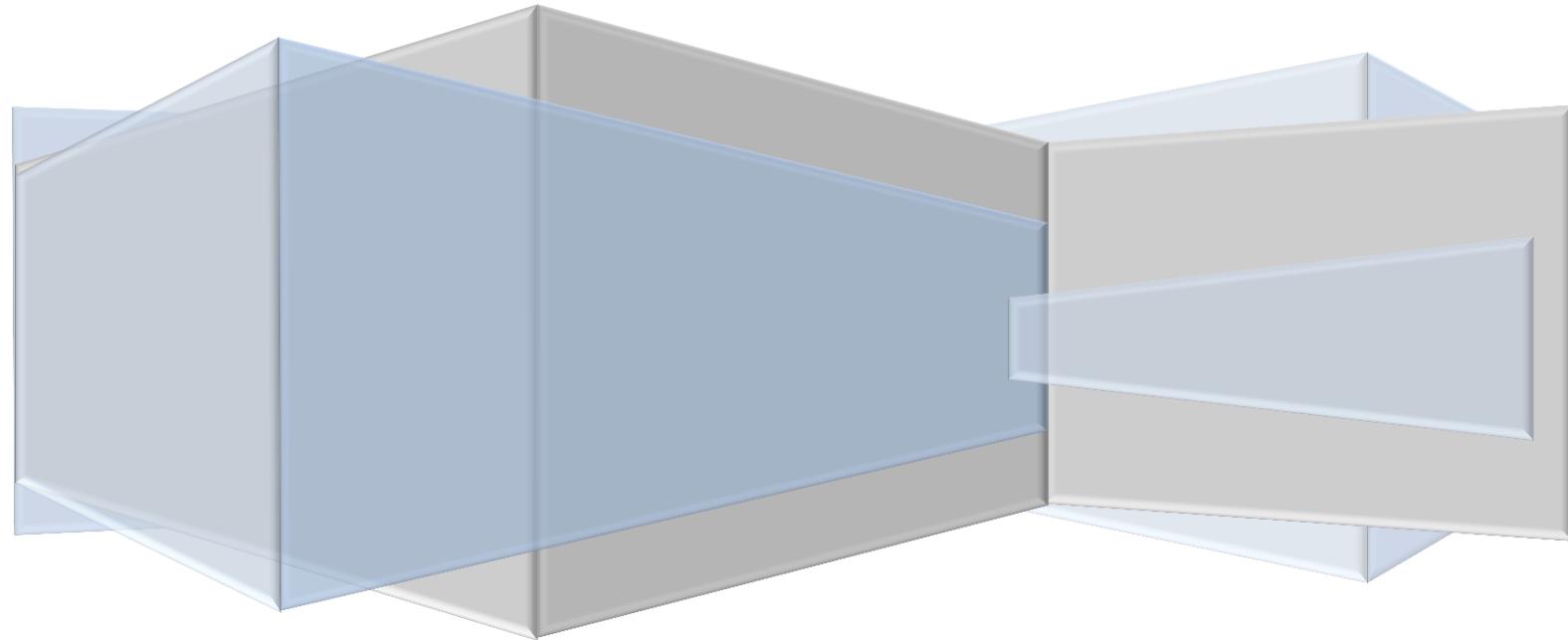


Response to the Draft Report of the Inquiry into the Efficiency and Performance of Western Australian Prisons

Community and Public Sector Union, Civil Service Association



**WE MAKE
WORK LIFE
BETTER.**

WWW.CPSU CSA.ORG
FB.COM/CPSU CSA
@CPSU CSA

Contents

1	Introduction	2
2	Overview and scope of the inquiry	3
3	The prison system in WA	5
3.1	Head office of the Department.....	5
3.2	Western Australian Prisons.....	5
3.3	Role of the Department and individual prisons in delivering services	6
3.4	Financial Performance of the Prison System	6
3.5	Costs of operating the Prison System	7
3.6	Prison Population.....	9
3.7	Reoffending rates.....	11
4	Assessment of the Prison System	12
4.1	Lack of role clarity	12
4.2	Lack of accountability	13
4.3	Lack of transparency	14
4.4	General inadequacies in planning, processes, and information systems.....	14
4.5	Cultural issues in the Department of Corrective Services and prisons.....	15
4.6	Resistance to change	15
4.7	Rates of recidivism	16
4.8	Prison utilisation rates	17
5	Consistent standards across the prison system.....	17
5.1	Accountability and Transparency.....	17
5.2	Realistic and achievable expectations	18
6	Performance benchmarks.....	19
7	Effective planning, processes, and use of information.....	19
7.1	Better prioritisation of infrastructure expenditure	19
7.2	Improving prisoner intake and program allocation processes	20
8	Introducing greater competition to the prison system	21

1 Introduction

1.1 The Community and Public Sector Union/Civil Service Association (CPSU/CSA) is a West Australian (WA) union that represents 630 occupations in over 130 public sector agencies. We make work life better for over 40,000 people in WA.

1.2 We represent public servants in the Department of Corrective Services (**the Department**) working in areas such as offender management, policy, programs, education, administration, bail services, victim mediation, Aboriginal Visitors' Scheme, juvenile detention, and adult custodial. The CPSU/CSA also represents members in other government departments that work in the justice arena and interact with prisons such as the Department of the Attorney General, Police, Legal Aid, and the Department of Aboriginal Affairs.

1.1 We believe that robust, dynamic and quality public services are the foundation of a fair and just society.

1.2 We are vehemently opposed to the privatisation of public goods and services, including Prisons.

1.3 We support a justice reinvestment approach, which redirects money away from prisons to initiatives which aim to address the underlying causes of crime.¹

1.4 We would like to express our appreciation for the ongoing consultation, and the opportunity to share the vast knowledge and expertise of our membership with the Inquiry into the Efficiency and Performance of Western Australian Prisons (**the Inquiry**).

¹ For a discussion see House of Commons Justice Committee. (2009). Cutting crime: the case for justice reinvestment. *First report for session, 2010*.

1.7 In formulating our response to the Draft Report of the Inquiry into the Efficiency and Performance of Western Australian Prisons (**the Draft Report**), we have consulted widely with our membership.

1.8 This, our second submission mirrors the chapter structure contained within the Draft Report and seeks to build upon our first response to the Inquiry's discussion paper, published in March this year.

2 Overview and scope of the inquiry

2.1 The need for reform is acknowledged by our members, and efforts to improve the efficiency and effectiveness of our prisons are underway.²

2.2 We do not support the ERA's broad brush assessment that the Department has 'cultural issues',³ but would suggest that there is far-reaching dissatisfaction with the current Executive leadership of the Department.

2.3 We believe the Inquiry and its terms of reference presuppose that the efficiency and performance of both public and private prisons can be improved, and that individual prisons can be benchmarked.

2.4 The draft report appears politicised, written with a desired outcome in mind – that is, securing an enhanced role for private sector in the running of prisons in WA.

2.5 Despite acknowledging that "... *the prison system is affected by decisions made by the broader justice and human services systems*",⁴ The Draft Report fails to meaningfully engage with these broader issues which, when combined, "... influence the size of, and

² Economic Regulation Authority. (2015). *Draft Report of the Inquiry into the Efficiency and Performance of Western Australian Prisons*, p. 56. Perth: Economic Regulation Authority

³ Ibid, p. 50

⁴ Ibid, p. 3

growth in, the prison population, the type of prisoner in the system, and the complexity of the prisoner needs".⁵

2.6 Indeed, the Draft Report dismisses "... *the external factors that affect the prison system (such as the high rate of indigenous incarceration and growth in the prison population)*" as simply being "... *beyond the scope of this inquiry*".⁶

2.7 We believe that the notion of cost and the efficiency and performance of the WA prison system cannot be debated robustly in the absence of discussion about the very social factors contributing to the prison population itself.

2.8 Therefore, the terms of reference are too limited in scope and remain indicative of the government's narrow justice focus: cost effectiveness rather than quality service delivery and a reduction in crime.

2.9 Further, and in view of the broader social and economic issues the Inquiry raises, we believe that the time available to formally respond to, and engage with, the Inquiry remains insufficient.⁷

2.10 The Inquiry received 17 formal submissions and met with 20 stakeholders from across the justice and social sectors, yet the Draft Report references these only twice.

2.11 A review of these submissions reveals that there is broad support for the following:⁸

- An expansion of the narrowly focused terms of reference of the Inquiry to include consideration and investigation of the socio-economic factors, including Aboriginal incarceration rates, driving the increase in the prison population;
- The need for a whole-of-system approach to improving the efficiency and performance of the justice system; and

⁵ Ibid

⁶ Ibid, p. 13

⁷ For a broader discussion see Andrews, J. (2015). *Inquiry into the Efficiency and Performance of Western Australian Prisons: Issues Paper*, p. 5. Perth: CPSU/CSA

⁸ All submission are available at <https://www.erawa.com.au/inquiries/industry-and-resources-inquiries/prisons-inquiry-2014/public-submissions> [Accessed August 12]

- For the length of the Inquiry to be extended to enable additional public consultation

3 The prison system in WA

3.1 Head office of the Department

- 3.1.1 The structure described has been in a state of flux and confusion since the Office of Reform was established in late 2013.
- 3.1.2 The Adult Justice Services division, announced in November 2014, has been without consistent senior management since February 2015.
- 3.1.3 Corporate Support is currently establishing both its role and operational function largely with a leadership that has limited knowledge or understanding of the Department. We understand that this causing some substantial problems.
- 3.1.4 More broadly, there appears to be a real lack of clarity surrounding ongoing responsibility for knowledge transfer and general operations.
- 3.1.5 With this in mind, we suggest that it is this dysfunction and flux that has demoralised the workforce, resulting in a significant loss of both corporate knowledge and a high turnover of mid-level workers.

3.2 Western Australian Prisons

- 3.2.1 The Department has responsibility for onsite monitoring at Acacia that are designed to ensure the Contractor (Serco Australia Pty Ltd) is performing against contract requirements.

- 3.2.2 As a consequence of the Government's budget cuts, we believe that the onsite monitoring of Acacia has significantly reduced over the past 2.5 years by 50% of FTE.
- 3.2.3 Any reduction in onsite monitoring could substantially reduce the capacity of the Department to determine the level of the Contractor's compliance with their contractual obligations, and the safety and security of both staff and prisoners.

3.3 Role of the Department and individual prisons in delivering services

- 3.3.1 The Draft Report makes no mention of the public servants allocated to prisons under the direct responsibility of the Superintendent. We have industrial coverage of these positions.
- 3.3.2 As a result of this omission, the Draft Report does not acknowledge the considerable work undertaken by the Department, in conjunction with ourselves, to identify the appropriate positions and resource allocation for a model administrative structure in various prisons across the state.

3.4 Financial Performance of the Prison System

- 3.4.1 The State's finances have hit difficult times, despite a booming economy. In an effort to balance the books, options to improve the efficiency and performance of the public sector are being considered across Government.
- 3.4.2 Under the guise of 'necessary' budget savings, the Barnett government are promising that they can remove 'inefficiencies' without impacting public services at a time of savage cuts to the sector totalling \$2.2 billion across the next four years.⁹

⁹ Bates, T. (2015). *State Budget 2015-16: Implications for our union*, confidential report to CPSU/CSA Executive Committee, July 2015

- 3.4.3 In the context of the Inquiry, to have a transparent and robust debate about its conclusions requires that **all available data** can be interrogated.
- 3.4.4 In our first submission we drew the attention of the Inquiry to the difficulties associated with high level cost comparisons based upon per prisoner per day calculations across different jurisdictions.
- 3.4.5 The Draft Report does not acknowledge the body of research that shows how cost allocations at the departmental level can distort comparisons made between private and public prison operators.^{10 11 12}
- 3.4.6 We believe failing to interrogate this cost data publically to enable comparability between WA and other Australian States, within the Draft Report, makes any assessment of the Inquiry's overall findings difficult.
- 3.4.7 With this in mind, the cost calculation of keeping prisoners in custody represents little in isolation.¹³

3.5 Costs of operating the Prison System

- 3.5.1 It is unsurprising that the largest cost of the Department is employee benefits, which includes wages and salaries, superannuation and leave entitlements.
- 3.5.2 The 2015-16 State Budget papers reveal that the Department employed 4397 full time equivalents in 2013-14.¹⁴

¹⁰ Andrew, J. (2012). Accounting and the construction of the 'cost effective' prison'. *Journal of Australian Political Economy*, 68, p. 194-212.

¹¹ Andrew, J., & Cahill, D. (2009). Value for Money? Neo-Liberalism in New South Wales Prisons. *Australian Accounting Review*, 19(2), p. 144-152.

¹² Kish, R. J., & Lipton, A. F. (2013). Do Private Prisons Really offer Savings Compared with their Public Counterparts? *Economic Affairs*, 33(1), p. 93-107

¹³ See Figure 3 in the Draft Report, p. 37

¹⁴ Department of Treasury. (2015). *Budget Paper No. 2: Budget Statements Volume 2*, Government of Western Australia: Perth

- 3.5.3 Across the public sector, over the period 2007-08 to 2013-14, expenses on salaries and wages, including superannuation, fell as a share of total expenses, from 48.7% in 2007-08 to 46.5% in 2013-14.¹⁵
- 3.5.4 Research undertaken by BIS Shrapnel in 2014 concluded that the ‘other’ expenses line item (referred to on p.39 of the Draft Report) was thought to be linked to the Government’s policy position to outsource more activities.¹⁶
- 3.5.5 Across the public sector, ‘other’ expenses have been the fastest growing component of expenditure since 2007-08.¹⁷
- 3.5.6 The ‘other’ category of expenditure incurred by the Department totalled over \$57m in the 2014-15 estimated actuals - a rise of 21.9% on the 2013-14 actuals.¹⁸
- 3.5.7 We believe failing to interrogate the Departments ‘other’ expenditure publicly makes any assessment of the Inquiry’s overall findings in relation to cost difficult.
- 3.5.8 We suggest that the more detailed information on the composite parts of the employee benefits line item, requested by the Inquiry, are readily available. Once again, the absence of this data set makes any assessment of the Inquiry’s overall findings difficult.
- 3.5.9 In seeking to uphold and further the public versus private dichotomy, the Draft Report praises the privately operated prison of Acacia and the Wandoor Reintegration Facility for both their performance and value for money.¹⁹

¹⁵ Anderson, D. and Hayward, D. (2014) *The Strange Case of Western Australia’s government finances: A AA Budget in a five star economy*, Report to Unions WA, BIS Shrapnel: Perth

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Bates, T. (2015). *State Budget 2015-16: Implications for our union*, confidential report to CPSU/CSA Executive Committee, July 2015

¹⁹ Economic Regulation Authority. (2015). *Draft Report of the Inquiry into the Efficiency and Performance of Western Australian Prisons*, p. 48 and 67. Perth: Economic Regulation Authority

3.5.10 However, by way of comparison, it should be noted that Boronia Pre-release Centre for Women, a publically owned and operated facility in WA, has a substantially lower cost base than Wandoor Reintegration Facility.²⁰

3.5.11 We suggest that Acacia's relatively low operating cost may be based on substantial economies of scale, achievable when a facility is able to focus upon not being a receiver or assessment prison with no re-integration activities, like a minimum security prison.

3.6 Prison Population

3.6.1 We would counter that it is possible that the prison system in WA is already running efficiently and effectively but that the total cost is high due to the net effect of social, demographic, geographical and economic factors unique to this State.

3.6.2 In 2014, there were 93,778 Indigenous people living in WA – 3.6% of the State's population.²¹

3.6.3 Yet, Aboriginal and Torres Strait Islander people are massively over-represented in the criminal justice system of Australia, with WA having the highest Aboriginal and Torres Strait Islander imprisonment rate of any State.²²

3.6.4 In WA, at 31 March 2015, Aboriginal people comprised 38% (2,130 prisoners) of the adult prisoner population.²³ This is unacceptable.

3.6.5 Whilst wrongly omitted from the terms of reference for the Inquiry, the issues raised with regards to prisoner population are also relevant to juvenile detention.

²⁰ Ibid, 38

²¹ Australian Bureau of Statistics (2014) *Estimates and projections, Aboriginal and Torres Strait Islander Australians, 2001 to 2026*. Australian Bureau of Statistics: Canberra

²² Ibid

²³ Department of Corrective Services (2015) *Adult Prisoners in Custody: Quick Reference Statistics*, March 2015, Government of Western Australia: Perth

- 3.6.6 In WA, at 31 March 2015, 72% of all juvenile detainees were Aboriginal.²⁴ This is also unacceptable.
- 3.6.7 Jailing people for unpaid fines is a significant driver of increasing and disproportionate incarceration rates for Aboriginal and Torres Strait Islander people and Women in WA.^{25 26}
- 3.6.8 With this in mind, we believe imprisoning those, such as fine defaulters, for the reasons of ‘punishment’ or ‘deterrence’ is a short-sighted and draconian approach which, whilst reflective of the prevailing politicised ‘tough on crime’ rhetoric of this Barnett government, does not address crime rates and community safety in a meaningful way.
- 3.6.9 Costs to the State Government of jailing fine defaulters, along with the daily cost of custody, have risen from \$751,023 in 2008 to \$2.40m in 2013.²⁷
- 3.6.10 Recent media reports of a man from Esperance being flown 400km on a chartered flight to serve jail time in lieu of paying fines are symptomatic of a broken system.²⁸
- 3.6.11 The marked increase in prisoners in 2009-10, noted in the Draft Report, can also, in part, be attributed to changes to the consideration process of the Prisoners Review Board.²⁹

²⁴ Department of Corrective Services (2015) *Young People in Detention: Quick Reference Statistics*, March 2015, Government of Western Australia: Perth

²⁵ Wilson, M., Jones, J. and Gilles, M. (2014). The Aboriginal Mothers in Prison project: an example of how consultation can inform research practice. *Australian Aboriginal Studies*, (2). pp. 28-39.

²⁶ Papalia, P. (2014). *Locking in Poverty: How Western Australia drives the poor, women and Aboriginal people to prison*. [Online] Available from: http://www.markmcgowan.com.au/files/Locking_in_Poverty.pdf [Accessed August 10]

²⁷ Ibid

²⁸ Wynne, E. (2015). Man flown 400km on charter flight to serve jail in lieu of paying fines; department not confirming costs, ABC News, [Online] Available from: <http://www.abc.net.au/news/2015-08-11/fine-defaulters-choosing-jail-over-payment/6688394> [Accessed August 13]

²⁹ Cordingly, G. (2011). More WA Prisoners Denied Bail, Perth Now, [Online] Available from: <http://www.perthnow.com.au/news/western-australia/more-wa-prisoners-denied-bail/story-e6frg143-1226091277531> [Accessed August 17]

3.7 Reoffending rates

- 3.7.1 We agree that the rehabilitation of prisoners is a primary objective of the prison system, and suggest that recidivism increases the costs of prisons.
- 3.7.2 However, the Draft report fails to engage with the following correlates of recidivism,³⁰ factors which can affect the efficiency and performance of Western Australian prisons:
- The age-crime curve;
 - That young people and Aboriginal people are far more likely to offend;
 - Conflicting evidence about the probability of reoffending and gender;
 - Criminal history
 - The markers of an increased risk of reoffending, including the seriousness of the most recent offence;
 - Socio-economic factors, including lifestyle, education, residential location, unemployment, drug use, mental health and family instability; and
 - Post-release difficulties, including financial resources and limited contact with family.
- 3.7.3 Moreover, in Prisoner Education and Training, and other Characteristics: Western Australia, July 2005 to June 2010, Giles and Whale suggest that the costs of recidivism can be calculated using the following variables:
- Incarceration (the cost per day of imprisonment);
 - Policing and legal costs related to finding, charging and sentencing alleged offenders;
 - Costs to the community in relation to property damage, insurance premium increases, lives lost and harm and trauma to victims of crime; and
 - The cost of welfare dependency.³¹
- 3.7.4 The ERA's own "... estimates that the prison system as a whole may be spending as much as \$1 million per day on prisoners" who reoffend is limited to cost per prisoner per day data.³²

³⁰ Payne, J. (2007). *Recidivism in Australia: findings and future research*, Australian Institute of Criminology: Canberra

³¹ Giles, M. and Whale, J. (2013). *Prisoner Education and Training, and other Characteristics: Western Australia, July 2005 to June 2010*, Edith Cowan University, Centre for Innovative Practice: Perth

³² Economic Regulation Authority. (2015). *Draft Report of the Inquiry into the Efficiency and Performance of Western Australian Prisons*, p. 41. Perth: Economic Regulation Authority

- 3.7.5 We would suggest that the true costs of recidivism, both social and economic, are in fact much higher than posited by the Inquiry.
- 3.7.6 With this in mind, a report which does not comprehensively consider the acknowledged factors affecting the cost of justice in WA arguably lacks real credibility.
- 3.7.7 It should also be noted that the recidivism rates by prisoner release for 2008-09 to 2012-13 show that the WA recidivism rate had reduced to the second lowest nationally.³³
- 3.7.8 Given this, we have difficulty in reconciling the Inquiry's criticisms of the assessment and clinical treatment programming undertaken by the Department.

4 Assessment of the Prison System

4.1 Lack of role clarity

- 4.1.7 We agree that the example chosen by the Inquiry to elucidate the notion of role clarity – ‘Double shackling’ of prisoners – is indicative of poor decision making at the senior levels of the Department.
- 4.1.8 The ‘perverse outcomes’ associated with this practice stem from a decision made by the then new Commissioner, James McMahon, in January 2014.

³³ Productivity Commission. (2014). *Report on Government Services: 2014*, [Online] Available from: <http://www.pc.gov.au/research/recurring/report-on-government-services/2014> [Accessed August 17]

4.1.9 We understand that universal advice to the contrary was provided to the Commissioner by the Adult Custodial Division senior management prior to the decision being made.

4.2 Lack of accountability

4.2.1 We fully support the principles of accountability in the Department and beyond.

4.2.2 We are concerned by the lack of empirical evidence to support the claims in this section of the Draft Report. Indeed, there is little to suggest that the conclusions are based on much more than hearsay and conjecture.

4.2.3 We believe public servants should be independent and able to provide advice without fear or favour. As a result we are vehemently opposed to what is tantamount to the commercialisation of the role of Superintendent.

4.2.4 Job insecurity, like that proposed by the Inquiry, is contradictory to improving performance and effectiveness in the Public Sector.³⁴

4.2.5 There is a growing body of research which indicates that innovation, arguably required to boost efficiency gains and increase productivity, is not usually driven by adversity associated with job insecurity.³⁵

4.2.6 There is no empirical research to support the purported view that there are people in public service who approach their job, because they are permanent, without passion and without wanting to work hard.

³⁴ MacDermott, K. and Stone, C. (2013). *Death by a thousand cuts: How governments undermine their own productivity*, Occasional Paper 13, Centre for Policy Development, [Online] Available from http://cpd.org.au/wp-content/uploads/2013/08/CPD_OP30_Death-by-1000-cuts.pdf [Accessed August 17]

³⁵ Ibid, p. 18-22

4.3 Lack of transparency

- 4.3.1 We support, where possible and appropriate, best practice in relation to the management of business data.
- 4.3.2 We note with concern the Inquiry's comments that "... no Australian corrective services agency approaches best practice in this field".³⁶
- 4.3.2 In the absence of the details of the business data management models which are considered to be 'best practice' by the Inquiry, we are unable to assess the veracity of the purported claim that the Department does not operate within 'best practice'.

4.4 General inadequacies in planning, processes, and information systems

- 4.4.1 The successful management of knowledge transfer within any organisation can form the basis for competitive advantage.³⁷
- 4.4.2 The capacity to "... quantify the likely effects of proposed policy changes" existed until relatively recently in established knowledge reservoirs across the Department.
- 4.4.3 We believe that some senior management activities of recent years and staff turnover have resulted in those key workers who did provided such analysis leaving the Department.
- 4.4.4 The Department has not invested in replacing these workers.

³⁶ Economic Regulation Authority. (2015). *Draft Report of the Inquiry into the Efficiency and Performance of Western Australian Prisons*, p. 49. Perth: Economic Regulation Authority

³⁷ Argote, L., & Ingram, P. (2000). Knowledge transfer: A basis for competitive advantage in firms. *Organizational behaviour and human decision processes*, 82(1), p. 150-169.

4.4.5 With this in mind, we strongly refute the Inquiry's unfounded accusations of poor decision making across all levels of operations.

4.5 Cultural issues in the Department of Corrective Services and prisons

4.5.1 We agree that an organisations culture can affect performance, and that the importance of people in enhancing organisational performance or even creating competitive advantage is clear.³⁸ Yet, the Inquiry does not analyse the Department's human resource practices which themselves can also affect an organisation culture.³⁹

4.5.2 These practices span the following functional areas:

- Employee relations;
- Recruitment;
- Workplace occupational health and safety;
- Compensation and benefits;
- Compliance; and
- Training and Development.⁴⁰

4.5.3 As the Inquiry's cultural conclusions do not consider the practices of people management across the Department, and do not appear to be empirically tested, any assessment of their accuracy is problematic.

4.6 Resistance to change

4.6.1 Our members are committed to the efficient and effective delivery of public services in WA.

³⁸ Hartog, D.N. Den, Verburg, R.M., (2004). High performance work systems, organisational culture and firm effectiveness. *Human Resource Management Journal*, 14(1), p. 55–78

³⁹ Becker, B., & Gerhart, B. (1996). The impact of human resource management on organizational performance: Progress and prospects. *Academy of management journal*, 39(4), p. 779-801.

⁴⁰ Torrington, D., Hall, L., Taylor, S., & Atkinson, C. (2002). Strategic human resource management. *Human resource management*, p. 57-76.

- 4.6.2 Feedback from our members suggests that they are overwhelmingly supportive of well-managed change/reform in the Department, and are not resistant to proposed changes.

4.7 Rates of recidivism

- 4.7.1 We agree that the efficient and effective rehabilitation of prisoners may yield significant improvements in rehabilitation outcomes.
- 4.7.2 The Department has had both a Clinical Governance Unit and a Clinical programs Research and Evaluation Unit for some years. Both of these Units have worked collaboratively to improve the content and nature of delivery of programs.
- 4.7.3 In the context of program allocation, the suggestion by the Inquiry that “... *little regard is given to when a prisoner is scheduled to be released or whether they reside in the prison in which the program is being run*” is simply not true.
- 4.7.4 Program schedules are now only developed for a two year future period. The scheduling of programs is based on the available resources. A five year schedule is not practical given the variation in available resources and budget allocations, as well as the need to be responsive to changing the clinical program mix based on the research and evaluation findings and contemporary changes in therapeutic programming from national and international research. Allocation of prisoners is premised on the initial assessment of the prisoner’s risk/needs and responsivity.
- 4.7.5 It is our understanding that the Department has been implementing a project for the last two years to enhance the assessment for clinical treatment programs. This project will improve the capacity to prioritise prisoners based on a need risk.
- 4.7.6 The example of incorrect program allocation for non-violent behaviour prisoners is not accurate.⁴¹ We would refer the Inquiry back to the Department’s own Sentence

⁴¹ See pages 55-56 of the Draft Report

Management Manual for Use in the Assessment and Sentence Management of Prisoners for clarification.

4.8 Prison utilisation rates

- 4.8.1 It is our understanding that the Department has changed the measure that it reports upon recently.
- 4.8.2 The Total Capacity measure now being utilised is both untested and contains an overreliance on ‘double bunked beds’ to cover the current population, rather than short term accommodation options when in times of crisis.
- 4.8.3 In the context of economic fiscal restraint and short-sighted budget measures, we suggest that this is a cynical political exercise to cover-up the inadequacy of WA’s prison estate.
- 4.8.4 The Department has, in previous years, undertaken significant work on long term planning, including planning for a prisons precinct.
- 4.8.5 Within the last two years that work has been either decommissioned or dispensed with.

5 Consistent standards across the prison system

5.1 Accountability and Transparency

5.1.1 The Inquiry's assertion that Serco Group Pty Ltd "... knows that if it does not meet the required standards, its contract will not be renewed" seems astute in view of recent events.⁴² ⁴³

5.1.2 Yet, Serco Group Pty Ltd continues to provide services across Government primarily because there are only a limited number of alternative private providers.

5.1.3 This, we would argue, does little to ensure and maintain adequate levels of accountability and transparency within the private prison system.

5.2 Realistic and achievable expectations

5.2.1 Empirical assessments of The National Offender Management Service model (**the Model**), operational in the UK, present mixed results.⁴⁴

5.2.2 The UK is both demographically and geographically substantially different to WA.

5.2.3 We suggest that there are also significant economies of scale and a heightened sense of competition in the UK that simply do not exist in WA.

5.2.4 Critiques of the Model focus upon the following which are not explored in the Draft Report:

- Poor operationalisation and communication; and
- Workforce demoralisation.⁴⁵

⁴² News.com.au. (2015). *WA dumps Serco prison transport contract*, News.com, [Online] Available from <http://www.news.com.au/national/breaking-news/wa-dumps-serco-prison-transport-contract/story-e6frfku9-122740075511> [Accessed August 17]

⁴³ O'Connor, A. (2015). *Serco's Fiona Stanley Hospital sterilisation contract terminated after failures*, ABC News, [Online] Available from <http://www.abc.net.au/news/2015-04-20/serco-hospital-sterilisation-contract-cancelled/6406106> [Accessed August 17]

⁴⁴ Raynor, P., & Maguire, M. (2006). End-to-end or end in tears? Prospects for the effectiveness of the National Offender Management Model. *Reshaping probation and prisons: The new offender management framework*, Bristol, p. 21-34.

6 Performance benchmarks

- 6.1 We believe that the work of the Inquiry here is speculative at best and lacks empirical assessment.
- 6.2 As a result, we would like to take the opportunity to direct the Inquiry back to our first submission and Andrew's reasoned review of benchmarks and the practice of benchmarking.⁴⁶

7 Effective planning, processes, and use of information

7.1 Better prioritisation of infrastructure expenditure

- 7.1.1 The Inquiry makes no comment on the role respective Governments of the day and Ministers have had in determining the priorities for infrastructure.
- 7.1.2 The Department has produced different infrastructure plans over the past ten years which were then either substantially modified or dispensed with altogether in order to satisfy political objectives for the Government and the Ministers.
- 7.1.3 We see nothing in the Inquiry's conclusions that would indicate prevention of such considerations taking precedence in the future either.
- 7.1.4 Indeed, the existing prison estate in WA is not that envisaged or planned for by the Department, but rather a fusion of revamps to satisfy short term political objectives.

⁴⁵ Robinson, G., & Burnett, R. (2007). Experiencing modernization: Frontline probation perspectives on the transition to a National Offender Management Service. *Probation Journal*, 54(4), p. 318-337.

⁴⁶ Andrews, J. (2015). *Inquiry into the Efficiency and Performance of Western Australian Prisons: Issues Paper*, p. 9. Perth: CPSU/CSA

7.2 Improving prisoner intake and program allocation processes

- 7.2.1 Undoubtedly, there are improvements that can be made to both program allocation and prisoner intake processes. However, the Inquiry's assessment of the effectiveness of existing processes work is inaccurate.
- 7.2.2 There has been a significant backlog in initial Individual Management Plan (**IMP**) assessments since April 2014. This backlog was created by the Department being unable to fill Assessment Officer positions because of the Government's imposed recruitment freeze. This resulted in a period where the Assessment process was hindered by insufficient staffing.
- 7.2.3 The backlog grew to over 300 initial IMP's. That has gradually been reduced and the Service is largely able to complete the assessments as originally designed.
- 7.2.4 There has never been an ongoing backlog of initial IMP's nor of IMP Reviews.
- 7.2.5 Although the Department runs on a 'first come first served' basis the sentence length is a consideration as is the likely program length. It is inaccurate to report that this approach does not consider these factors.
- 7.2.6 The example used in the Draft Report to evidence those 'suboptimal outcomes' is indicative of a lack of understanding of sentencing and of clinical therapeutic programming.
- 7.2.9 In almost all examples of clinical therapeutic program intervention delivered by the Department the minimum timeframe is 3 months. For the most intensive programs that timeframe is up to 6 months.
- 7.2.10 In any event, a prisoner is never scheduled to a program that takes place after their release date. This is complete fiction. If a prisoner cannot be booked to a program

before their possible release date, the course is recorded as unavailable and they are placed in a pool for possible allocation if programming becomes available.

7.2.11 Funding from Government is based on the delivery of programs to address criminogenic risks and needs.

7.2.12 We suggest it is not the role of the Offender Programs clinical therapeutic area to hold prisoners on remand without providing support programs.

7.2.13 Life skills programming can be sourced and is where funds permit.

7.2.14 Literacy and Numeracy are assessed for by the Education and Vocational Training Unit and substantial resources are committed to providing appropriate person centred interventions, as a priority, to individuals with such difficulties.

8 Introducing greater competition to the prison system

8.1 We do not support the view of the Inquiry that introducing competition to the prison system will increase efficiency and effectiveness.

8.2 In the absence of a rigorous assessment of the available empirical evidence within the Draft Report, we suggest that the Inquiry's conclusion that commissioning will "... generate considerable benefits to the corrective services system in Western Australia" is premature and lacks objectivity.

- 8.3 Whilst arguably the academic consideration of commissioning has been fragmented,⁴⁷ a review of the literature suggests that there are a significant number of factors that have not been considered by the Inquiry, including:
- That which is labelled as commissioning being something else in practice;⁴⁸
 - The introduction of quasi-markets;⁴⁹
 - The complexities of commissioning in times of profound public sector reform beyond the identified department;⁵⁰ and
 - How commissioning can undermine established stakeholder relations.⁵¹
- 8.4 There are a number of empirically based, successful, long-term strategies being utilised in Scandinavian countries which, whilst suggested in our first submission, do not appear to have reviewed or considered by the Inquiry.^{52 53}

⁴⁷ Rees, J (2014). Public Sector Commissioning and the third sector: Old wine in new bottles? *Public Policy and Administration*, 29(1), p. 45-63

⁴⁸ Packwood, D. (2007). *Commissioning, Contracting and Service Delivery of Children's Services in the Voluntary and Community Sector*. London: VCS Engage.

⁴⁹ Ibid

⁵⁰ Miller, R. (2013). Third Sector Organisations: Unique or simply other qualified providers? *Journal of Mental Health*, 12(2), p. 103–113.

⁵¹ Buckingham, H. (2009). Competition and contracts in the voluntary sector: Exploring the implications for homelessness service providers in Southampton. *Policy & Politics* 37(2), p. 235–254.

⁵² See Pratt, J. (2008). Scandinavian Exceptionalism in an Era of Penal Excess: Part 1: The Nature and Roots of Scandinavian Exceptionalism. *British Journal of Criminology*, 48 (2), p. 119-137.

⁵³ See Ugelvik, T., and Dullam, J. (Eds.). (2012). *Penal Exceptionalism? Nordic Prison Policy and Practice*: Routledge