



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

Response to OICS Draft Report

2021 Inspection of Acacia Prison

August 2022

Version 1.0

Response Overview

Introduction

On 20 July 2021, the Office of the Inspector of Custodial Services (OICS) announced its eighth inspection of Acacia Prison (Acacia), scheduled to occur from 10 to 19 November 2021.

As per usual process, the Department of Justice (the Department) facilitated a wide range of documentation and access to systems, policies, processes. Access to the facility, staff, prisoners and contractors were made available to OICS upon request for the purpose of the inspection.

On 24 June 2022, OICS provided the Department with the draft report on the inspection for review and comment. The draft report has highlighted key findings and made 12 recommendations. The Department has reviewed the draft report and provides further context, comments, and responses to the recommendations as below.

Appendix A contains further comments linked to sections in the report for the Inspector's attention and consideration when finalising the report.

Review Comments

Acacia is a unique custodial facility being the only privately operated prison within the Western Australian prison estate. As the Inspector notes in his report, Serco were successful in their bid to continue operating and maintaining Acacia after a competitive tender process. The new Acacia Prison Services Agreement (the Agreement) commenced on 16 May 2021.

The new Agreement has seen several improvements made to contract provisions, including the combining of operational and facilities maintenance service requirements. This allows for more streamlined service delivery and aligning risks and responsibilities within Acacia. The Agreement also provides for increases in the number of offender programs, services to Aboriginal prisoners, expanded and strengthened performance measures, and addresses several weaknesses identified in the previous agreement.

The Department notes the positive findings made in the report in relation to the management of the Agreement by the Private Prison Contract Management (PPCM) branch and ongoing recognition of the excellent work and high performance of this team. The PPCM branch is well supported by the Operational Compliance branch, who conduct regular compliance testing at Acacia.

The majority of the recommendations in the report relate to the delivery of prisoner services for which Serco are responsible. The Department will oversee Serco's actioning of these recommendations or, where they are not accepted, will ensure Serco's service delivery meets or exceeds the Department's expectations as outlined in Department policy and/or the Agreement.

On review of the report, it is important to note the impact the COVID-19 pandemic has had on Acacia and the Department during the Inspection. This impact has been, and continues to be, significant for several reasons. The requirement for quarantine and isolation has affected staff numbers throughout the pandemic, which has resulted in challenges for Serco to staff Acacia at the intended levels.

Furthermore, the requirement for prisoners to quarantine and isolate following the first outbreak of COVID-19 within the facility resulted in a decrease in out of cell hours for prisoners, and a decrease in constructive activity such as education and programs whilst measures were put in place to prevent the spread of infections.

While Serco and the Department have tried to minimise the impact COVID-19 has had on prisoners and their family and friends, certain services at Acacia have been affected by restrictions introduced based on WA Health advice, such as in-person visits and creche services. Services at the internal creche however will resume now that health restrictions have eased.

The health and safety of prisoners, their family, friends, and staff take priority. Serco and the Department will continue to be guided by WA Health advice and will work together to reinstate services when safe to do so.

The Department will continue to monitor and assess the performance of Serco in a continual effort to identify and make contract management and service delivery improvements where necessary.

Response to Recommendations

1 Review staffing levels and implement recommended changes to ensure there are adequate staff numbers for the safe operation of the prison.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Staffing requirements for custodial staff and shortfall thresholds at Acacia Prison are as per the Acacia Prison Services Agreement (the Agreement).

Serco's compliance with staffing levels and the delivery of contractual requirements under the Agreement are the subject of monthly reporting by Serco and review by the Department's Contract Management team to ensure staffing levels are in line with the Agreement.

The Contract Management team oversee Serco's delivery against the Operational Services Requirements of the Agreement in addition to overseeing compliance with the Minimum Staffing Requirements.

2 Review physical storage capacity and practice and implement recommended changes to safely and securely store prisoner property while eliminating work health and safety risks for staff.

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

The Department will also ensure adherence to prisoner property procedures in other prisons through operational compliance checks and will assess if there are any other contributing factor or practices in relation to properties and storage capacity.

3 The Department should exempt Serco from their contractual requirement to complete fortnightly reviews of protection alerts.

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

Response:

The Agreement requires Serco to regularly assess, at least fortnightly, protection arrangements for these prisoners. This obligation is completed by a Case Management Officer, rather than the Protection Multi-Disciplinary Team on a six-monthly basis, as required by COPP 4.10.

As the requirement within the Agreement imposes a greater standard/higher requirement than the COPP, Serco is contractually required to deliver both the fortnightly and six-monthly reviews.

This recommendation was raised by OICS as part of their Protection Prisoners Review (March 2022) which was not supported by the Department due to the contractual requirement.

Notwithstanding this, the Department notes Serco supports this recommendation and will commence discussions to determine whether or not the fortnightly reviews add value to the management of protection prisoners at Acacia.

4 Acacia should ensure that there are Peer Support Workers in every block throughout the prison.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

There is no contractual requirement under the Agreement to ensure Acacia have Peer Support Workers (PSW) residing in all accommodation blocks.

The Agreement only requires that PSW are available to each accommodation block, which is facilitated via Acacia's Operating Model which allows for PSW to access blocks other than their own residential block to carry out their duties.

5 Acacia should:

- **Review the existing policy to manage perpetrators and victims of bullying and standover to ensure that it meets the requirements contained in COPP 10.6 Anti Bullying**
- **Implement the revised policy and regularly review its effectiveness to ensure the policy requirements are being met.**

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

6 Recommence the internal visits creche service for visiting children.

Level of Acceptance: Noted
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The creche in the internal visits area was temporarily closed as a result of WA Health advice for the management of COVID-19. The operation of custodial infrastructure and services will continue to be guided by such advice.

7 Staff should conduct regular health and hygiene inspections of cells and record and action any health and hygiene issues including replacement, repair or cleaning of mattresses and pillows.

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

8 The prison should review the appropriateness of the role of the PSW within the Prisoner Risk and Assessment Group (PRAG) process and implement recommended changes.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Serco's use of PSW within PRAG processes has been misinterpreted in the OICS report. While PSW involvement in PRAG processes require them to engage and record their interactions with other prisoners, these notes are only used as an additional source of information to supplement official notes provided to the PRAG Committee by the Prison Support Officer (PSO) to inform decision making.

The use of PSW in this manner is being formalised in Acacia's Peer Support Strategy which is currently subject to review. The new strategy will provide transparency in the duties of PSW in relation to PRAG processes.

9 Acacia should ensure there are sufficient PSOs to adequately supervise PSW and there is equitable representation of PSW in each block and unit.

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

10 Ensure there is consistency in the management of prisoners and in operational practices of both shifts.

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

11 Implement an effective screening process that leads to a proactive offer of assistance to all eligible prisoners.

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

12 Serco actively seek and employ an Aboriginal education worker.

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

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.
