Plan (RAP) implementation committee
- identify and provide programs specifically designed for Aboriginal women
- ensure certain areas of the prison are culturally welcoming (MRRFSA, 2016, Sch.3, 3.12).

We found, as at state run prisons, that many of these requirements were not being fulfilled. However, the contract further requires levels of service delivery beyond

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expectations on public prisons. For example, the contract states that Sodexo *must* provide Aboriginal prisoners with culturally appropriate and traditional foods, menus that reflect the six Noongar seasons, and that incorporate food grown in a bush tucker garden (MRRFSA, 2016, Sch.3, 2.2.4(j)).

It is not our intention to suggest these are frivolous endeavours, but rather that the contract places these aspirational requirements alongside other matters of basic security and safety without any clear order of prioritisation. Without these it will be a challenge for Melaleuca's management team to proceed.

An Aboriginal meeting place had been established as per the contract, which states that:

The contractor must provide a physical environment that is conducive to Aboriginal prisoners, including a physical landscape made up of local native plants around seating areas that provide opportunities for yarning and reflection including building a special meeting place for yarning. (MRRFSA, 2016, Sch.3, 3.12 (k))

But in practice there were issues with its location and arrangement. The area was fenced off and inaccessible to prisoners, except for during NAIDOC. We would hope that the area could be used more often and inclusively, for other events including Harmony Day, and memorials or sorry time. And while it provided seating for sitting and yarning, a lack of shade and the immaturity of the new plants meant it was hot and uncomfortable. We expect that this should progress in time.

Photo 7-11: Cultural acknowledgment plaque in the units



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Photo 7-12: The cultural garden

The Aboriginal Visitors Scheme did not have a presence at Melaleuca despite the contract

While Sodexo is failing to meet some of its contractual requirements, so too is the Department. The contract states that Sodexo must utilise and promote the Aboriginal Visitors Scheme (AVS) to provide support for Aboriginal prisoners (MRRFSA, 2016, Sch.3, 3.12 (f)).

But it was impossible for Sodexo to do this at the time of the inspection as the Department had withdrawn AVS services from Melaleuca. This is bewildering, given an AVS presence is woven into the contract. It is also completely unacceptable for the Department to fail to provide such a service at a women's remand facility, where prisoners are arguably at their most distressed. AVS provides a vital service in protecting the wellbeing of Aboriginal prisoners, and has been recognised by the Department itself as contributing to the prevention of Aboriginal deaths in custody.

Recommendation 21

Ensure that the Aboriginal Visitors Scheme has a regular and continuing presence at Melaleuca

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The role of the Cultural Liaison Officer should be developed

Prior to opening, Melaleuca employed a Cultural Liaison Officer (CLO). However, the appointee departed after a matter of weeks, allegedly citing the strategic nature of the role as a poor fit. Discussions with Sodexo staff indicated that the role was designed to sit alongside the management team, and had little contact with Aboriginal prisoners on a daily basis. This may relate to Sodexo's interpretation of the CLO as it is defined in the contract, as:

a member of the senior management team, who provides advice and assistance to the Superintendent and senior management on issues relating to the cultural and social needs of Aboriginal and Torres Strait Islander Prisoners (MRRFSA, 2016, p. 146).

After an extended period of failing to attract a new recruit, the CLO's job description was rewritten and successfully filled. By our November 2017 inspection, the position had been occupied for a period of six weeks, and the incumbent was settling into the role. However, this had left Melaleuca without a cultural adviser for around eight months.

For a new facility with 50 per cent Aboriginal prisoners, to go so long with a senior cultural adviser is poor practice. It is indicative of Sodexo's lack of familiarity with the Australian custodial environment, and lack of preparedness for Melaleuca.

While we were pleased to find that the CLO was having an impact on site, there were still issues regarding access and communication processes. Furthermore, while the CLO regularly attended Prisoner Risk Assessment Group (PRAG) meetings, they did not meet with the senior management team, despite being required by the contract to co-chair the RAP committee. Further consideration must be given to developing the role of the CLO, to give it its best chance at success.

Chapter 8

HEALTH AND MENTAL HEALTH

Health care services at Melaleuca are subcontracted by Sodexo to Correctional Healthcare Solutions (CHS), part of the Aspen Medical Group. In the first 12 months of operations, health services were by far the greatest source of complaint from prisoners and their families.

Following a challenging commencement period, there have been notable improvements in CHS's delivery of health care. The arrival of the current Health Services Manager in March 2017 saw improved consistency, structure, and governance.

However, there is still a significant gap between the policies and processes defined by CHS, and prisoners' experience of the health service.

As a remand and reintegration facility, Melaleuca's prisoner cohorts have distinct health needs. Remand prisoners are more likely to have acute or untreated health requirements and may need assistance to access healthcare. Reintegration prisoners however, should be encouraged to take more responsibility for their healthcare, and what will be required of them on release.

Ideally, health services should therefore provide a two-pronged approach, with differing levels of service for each group. However, the inspection found no distinction between remand and reintegration prisoners. Providing a service that meets the needs of both groups equitably will be challenging.

8.1 STAFF

The health care staff at Melaleuca were enthusiastic, dedicated, and motivated. They had good relationships with prisoners and other prison staff. Despite the prisoners being generally unhappy with the level of service, they spoke positively about health staff.

Health care at Melaleuca is provided by a team of nursing and medical staff. The health centre is staffed from 8:00 am until 5:00 pm, with limited afterhours and weekend services.

Melaleuca had two part-time medical practitioners, but GP coverage was not available five days a week. On some days there were two, and on other days none. This is not ideal. However, it is noted that at the time of writing recruiting for additional medical practitioners was under way.

Health staff are not given a sufficient security orientation

Health staff advised that upon commencement they had received orientation specific to the health centre, primarily relating to Aspen policies and practice. However, it was clear that not all staff had received adequate orientation to working at a maximum-security prison site. Melaleuca's policy of providing security inductions to external staff within three months of their commencement on site was clearly problematic, as our interviews revealed that some health staff had been inadvertently breaching security protocols.

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It is concerning that staff could work at a prison without having been inducted into proper security practices. It is equally concerning that security breaches had taken place without being picked up and addressed by Sodexo.

Recommendation 22

Provide all staff and service providers with a comprehensive security induction prior to commencing work at Melaleuca

The health centre does not provide for confidential, dignified consultations

While health care facilities were new and in good condition, staff indicated that issues with consult rooms were affecting their work. These issues should be addressed promptly. Pressure on the facilities and consult rooms will increase as health services continue to improve.

The main area of the health centre was within line-of-sight of a control room staffed by a duty officer. The main area included three consult areas, while several more rooms intended for this purpose were located down an adjacent corridor. As these rooms were not within sight of the control room they were not used due to the risk to staff. This limited the number of rooms available for service delivery. To meet the requirements of the contract and to enhance health care provision, more must be done to maximise the use of available infrastructure.

The two consult rooms in the main area of the centre had viewing windows in the doors to ensure safety. One of the consult rooms however, was being used for pap smear clinics, and a movable, wooden partition was being used as a privacy screen. The partition was not large enough, and prisoners were partially visible to passers-by. We do not dispute the necessity of viewing windows, but a balance between the safety of staff and the prisoners' right to privacy and dignity must be found. The addition of a curtain over the viewing window should prove an acceptable solution.

Some health centre staff reported that confidential consultations were interrupted by other clinicians asking questions or seeking resources that may be kept in the consult room. This is unacceptable, and protocols relating to proper use of the shared facility should be developed and maintained.

Smooth pathways for transfer to Bandyup are overdue

A poorly developed working relationship with Bandyup was affecting adequacy of care and treatment for prisoners with urgent and acute needs.

The contract requires the contractor to provide primary health care services, and:

[...] referrals to secondary and tertiary healthcare services as required, including the transfer of prisoners with acute mental or physical healthcare issues to Bandyup Women's Prison (MRRFSA, 2016, Sch.3, 2.2.5(a)(ii)(C)).

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However, the contract does not stipulate how this should be achieved, or any specific criteria to assist in doing so.

Eleven months after operations began, clear pathways for the transfer of women with acute health care needs had still not been established. We monitored instances where transfers to Bandyup on medical grounds were either initially refused, or significantly delayed. These included:

- a 36-week pregnant woman
- an acutely unwell mental health patient
- a high needs paraplegic woman.

In all three of these cases, delayed transfer resulted in delayed access to appropriate and timely health care.

This is utterly inappropriate. It poses a risk to the prisoner's health, breaches the Department's duty of care, places unnecessary risk on Melaleuca, and results in prisoners being nursed in unsuitable environments such as the CCU. It is essential that processes for the smooth transfer of women between Melaleuca and Bandyup are improved.

Recommendation 23

Develop clear guidelines for the transfer of prisoners from Melaleuca to Bandyup, prioritising their safety, welfare, health, and mental health care needs

8.2 PHYSICAL HEALTH CARE

Prisoners were not satisfied with the health care service

Seventy per cent of prisoners who responded to our survey felt the general health service was poor. This is an especially high result, particularly compared to the state average of 40 per cent. And while we found that there had been significant improvements in health care delivery since opening in late 2016, there was a long way to go to meet prisoner expectations and equal care provided in other prisons. Consistent themes that arose included the following:

- lack of dental service
- delays in accessing specialist medical care
- long wait times to access a doctor
- limited drug and alcohol support
- having to use the touch-screen kiosk to book appointments/communicate with staff
- delays in recommencing medication after arriving
- detoxing from drugs and/or alcohol without medical intervention
- lack of health programs/education.

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Prisoners did not feel informed about health processes

Many of the women we spoke with had little knowledge of how health systems operated at Melaleuca. There appeared to be a clear gap between those prisoners who knew how the system worked and those who did not. This is another indication that orientation processes at the prison are not working.

The lack of communication around health matters was leading to misunderstandings, frustration, and resentment. Women told us that they were:

- being given medication without an explanation of what it was
- having to undergo multiple blood tests without receiving any results
- experiencing extended delays in receiving results and seeing specialists.

While there may have been valid reasons for these issues, the lack of information around them is problematic. Failing to communicate with patients about their ongoing health care adds to their sense of powerlessness and disconnection. This is not conducive to the mental health of prisoners or to their rehabilitation. Increased efforts at communication about processes, procedures, and outcomes should result in improved outcomes and perceptions.

Elsewhere in this report, we have suggested updates to prisoner orientation processes. Health staff should have input into this process, and ensure that clear and defined processes are established and communicated appropriately.

There were unnecessary delays in prisoner care and treatment

All arrivals at Melaleuca must have a health assessment within 24 hours, which prioritises follow-ups with a doctor. All new arrivals must then be reviewed by a GP within 28 days. Where there are pre-existing health concerns and/or medications, it is a priority for this information to be confirmed from an external source for timely treatment and care to be delivered. This can only occur once a Release of Information form (ROI) is signed by the prisoner in reception. The ROI is then referred to the prisoner's GP in the community who can confirm current treatment.

Prisoners informed us that they had experienced significant delays (some reported up to eight weeks) in recommencing necessary medications. This poses a significant risk to both the health of the prisoners and the safety of the prison itself.

During the inspection, we heard that CHS had recently changed the way it worked, which should result in more timely verification of treatment. We will continue to monitor progress in this area.

Alarming, we heard that staff were 'doctor shopping' to obtain specific medications for some prisoners. If a doctor was known to prescribe certain medications over others, the staff member would delay patients' medications until their preferred GP was available. This is a blatant disregard for process. It delays vulnerable patients' access to care, and furthermore creates division among staff. This behaviour cannot be permitted to continue.

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There was a lack of access to specialist care

Seventy-two per cent of prisoners rated access to medical specialists as poor, compared to the state average result of 39 per cent. Psychiatric care also rated very poorly (75% compared to 28%). These are dire results.

Feedback from prisoners indicated that some had been waiting over six months for treatment from women's health, endocrinology, hepatic, and renal specialists. However, we found that moves to improve this were under way, and a dietician and optometrist had recently commenced services.

CHS did not have an indigenous health worker, nor any engagement with Aboriginal health services to assist in the provision of culturally appropriate health care. Melaleuca had only recently filled the CLO position, and a relationship between the two was in its early stages. We will continue to monitor this arrangement and urge CHS to consider ways to access guidance on the provision of culturally appropriate health care.

Health promotion was limited and not meeting prisoner needs

Health promotion material was limited but steps were being taken to improve it. The Health Services Manager (HSM) has introduced a monthly topic for health promotion and aligns these with promotion weeks where possible, for example mental health week and Breast Cancer Awareness Week. The HSM had received some promotional material during the inspection, and intended to display it in the health centre and units. However, the topics were limited to only three areas and were branded in a way that was unlikely to appeal to the prisoner, and particularly Aboriginal, population. The contract requires that health promotion:

must be displayed throughout the prison using language and imagery which positively promotes health to all cultural groups, particularly Aboriginal prisoners (MRRFSA, 2016, Sch.3,2.2.5 (f)(vi)).

It further states that 'topics covered must include' a stipulated range of chronic diseases.

More needs to be done in this area, and efforts should be made to make sure promotional materials are culturally engaging and appropriate to the needs of Melaleuca's prisoner population.

The failure to provide for dental services at Melaleuca was a mistake

From the outset, there was never any intention for dental services to be delivered at Melaleuca. The contract requires that the contractor facilitate, rather than provide dental care (MRRFSA, 2016, Sch.3, 2.2.5 (a)(ii)(D)), and the health centre was not designed or equipped to run a dental clinic. Given the known prevalence of dental issues among the prisoner population, this was a gross oversight.

Unsurprisingly dental care was regarded as poor by 75 per cent of responding prisoners, compared to the state average of 43 per cent. Since Melaleuca's opening, the

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lack of dental care has been a significant source of complaint, and this continued throughout the inspection. According to the contract, in the case of a dental care emergency the contractor must:

- Provide pain management before and after dental treatment.
- Seek advice in the event of an urgent or emergency presentation of a dental problem.
- Transfer prisoners requiring urgent dental treatment to Bandyup or a tertiary institution for treatment (MRRFSA, 2016, Sch.3, 2.2.5 (n)).

For a time, an arrangement was reached between Bandyup and Melaleuca for women to be transferred to attend Bandyup's dental clinic. However, this was soon abandoned, and we heard that only three women from Melaleuca had received treatment at Bandyup.

This is yet another example of the Department's failure to plan for, and manage the essential interaction of Bandyup and Melaleuca.

It is also grossly inadequate given the degree of need among Melaleuca's population. Sodexo, CHS, and the Department must come to an alternative arrangement whereby an ongoing and regular dental care service is available.

Recommendation 24

Access external dental services or employ a dentist in-house

8.3 MENTAL HEALTH CARE

The team of psychologists were inadequately resourced and staffed

When fully staffed, the psychological services team at Melaleuca is made of a Senior Psychologist, and two psychologists. At the time of the inspection however, the only position filled was the single Senior Psychologist.

The fully staffed team is intended to operate on a three-tiered system, whereby order of need is prioritised (see Figure 8-1). However, the severe lack of resources has left the sole psychologist only able to manage Tier 1 prisoners, and had reduced their involvement in other activities including chairing the Support and Monitoring System (SAMS) meeting. We noted however, that the psychologist was still responsible for liaising with peer support prisoners. This was a questionable use of their time and skills.

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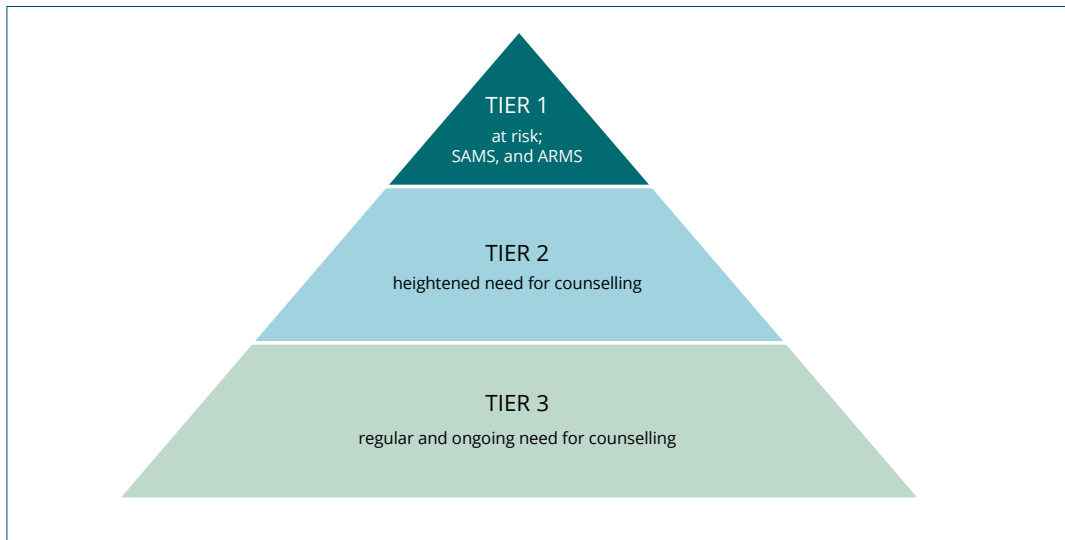


Figure 8-1: Psychological services: tiered system of need

Psychologists provide much needed support to prisoners who experience high prevalence mental health issues such as grief, depression, and anxiety. When the service is lacking resources and unable to provide support to prisoners experiencing distress, there will inevitably be an increased workload for mental health staff and/or an increase of prisoners requiring monitoring under SAMS or ARMS.

Recommendation 25

Increase the range and availability of psychological support services

Limited care available for those with depression and anxiety

Mental health staff at Melaleuca only manage prisoners with severe mental illnesses. This included low prevalence, but high-level disability diagnoses, such as schizophrenia and bipolar affective disorder. This left those with high prevalence disorders (such as anxiety, depression, personality disorders, self-harm, and suicidality) with little recourse for mental health support or treatment.

Mental illness varies in acuteness, and conditions other than psychotic and bipolar disorders sometimes require specialist mental health care. However, there was no evidence that prisoners with depression, anxiety, suicidal behaviour, or personality disorders would receive input from Melaleuca's mental health services in an acute situation. Rather the practice was to refer them to the psychologists. As has been noted, the psychological services team are severely understaffed and in no position to manage additional cases.

The lack of flexibility in the management of prisoners with mental health issues risks prisoner health and wellbeing. It also poses a risk to the good order and safety of the prison and its staff.

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The CCU is not conducive to trauma-informed care

The CCU consists of four cells with a toilet and shower, a single separate shower, a dayroom, and a concrete courtyard enclosed by high walls on all sides. There are no adjoining interview or consultation rooms, and the dayroom is sparsely furnished. The area is clean but stark and sterile. It is not comforting or therapeutic in any way. Simply put, it is not conducive to the provision of trauma-informed mental health care. It is



Photo 8-1 and 8-2: The CCU day room, and exercise/outdoor area

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difficult to understand how, in designing this area, the Department could have considered it appropriate to the task and the contract.

Although there are inherent design flaws, more could be done to soften the CCU environment, and to make it more comfortable for prisoners and staff without compromising their safety. We urge Sodexo to consider ways to ensure that the CCU is more conducive to a trauma-informed approach.

Prisoners with acute mental health issues have limited care options

Mental health staff spoke openly about the challenges they faced managing prisoners with acute mental health issues. As discussed, the CCU is an unsuitable environment to manage prisoners with acute mental illness for periods greater than a few days. However, the pathways for transfer with Bandyup were far from robust, and so their options were limited.

The contract requires that:

Healthcare protocols must be developed for the transfer of prisoners directly to Bandyup Women's Prison, when they present to reception with an acute and severe mental health condition (MRRFSA, 2016, Sch.3, 2.2.5(m)).

However, this did not appear to have occurred. Transfers from Melaleuca to Bandyup were still being performed by means of case-by-case negotiation, and there was a palpable reluctance from Bandyup to accept prisoners from Melaleuca, regardless of their need.

Yet again, we urge the Department and Sodexo to work together to devise workable protocols, and to duly prioritise the health and mental welfare of the prisoners. As per Recommendation 23, we will continue to monitor this closely.

8.4 TREATMENT AND MANAGEMENT OF SUBSTANCE USE

Substance misuse services are expanding and require governance

The Melaleuca contract states that the contractor must provide a Substance Misuse Nurse. Our inspection found that this position had only recently been filled and their impact was yet to be felt. The nurse had been employed fulltime, and functioned as a 0.5 FTE Substance Misuse Nurse, and a 0.5 FTE Mental Health Nurse. Their services are supported by a substance abuse medical doctor who primarily prescribes methadone.

The dual nature of this position could be problematic if its responsibilities and functions are not clearly defined. In order for the incumbent to work smoothly across two work areas it will be vital that all health centre staff have a clear understanding of the position and its duties. We therefore anticipate the creation of clear expectations, responsibilities, reporting lines, and management for this position.

HEALTH AND MENTAL HEALTH

Prisoner access to substance misuse treatment is inadequate

Seventy per cent of surveyed prisoners felt that inadequate help was offered to prisoners with drug and alcohol addictions. This was significantly higher than the state result of 37 per cent. We repeatedly heard that support for prisoners experiencing drug or alcohol related issues was poor, and in particular that timely access to withdrawal and detoxification support was not available. Many prisoners noted that this had resulted in them managing their own withdrawal symptoms.

While we are hopeful that the arrival of the Substance Misuse Nurse will see the introduction of more robust assessment and active management of these issues, it will take time for their presence to be felt. This is a matter of concern that we will continue to monitor.

Prisoners have limited access to harm minimisation and education programs

There were very limited illicit substance harm minimisation and education programs running. Prisoners were rightly concerned that the lack of programs and support for those with addiction issues could adversely affect their chance of parole or receiving community sentences.

Health staff were willing to deliver education and harm minimisation programs, although they were not resourced to do so. Ideally this would fall to the Substance Misuse Nurse, but being a 0.5 FTE position there are limits to how much the role can reasonably achieve. Programs such as Alcoholics Anonymous and Narcotics Anonymous, that do not require the presence of health or custodial staff could prove beneficial. We therefore encourage CHS and Sodexo to consider external support options for prisoners with substance misuse issues.



Photo 8-3: Gardens planted adjacent to the oval

Appendix 1

TABLE OF ABBREVIATIONS

ARMS	At Risk Management
AVS	Aboriginal Visitor Service
CCU	Crisis Care Unit
CHS	Correctional Healthcare Solutions
CLO	Cultural Liaison Officer
CPR	Cardio-pulmonary resuscitation
DOC	Department of Communities
DOJ	Department of Justice
HPF	Healthy Prisons Framework
HSM	Health Services Manager
IOM	Integrated Individualised Offender Management
ITC	Initial Training Course
NAIDOC	National Aboriginal and Islander Day Observance Committee
OPI	Operating Performance Incentive
OSH	Occupational Safety and Health
PCO	Prison Custodial Officers
PIN	Performance Improvement Notice
POMS	Prison Operating Manuals
PRB	Prisoners' Review Board
PTS	Prisoner telephone system
RAP	Reconciliation Action Plan
ROI	Release of Information
RTO	Registered Training Organisation
SOG	Special Operations Group
SPCO	Senior Prison Custodial Officer
TOMS	Total Offender Management System

Appendix 2

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Appendix 3

RESPONSE TO RECOMMENDATIONS

Recommendation	DOJ response	Sodexo response
<p>1. Any future revision of the contract should simplify and focus on delivery of outcomes, rather than prescribing how outcomes are achieved</p>	<p>Not supported The Department is focused on ensuring that the shortfalls in service delivery by Sodexo are addressed.</p>	<p>Noted Sodexo would welcome a variation to the current contract.</p>
<p>2. Sodexo should strengthen its subcontractor oversight processes to ensure optimal service delivery</p>	<p>The Department will oversee Sodexo's implementation of this recommendation.</p>	<p>Supported Sodexo deliberately signed agreements with subcontract which were open ended and fairly non-specific in terms of services and deliverables. This provided Sodexo with the flexibility to change the subcontractor's scope of work according to the changing demands of a new facility. However, the down-side to this strategy was that subcontractors could not be managed according to specified KPIs and outputs. In order to mitigate against the risk posed by the less rigorous contract management of our subcontractors, agreements with subcontractors were deliberately signed for one year only with the option to renew for a further two periods. The subcontracts are set to expire shortly and the intention is to sign agreements with the relevant subcontractors that specify the service deliveries and KPIs clearly and in detail. Sodexo is including KPI's and managing against those with further iterations of subcontracts.</p>
<p>3. The Department and Sodexo should work together to address infrastructure shortfalls at Melaleuca</p>	<p>Supported in principle The Department and Sodexo have established a Maintenance Committee to look at infrastructure and maintenance issues.</p>	<p>Supported in principle Sodexo has submitted a request for additional infrastructure (including additional office space, dedicated library, dedicated multi faith area, 2 classrooms, and beauty parlour) to the Department of Justice. Sodexo is unable to service this recommendation further.</p>

RESPONSE TO RECOMMENDATIONS

4. Increase senior management resources at Melaleuca	The Department will oversee Sodexo's implementation of this recommendation.	<p>Supported</p> <p>A Contract Manager, Principal Officer, as well as additional administrative positions have been appointed to provide support to senior management.</p>
5. Increase custodial staffing levels, particularly in the units	The Department will oversee Sodexo's implementation of this recommendation.	<p>Supported</p> <p>Currently completing ITC 6 with 7 additional Prison Custody Officers within the roster.</p>
6. Review overtime pay rates	This recommendation is an industrial relations matter between Sodexo and its staff. The Department will oversee Sodexo's implementation of this recommendation.	<p>Noted</p> <p>Overtime rates conform to the enterprise agreement currently in place at Melaleuca. These will be reviewed as the life of the agreement comes to a conclusion.</p>
7. Increase staff training	The Department will oversee Sodexo's implementation of this recommendation.	<p>Supported</p> <p>Implemented training regime where prisoners will be locked down every Thursday morning from 9:00am till 11:30am in order to deliver staff training. Additionally there will be an implementation of online training modules which staff can complete without impact on regime.</p>
8. Upgrade the fence between Hakea and Melaleuca to improve screening and reduce risk	<p>Not supported</p> <p>The Department is of the opinion that the prisoner areas are adequately screened. The screening was deliberately installed higher to ensure privacy. Potential access points along the inner fence have also been mitigated with the installation of razor wire coils.</p>	<p>Supported</p> <p>Sodexo acknowledges this is a matter for the Department of Justice.</p>

RESPONSE TO RECOMMENDATIONS

Recommendation	DOJ response	Sodexo response
<p>9. With due regard for prisoner safety, ensure the privacy and dignity of all prisoners in the CCU</p>	<p>Supported in principle</p> <p>The Melaleuca design included a Crisis Care Unit (CCU) and no management cells as prisoners requiring a management regime and other special needs were to be transferred to Bandyup.</p> <p>Whilst it is not ideal to place prisoners in the CCU for other regimes, the CCTV coverage for these prisoners is able to be isolated from the main coverage.</p> <p>Prisoners placed within CCU for observation require ongoing monitoring for their safety, care and protection. The use of a privacy dot will be explored as a method to ensure the privacy and dignity of all prisoners in the CCU.</p>	<p>Supported</p> <p>Sodexo acknowledges this is a matter for the Department of Justice. Processes are formulated based on the infrastructure.</p>
<p>10. Increase resources, training, and support for Melaleuca's case management function</p>	<p>The Department will oversee Sodexo's implementation of this recommendation.</p>	<p>Supported</p> <p>Recent increase of two additional Case Managers effective from March 2018.</p>
<p>11. The Department must ensure that both Bandyup and Melaleuca deliver programs which meet prisoners' needs and PRB expectations</p>	<p>Supported</p> <p>Sodexo are currently completing an Offender Management Framework for the Department's consideration. This will address assessment, case management, education and vocation training, programs and reintegration services. Subject to the approval of this framework it is the Department's intention to brief the Prisoner Review Board (PRB) on the suite of programs that will be delivered at Melaleuca.</p>	<p>Supported in part</p> <p>Offender Management Framework has been submitted to the Department for approval, this includes programs that support women's identified needs.</p> <p>Once approved, joint work between Sodexo and Department of Justice to present the Offender Management Framework to the Parole Board, so the benefits of the interventions are recognised and count as preparation for success on parole.</p>
<p>12. Install dedicated education infrastructure</p>	<p>Supported in principle</p> <p>Sodexo are currently investigating the opportunity to install additional education delivery facilities on the site. This should be read in conjunction with recommendation 3.</p>	<p>Supported in principle</p> <p>Sodexo has submitted a request for additional infrastructure (including additional office space, dedicated library, dedicated multi faith area, 2 classrooms, and beauty parlour) to the Department of Justice. For the Department of Justice to respond</p>

RESPONSE TO RECOMMENDATIONS

13. Appoint an education manager to oversee education at Melaleuca	The Department will oversee Sodexo's implementation of this recommendation.	Not Supported Sodexo is confident the education team is satisfactory managed within the current organisational structure.
14. Ensure Melaleuca has an arrangement with an RTO to provide certified education and vocational training courses	The Department will oversee Sodexo's implementation of this recommendation.	Supported Current rectification action plan in place. Offender Management Framework supports certified education and vocational training courses. To date the Department has not approved the Offender Management Framework.
15. Introduce a position to oversee training, supervision, and support for prisoners employed as cleaners	The Department will oversee Sodexo's implementation of this recommendation.	Not Supported This recommendation is already being serviced as cleaners are employed in particular areas and the staff overseeing those particular areas supervise and support the cleaners.
16. Formalise Food Star Pty Ltd One Star Level food safety and hygiene training for all prisoners at Melaleuca	The Department will oversee Sodexo's implementation of this recommendation.	Supported Current rectification action plan in place. Offender Management Model supports certified education and vocational training courses.
17. Ensure that a range of organised sport and recreational activities are run regularly	The Department will oversee Sodexo's implementation of this recommendation.	Supported The increase in Prison Custody Officers will lead to the implementation of an activities Officer. This will support organised sport and recreational activity more regularly across the site.
18. Provide a modern library service, including up-to-date legal resources and computers for the preparation of legal matters	The Department will oversee Sodexo's implementation of this recommendation, noting infrastructure upgrades may be required.	Supported Sodexo has submitted a request for additional infrastructure (including additional office space, dedicated library, dedicated multi faith area, 2 classrooms, and beauty parlour) to the Department of Justice. For the Department of Justice to respond.
19. Provide regular family visits	The Department will oversee Sodexo's implementation of this recommendation.	Supported A family strategy for Melaleuca will be developed by the Deputy Director and Assistant Director of Reintegration.

RESPONSE TO RECOMMENDATIONS

Recommendation	DOJ response	Sodexo response
20. Increase family support services	The Department will oversee Sodexo's implementation of this recommendation.	<p>Supported</p> <p>A family strategy for Melaleuca will be developed by the Deputy Director and Assistant Director of Reintegration.</p>
21. Ensure that the Aboriginal Visitors Scheme has a regular and continuing presence at Melaleuca	<p>Supported</p> <p>The Aboriginal Visitor Scheme commenced attending Melaleuca on 6 February 2018.</p>	<p>Supported</p> <p>AVS are providing this service at Melaleuca.</p>
22. Provide all staff and service providers with a comprehensive security induction prior to commencing work at Melaleuca	The Department will oversee Sodexo's implementation of this recommendation.	<p>Supported</p> <p>An appropriate site induction programme has been developed and approved by the Department. The induction of relevant subcontractors now takes half a day.</p>
23. Develop clear guidelines for the transfer of prisoners from Melaleuca to Bandyup, prioritising their safety, health, and mental health care needs	<p>Supported</p> <p>The Department and Sodexo are currently finalising a number of Memorandums of Understanding relating to prisoner transfers between Melaleuca and Bandyup; including mental health, dental, pregnancy, punishment and routine transfers.</p>	<p>Supported</p> <p>Establishing clear definitions around the transfer of prisoners from Melaleuca to Bandyup has been challenging due to fluid acceptance criteria. Sodexo would welcome the Department of Justice solidifying that criteria in a way which offers ongoing flexibility for an ever-changing population.</p> <p>Sodexo acknowledges this is a matter for the Department of Justice.</p>

RESPONSE TO RECOMMENDATIONS

<p>24. Access external dental services or employ a dentist in-house</p>	<p>Supported</p> <p>Dental Health Services are provided to public facilities based on the MOU with the Department of Health. The current arrangements with Bandyup are that 2 days per week are allocated for Melaleuca patients to be sent to Bandyup for dental treatment as required. This allocation has not been fully used by Melaleuca due to issues associated with transporting prisoners for a few hours to use the service.</p> <p>The Department and Sodexo are currently finalising a number of Memorandums of Understanding relating to prisoner transfers between Melaleuca and Bandyup, including mental health, dental, pregnancy, punishment and routine transfers.</p> <p>The current contract with Sodexo does not require Sodexo to provide dental services.</p>	<p>Supported in principle</p> <p>Sodexo refers the emergent dental cases to external care providers. The implementation of dental services on site would require a review of the contract.</p> <p>Sodexo acknowledges this is a matter for the Department of Justice.</p>
<p>25. Increase the range and availability of psychological support services</p>	<p>The Department will oversee Sodexo's implementation of this recommendation.</p>	<p>Supported</p> <p>Sodexo has found it challenging to fill all Psychologist positions at Melaleuca and this has had an impact on the delivery of the associated services.</p>

Appendix 4

DOJ: PROGRESS SINCE THE INSPECTION



Government of Western Australia
Department of Justice

Response to the announced inspection: Melaleuca Remand and Reintegration Facility

DOJ: PROGRESS SINCE THE INSPECTION

Response to the announced inspection:
Melaleuca Remand and Reintegration Facility

The Department of Justice welcomes the inspection of Melaleuca Remand and Reintegration Facility as part of the Inspectors announced schedule of inspections for 2017/2018.

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

Appendix A contains a number of comments for your attention and consideration.

DOJ: PROGRESS SINCE THE INSPECTION

Response to the announced inspection:
Melaleuca Remand and Reintegration Facility

Progress since inspection

Contractual oversight and governance

Since the Inspection the Department has continued to engage with Sodexo both at a Contract Manager/Contractor Representative level as well as monthly (now two monthly) meetings chaired by the Commissioner. This governance is supported by the various contract management mechanisms to monitor performance including the 34 performance measures, on site compliance activities, routine oversight by the Department's various subject matter experts and specialist audits and reviews.

KPI review

On 21 February 2018 the Department and Sodexo formally commenced a review of the performance measure suite, in accordance with Clause 13.5 of the Agreement. Negotiations are ongoing which primarily focus on resolving the lack of definition around Operating Performance Incentives (OPI) 8 and 9, along with a review of other OPIs, including reviewing benchmark targets. This review will be completed by 30 June 2018, and it is anticipated that the revised measures will be effective as of 1 July 2018.

Infrastructure

On 29 March 2018, Sodexo submitted a proposal to the Department seeking infrastructure improvements to Melaleuca. The submission is currently under consideration by the Department.

Additionally, a footpath has been installed between Hakea and Melaleuca, enabling easier and safer access for visitors and additional signage is currently being installed.

Offender Management Framework

A number of shortcomings had been identified by the Department prior to the inspection, resulting in Performance Improvement Notices (PIN) or formal correspondence to Sodexo. This included failures to complete Individual Management Plans (IMPs) and shortfalls in education, vocational training and offending behaviour programs. These deficiencies were also identified in the Inspection.

On 21 March 2018 Sodexo submitted an Offender Management Framework to the Department for approval. This included a revised 7-day IMP, along with proposals to improve offender management services. The submission is currently under consideration by the Department.

Aboriginal Visitor's Scheme

The absence of the Aboriginal Visitor's Scheme (AVS) on site at Melaleuca was brought to the Department's attention in October 2017, during the preparation phase of the inspection. Since this time the Department has arranged for the

DOJ: PROGRESS SINCE THE INSPECTION

Response to the announced inspection:
Melaleuca Remand and Reintegration Facility

commencement of AVS at Melaleuca. AVS commenced on 6 February 2018 and are currently operating one day per week.

Bandyup and Melaleuca arrangements

Improving the arrangements between Bandyup Women's Prison and Melaleuca has been an ongoing piece of work for the Department and Sodexo. Five memorandums of understanding (MOU) between the facilities have been drafted that deal with the transfer of female prisoners between the facilities. These include pregnancy, mental health, dental, punishment for prison offences and transfers generally.

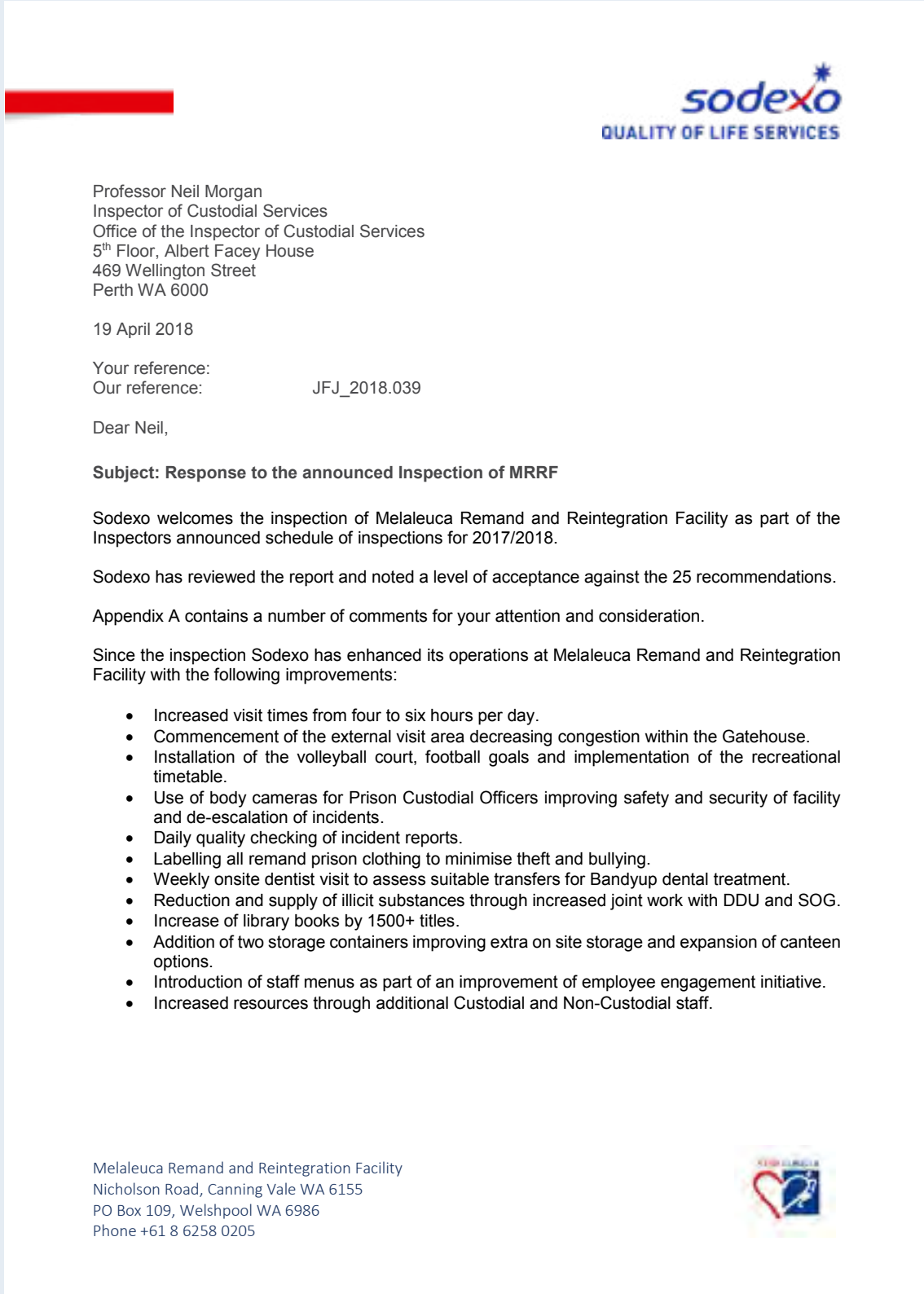
Prison Operating Manuals

On 18 December 2017, the Department issued a PIN in relation to Sodexo's Prison Operating Manuals (POMs). The PIN addressed the poor quality of POMs being submitted to the Department and a number of POMs which had not been submitted to the Department after it was identified that they appeared not to have been formally approved.

Since this time, Sodexo have engaged a subcontractor to complete a new POM format and a schedule for annual review of the POMs (as required under the Agreement). The Department is awaiting the submission of the first set of revised POMs by April 2018, which will cover the Security portions of the Agreement.

Appendix 5

SODEXO: PROGRESS SINCE THE INSPECTION



SODEXO: PROGRESS SINCE THE INSPECTION

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Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Francis-Jones".

Jon Francis-Jones
Director MRRF



Appendix 6

INSPECTION TEAM

Neil Morgan	Inspector of Custodial Services
Natalie Gibson	Director of Operations
Stephanie McFarlane	Principal Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Jim Bryden	Inspections and Research Officer
Charlie Staples	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
Colin Campbell	Performance Audit
Peta Gallaway	Clinical Consultant, Office of the Chief Psychiatrist
Megan Reilly	Hands On Infection Control

Appendix 7

KEY DATES

Formal notification of announced inspection	18 July 2017
Pre-inspection community consultation	16 October 2017
Start of on-site inspection	15 November 2017
Completion of on-site inspection	22 November 2017
Presentation of preliminary findings	29 November 2017
Draft report sent to DOJ and Sodexo	14 March 2018
Final response received by DOJ	17 April 2018
Final response received from Sodexo	19 April 2018
Declaration of prepared report	1 May 2018



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*Inspection of prisons, court custody centres, prescribed lock-ups,
juvenile detention centres, and review of custodial services in Western Australia*



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