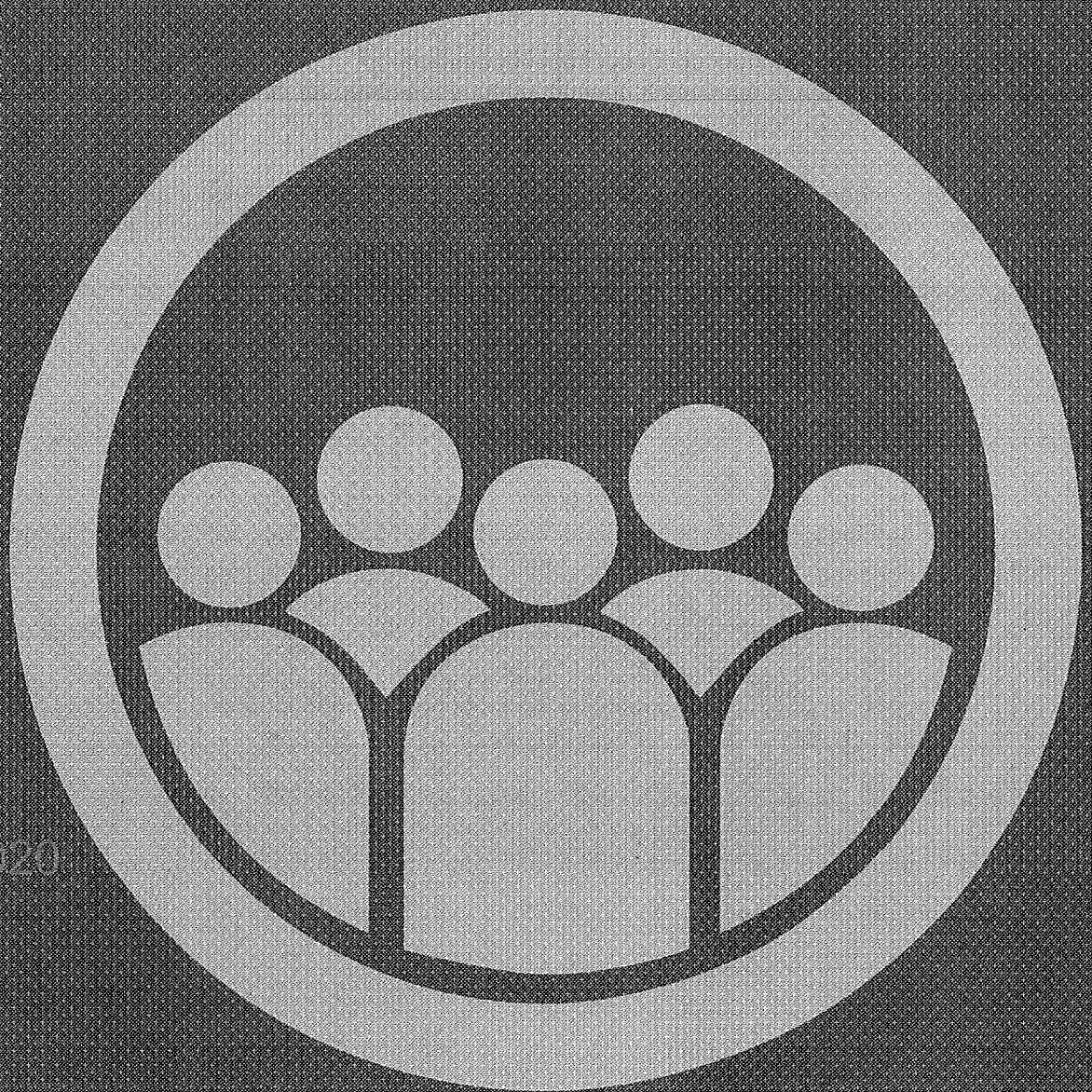




OFFICE OF THE  
**CUSTODIAL INSPECTOR**  
TASMANIA

# Resources and Systems Inspection Report

Inspection of Adult Custodial Services in  
Tasmania, 2019



July 2020

**Produced by the Tasmanian Custodial Inspector**

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# Contents

<b>From the Custodial Inspector</b>	<b>1</b>
<b>Acknowledgements</b>	<b>2</b>
<b>Executive summary</b>	<b>3</b>
<b>Summary of recommendations</b>	<b>6</b>
<b>About Tasmania Prison Service</b>	<b>11</b>
<b>Inspection methodology</b>	<b>13</b>
<b>Inspection standards</b>	<b>14</b>
1. Correctional services and people	15
2. Prison management, policy and planning	44
3. The prison and community relations	51
4. Records management	56
5. Environmental sustainability	59
<b>Glossary of Terms and Acronyms</b>	<b>63</b>
<b>Appendix I</b>	<b>64</b>
Department of Justice comments	64
Responses to recommendations	65





## From the Custodial Inspector

The purpose of the Custodial Inspector is to provide independent, proactive, preventative and systemic oversight of custodial centres. A custodial centre is defined as a prison within the meaning of the *Corrections Act 1997*, and a detention centre within the meaning of the *Youth Justice Act 1997*.

As Inspector, I am required under the *Custodial Inspector Act 2016* to carry out a mandatory inspection of each custodial centre at least once every three years and to report on my findings and recommendations to the responsible Minister and Parliament.

Due to limited resources, to respond to legislative obligations, my staff undertake themed inspections of custodial centres focussing on particular inspection standards. At the end of a three year cycle, all aspects of custodial centres will have been inspected against the entire set of inspection standards.

Section 15 of the Custodial Inspector Act requires me to prepare a report of my findings in relation to each mandatory inspection. In this regard, I report directly to the Minister responsible for the custodial centre and the responsible Minister is required to table a copy of the Inspector's report in each House of Parliament. In this way, the findings and recommendations relating to inspections become a public record. After tabling, all inspection reports are published on [my website](#)<sup>1</sup>

In August and September 2019, inspections against the Resources and Systems standards were undertaken and I am now pleased to present this inspection report.

The report is structured into headings that correspond to the Inspection Standards for Adult Custodial Services in Tasmania, and under each heading the relevant inspection standards are referenced.

Prior to publication of this report, the Department of Justice was consulted and invited to correct any factual inaccuracies in it and to provide a written response to the recommendations included in this report. Appendix 1 details that response.

Richard Connock  
**Custodial Inspector**

July 2020

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<sup>1</sup> [www.custodialinspector.tas.gov.au](http://www.custodialinspector.tas.gov.au)



## Acknowledgements

I would like to acknowledge the contribution of Ms Belinda Beltz from The Belrose Group, who consulted on this inspection. I sincerely thank Ms Beltz for her expert advice and assistance, which has added greatly to the work of my office.

Acknowledgment and appreciation is also extended to all staff at the Department of Justice and Tasmania Prison Service who supported the inspection.

I also greatly value the contribution of service providers and external stakeholders of the prison who met with the inspection team and provided information about their roles and functions relevant to the correctional environment.



## Executive summary

This is the report of the inspection of Tasmanian adult custodial centres covering the suite of Resources and Systems inspection standards for adult prisoners. All the inspections were announced inspections, carried out between 23 August and 10 September 2019.

Tasmania Prison Service (TPS) is responsible for providing care and custody, at various levels of security, for prisoners and people remanded in custody in Tasmania<sup>2</sup>.

The following custodial centres operated by TPS were visited during the inspections:

1. Risdon Prison Complex (RPC)
2. Ron Barwick Minimum Security Prison (RBMSP)<sup>3</sup>
3. Mary Hutchinson Women's Prison (MHWP)
4. Hobart Reception Prison (HRP) and
5. Launceston Reception Prison (LRP)

Prior to the site inspections, a staff survey was developed and pre-inspection planning and data gathering occurred. The survey was developed in conjunction with the consultant and comprised questions largely focussed on employee engagement. The inspection team used the survey results to assist in identifying commonalities, patterns or themes across responses indicating the existence of potential systemic issues. The survey was used as a qualitative research tool to gain an understanding of TPS staff thoughts, opinions and motivations in order to identify specific areas of focus for the onsite inspection. Broad themes from the survey were shared with the Director of Prisons post-inspection.

During the inspection, a number of evidence sources were used to assess the custodial centres against the inspection standards. These included:

- onsite visits
- meetings with senior management
- individual interviews carried out with staff, service providers and external stakeholders
- survey results
- review of documentation
- desktop audit of relevant policies, procedures and registers and

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<sup>2</sup> Note: For the purposes of this report, a reference to the term prisoner includes people that are remanded and detained in custody.

<sup>3</sup> Following a major reclassification of prisoners and the introduction of medium security classified prisoners into the facility, in November 2019 RBMSP was renamed Ron Barwick Prison as it is no longer a minimum security facility. For the purposes of this report, the facility will be referred to as RBMSP as it was at the time of the inspection.



## Executive summary

- observation by inspectors and the expert consultant.

The inspection team interviewed over 50 TPS staff during the inspection. Many of these staff members initiated contact with the inspection team following an email invitation to meet sent to all TPS staff by the Principal Inspection Officer prior to the inspection.

Where relevant, throughout the body of the report we have included staff comments and quotes directly, rather than seeking to paraphrase their experiences. The quotes are not attributed to individuals, so as to ensure that they remain anonymous and the information provided is protected by the confidentiality of information provisions in the *Custodial Inspector Act 2016*. The inspectorate has not sought to validate all individual statements and as such acknowledges that some statements remain allegations. Nonetheless, the examples selected for publishing in this report accord with findings of the inspection team.

Where staff raised individual complaints or grievances, they were directed by the investigation team to refer the complaint to the appropriate functional area of TPS for assistance to resolve the matter.

The external consultant noted a strong theme throughout the inspection relating to systemic bullying and a lack of employee engagement, confirming the initial findings of the pre-inspection survey. Correctional and non-correctional staff made a substantial number of allegations about bullying and general inappropriate workplace behaviour. Many staff said that they felt unsupported by management and Human Resources (HR) to raise issues formally due to fears of repercussion, reprisal and/or inaction.

The following general observations were made during the inspection:

1. There is a general lack of essential communication and collaboration between HR functions including work, health and safety, workers compensation, performance and absence management (including rostering), payroll and industrial relations.
2. TPS has an excessive number of workers compensation claims, at the time of the inspection there were 89 active claims for a headcount of approximately 489 staff.
3. HR metrics reflect excessive overtime and continuous shifts worked in breach of the *TPS Fatigue Policy* and relevant industrial instrument.
4. There are inefficiencies and process/system issues associated with rostering, particularly given the 24 hour, seven days a week shift environment that operates at TPS.
5. There is an unhealthy stigma attached to employees raising a grievance or workers compensation claim.
6. Breaches of employee workplace rights are occurring with workers compensation right to claim documentation not being provided to employees at the time of the workplace accident/incident.
7. Multiple allegations were made of an unlawful approach to treatment of some staff on workers compensation, including:
  - staff being made to take annual leave whilst incapacitated



- staff being advised not to make a claim but rather charge medical costs back to TPS for reimbursement
  - staff make-up pay not including annualised earnings and
  - staff being rostered to work in areas when a medical practitioner has explicitly advised against this.
8. Dissatisfaction with the performance development framework was evident, with the majority of employees and management interviewed indicating that it is an overly complicated process with no added value to either the staff or the TPS and is completed by a *tick and flick* to *just get it done*.
  9. Absence of robust processes in place to ensure notifiable incidents are reported to Worksafe Tasmania pursuant to section 38 of the *Work, Health and Safety Act 2012*.
  10. There appear to be inconsistencies with critical/serious incident crisis debriefings and consideration should be given for external specialist services to attend onsite after a critical incident so staff have the option to talk to a professional immediately following such an incident.
  11. There are gaps in staff training and issues with currency of training, particularly in relation to supervisors and superintendents.
  12. There is a lack of focus on, and extremely limited resources dedicated to, environmental sustainability.
  13. Records management is challenging for TPS due to the range of systems in operation.
  14. There is a general lack of understanding about the importance of maintaining accurate and detailed business records.
  15. There is duplication of record keeping across multiple platforms and not all staff are able to access all systems due to limited licences. Some staff indicated that even if they did have access to a particular system they were unable to, and did not, use it due to lack of training.
  16. The process of calculating prisoner sentencing is manually cumbersome and this has resulted in errors occurring with some prisoner releases. This issue was also noted in the *Custody Inspection Report 2018*.



## Summary of recommendations

It is recommended that Tasmania Prison Service:

1. Considers conducting independent external annual employee engagement surveys to enable benchmarking and identification of organisational strengths and areas for improvement.
2. Considers developing an exit interview template and a process for HR senior management personnel to conduct exit interviews, prior to an employee separating from TPS.
3. Undertakes a comprehensive staffing analysis to determine staffing needs based on current prisoner numbers and consideration of future growth.
4. Considers introducing a casual contingent workforce or other similar arrangement to address shift vacancies arising from unplanned leave.
5. Considers strategies to improve gender equity in supervisor and management roles.
6. Introduces strategies for reducing sicknesses and absences.
7. Reviews its fatigue policy and puts in place processes to ensure that it is adhered to in order to ensure sustainable employee health and wellbeing.
8. Provides Operations Supervisors with access to TimeFiler<sup>4</sup> in order to perform checks on hours worked to ensure that the fatigue policy is not being breached when additional shifts are allocated to correctional staff.
9. Undertakes a review of the Rostering function and considers
  - decentralisation of rostering, returning the function to individual prisons and
  - options to ensure effective resource coverage for the complex 24 hour, 7 day week shift environment in which TPS operates.
10. Commissions a full audit by an external consultant of its human resources structure, roles, functions and interaction/collaboration across the TPS.
11. Engages an external consultant to conduct a full audit of the existing workers compensation policy, systems and processes. The audit should include a review of return to work arrangements, modified duties and current claims.
12. Introduces more frequent correctional staff rotations through work areas to avoid unnecessary stress and to reduce psychological related workers compensation claims.
13. Reviews processes and implements measures to ensure active case management of workers compensation claims, with emphasis on improved communication with staff.

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<sup>4</sup> Time and attendance software



14. Reviews processes and implements measures to ensure active management of employees on return to work programs, with a focus on identifying opportunities for modified duties and roles to get staff back to work as soon as possible after medical clearance.
15. Maintains a register recording the cancellation of therapeutic appointments, program and education course sessions resulting from lockdowns – with the reason for the lockdown being noted.
16. Ensures all unlock and lockup times for prisoners are accurately recorded by correctional staff each morning and afternoon to ensure true records are maintained for statistical and reporting purposes.
17. Ensures case notes record individual prisoners' time out of cell for maximum-security units - whether alone or in a walk group - accurately reflect the start time and total time to ensure true records are maintained.
18. Addresses gaps in mandatory staff training as an urgent priority.
19. Introduces mandatory annual respectful workplace behaviour training to be conducted by an appropriately experienced and skilled external People & Culture specialist.
20. Ensures all staff training is evaluated on conclusion with processes implemented for feedback to be provided by participants.
21. Makes available on the intranet the Australian Guidelines for the Prevention and Control of Infection in Healthcare.
22. Ensures all staff complete the online learning course Communicable Diseases as a matter of priority.
23. Issues an updated Director's Standing Order covering Communicable Diseases.
24. Considers introducing annual physical assessments for correctional officers to ensure ongoing physical suitability for the role.
25. Undertakes an education and awareness campaign regarding the importance of first respondents completing incident reports.
26. Develops procedures to ensure employees lodging an accident, incident or hazard report are
  - consulted verbally after lodging the report
  - communicated with throughout the investigative process and
  - provided with advice about the remedial action to be taken prior to the incident being closed.
27. Develops and maintains a register for recording notifiable incidents.
28. Ensures fire drills for staff are conducted at all facilities at least annually.
29. Engages an independent external consultant to conduct full audit of the Work Health & Safety framework, including roles, workflow, policy, process and inter- departmental



## *Summary of recommendations*

relationships with other HR functions.

30. Develops and implements processes to notify the Custodial Inspectorate of all critical incidents in Tasmanian adult custodial centres in a timely manner.
31. Ensures there is an HR presence on recruitment panels for interviews to provide advice and assistance with processes and procedural fairness.
32. Implements a simplified performance management framework (customised for TPS) which encourages participation in a meaningful discussion between supervisor and employee.
33. Ensures that all supervisors are trained in the Performance Development Plan (PDP) and effective conversations training to assist with how to manage difficult situations and employee underperformance.
34. Ensures all managers and staff with direct reports undertake essential supervisor training.
35. Considers developing a tiered Leadership Development Program (frontline management training) to be completed by all correctional supervisors.
36. Ensures clear written procedures to support correctional supervisors are developed, maintained and stored in an easily accessible location.
37. Explores options, and undertakes works, to provide staff with appropriate spaces for breaks, including the provision of areas that facilitate privacy and alone time and outside areas where staff can enjoy fresh air.
38. Upgrades the staff room at MHWP so that it can adequately cater for the staffing complement.
39. Upgrades or replaces the inadequate kitchen facilities at HRP as a priority, noting the issues with the electrical supply.
40. Actions the recommendations of the Auditor General relating to workforce planning as a priority, with continued focus on ensuring such planning continues into the future.
41. Reviews and evaluates the effectiveness of the M.A.T.E.S<sup>5</sup> program and, if it is to continue to operate, ensures that staff that are mates receive appropriate training and upskilling.
42. Engages a clinical psychologist or other appropriately skilled health professional to attend onsite after a critical incident so staff have the option to immediately talk to a mental health expert following a serious incident.
43. Explores and implements options to provide flexible family friendly work options for all employees.
44. Establishes a database to record the date an employees' national police check is first

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<sup>5</sup> Mates Are There for Encouragement and Support



completed.

45. Introduces a process to ensure a person's offending history is routinely checked.
46. Reviews the policies and procedures relating to work related grievances and takes action to improve the culture associated with reporting of work related grievances so that employees are (and feel) supported in raising workplace issues.
47. Updates the procedural documents relating to anti-bullying as a priority.
48. Implements anti-bullying strategies in all custodial centres, covering both staff and prisoners, tailored to the specific prison environment.
49. Ensures that statistics of all bullying incidents are collected and maintained and appropriately reported on to prison management on a regular basis.
50. Incorporates in future business plans analysis of the prisoner population including the needs of significant prisoner cohort groups.
51. Implements processes to regularly analyse prisoner needs so that it can assess each prison's prisoner profile in order for the structured regime of each custodial centre to address and meet prisoners' risks and needs in that facility.
52. Complies with section 29(1)(a) of the *Corrections Act 1997* and ensures that every prisoner, if not ordinarily engaged in outdoor work, is given the opportunity to spend time in the open air for at least an hour each day if the facilities of the prison are suitable for allowing the prisoner or detainee to be in the open air.
53. Creates and maintains a register of community service providers which contains, as a minimum, relevant information including contact details, the purpose of activities, the location of activities delivered and the frequency of attendance by the service provider.
54. Introduces structured processes and procedures, and provides a dedicated resource for the purposes of recording and actioning prisoner sub-group needs, so that minorities receive as much community assistance and contact as is practicable and appropriate.
55. Implements a process to regularly review the work of service providers, to ensure it meets current needs, and the qualifications of service providers are current.
56. Considers options and takes action to facilitate prisoner activity in industries in MHWP.
57. Consider options and implements programs that provide reparation opportunities for prisoners to contribute to the local community.
58. Establishes a Community Reference Group, or other similar forum for community input, and ensures the group meets regularly with prison management and is able to contribute to the prison's operational agenda and its public standing.
59. Reviews record management systems and processes with a view to eliminating duplication of records across multiple systems.
60. Reviews, and where appropriate, updates all Memoranda of Understanding with relevant agencies and organisations.



### *Summary of recommendations*

61. Considers implementation of an automated sentence calculation and management system to address deficiencies with the manual sentence calculation processes.
62. Addresses the lack of focus on environmental sustainability and considers the need for a designated permanent resource.
63. Considers alternative environmentally friendly options to single use plastic products such as recyclable, biodegradable or compostable materials or some other alternative.
64. Explores options for a recycling program drawing on the resources through prisoner employment.



## About Tasmania Prison Service

TPS is responsible for providing care and custody, at various levels of security, for prisoners and people remanded in the five adult custodial centres in Tasmania. Most adult custodial centres are located on one large site at Risdon which is approximately 12 kilometres from the Hobart CBD and very close to the suburb of Risdon Vale.

As noted, the five adult custodial centres are:

1. The Risdon Prison Complex (RPC). This facility is located at Risdon in the south of the state and comprises the medium and maximum security precincts. The medium security precinct has the capacity to house 196 prisoners and the maximum security precinct the capacity to house 103 prisoners.
2. The Ron Barwick Minimum Security Prison (RBMS<sup>6</sup>). This facility is located at Risdon, and has the capacity to house 296 prisoners (including the O'Hara Cottages).
3. The Mary Hutchinson Women's Prison (MHWP). This facility is located at Risdon and has the capacity to house 63 prisoners.
4. The Hobart Reception Prison (HRP). This facility is located in Hobart CBD and has the capacity to house 36 prisoners.
5. The Launceston Reception Prison (LRP). This facility is located in Launceston and has the capacity to house 26 prisoners.

The prison service has to respond to an increasing prisoner population across all population groups. The Australian Bureau of Statistics, in its publication Corrective Services, June quarter 2019<sup>7</sup>, has reported that Tasmania's prisoner population rose from 526 prisoners in 2008 to 626 prisoners in 2018.

The total prison population fluctuates around but habitually above 650. The Australian Bureau of Statistics reported that on 30 June 2019, Tasmanian prisons held 673 prisoners (92% male and 8 % female). The proportion of female prisoners was low compared to other jurisdictions but has increased from 20.1 per 100,000 females for the June quarter 2018 to 26.4 per 100,000 for the June quarter 2019.

Twenty percent of Tasmanian prisoners identified as Aboriginal. Incarceration of Aboriginal people in Tasmania is almost at a rate four times higher than the equivalent rates of incarceration in the non-Aboriginal population, but the second lowest proportion reported by an Australian jurisdiction. Victoria has the lowest proportion with 10% of Victorian prisoners identifying as Aboriginal.

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<sup>6</sup> Following a major reclassification of prisoners and the introduction of medium security classified prisoners into the facility in November 2019 RBMS<sup>6</sup> was renamed Ron Barwick Prison, as it is no longer a minimum security facility. For the purposes of this report, the facility will be referred to as RBMS<sup>6</sup> as it was at the time of the inspection.

<sup>7</sup>

<https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4512.0June%20Quarter%202019?OpenDocument>



## *About Tasmania Prison Service*

Based on information provided by TPS, there were 1,912 receptions into custody for the 2018-19 financial year. Of these, 1,620 were male and 292 were female. Of those receptions, 1,595 were un-sentenced at the time of reception and 317 were sentenced. All prisoners entering the Tasmanian prison system do so through one of the two reception prisons.



## Inspection methodology

Inspection provides independent, external evaluation that includes an analysis of areas that require improvement. It is based on a range of evidence that is gathered and evaluated against an inspection framework.

All inspections of custodial centres are conducted against the Custodial Inspector's published inspection standards. The inspection standards are based on international human rights standards, and cover matters considered essential to the safe, respectful and purposeful treatment of prisoners in custody.

The inspection standards specify the criteria for inspection. During the Resources and Systems inspection, a number of sources of evidence were used to assess the custodial centres against the standards. These sources included individual interviews carried out with staff, survey results, discussions with external stakeholders and service providers, documentation, and observation by inspectors and the expert consultants. In addition, desk-based research and data analysis was carried out.

Inspection reports are published in Parliament after an inspection is completed. Prior to publication of the report custodial centre management and the Department of Justice are consulted with, and invited to correct any factual inaccuracies in the report. The responsible Minister is also provided with an opportunity to comment.

### How will the inspection team make judgements?

The inspection team will ensure that their judgements are:

- secure - based on sufficient evidence
- first-hand - based on direct observation of processes, prisoners and staff
- reliable - based on the criteria contained in the inspection standards
- valid - accurately reflecting what is achieved and provided
- corporate - findings reflect the collective view of the inspection team



## Inspection standards

The Inspection standards for adult custodial services in Tasmania provide the structure for reviewing and assessing the performance of custodial centres in relation to the treatment of, and conditions for, prisoners in Tasmania.

The standards were developed taking into account the full range of relevant international treaties, covenants, and the *Standard Guidelines for Corrections in Australia, Revised 2012*.

The standards are closely aligned to both the New South Wales and Western Australian inspection standards for adult custodial services, providing an element of harmonisation across multiple Australian jurisdictions. The Custodial Inspector consulted with TPS and other stakeholders throughout the drafting process of the inspection standards.

Independent monitoring and assessment is important to ensure custodial services are meeting standards. An independent perspective can identify issues – both shortcomings requiring improvement and strengths that can be better utilised – that may not be immediately apparent to the custodial centre, thereby providing a continuous improvement framework.

The inspection standards are publicly available on the [Custodial Inspector's website](#)<sup>8</sup>.

Summarised below are the findings of the inspection team in respect of the Resources and Systems suite of inspection standards.

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<sup>8</sup> [www.custodialinspector.tas.gov.au](http://www.custodialinspector.tas.gov.au)



## 1. Correctional services and people

### Inspection Standards 134 to 139

The inspection standards require that TPS has a multidisciplinary workforce that is appropriately trained, accredited, led and supported for the complex range of tasks to be performed.

#### Staffing needs

The inspection established that TPS does not undertake a staffing analysis to determine staffing needs, rather the process of recruitment appears to be reactive and somewhat ad hoc. Additionally, the inspection found that little, if any, work is undertaken by TPS, or the Department of Justice more generally, in respect of measuring staff needs or satisfaction. To address these shortcomings, TPS should consider conducting independent external annual employee engagement surveys to enable benchmarking and the identification of organisational strengths and areas for improvement. Consideration should also be given to developing an exit interview template, with Human Resources (HR) senior management personnel conducting such interviews, prior to employees separating from TPS. Information from exit interviews should be reviewed by TPS on a regular basis with a view to identifying and, where possible, addressing issues relating to staff turnover and workplace culture.

#### Recommendations

It is recommended that TPS:

1. Considers conducting independent external annual employee engagement surveys to enable benchmarking and identification of organisational strengths and areas for improvement.
2. Considers developing an exit interview template and a process for HR senior management personnel to conduct exit interviews, prior to an employee separating from TPS.
3. Undertakes a comprehensive staffing analysis to determine staffing needs based on current prisoner numbers and consideration of future growth.

#### Resourcing

The inspection team noted that across the board TPS' staffing levels– in both correctional and non-correctional areas have not kept pace with the increasing growth in prisoner numbers. There has been an increase in lockdowns and a correlated decline in prisoner services such as program delivery and planning and reintegration assistance.

The affect of staff shortages on therapeutics and programs staff is twofold: they are not able to meet the demands of increasing prisoner numbers due to inadequate staffing levels and they experience difficulties accessing prisoners due to the frequency of lockdowns.

Unsurprisingly, the inspection team noted that activities directed at rehabilitation of prisoners were almost non-existent in all facilities.



Discussions with many correctional and non-correctional staff indicated that there is great frustration, on the part of prisoners and staff alike, that services to assist with reintegration back into the community cannot be provided due to resourcing constraints. The situation is similar with chaplaincy services – while the chaplains feel supported by TPS management, they struggle to provide support to increasing prisoner numbers with limited physical and human resources.

The consultant queried with senior managers whether TPS has considered if there is the opportunity for a casual contingent workforce for occasions of unplanned leave. It appears that this has not been considered or explored in any depth as staff indicated that casual employees would not be familiar with the working environment or appropriately skilled and there would be safety risks associated with their employment. Additionally, the issue of a high turnover of casual staff was raised as a challenge. It is nonetheless suggested that further consideration be given to introducing a casual contingent workforce.

#### Recommendation

It is recommended that TPS:

4. Considers introducing a casual contingent workforce or other similar arrangement to address cover shift vacancies arising from unplanned leave.

Resourcing constraints also extend to physical resources with room bookings being in constant demand, to the point that program delivery and recreational activities cannot be facilitated in some areas because there is no available room. Additionally, the inspection team was told of unsuitable rooms being used for delivery of programs in RBMSP – that is, programs being run in rooms located upstairs which restricts participation of prisoners with mobility issues and the elderly. At the time of the inspection some parole board hearings were also being held upstairs at RBMSP.

#### Workforce composition

The composition of the workforce is expected to provide a mix of gender and race, and religious and spiritual diversity that reflects the community and an ethnicity mix that reflects the prison population.

Limited HR metrics were provided to the inspection team in response to the pre-inspection documentary request. The onsite inspection found that TPS does not have a targeted strategy in place regarding workforce composition. Despite this, TPS' recruitment of new correctional officers, particularly in recent times, shows gender, race and ethnic diversity. The changing face of the TPS workforce reflects the changes in the wider Tasmanian community, which was largely homogenous with an overrepresentation of white Anglo-Saxons, but has become far more multicultural over the past few years.

At the time of the inspection, the HR metrics provided by TPS showed that there were 489 staff, comprised of 158 females (32.31%) and 331 males (67.69%). Based on the information provided it was not possible to break this down into correctional and non-correctional roles.



In respect of gender breakdown, the inspection team noted that there is a disproportionate number of males in correctional managerial roles, and; very few females hold supervisory roles. At the time of the inspection there were approximately 40 to 50 correctional supervisors and only one of those was female. There was only one female Superintendent and one female Chief Superintendent operating in a non-custodial environment.

#### Recommendation

It is recommended that TPS:

5. Considers strategies to improve gender equity in supervisor and management roles.

#### Overtime, recalls and the fatigue policy

Inspection standard 134.4 provides that the staffing profile must ensure correctional centre operations are not reliant on overtime and recalls.

TPS fails to meet this standard as it relies heavily on both overtime and recalls to fill vacancies in correctional officer shifts. HR metrics provided to the inspection team reflect excessive overtime and continuous shifts worked in breach of the fatigue policy and the Correctional Officer industrial instrument. Such is the current staffing shortage that on a regular basis TPS is unable to fill all correctional officer shifts despite its reliance on overtime and recalls. TPS advised that overtime of \$7,214,354 was paid in the 2018-2019 financial year.

The inspection found that there was no strategy for reducing sickness and absences and this should be addressed. Of concern, the system allows correctional officers to become financially reliant on overtime.

Post-inspection, the Department advised that TPS does in fact have a Management of Attendance Policy which was available via the TPS intranet. The policy was issued in September 2012 and it appears that staff are either unaware of its existence, or that it is no longer actively being followed given that the inspection team only became aware of the policy following the Department's review of the draft inspection report. It is noted that the policy is under review as at September 2020.

The inspection team was advised by senior management that the fatigue policy had been *relaxed* so that TPS was able to *get prisoners out of cell*. As a result, correctional staff were working many consecutive days in a row. There was concern expressed by correctional staff, including managers, that there are no clear guidelines to follow nor direction from management in regards to how to apply the *relaxed* fatigue policy and what would be considered acceptable fatigue, how many days worked in a row etc.

Staff generally advised that the fatigue policy (when not *relaxed*) was to be enforced by the Roster team, who check TimeFiler to ascertain how many hours staff members have worked before allocating additional shifts. There is, however, a systemic issue arising from the operational structure of the Roster team which works Monday to Friday from 8:00am until 4:00pm, whilst correctional officers work 24 hours a day, seven days a week. While the Roster team fill shift vacancies to the best of their ability during their working hours, if not all shifts have been filled prior to 4:00pm weekdays it is the responsibility of the rostered RPC



Operations Supervisor to contact correctional staff in order to fully staff the next day's shifts. Likewise, if an absence is called through after 4pm on weekdays or on a weekend, it is the responsibility of the rostered RPC Operations Supervisor to contact correctional staff in order to fill the vacancy in the next day's shifts.

The process for contacting correctional staff after 4pm on weekdays and on weekends is that the RPC Operations Supervisor sends a text message to all staff able take a shift, that is, those not already rostered on. There are no checks undertaken in respect of the hours worked by individual officers, as the supervisor does not have access to TimeFiler. At best, the rostered supervisor will ask a correctional officer volunteering for the additional shift if they are fatigued or not, and the correctional officer is expected to complete the fatigue self-assessment tool, which is based on a traffic light system, and presume that the correctional officer will be honest.

Based on advice from a significant number of correctional staff, the self-assessment tool is flawed as those wanting extra shifts for monetary reasons will work whether they are fatigued or not. Additionally, when supervisors are desperate to fill a shift they will take whatever resource is offered even if they are aware a person has worked excessive overtime or extra shifts. The inspection team was told by many correctional officers that either they personally had, or they knew of other staff that had, worked up to 20 consecutive days and managers, they said, were fully aware of this.

The inspection also found that while time and attendance is recorded in TimeFiler, employee leave is recorded in the Department of Justice Employee Self Service Portal and the two systems do not communicate with each other. As a result, supervisors do not have a full picture of hours worked and patterns of leave etc. of correctional officers, yet they are expected to make decisions on whether a person should be allocated overtime or be recalled for an additional shift. The rostering system overall is inefficient, very ineffective and requires review.

It should be noted that the Tasmanian Auditor-General in his report Tasmania Prison Service: use of resources<sup>9</sup>, released in November 2019, made similar findings:

*The TPS has acted to fill resourcing gaps by predominantly using staff overtime, which has had adverse consequences in the cost efficiency of the prison service and increased unplanned staff absences.*

#### Recommendations

It is recommended that TPS:

6. Introduces strategies for reducing sicknesses and absences.
7. Reviews its fatigue policy and puts in place processes to ensure that it is adhered to in order to ensure sustainable employee health and wellbeing.

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<sup>9</sup> <https://www.audit.tas.gov.au/publication/tasmania-prison-service/>



8. Provides Operations Supervisors with access to TimeFiler in order to perform checks on hours worked to ensure that the fatigue policy is not being breached when additional shifts are allocated to correctional staff.
9. Undertakes a review of the Rostering function and considers
  - o decentralisation of rostering, returning the function to individual prisons
  - o options to ensure effective resource coverage for the complex 24 hour, 7 day week shift environment in which TPS operates.

The following quotes from correctional staff provide a small snapshot of the consistent feedback provided to the inspection team during interviews:

*The fatigue policy is turned on and off - if it's turned off we can go outside the policy as long as we ask the question of the officer whether they are feeling okay .*

*You either have a policy or you don't, it needs to be enforced. We've created and become a greedy workforce*

*It's hard for an ops or night shift supervisor to get 20 people to agree to overtime shifts – they are trying to fill the list and eventually will just put it out for everyone to get the list filled, regardless of the overtime shifts the officer has already completed*

*Some staff are getting away with doing 20 days straight and flagging. It's not great*

*Breaching the [fatigue] policy, which sometimes gets relaxed, has an impact on workers compensation. Staff get tired, make mistakes, don't use judgement and escalate too quickly. I have seen it on the video footage that comes through*

*There is a willingness amongst staff to forget their obligations with regard to fatigue... It's not consistently implemented across all facilities. The rostering system does have alerts if someone has worked too many days but it then becomes a manual system when filling in with recalls. Rostering are supposed to look at days worked and days to be worked on upcoming roster, but I don't think this is considered*

### **Workers compensation**

While not relevant to a single and specific inspection standard, workers compensation has been considered in the context of the Resources and Systems inspection as it cuts across standards relevant to systems, staff supports, health status of staff, work related grievances and workplace health and safety. Moreover, workers compensation is one of the single biggest non-salary related costs incurred by TPS.



## Correctional services and people

Workers compensation is payable to a worker who suffers an injury or disease arising out of or in the course of the worker's employment. WorkSafe Tasmania's website contains the following:

*A worker may be entitled to compensation for:*

- *weekly payments while incapacitated for work*
- *medical and other expenses*
- *rehabilitation expenses*
- *permanent impairment<sup>10</sup>*

In respect of workers compensation, the Tasmanian Government self-insures and Jardine Lloyd Thompson (JLT) acts as the fund administrator for the State.

The Auditor General coincidentally summarised in his report, at page 17, why it was critical to consider workers' compensation in this inspection:

*The substantial growth in sick leave and workers compensation leave evident over the last five years is concerning. In part, it reflects the challenging nature of employee roles within the TPS, but it is also indicative of an unhealthy workplace, representing a systemic problem within TPS. It also indicates TPS's related management strategies have not yet been effective in overcoming these impacts.<sup>11</sup>*

The inspection team interviewed:

- a significant number of TPS staff who have historical and current workers compensation claims
- staff that previously worked in the TPS Workplace Relations unit which is responsible for workers compensation
- staff currently working in the TPS Workplace Relations unit
- staff working in the Work Health and Safety unit which is responsible for hazard and incident reporting
- staff working in the Performance and Absence Management unit which is responsible for rostering
- staff working in the Department of Justice Human Resources Branch
- staff working for Jardine Lloyd Thompson Pty Ltd, the fund administrator
- staff working for WorkSafe Tasmania

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<sup>10</sup> <https://worksafe.tas.gov.au/topics/compensation/workers-compensation/information-for-workers/who-can-claim-for-workers-compensation>

<sup>11</sup> <https://www.audit.tas.gov.au/publication/tasmania-prison-service/> - page 17



The inspection also analysed data provided by both the Department of Justice and Jardine Lloyd Thompson Pty Ltd, and considered information provided by WorkSafe Tasmania.

The inspection found that TPS has a very high number of workers compensation claims. Data provided to the inspection team on 12 September 2019 included all open claims at that time and claims that were lodged<sup>12</sup> in the period from 1 July 2017 until 30 June 2019.

There were 226 claims, the breakdown of which was as follows:

- Accepted 209
- Pending 1
- Rejected 16

The number of claims is significant given a total staff of 489<sup>13</sup> staff (46%).

At the time of the inspection<sup>14</sup> there were 89 active claims (open or pending) and 153 finalised claims, including those which had been rejected.

Analysis of the injury nature indicates the most common injuries to be:

- muscular stress related – 30%
- psychological in nature – 28%

Muscular stress related injuries were mostly back related (30%), shoulder related (23%) and knee related (15%) injuries. Psychological injuries were noted as mostly caused by work pressure (42%). Of the 226 claims, 29 related to assaults by prisoners (13%) which resulted in a range of physical and psychological injuries to staff.

Based on the information considered by the inspection team there appear to be fundamental problems with TPS' workers compensation as a whole, such as (but not limited to):

- There appears to be little to no communication between HR supervisors with employees on workers compensation claims.
- There is little to no accountability for the work flow between an employee logging an incident to TPS closing out a workers compensation claim in the WH&S framework.
- There is a strong view by staff that a stigma attaches to valid claims for both psychological and physical injury.
- Allegations from staff that some senior managers frown on employees who make a claim.
- Allegations from staff that they are encouraged not to claim but rather receive treatment outside the workers compensation process with invoices provided to the WH&S Manager for payment on their behalf.

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<sup>12</sup> The date lodged for the purpose of this report is the date the fund administrator was notified.

<sup>13</sup> Headcount is based on data provided by TPS on 21 August 2019.

<sup>14</sup> As at 12 September 2019.



## *Correctional services and people*

- Employees are made to feel ostracised and unwelcome to return to work on modified or light duties.
- There appears to be little effort made to return employees to work on modified suitable duties.
- Breaches of return to work requirements are occurring in that employees are rostered to work in TPS locations explicitly excluded on medical grounds from their return to work program.
- Little to no collaboration between the WH&S unit, Workplace Relations unit, the Industrial Relations Advisor and the Performance & Absence Management team, including rostering.
- Employees being forced by the Workers Compensation unit to take annual leave during the period of incapacity which is unlawful.
- Personal leave forms for recreation leave are being processed without approval from the employee whilst they are on workers compensation leave, which is also unlawful.
- Annualised earnings (including overtime worked during the 12 months prior to injury occurring) not being included in some entitled employee's "make-up" pay whilst the employee is incapacitated. Employees make life and financial commitments based on their earnings and this practice has allegedly resulted in an employee being unable to meet his financial commitments and nearly losing his house which caused him additional stress leading to mental health issues.
- Allegations that the Employee Right to Claim Form is not being provided to employees at the time of the workplace accident/incident occurring or notification of the incident. Again, this is unlawful and a breach of employee rights.
- Allegations that there is little to no support from the Department of Justice HR team due to its lack of workers compensation skills and experience.

The inspection heard many examples of staff manipulating their job placements through workers compensation claims as a last resort due to no follow up or response to staff requests for rotation of work area. That is, staff submit requests to work in different sections of the prison, or different prisons, in order to relieve stresses associated with prolonged placement in challenging areas (for example, a move from RPC to RBMSP or MHWP etc.). When such requests are not acknowledged nor actioned, staff reportedly lodge workers compensation claims based on stress and poor mental health. The inspection team heard firsthand accounts of this happening. It is recommended that TPS introduces more frequent rotation to avoid unnecessary stress and to reduce psychological related workers compensation claims.

### Recommendations

It is recommended that TPS:

10. Commissions a full audit by an external consultant of the human resources structure, roles, functions and interaction/collaboration across the TPS.



11. Engages an external consultant to conduct a full audit of the existing workers compensation policy, systems and processes. The audit should include a review of return to work arrangements, modified duties and current claims.
12. Introduces more frequent correctional staff rotations through work areas to avoid unnecessary stress and to reduce psychological related workers compensation claims.
13. Reviews processes and implements measures to ensure active case management of workers compensation claims, with emphasis on improved communication with staff.
14. Reviews processes and implements measures to ensure active management of employees on return to work programs, with a focus on identifying opportunities for modified duties and roles to get staff back to work as soon as possible after medical clearance.

### Prisoner out of cell hours

Inspection standard 134.5 provides that the staffing profile should be sufficient to ensure prisoner out of cell hours are adequate to encourage social interaction and facilitate program participation.

Inspection standard 143.7 provides that prison regimes should provide at least 10 hours a day outside cells for an adequate level of prisoner human and social interaction, and for program participation.

TPS fails to meet both these standards due to the significant number of regular and frequent lockdowns, and the situation is continuing to worsen.

A lockdown occurs when all prisoners in a correctional unit, or even the entire facility, are confined to their cells or unit<sup>15</sup>. Lockdowns have a direct impact on the minimum out-of-cell hours across all TPS facilities. As was reported in the *Custody Inspection Report: Inspection of Adult Custodial Services in Tasmania, 2018*:

*The impact of lockdowns on prisoners is severe and wide ranging. During lockdowns, prisoners have limited access to education, therapeutic counselling and criminogenic programs. Additionally, lockdowns have an impact on family and significant relationships, with planned visits cancelled at short notice, and prisoners experiencing difficulties accessing telephones. The inspection also identified that lockdowns limit TPS in delivering reintegration and rehabilitation activities.*

The greater majority of all lockdowns in Tasmanian custodial centres are the result of significant staffing shortages. This was discussed in some detail in the *Custody Inspection Report* which noted that *in the month of January 2019 there were 334 lockdowns, 79% of which were a result of staff shortages.*

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<sup>15</sup> During lockdowns, prisoners in minimum and medium security facilities have access to the common areas in their accommodation units while prisoners in maximum security facilities are locked in their cells.



During the onsite inspection, a number of correctional staff raised concerns about the accuracy of lockdown reporting asserting that the reported lockdown times as recorded by the Performance and Compliance Unit do not reflect the actual times of unlock and lockup. Issues with accurate reporting of lockdowns were previously noted in the *Custody Inspection Report* and yet continue. This is alarming as inaccurate reporting results in the figures for out of cell hours, provided to the Australian Government for the Report on Government Services produced by the Productivity Commission, being overstated.

Without accurate data relating to out of cell hours it is difficult to quantify the impact of lockdowns on prisoner social interaction and program participation. No formal record is kept of the number of therapeutic appointments, programs and education course sessions that are cancelled due to lockdowns caused by staffing shortages. This needs to be addressed.

At the time of writing this report, the recommendations relating to lockdowns that were made in the *Custody Inspection Report* have not been actioned by TPS. These include ensuring that:

- all unlock and lockup times for prisoners are accurately recorded by correctional staff each morning and afternoon to ensure true records are maintained for statistical and reporting purposes and
- case notes to record individual prisoners' time out of cell for maximum-security units - whether alone or in a walk group - accurately reflect the start time and total time to ensure true records are maintained

These previous recommendations should be addressed as a priority. It is understood that the Department has staff working on changes to the reporting process, but these changes are yet to be rolled out and are expected to commence in October 2020.

#### Recommendations

It is recommended that TPS:

15. Maintains a register recording the cancellation of therapeutic appointments, program and education course sessions resulting from lockdowns – with the reason for the lockdown being noted.
16. Ensures all unlock and lockup times for prisoners are accurately recorded by correctional staff each morning and afternoon to ensure true records are maintained for statistical and reporting purposes.
17. Ensures case notes which record individual prisoners' time out of cell for maximum-security units - whether alone or in a walk group - accurately reflect the start time and total time to ensure true records are maintained.

#### Staff training

The expectation of the inspection standards is that staff are adequately trained to ensure the highest standards of professional competence, integrity and honesty in the performance of their assigned duties.



The inspection found that the prerequisite entry level training for new correctional staff is comprehensive and intense, being conducted over a ten week period. Inspection standard 135.2 provides that correctional officer training should fully reflect the standards set out in the nationally approved correctional services training package. TPS is currently delivering training that is compliant with the national training package. All current assessment criteria, assessment information and the training package were developed by TasTAFE for TPS. The inspection team was advised that there has been a recent update to the national training package and the TPS course content is currently being renewed to reflect these changes. TasTAFE, and TPS by default, are audited in relation to vocational training, as TasTAFE is responsible for issuing qualifications.

Correctional officers cannot progress their career further until they have completed the Certificate III course in Correctional Practice (Custodial Specialisation) which was also developed by TasTAFE. Despite this requirement, the inspection team was advised that there have been occasions, though rarely, when correctional staff have been promoted to Supervisor level in an acting capacity without completing the Certificate III qualification, and this practice is concerning.

All staff interviewed indicated that they had access to initial and on-going training related to their position descriptions, and the functions they are required to perform. The inspection identified, however, that ongoing development and training of staff appears to be minimal, with the training focus largely being on the initial training provided to correctional officers on recruitment. The currency of training of senior staff members including supervisors and superintendents is an area of particular concern which was previously noted in my *Custody Inspection Report*. In that report a recommendation was made for TPS to take immediate steps to ensure all Superintendents and Supervisors have completed current refresher training.

#### **Mandatory training**

Staff training is documented in excel spreadsheets to record competency and currency. A review of the spreadsheet for correctional officers evidenced that currency of training for correctional officers is an issue. The inspection team was advised that measures are being put in place to address this with the introduction of the new rosters.

As for of non-correctional staff, the only training provided is on line and covers the following courses

- Suicide and Self Harm (SASH)
- Work Health and Safety (WHS)
- Communicable Diseases
- Bomb Threat
- Radicalisation and Extremism Awareness (REAP)
- Hostage/Siege Situation
- Aboriginal Cultural Awareness



## *Correctional services and people*

- Decency Modules
- Ethics Training
- Social Media
- Family Violence
- Mental Health
- Locks and Keys and
- Verbal Judo (not yet been delivered to non-correctional staff and will be face-to-face)<sup>16</sup>

Of concern, a significantly high proportion of non-correctional staff have never completed some of the required training courses and the majority of staff are well overdue for refresher training in those courses that they have completed. These compulsory courses cover information critical to staff working in the correctional environment and most non-correctional staff perform roles that require face-to-face interactions with prisoners. It is unacceptable that staff working with prisoners have not completed mandatory training in such things as SASH, communicable diseases and verbal judo – this list is not intended to be exhaustive, rather it is illustrative of the importance of the courses. The gaps in mandatory staff training need to be addressed by TPS as an urgent priority.

### **Respectful workplace behaviour**

Inspection standard 135.5 provides that staff training should emphasise the fair and respectful treatment of prisoners, the human rights of prisoners and staff, and the meaning and application of duty of care. Relevant courses in this area are:

- Aboriginal Cultural Awareness
- Decency Modules
- Ethics Training

TPS requires these courses to be completed biennially, but as discussed above many staff have not completed the training at all. The consultant for the inspection recommended that respectful workplace behaviour training should be conducted annually.

### **Evaluation of training**

The inspection found that feedback about training and development is not sought from facilitators or staff participants. It is best practice for all employee training to be evaluated at its conclusion. The feedback provided by participants should be analysed in respect of value and opportunities for improvement in course content.

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<sup>16</sup> Correctional officers are also required to complete these courses as well as two additional courses, Crime Scene and Spithood.



## Recommendations

It is recommended that TPS:

18. Addresses gaps in mandatory staff training as an urgent priority.
19. Introduces mandatory annual respectful workplace behaviour training to be conducted by an appropriately experienced and skilled external People & Culture specialist.
20. Ensures all staff training is evaluated on conclusion with processes implemented for feedback to be provided by participants.

## Infectious diseases

The expectation of inspection standard 135.7 is that prison staff should be familiar with the *Australian Guidelines for the Prevention and Control of Infection in Healthcare*, and have access to infectious diseases emergency materials. Of the 50 TPS staff interviewed during the inspection, none had knowledge of these guidelines.

When questioned about training in prevention and control of infectious diseases, staff indicated that this is covered in recruit training only. The inspection team is aware that there is an online learning course *Communicable Diseases* which is required to be completed annually. Review of the staff training databases indicated that 22% of correctional staff at the time of the inspection were out of date in respect of this course including nine officers that have never completed the course. More concerning is the fact that of 119 non-correctional staff, 93 were out of date and 63 had never completed the course. Many TPS staff also indicated that they were not able, or did not know how, to access materials or the training package related to infectious disease emergency materials. The inspection team noted that there is a very out-dated interim DSO available on the TPS intranet. The interim DSO titled *Communicable Diseases* was issued 23 October 2006. No TPS staff referred to the existence of this document.

## Recommendations

It is recommended that TPS:

21. Makes available on the intranet the *Australian Guidelines for the Prevention and Control of Infection in Healthcare*.
22. Ensures all staff complete the online learning course *Communicable Diseases* as a matter of priority.
23. Issues an updated Director's Standing Order covering *Communicable Diseases*.

## Work, health & safety

Inspection standard 135.8 requires that staff should undergo workplace health and safety (WH&S) training.

As discussed above, WH&S is one of the mandatory training courses provided on line. It is compulsory for both correctional and non-correctional staff. On reviewing the training databases, the inspection found that 29 out of 120 non-correctional staff and 3 out of 311 correctional staff had not completed the training. Additionally, of great concern, 79



## *Correctional services and people*

correctional staff and 56 non-correctional were overdue to complete refresher training. The currency of staff training in WH&S must be addressed by TPS as an urgent priority.

More generally, outside staff training, the inspection team made the following observations about WH&S at TPS:

- Annual physical assessments for correctional officers are not required, but these should be occurring to ensure staff continue to be fit for duties.
- There is no contemporary WH&S Framework, only a flow chart, and there is little to no accountability from the WH&S team for work-flow and/or communication with employees who log incidents.
- Incident reporting for first responders is not occurring consistently. A desk top audit of use of force incident reports evidenced many instances where not all correctional officers involved in an incident completed a report.
- Incidents in the Department of Justice Incident Management System being closed without any consultation with the employee who raises the incident and, it was alleged, in some cases without any remedial action being taken.
- Many employees advised that they had been discouraged from lodging accident, incident and hazard reports.
- The WH&S unit is not maintaining a register of notifiable incidents.
- Some notifiable incidents have not been reported to WorkSafe Tasmania. Multiple TPS staff raised this issue and some provided specific examples and dates of notifiable incidents that had allegedly not been reported to WorkSafe. This information was cross checked by the inspection team with the register of notifiable incidents provided by WorkSafe and the allegations were found to be accurate in some instances.
- The WH&S team at TPS being tardy in response to requests from WorkSafe Tasmania for information about reported incidents. In some instances, WorkSafe Tasmania had followed up numerous times on a request for information before TPS provided a response.
- Workers compensation incidents being closed out in the WH&S system prior to finalisation of the claim.
- Fire drills for staff are not conducted annually at all facilities. The inspection team asked many staff members about this throughout the inspection and their feedback was consistently that they feel more focus on fire drills is required.

To ensure the paramount safety of the TPS work environment for prisoners and staff, particularly noting concerns about adherence to, and the absence of, processes relating to reporting, the expert consultant strongly recommended that TPS engages an independent external consultant to conduct a full audit of the Work Health & Safety framework. This audit should include such things as roles, workflows, policies, processes and inter-departmental relationships with other HR functions.



## Recommendations

It is recommended that TPS:

24. Considers introducing annual physical assessments for correctional officers to ensure ongoing physical suitability for the role.
25. Undertakes an education and awareness campaign regarding the importance of first respondents completing incident reports.
26. Develops procedures to ensure employees lodging an accident, incident or hazard report are:
  - consulted verbally after lodging the report
  - communicated with throughout the investigative process
  - provided with advice about the remedial action to be taken prior to the incident being closed.
27. Develops and maintains a register for recording notifiable incidents.
28. Ensures fire drills for staff are conducted at all facilities at least annually.
29. Engages an independent external consultant to conduct full audit of the Work Health & Safety framework (including roles, workflow, policy, process and inter-departmental relationships with other HR functions).

## Critical incident reporting

The Custodial Inspectorate is not notified of critical incidents occurring in TPS facilities. Critical incidents include such things as:

- escapes or attempted escapes
- deaths in custody
- body fluid contact with staff
- bomb threats
- industrial action
- civil demonstrations
- contraband, where it could result in a significant impact on the security and good order of the prison
- prisoners detained or released in error
- environmental incidents including security system failures
- hostage situations
- serious injuries resulting in external medical assessment or treatment
- serious illnesses
- roof top incidents



## *Correctional services and people*

- serious self-harm or suicides
- voluntary starvation

This list is not exhaustive, but is illustrative of the types of incidences that should be reported to an oversight authority as most have the potential to result in some sort of injury or illness to someone or something, are media worthy, and/or have a significant impact on custodial centre operations.

Without a process of notification of critical incidents, the inspectorate generally becomes aware of them through the media and this is less than satisfactory. When querying senior management about operational matters that are brought to the inspectorate's attention by sources other than TPS, there has been an element of *it's operational business, why do you need to know?* The fact that critical incidents relate to TPS' operational business is exactly why the inspectorate should be formally notified, as the oversight remit of the Inspector is based around operational procedures and practices. My staff look at processes, procedures, lockdowns, placement and the environment prisoners are being held in, treatment of prisoners and basic human rights. It is important that the inspectorate is aware of such critical incidents so that they can be logged and monitored in order to determine if there are systemic issues involved.

Further to this, my staff are often onsite at Tasmanian prisons, unannounced and unescorted, and from a safety and security perspective it would be prudent for them to be aware of critical incidents. This information would also provide them with a complete picture and may go some way to explaining what they might otherwise question as to processes, procedures and treatment of prisoners.

It should be noted that the Western Australian Office of the Custodial Inspector receives immediate email notification of critical incidents in custodial centres in that jurisdiction. It is recommended that TPS put in place a formal notification systems to alert the Custodial Inspectorate of critical incidents as soon as is practicable in the circumstances.

### Recommendation

It is recommended that TPS:

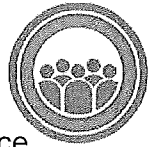
30. Develops and implements processes to notify the Custodial Inspectorate of all critical incidents in Tasmanian adult custodial centres in a timely manner.

### Recruitment

Many of the staff members interviewed raised the issue of recruitment, as it relates to the *Correctional Services and People* inspection standards. The general theme evident in these discussions was that there is a perception that TPS has an inability to attract quality personnel. Additionally, concerns were expressed by staff as to whether the recruitment processes are robust, transparent and trustworthy.

Some examples include

- There is a sense from staff of nepotism and bias in the TPS in relation to opportunities for recruitment and advancement. Particular concerns were raised about family



members of existing staff being appointed to TPS positions. Having an HR presence on recruitment panels for interviews to provide advice and assistance with processes and procedural fairness will assist in addressing these concerns.

- Concerns that a number of new recruits were initially determined unsuitable for appointment on the basis of results from psychometric testing, but were appointed to correctional officer roles in any event. Quite separately, and not in relation to the issue of psychometric testing, the Director of Prisons advised the inspection team that a review of the trainee recruitment process was underway. It is hoped that this review will consider the appropriateness of the psychometric testing used by TPS.



- Concerns about the appropriateness of directly appointing correctional officers to professional roles which require a specialised skillset such as the Human Resources Manager and Manager, Staff Planning and Engagement (the area responsible for recruitment, induction and training). The expert consultant advised that a merit-based recruitment process should be considered for roles where a particular skill-set is required (such as [redacted]).

The inspection team noted that recruit schools, until recent times, have been ad hoc and infrequent, with no contingency resources for unplanned leave and staff shortages. Over the past 3 years the following recruit schools were run:

- one school in 2017 with 18 participants
- one school in 2018 with 23 participants
- two schools in 2019 with 26 and 12 participants respectively

The reality is that new graduates from the recruit schools have only been replacing those correctional officers lost through natural attrition. It is noted that TPS increased the number of recruit schools in 2019 to two.

Correctional staff also expressed concerns about the intention to condense the duration of the recruit school from 12 weeks to ten weeks in 2020.



## Recommendation

It is recommended that TPS:

31. Ensures there is an HR presence on recruitment panels for interviews to provide advice and assistance with processes and procedural fairness.

## Performance management

All TPS staff positions have an accurate and current Statement of Duties and the duties assigned to staff are consistent with position descriptions and custodial centre procedures, including the Director's Standing Orders (DSOs) and Operating Manuals. This is not to say that staff operate in accordance with DSOs and Operating Manuals because as has been previously reported, often they do not. The Statements of Duties though are detailed and clear in terms of what is required by staff, and the DSOs and Operating Manuals appropriately assign responsibilities based on staff position descriptions.

The inspection standards provide that a system-wide Performance Management System should be in place to support professionalism, career development, job satisfaction and institutional effectiveness. Whilst TPS does have a performance management system, incorporating a Performance Development Plan (PDP) and meetings, this system is not well regarded by any of the employees interviewed at inspection.

Many employees interviewed reported that the PDP itself is cumbersome and meaningless, and adds no value to either TPS organisationally, or to individual staff members. Managers disseminate the template PDP to direct report employees and the inspection team was advised that it is simply signed off by employees to verify process, described as *a tick and flick*. Both managers and employees consistently reported great frustration that training requirements identified on the PDP are not approved for funding, with no feedback being provided to staff as to why.

Staff reported that in performance development meetings there is generally no meaningful discussion between supervisor and employee - this feedback was provided by both supervisors and employees. Both cohorts felt that this shortcoming could be addressed by TPS providing managers with more guidance to assist with completing the PDP and training in effective conversations to assist with how to manage difficult situations and employee underperformance. This is despite the fact that training was provided for every manager in the TPS in the use of the PDP document, as well as how to conduct a meaningful performance development discussion. It is suggested that the training provided by the Department needs to be reviewed and reoffered if the process is not changed moving forward.

Additionally, the inspection found that the performance management framework is not consistently utilised, with some long serving employees advising that they had never participated in the process. This was confirmed by a review of the TPS register of employee participation in PDP process which was provided to the inspection team by the Performance and Absence Manager post-inspection. The register listed 492 staff of which the status indicated very few fully completed PDPs had been returned. In addition, the inspection team requested the PDPs for 10 randomly selected staff members for audit



purposes. The mini audit found that not one of the PDPs provided was completed in its entirety, some had not had a response to training requests, others were signed but not completed, and two had simply not been undertaken and/or completed at all.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

### Recommendations

It is recommended that TPS:

32. Implements a simplified performance management framework (customised for TPS) which encourages participation in a meaningful discussion between supervisor and employee.
33. Ensures that all supervisors are trained in the PDP and effective conversations training to assist with how to manage difficult situations and employee underperformance.

### Leadership and supervision

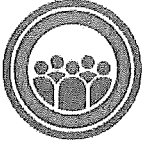
For the successful operation of a custodial centre, it is vital that staff:

- are supported by effective leadership and supervision
- have access to an appropriate range of supports
- have access to the resources necessary to perform required tasks
- have facilities which reflect respect for staff and for the tasks they perform

The results from the employee survey completed by TPS staff pre-inspection were not complementary in respect of staff views about management and leadership. The feedback provided during staff interviews at inspection was also consistently negative, mainly in respect of senior management.

Criticisms were also levied at some supervisors, but staff generally prefaced negative feedback by saying that many supervisors were acting in their positions and inexperienced. These supervisors operate well as correctional officers, but are not trained in management and supervision of staff so struggle in the supervisor role. Additionally, staff recognised that supervisors were:

- often on recall to custodial centres away from of their usual postings
- not familiar with the operating environment and yet are required to make operational



decisions without support or guidance from senior management.

Feedback from staff from interview and other sources was consistent in respect of two key issues:

- there is not appropriate training and guidance provided to manage employees
- procedures are not in place to support managers/supervisors and this is a significant issue given the high numbers of staff acting in supervisor roles.

#### Recommendations

It is recommended that TPS:

34. Ensures all managers and staff with direct reports undertake essential supervisor training.
35. Considers developing a tiered Leadership Development Program (frontline management training) to be completed by all correctional supervisors.
36. Ensures clear written procedures to support correctional supervisors are developed, maintained and stored in an easily accessible location.

#### Staff facilities

Inspection standard 137.2 provides that prison design should provide facilities for staff which reflect respect for them and for the tasks they perform.

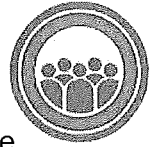
Staff have access to an onsite gym at the Risdon complex and this appears to be well utilised. There are a number of staff lockers in the gym building and four showers.

There is a good-sized and well-equipped staff room in the administration block in RPC which is used primarily by correctional staff in the maximum security precinct and those in the administration block. A small number of staff from the medium security precinct access the staff room on their breaks.

There is a small kitchenette for staff in RPC Medium. The inspection team was advised that the kitchenette is not designated a staff mess room, but most medium staff prefer to remain there for lunch despite the inadequacies of the facility.

There are 52 staff rostered every day at RPC and there are no outside tables and chairs for them, or areas to eat privately or go to for time alone in either the medium or maximum security precincts.

RBMSMP has two separate areas for staff showers with three showers in total. There are three separate areas for staff lockers and at the time of the inspection numbers were adequate. It is noted, however, that as staff increase more lockers will be required. The staff room in RBMSMP is a small cramped space in which all rostered staff do not fit at one time. Some staff use the prisoner video link room or interview offices to read. Though these spaces are not designated for staff use the Chief Superintendent allows staff use as there is nowhere else for them to go. There is no outside staff area at RBMSMP where people can eat their lunch or have a break. The inspection team was told that in the past there were tables and chairs in RBMSMP forecourt, but these have been removed.



At MHWP the staff facilities are basic and, with the exception of the staff room, adequate. There are staff lockers in the main building that houses the gatehouse and control room, and there is a staff room located in the administration block. There is a shower for staff use in the administration block too. The staff room at MHWP requires upgrading. It has a large round table, a large fridge, a small bar fridge and a sink. The room is not, however, large enough for all staff to sit around the table at their only break during the day or for staff meetings etc. Cooking facilities consist only a microwave, an electric fry pan and a sandwich press.

The staff facilities at HRP comprise three rooms in total. One room has lockers with male and female toilets attached, with a shower in each toilet. Another room is used as the staff gym and lounge area. The staff gym was set up post-inspection. The third room is a kitchenette, which has a table and chairs so also doubles as a team meeting room. The kitchenette is substandard and requires refurbishment, in particular, there is no exhaust or cook top and the power supply to the kitchenette is inadequate for the appliances in the room. The inspection team was told that when staff use more than one appliance at a time the fuse can blow. There is no outside area for staff to access at HRP, although the original design of the facility had landscaped areas around the prison, so there is room to address this deficiency.

At the time of the inspection, LRP had a staff room, which contained a table and chairs and staff lockers; a tiny kitchenette that was only big enough for two people at most to be in at a time to get a drink or heat up a meal. There is no outside area at LRP for staff to get fresh air during meal breaks and staff are only able to see natural daylight through two windows located in the meal area. There is no staff gym available, however, the TPS subsidises a gym membership at a local franchise for LRP staff. There is one staff shower located in a bathroom area at the rear of the kitchen/meals area.

Post-inspection a substantial renovation of the LRP kitchenette has been undertaken, incorporating the kitchen/meal area into the staff room. The renovated kitchen is a great improvement in both size and amenities, which include two microwaves, a dishwasher, a large fridge, a milk fridge and a hot and cold filtered ZIP tap. A laptop computer is available for staff in the meal area to check emails and write reports etc. TPS is to be commended on the improvements to the staff room and kitchen area at LRP.

#### Recommendations

It is recommended that TPS:

37. Explores options, and undertakes works, to provide staff with appropriate spaces for breaks, including the provision of areas that facilitate privacy and time alone and outside areas where staff can enjoy fresh air.
38. Upgrades the staff room at MHWP so that it can adequately cater for the staffing complement.
39. Upgrades or replaces the inadequate kitchen facilities at HRP as a priority, noting the issues with the electrical supply.



### **Staff resources**

TPS is performing well in respect of staff resources. Both the pre-inspection survey and responses provided at interviews indicated that staff:

- are provided with current and internally consistent policies, procedures and position descriptions which clearly detail their duties and accountabilities
- have access to the resources necessary to perform required tasks and
- are aware of the full range of available training, counselling, mentoring and other supports available.

The TPS Intranet is a comprehensive source of information which is regularly updated and is accessible to all TPS staff members. It contains corporate and strategic documents, memoranda of understanding, staff communications, policies, DSOs, operating procedures, forms and templates, information relating to WH&S, HR, and Development and Training and more. As has previously been reported, however, a large number of TPS' DSOs are significantly out of date and require review and updating.

### **Health status of staff and workforce planning**

The inspection found that TPS is not meeting inspection standard 137.8, which provides that custodial centre management should monitor the health status of staff by collecting, reviewing, and acting on data on overtime, sick leave and staff turnover to ensure there is a healthy work culture with supports in place.

It is clear that TPS management and the wider Department of Justice are aware of excessive overtime, sick leave, disproportionate workers compensation claims and staff turnover. It does not appear, however, that any effective corrective action is being taken. Despite the increase in new recruits, TPS is not able to keep pace with the reduction of its workforce through workers compensation claims and natural attrition. There has been little, if any, workforce planning and insufficient recruitment.

Facilities are regularly locked down as there is insufficient staff rostered on to safely unlock prisoners. The inspectorate regularly reviews facility briefs which detail numbers of staff short on a daily basis. At inspection my staff were advised that changes to rosters to be implemented in late 2019 and early 2020 would address these shortages.

Post-inspection review of facility briefs and lockdown reporting at the time of writing this report, however, indicate that staffing shortages on a daily basis have worsened, not improved, since the new rosters commenced. TPS staff advise the inspection team this is largely because the rosters are based on 12 hour shifts which result in longer hours worked on a shift, and more rostered days off. The increased rostered days off across the service has impacted heavily, as it compounds the existing and, more importantly, known staff vacancies on rostered lines. Each time these matters have been raised with senior management the response has been that the vacancies in rostered shifts will be addressed when the 2020 recruit schools become operational. It begs the question why were the new rosters implemented before the new recruits were operational such that there was a full complement of staff to fill all vacant rostered lines on all shifts?



It should be noted that the Auditor General also raised concerns in his report about correctional officers' increased sick leave and workers compensation, which he said was *indicative of an unhealthy workplace*.

Much more work is required in terms of workforce planning and this needs to be addressed as a priority. The Auditor General made the following recommendation in his report regarding workforce planning:

*Develop and implement improved workforce planning processes that:*

- *ensure a more accurate approach to staff resourcing*
- *inform recruitment, retention and succession planning*
- *inform training requirements*
- *deliver effective and efficient rostering*
- *reduce overtime*
- *reduce absenteeism*

#### Recommendation

It is recommended that TPS:

40. Actions the recommendations of the Auditor General relating to workforce planning as a priority, with continued focus on ensuring such planning continues into the future.

#### Supports for staff

Inspection standard 137.9 provides that following critical incidents, all affected staff should be offered a range of relevant opportunities for debriefing and assistance as is appropriate to the circumstances.

Positively, interviews with staff, and responses to an employee survey undertaken by the inspection team, indicated that TPS staff are aware of the full range of available counselling, mentoring and other supports offered, such as the M.A.T.E.S program and the Employee Assistance Program (EAP).

The inspection found, through both the pre-inspection survey responses and staff interviews, that the M.A.T.E.S program is not well regarded by a significant number of correctional staff. This is due to concerns about:

- confidentiality, with specific examples of breaches of confidentiality provided to the inspection team
- a lack of confidence in the employees selected as mates for a range of reasons including personality type and personal conflicts
- being seen by their peers to be weak or not coping at work and
- the adequacy of the professional skills of mates to be able to assist employees in their time of need.



Many correctional staff members expressed the view that they would like to be able to speak to professionals, rather than use the M.A.T.E.S program. Based on this feedback, the program should be utilised as an option only and, if the program is to continue in any form, consideration should be given to reviewing its terms of reference and the staff members delivering the program, and action is required to ensure appropriate training and upskilling of these staff members.

Similar concerns were raised about the confidentiality of the EAP service with a sizable portion of staff advising that they would never use the service in its current form. Data provided to the inspection team evidenced that the EAP (state-wide) was utilised only 21 times over the course of the year 1 July 2018 to 30 June 2019.

With regard to critical incident debriefings, some staff queried why prisoners are able to access professional counselling services and psychologists through the TPS Therapeutic Services team but correctional staff cannot access similar services. This would seem to be a very rational and reasonable concern and consideration should be given to engaging a clinical psychologist or other appropriately skilled health professional to attend onsite after a critical incident so staff have the option to immediately talk to a mental health expert following the incident.

As discussed above, in 2019 TPS introduced a Wellbeing and Support Officer. The following information about the role, which was sent to TPS staff, was provided to the inspection team:

*What is the Wellbeing and Support role? The intention of creating this role is not to be a psychologist or councillor nor is it to take the place of any other specialised service. The WSO position is one of support and opportunity, specifically to provide opportunity in the workspace. To assist people to stay at work before it's too late, to make people feel supported and informed if they are injured and provide a referral point for them and their families.*

TPS is to be commended on proactively establishing a Wellbeing and Support Officer. It should be noted, however, that the position at the time of the inspection was held by a correctional officer and similar feedback as detailed above in relation to the M.A.T.E.S program was given to the inspection team about Wellbeing and Support. That is, many correctional staff do not feel comfortable talking to a peer. It is acknowledged that there is a contrary position that has not been discussed and that is that some correctional staff may prefer to talk to someone who *has been in their shoes* and understands the nature of working in stressful and challenging frontline role. Having a number of support options available to staff ensures that there is an acceptable option available for all of them. This would particularly be the case if TPS makes available to staff an independent clinical psychologist or other appropriately skilled health professional.

It is critical that TPS has the appropriate supports for staff in place given the organisational culture and the stress related conditions associated with working in a correctional environment.



## Recommendations

It is recommended that TPS:

41. Reviews and evaluates the effectiveness of the M.A.T.E.S program and, if it is to continue to operate, ensures that staff that are mates receive appropriate training and upskilling.
42. Engages a clinical psychologist or other appropriately skilled health professional to attend onsite after a critical incident so staff have the option to immediately talk to a mental health expert following a serious incident.

## Work life balance and family friendly practices

Work life balance is a term commonly used to describe

*the balance that a working individual needs between time allocated for work and other aspects of life. Areas of life other than work–life can include personal interests, family and social or leisure activities.<sup>17</sup>*

Inspection standard 137.3 recognises the importance of employees maintaining a work life balance and provides that custodial centre policies and procedures affecting staff should encourage the achievement of this.

The inspection found that the operating framework within which TPS operates results in some significant challenges for staff trying to balance demands between work and family domains.

As discussed above, TPS' reliance on overtime and recalls has a significant impact on work life balance for those staff that choose to work additional hours in excess of their rostered hours.

In addition, a number of staff interviewed raised with the inspection team the structuring of rosters and said it makes things difficult for those employees relying on childcare. In particular, ten and 12 hour days mean they are not able to drop off or pick up children from childcare, as the centre is not open when they are required to start work and/or closed when they finish. The inspection team was advised that there is little, to no, opportunity available for correctional staff to work flexible hours.

The long work days also has a negative impact on family interactions for correctional officers with children. The inspection team was advised by managers that the new rosters when implemented<sup>18</sup> would be more family friendly due to the longer 12 hour shifts, with more days off. Correctional staff countered this advice by suggesting that having more days off will not mean more time spent with family as family members are at school or work on the rostered week days off. Staff say that those with young children and babies will miss family meal times and children may be over tired or in bed by the time they arrive home after they finish a 12-hour shift at 7:00pm.

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<sup>17</sup> [https://en.wikipedia.org/wiki/Work%E2%80%93life\\_balance](https://en.wikipedia.org/wiki/Work%E2%80%93life_balance)

<sup>18</sup> To be implemented in late 2019 and early 2020.



As recognised by the Tasmanian Government<sup>19</sup>, an important key to retaining skilled employees is the extent to which businesses can provide flexibility in employment and family friendly workplaces. It is acknowledged that the correctional work environment provides challenges for TPS, but more can, and should, be done in this area.

#### Recommendation

It is recommended that TPS:

43. Explores and implements options to provide flexible family friendly work options for all employees.

#### Staff communications

TPS uses a number of communication tools to inform staff of workplace developments through meetings, notices and briefings. The intranet has a page dedicated to staff communications and documents things such as internal memoranda, staff bulletins, minutes of meetings, notices to staff and Director's briefings are uploaded to this page for easy access. Daily briefings are held in the morning in each facility. Despite these extensive communication tools, many staff reported to the inspection team that communication is an issue, particularly in relation to operational matters.

It appears that there is a communication gap between managers and correctional officers on the ground. Examples of failure to communicate include Kid's Day. On two occasions my staff have attended Kid's Day and been told by staff that they had been unaware that it was on until late on the morning of the event. Another example related to a newsletter distributed to staff that described some operational changes, including the movement of an industry from one facility to another, and the manager of the area was unaware that this was occurring.

#### Authorisations and security clearances

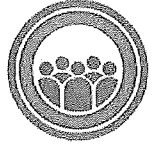
Inspection standard 138 provides that the workforce should be appropriately authorised and receive security clearance for the tasks they are required to perform.

The inspection found no issues with authorisations and security clearances. Appropriate delegations are provided in the *Corrections Act 1997*, the *Corrections Regulations 2018* and the *Bail Act 1994*. Copies of the instruments of delegation are available on the TPS intranet.

There is a DSO governing staff attendance at prisons, the purpose of which is to ensure that off-duty staff report their presence when attending prison sites and observe the prison access protocols. The DSOs more generally provide clear guidance on who is authorised to perform certain tasks and there are permissions in TPS' Custodial Information System (CIS) and the record management system (Content Manager) that also operate to ensure security of information.

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<sup>19</sup> [http://www.dpac.tas.gov.au/divisions/csr/information\\_and\\_resources/women\\_work\\_and\\_finance/family-friendly\\_workplaces](http://www.dpac.tas.gov.au/divisions/csr/information_and_resources/women_work_and_finance/family-friendly_workplaces)



In addition, TPS has in place a gate pass system for staff and visitors with colour-coded passes issued to facilitate access to specific areas of a prison or prison property. The issue of a pass is conditional on an identity check and verification process.

The inspection team noted that national police checks appear to only be undertaken at the recruitment/commencement stage of employment with no follow up checks a person's offending history. Rather, reliance is placed on staff self-reporting any offences in line with the obligations outlined in the State Service Code of Conduct.

#### Recommendations

It is recommended that TPS:

44. Establishes a database to record the date an employees' national police check is first completed.
45. Introduces a process to ensure a person's offending history is routinely checked.

#### Work related grievances and bullying

It is the expectation of the inspection standards that all employees are provided all with the opportunity to express and resolve work related grievances in a timely manner and in accordance with the principles of natural justice.

All reasonable steps should be taken by custodial centres to ensure that grievances are resolved promptly, fairly, sensitively and confidentially, and that every attempt is made to resolve workplace grievances at the lowest level. Importantly, employees should be informed of their rights and responsibilities in relation to resolving grievances.

The Department has a comprehensive process and policy relating to Discrimination, Harassment and Bullying in the Workplace, and a policy for preventing and responding to sexual harassment. These policies are available to staff through the Department intranet.

Although these policies and processes are in place, it is clear that staff are reluctant to formally address behaviours that are discriminatory or harassing or bullying in nature.

The pre-inspection survey identified staff concerns about bullying and this was confirmed as a significant issue at the onsite inspection. A substantial number of allegations raised with the inspection team were associated with bullying and intimidation and what would be considered inappropriate workplace behaviour.

The following example was provided to illustrate inappropriate behaviour:

*A staff member sexually harassing another staff member and, despite being raised formally with the Department, the perpetrator was allowed to return to his role. This resulted in the perception of many employees that there were no consequences for his unlawful and inappropriate behaviour.*

The above example was raised with the inspection team many times over with multiple staff expressing concern about the Department's commitment to White Ribbon Accreditation and the prevention of men's violence against women.



Another example of inappropriate behaviour involved an employee being advised that he was forbidden from contacting Human Resources, which is of great concern and incongruous given that HR is the forum through which employee grievances are addressed.

Many TPS staff who were interviewed advised they had personally experienced workplace bullying in the last 12 months. Of some concern, much of this bullying was reported as being perpetrated by a senior manager or immediate supervisor. Specific examples were provided by these staff members but these cannot be publicly reported so as to protect the identity of the people involved.

Of great concern, based on consistent feedback through both the staff survey results and interviews, the inspection found that there is an unhealthy stigma attached to employees raising a grievance or workers compensation claim:

*Any complaint high level you would be targeted to the nth degree. You'd be ground into the ground*

*The grievance process is not what it should be. People are fearful of repercussion from management, because you can be targeted*

*The grievance process is a toothless tiger that people don't want to use*

*People don't lodge complaints and grievances. People don't feel supported you can hypothesise. The complainant is usually the one that's moved on rather than the perpetrator*

The inspection team noted a lack of employee engagement resulting from systemic bullying. Many employees interviewed said they felt unsupported by management and/or HR to raise issues formally.

The inspection found that very few staff members reported the bullying due to:

- fear of reprisals and concerns for their career progression
- lack of confidence in any action being taken to address the bully's actions
- the burden of completing paperwork required by the reporting process.

Relevant external stakeholders also advised the inspection team that they were aware of systemic bullying at TPS.

The *Custody Inspection Report* also identified concerns about bullying in TPS:

*The inspection found that the anti-bullying strategy is not adequate or effective. Individual managers will deal with bullying in different ways. Staff bullying does happen and, based on information provided in a number of separate discussions with various TPS uniformed and non-uniformed staff and Correctional Primary Health Services staff, it appears that it is an ingrained culture within TPS.*



In that report, the following recommendations were made in respect of bullying:

*That TPS*

- *updates the procedural documents relating to anti-bullying as a priority*
- *implements anti-bullying strategies in all custodial centres, covering both staff and prisoners, tailored to the specific prison environment*
- *ensures that statistics of all bullying incidents are collected and maintained and appropriately reported on to prison management on a regular basis*

It should be noted that the *Custody Inspection Report* relates to onsite inspections undertaken in March 2018 and the above recommendations have yet to be addressed despite the passage of two years. These previous recommendations should be addressed as a priority.

The inspection findings should come as no surprise to TPS, as the Department of Justice has access to specific data collected through the Tasmanian State Service Employee Survey co-ordinated by the State Service Management Office in the Department of Premier and Cabinet. This whole of government survey contains questions about workplace behaviours including bullying, workplace grievances, conflicts of interest and improper conduct and behaviour.

Recommendations

It is recommended that TPS:

46. Reviews the policies and procedures relating to work related grievances and takes action to improve the culture associated with reporting of work related grievances so that employees are (and feel) supported in raising workplace issues.
47. Updates the procedural documents relating to anti-bullying as a priority.
48. Implements anti-bullying strategies in all custodial centres, covering both staff and prisoners, tailored to the specific prison environment.
49. Ensures that statistics of all bullying incidents are collected and maintained and appropriately reported on to prison management on a regular basis.



## 2 Prison management, policy and planning

### Inspection standards 140 to 144

#### Lessons learned

The expectation of inspection standard 140 is that each prison should be integrated into a wider corporate learning environment to ensure lessons learned from inquiries and recommendations made as a result of inquiries, investigations and reports are, where appropriate, integrated into correctional practice.

In this regard, it appears that TPS relies largely on internal information gathered through audits undertaken by the Performance and Compliance Unit. For example this list, which is not exhaustive, provides a snapshot of the breadth of audits undertaken:

- Launceston Reception Prison Process Audit 2017
- Prisoner Classification 2018
- Launceston Reception Prison Audit 2018
- Tactical Response Group and Administrative Processes and Tasmania Police Firearms 2018
- Mary Hutchinson 2019
- Drug Detector Dog Unit Drug Training Aid 2019
- RPC Medium Security Cell Admission and Discharge 2019
- Drug Detector Dog Unit Training Substances 2019

TPS also regularly conducts internal investigations into identified matters of concern including critical incidents.

The information identified, recommendations made and actions taken following these audits and internal investigations are entered into a purpose built software system for follow up.

In addition to internal audits and investigations, TPS also takes into account learnings and outcomes from Coronial inquests. It should be noted, however, that at the time of the inspection some of the recommendations in the 2017 Coroner's report<sup>20</sup> into deaths in custody had still not been addressed.

It does not appear that TPS actively monitors or reviews data from other interstate prisons for the purposes of benchmarking. This may be because there are differentiating factors between Tasmanian prisons and those in other jurisdictions, such as population numbers, economies of scale and having mixed prisoner security classifications in facilities. Additionally, the infrastructure of Tasmanian prisons necessitates tailored operational requirements and procedures. Having said that, TPS staff do visit prisons in other jurisdictions for the purpose of learning and, where appropriate, new practices will be integrated into correctional practice if they are workable in the Tasmanian correctional environment.

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<sup>20</sup> [http://www.magistratescourt.tas.gov.au/\\_\\_data/assets/pdf\\_file/0008/384983/Monson,\\_Troy\\_Colin,\\_Michael,\\_Robin\\_and\\_Mitchell,\\_Scott\\_Clifford.pdf](http://www.magistratescourt.tas.gov.au/__data/assets/pdf_file/0008/384983/Monson,_Troy_Colin,_Michael,_Robin_and_Mitchell,_Scott_Clifford.pdf)



The inspection found there is no mechanism for prisoner feedback.

### Strategic plan

Inspection standard 141 provides that each prison should have a strategic plan that defines the purpose, vision, values and goals of the prison.

TPS provided the following relevant documents to the inspection team:

- *Department of Justice - Corporate Direction 2018-19*<sup>21</sup>
- *Breaking the Cycle: A Strategic Plan for Tasmanian Corrections 2011-2020*

The vision of *Breaking the Cycle* is:

*A reduction in reoffending and an increase in the ongoing safety of the Tasmanian community by providing a safe, secure, humane and effective correctional system with opportunities for rehabilitation, personal development, reintegration and community engagement.*

As part of *Breaking the Cycle*, Corrective Services in Tasmania committed to regularly publishing key information regarding its operations. A progress report for 2018 has been published on the Department's website, but no progress report has been published for 2019 as yet.

TPS' mission statement is:

*To contribute to a safer Tasmania by ensuring the safe, secure containment of inmates and providing them with opportunities for rehabilitation, personal development and community engagement.*

TPS' values are as follows:

*As Tasmania Prison Service employees we demonstrate ethical behaviour, professionalism and integrity by:*

- *Being respectful, honest, fair and consistent*
- *Being open-minded to other beliefs and opinions*
- *Demonstrating enthusiasm and commitment in our work*
- *Recognising good work and striving towards continuous improvement*
- *Leading by example and taking responsibility for our actions*
- *Communicating with our colleagues and others in an accountable and timely manner*
- *Embracing the benefits of teamwork*

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<sup>21</sup> At the time of writing this report, the most up to date corporate direction is the *Department of Justice - Corporate Direction 2019-20*.



## *Prison management, policy and planning*

The vision, mission and values are published on the TPS intranet and accessible to all staff.

The inspection team was advised that the Strategic Governance Committee meet regularly every four to six weeks.

The pre-inspection survey indicated that there are mixed views from staff about understanding the strategic drivers of the organisation and how their role adds value.

### **Business / Management plan**

Inspection standard 142 sets out that each prison should have a Business / Management Plan that details the following 12 months objectives, service delivery resourcing to meet those objectives, and the performance measures and reporting arrangements of the prison.

TPS prepares an annual business plan which links to broader Department of Justice policies, initiatives and priorities. This plan covers all custodial centres, and there are not individual business plans for each prison. The business plan includes the following information:

- key strategic issues and risks
- initiatives planned to achieve priorities
- performance measures and targets
- a detailed assessment of risk, its mitigation and management
- human resources information – covering staffing establishment, organisation chart, leave management, mandatory training statistics, health and safety indicators and health, safety and wellbeing initiatives
- financial resources

TPS' Business Plan does not promote accountability for outcome or incorporate an analysis of the prisoner population that includes the needs of significant prisoner cohort groups. These are areas that should be considered for inclusion in future business plans.

The inspection found through staff interviews that very few staff are involved in the development and implementation of the business plan, particularly at officer level, but senior officers, including at Superintendent rank indicated this to be the case too.

### **Recommendations**

It is recommended that TPS:

50. Incorporates in future business plans analysis of the prisoner population including the needs of significant prisoner cohort groups.

### **Performance measures**

TPS has a dedicated Performance and Compliance Unit, which measures performance against the Business Plan regularly.



The following information is provided on TPS' intranet page:

*The Performance and Compliance Unit is responsible for ensuring the Tasmania Prison Service (TPS) operates within legislation, policies and guidelines and meets prison service reporting obligations. We are also responsible for the development of systems that facilitate monitoring of the prison system's performance against key performance indicators.*

*In particular, the Performance and Compliance Unit is responsible for the following functions:*

- *Developing the TPS Performance and Compliance Framework*
- *KPI Monitoring and Performance*
- *Risk Management*
- *TPS Reporting*
- *Internal Audit and Compliance*
- *Investigations*
- *Incident Management System (IMS)*
- *Integrated Performance System (IPS)*
- *Risk Management*
- *Reporting*
- *Sentence Administration*

The Integrated Performance System (IPS) is a purpose built software system that is used to request information, record and delegate tasks, and manage progress against Key Performance Indicators. The IPS is accessible to staff in the Performance and Compliance Unit and correctional officers of Superintendent rank and above.

### **Prison regime**

Inspection standard 143 provides that each prison should provide a regime that is specifically geared to the needs and risks of the significant prisoner groups held at the prison.

In particular:

*Inspection Standard 143.1 - Based upon each prison's prisoner profile, a structured regime should make equitable provision for the significant groups of prisoners held at the prison. This may include male or female prisoners (including some female prisoners with babies), Aboriginal and non-Aboriginal prisoners, remand and sentenced prisoners, disabled and mentally impaired prisoners, foreign national prisoners, prisoners from ethnic minorities, older and younger prisoners, as well as protection prisoners.*



Large portions of prisoners in Tasmania identify as Aboriginal, roughly one-third of those in custody are remand prisoners, and the number of female prisoners continues to steadily rise. Tasmania is also seeing growth in prisoner cohorts, such as disabled prisoners and prisoners with mental health issues, due in part to an increase in the number of elderly (historic) sex offenders and the effects of drug use and abuse. Numbers of foreign national prisoners and prisoners from ethnic minorities are also increasing in Tasmanian custodial centres.

While Tasmania has a largely white homogenous prisoner population, diversity is growing, yet there do not appear to be any measures in place for ensuring that a structured regime makes equitable provision for significant groups of prisoners held at the prison. Each prison's regime appears to be very basic and ad hoc depending on bookings made by programs and therapeutic staff and service providers. The regime at best can be described as structured only for morning unlock, lunch break lockup and unlock, daily medication rounds and evening lockup. The only variation to this schedule appears to be for those prisoners who are employed in industries and those that have to attend medical appointments, courts and personal and professional visits. In all custodial centres, the prison regime fails to similarly reflect the positive aspects of life in the community, as required by inspection standard 143.5.

The inspection team did not find any evidence to indicate that TPS analyses prisoner needs so that it can assess each prison's prisoner profile in order for the structured regime to address prisoners' risks and needs in that facility. Nor does it appear that TPS reviews its ability to meet the risks and needs of its prisoner population, or monitors trends that emerge in the prisoner profile. More work is required in this area.

Inspection standard 143.7 provides that prison regimes should provide at least 10 hours a day outside cells for an adequate level of prisoner human and social interaction, and for program participation. As has been previously reported in the *Custody Inspection Report 2018* TPS fails to meet this standard due to the significant periods prisoners spend locked down, largely as a result of staffing shortages. Section 29 of the Corrections Act sets out the basic rights of prisoners and detainees in Tasmania. Importantly, s29(1)(a) provides that every prisoner and detainee has the following right:

*(a) if not ordinarily engaged in outdoor work, the right to be in the open air for at least an hour each day if the facilities of the prison are suitable for allowing the prisoner or detainee to be in the open air*

Too often prisoners are not receiving even their most basic legislative right to one hour out of cell each day. TPS must address its failure to comply with its legislative obligations and ensure that all prisoners receive at a minimum one hour out of cell every single day. For TPS management to continually say that they are unable to facilitate prisoner time out of cell because of staffing issues is not acceptable – this situation has been going on for too long. TPS is acting in contravention of human rights instruments such as the United Nations



Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>22</sup>

Inspection standard 143.4 provides that the prison regime should not aggravate the suffering inherent in imprisonment. The frequency of lockdowns means that TPS is failing to meet this standard also.

#### Recommendations

It is recommended that TPS:

51. Implements processes to regularly analyse prisoner needs so that it can assess each prison's prisoner profile in order for the structured regime of each custodial centre to address and meet prisoners' risks and needs in that facility.
52. Complies with section 29(1)(a) of the *Corrections Act 1997* and ensures that every prisoner, if not ordinarily engaged in outdoor work, is given the opportunity to spend time in the open air for at least an hour each day if the facilities of the prison are suitable for allowing the prisoner or detainee to be in the open air.

#### Financial plan

Inspection standard 144 provides that each prison should have a financial plan. In addition, each prison should develop and document a budget, together with financial management delegations and processes in order to deploy financial resources and equipment to support the business / management plan.

The inspection team was advised that there is a financial plan for each custodial centre with the budget prepared based on the entire TPS appropriation being split between each prison. Based on this, each custodial centre has a budget plan coded to a chart of accounts. The process for preparing the custodial centre budget is that the Finance Manager writes to each custodial centre asking the Superintendent to provide a budget submission that includes normal day-to-day expenditure and a *wish list* for initiatives.

It appears that the Finance Manager manages the custodial centres budgets, not the Superintendent of the individual prison. Financial reports against budget are prepared - monthly business reports breakdown in detail exactly what is purchased. Monthly financial reports are provided to TPS' management team. A budget centre report is prepared for each prison on a monthly basis analysing the expenditure against the budget. The managers responsible for each prison are integral to the process.

The Finance Manager scrutinises each prison's expenditure on a transactional basis every month. The inspection found that Superintendents of custodial centres are frustrated by their lack of autonomy in relation to the management of their own prisons, and reported feeling micro-managed by Finance.

The Department of Justice issues appropriate staff with financial delegations. These are approved by the Head of Agency and apply to specific departmental positions, not individual persons. An officer with a financial delegation is able to incur and approve expenditure on behalf of TPS.

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<sup>22</sup> <https://undocs.org/A/RES/70/175>



## *Prison management, policy and planning*

Currently, the TPS retains all finance records in hard copy files. These hard copy files are kept in addition to all financial transactions being recorded in the Department of Justice's Financial Management Information System, Finance 1. Best practice would be for TPS to move to only maintaining finance records on an electronic record management system.

It is clear that TPS' budget allocation is not sufficient as it has not been able to operate within its allocated budget for some years. The inspection team was told that additional funding has been provided to TPS every year since 2013-14 even though its budget allocation has been increased annually.

It appears that the main reason for this is that TPS' budget is based on retrospective prisoner numbers. That is, TPS' budget is calculated retrospectively on prisoner numbers at the time of the budget submission despite the fact that the prisoner population is steadily increasing and has been for some time. Prisoner numbers have a significant impact on budget as the cost of each prisoner per annum is around \$11,000.00. It would help if the Department of Treasury and Finance allowed TPS to prepare its budget based on projected prisoner numbers with the proviso that excess funds are to be refunded if the projected population is not met. Predictive modelling in regard to prisoner numbers is undertaken by the Department's Reporting, Analysis and Modelling Unit (RAM). The inspectorate is unclear about how this modelling fits into the budget allocation process.

An additional impact on budget arises from the fact that TPS staffing is significantly under resourced with excessive overtime costs being incurred in order for Tasmanian prisons to operate. In 2018-19, over \$18 million was paid in overtime costs. These budgetary issues were also identified by the Auditor General who reported at page 3 of his report referred to earlier:

*TPS does not have a strong approach to modelling of future inmate numbers and associated staffing to ensure it has sufficient resources to run its prisons safely and securely.<sup>23</sup>*

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<sup>23</sup> <https://www.audit.tas.gov.au/publication/tasmania-prison-service/> - page 3



### 3 The prison and community relations

#### **Inspection standards 145 to 147**

The inspection standards recognise that the prisoner population is a fundamentally unwell one, with high demands for services. Meeting these demands is beyond the capacity of custodial centres on their own. Consequently, community-based service providers, not-for-profit organisations, individuals and other representative groups and stakeholders should be encouraged to become directly involved in the delivery of services and to visit prisons.

To assist staff in the task of social rehabilitation of prisoners, particularly in their preparation for release and subsequent reintegration, community-based service providers should be engaged wherever possible. The treatment of prisoners should emphasise, not their exclusion from the community, but their continuing part in it. In this regard, custodial centres should actively cultivate a range of outreach services and connections to provide opportunities for prisoners to contribute to the well-being of the local community and the environment, and make some reparation for the harm done by their offending.

#### **Community-based service providers**

TPS has a range of community-based service providers that deliver services in custodial centres. The inspection found that there is no centralised database of providers. There is a list of approved activities on the TPS intranet that is dated 2014, but many of the activities are no longer running. Moreover, this list does not capture the purpose of activities or frequency of attendance.

There are multiple service providers for the diverse cohort of Tasmania custodial centres. The community-based service providers broadly contribute to prisoners':

- spiritual and cultural guidance
- post-release connections for employment and housing and
- domestic, financial and, to a small extent, life skills development.

The consistent feedback from both prisoners and staff, however, was that there are not enough external providers to meet prisoner demand. This is not surprising given the steadily increasing prisoner numbers.

The inspection found that the engagement and coordination of on-going contact with appropriate community-based service providers is ad hoc, without a central coordinating body. Whilst the Senior Reintegration Officer introduces the majority of community-based service providers to the prison, engagement of service providers occurs through a number of other sources including the prison chaplains, the Planning and Reintegration team, the Activities Coordination team and Superintendents of facilities. This creates an issue in that the Senior Reintegration Officer does not always know everyone who is coming into TPS facilities to provide services.

The inspection team was told that the current ad hoc and casual arrangements with community-based service providers have been largely organic, evolving from a time around



## *The prison and community relations*

ten years ago when it was difficult to find providers willing to come into the prison and TPS was grateful to anyone who would agree to do so. TPS needs to implement some formal processes for community service providers to ensure that the custodial centres are aware of who is coming in, to do what, how often, when, etc. In addition, there needs to be evaluation measures implemented with regular assessment.

All community-based service providers, without exception, should be engaged and managed by a central coordinating body. The inspection team was told that a recent audit of yellow card holders was undertaken to ascertain who was accessing TPS facilities. The need for this audit was identified as when a person holds a yellow card TPS can *lose track of them* because they are able to contact the Activities Coordination Unit and make direct bookings. Whilst that unit is aware that a particular person is in a facility, there is no control over the services that person is delivering. For example, the person may be endorsed to be delivering a group program and then book an appointment with a prisoner and deliver a one-on-one counselling session, potentially without holding an appropriate professional qualification. It is critical that all services delivered to prisoners are quality assured to determine whether the service offered is harmful or helpful to prisoners.

TPS conducts appropriate checks and clearances for service providers including a current National Police Check for external service providers that are engaged for a period (not for a one off visit). On engagement, TPS requires ongoing providers to complete a computer based induction, which is competency based and takes approximately two hours to complete. Additionally, a letter from the service provider employer is required to identify their need to visit a prison and confirm that the person is fit and certified for their duties. A *yellow card* authorising access is provided to allow ongoing access for a maximum 12 month period<sup>24</sup>.

If a service provider is issued with a TPS yellow card allowing ongoing visits to the prison, they are able to make bookings for appointments with prisoners and room bookings directly through the Activities Coordination Unit. This unit is the dedicated point for all custodial centres where providers can book and be assured of the availability of the prisoner/s wishing to access their service, an escort, and a safe and suitable meeting place. This contact point is responsible for advising providers in the event there are changes to any aspect of the confirmed booking.

A Community Service Activities handbook is given to new service providers; however, the inspection team noted that this handbook requires updating by the Planning and Reintegration team. No induction is required for one-off external provider; but these people are accompanied at all times whilst in a prison by a person that is appropriately authorised by TPS.

Best practice is that custodial centres should regularly evaluate the material presented and the results of programs and assistance offered by community-based service providers, having regard to the views of prisoner participants in their reviews. In this regard, the

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<sup>24</sup> After 12 months a yellow card requires renewal and appropriate security checks must be redone.



inspection found that TPS has no informal evaluation or structured mechanism for evaluating provider performance or prisoner perception of the service being provided. There are no measures for prisoner attendance and participation or evaluation of content. External service providers do not request feedback on their activities.

One issue that was raised with the inspection team related to the membership of the Activities Working Group. The group is top heavy with managerial positions and many of the current members have limited face-to-face interactions with prisoners. The question was asked how the group could properly assess and evaluate prisoners' requirements or their interest in services and activities? Due to TPS staff availability, the inspection team was unable to meet with the Activities Working Group during the onsite inspection to discuss these issues. To address these concerns, consideration could be given to including a cross section of correctional supervisors from all prisons on the working group.

### **Sub-group needs**

Inspection standard 145.4 requires prisons to continuously assess the changing sub-group needs among prisoners and ensure that minorities receive as much community assistance and contact as is practicable and appropriate.

TPS does not have a formally endorsed or structured process for assessing sub-group needs. Rather, there are a number of informal avenues which would assist in identification of needs including:

- Correctional officers in all facilities
- Programs and Therapeutics staff in all facilities
- Prison chaplains in all facilities as requested by prisoners
- Aboriginal Liaison Officer in all facilities
- Planning officers in all facilities - for those prisoners that are allocated a planning officer
- Consumer Health Groups in RBMSP and MHWP
- Division 7<sup>25</sup> and End of Life Care Management Group

All of these avenues require TPS staff to proactively feed information back to relevant areas regarding any sub-groups needs that are identified. Staff also need to work out which area to provide feedback to and in what format.

This area requires TPS' attention. Structured processes and procedures are required, as well as a dedicated resource purposed with recording and actioning prisoner sub-group needs so that minorities receive as much community assistance and contact as is practicable and appropriate.

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<sup>25</sup> Division 7 is in RBP and accommodates elderly prisoners and those vulnerable, unwell or disabled prisoners requiring additional care.



## Recommendations

It is recommended that TPS:

53. Creates and maintains a register of community service providers which contains, as a minimum, relevant information including contact details, the purpose of activities, the location of activities delivered and the frequency of attendance by the service provider.
54. Introduces structured processes and procedures, and provides a dedicated resource for the purposes of recording and actioning prisoner sub-group needs, so that minorities receive as much community assistance and contact as is practicable and appropriate.
55. Implements a process to regularly review the work of service providers, to ensure it meets current needs, and the qualifications of service providers are current.

## Reparation opportunities for prisoners to contribute to the local community

At the time of the inspection, it appeared that little is offered by TPS in respect of reparation options for prisoners. Reparation should be an ongoing objective, presenting prisoners with the opportunity to contribute to the welfare of the local community. The only programs that the inspection identified, all in RBMSP, were the foster care of dogs, work at the Dogs Home of Tasmania, SecondBite, and the work gang which provides maintenance and gardening services at Government House and the Botanical Gardens. There appears to be no evaluation of these limited activities, nor acknowledgement of participating prisoners, or feedback to the community.

There are no reparation opportunities available in MHWP, RPC, HRP or LRP. Though the inspection team was told that there were a number of programs that had been discontinued in recent years including the paper bricks initiative and growing of Christmas trees in RPC, the Handmade With Pride sewing program in MHWP, and the football umpiring program and community service activities conducted through the Risdon Vale Community Centre.

In relation to the Handmade With Pride sewing program in MHWP, the inspection team was advised that the program is run spasmodically as there is no dedicated staff member to oversee it. Its operation is dependent on the goodwill of a correctional officer working in MHWP who has an interest in sewing. In recent times, however, correctional work in MHWP is all time consuming and as a result, the program sits largely idle. This situation could be addressed if there were an industries supervisor on staff at MHWP.

By comparison, RPC has fulltime civilian laundry supervisors and a tailor shop supervisor for male prisoners. An industries supervisor at MHWP could teach the women how to cook and sew addressing a deficit in life skills programs available in that custodial centre. As reported in the Care and Wellbeing Inspection Report in the past MHWP operated a fully functioning kitchen. A recommendation, that has yet to be actioned, was included in that inspection report; that TPS to consider reinstating the kitchen in MHWP as a fully functioning kitchen as soon as possible so that it becomes a self-catered facility.

Prisoner opportunities for reparation is an area that requires attention, and TPS should consider options and implement programs that provide such opportunities. The benefits are twofold – personal development and skills for the prisoner and the provision of assistance to the local community.



## Recommendations

It is recommended that TPS:

56. Considers options and takes action to facilitate prisoner activity in industries in MHWP.
57. Consider options and implements programs that provide reparation opportunities for prisoners in all custodial centres to contribute to the local community.

## Community input

Inspection standard 147 provides that the community should be invited to know more about and have input into prisons, staff and their work, and in so doing, have a better understanding of the justice system. To facilitate such interactions the inspection standards provide that a broadly representative *Community Reference Group* should be formed for each prison and meet regularly with the prison management. The expectation of the standards is that the group should contribute to the prison's operational agenda and its public standing, thus enhancing the prison's transparency and accountability.

The inspection found that TPS does not have a Community Reference Group nor any similar forum for community input. Nor does prison management engage with Aboriginal communities and representative bodies; the significantly under-resourced Aboriginal Liaison Officer undertakes this work. There did not appear to be any focus on, or resource dedicated to, building or maintaining relationships with representative or advocacy bodies. Any such relationships that do exist appear to be built and maintained at officer-level.

In particular, to address the gaps identified in relation to community input, TPS should take active steps to comply with the following inspection standards:

*147.2 The prison should establish a positive relationship with other representative or advocacy bodies and communities relevant to the prison population, to achieve better outcomes for these prisoners*

*147.3 Aboriginal cultural issues should be addressed by prison management engaging with representatives of Aboriginal communities and representative bodies*

## Recommendation

It is recommended that TPS:

58. Establishes a Community Reference Group, or other similar forum for community input, and ensures the group meets regularly with prison management and is able to contribute to the prison's operational agenda and its public standing.



## 4 Records management

### **Inspection Standard 148**

Official TPS records are maintained and securely stored in a record management system and these records are archived in accordance with a disposal schedule. As well as electronic records, the inspection team view existing hardcopy records which are maintained appropriately in a secure location.

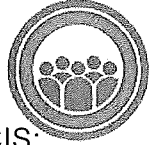
### **Duplication of systems and central repository challenges**

An official record is maintained concerning each prisoner in both CIS and in the record management system, Content Manager, under the jurisdiction of the Department. Both of these systems are secure and have appropriate security permissions. The issue is, however, duplication between these two electronic systems. There are also gaps as not all documents are stored in both systems and to get a full record it is necessary to refer to both.

In addition, the inspection found that records management is a small consideration and a low priority for many staff at TPS and there appears to be no realisation that inadequate or absence of records can be a major issue when there is a critical incident or something goes wrong. In particular, the inspectorate has noted over a significant period that case notes are often not entered on prisoners CIS files by correctional staff and this has been raised on multiple occasions with senior management.

Because not all staff have access to Content Manager individual custodial centres and teams all maintain their own records in a local drive. Additionally, many staff store business records in their personal drives and on the personal computer desktops. That is, people are tending to keep their own records rather than store them in the central repository of records. The inspection team was advised that this creates challenges when review and reporting is required in respect of critical incidents. An example relating to a death in custody was provided where no information other than the incident reports was held in CM and as a result significant time and resources were required to collate the necessary information for the Coroner.

The inspection found that duplication between information systems creates extra work for staff. For example, the Incident Management System (IMS) does not have the functionality to upload incident reports, so Performance and Compliance Unit staff receive electronic copies of incident reports each day, and then manually enter the information from the report into the IMS. The incident reports are an electronic form on the TPS intranet which, when submitted, are sent automatically to security, records, and prison management (including the Performance and Compliance Manager). Records staff upload the incident report to CIS so that it is accessible to all TPS staff. In addition, records staff also upload the incident report to Content Manager which allows information to be extracted from the reports. Due to incompatibility between systems the incident report cannot pre-fill from Content Manager into the IMS. Information from the incident report is then manually duplicated to the Department of Justice Hazard and Incident Reporting Database. In this example, the



information is manually entered four times into four different electronic systems - IMS; CIS; Content Manager and the Department of Justice Hazard and Incident Reporting Database.

### Access to information

A further issue with record keeping relates to access to information. In respect of the four main information systems access is as follows:

- Content Manager - all superintendents and their administrative assistants have access to the records management system
- Custodial Information System - all correctional officers and non-correctional officers have access to CIS, though some information may not be accessible to all staff due to appropriate security permissions
- Integrated Performance System – the Performance and Compliance Unit, Superintendent rank and above have access to IPS
- Incident Management System – this software system is used to record high-level incidents. The Performance and Compliance Unit, Superintendent rank and above have access to IPS

### Sharing of information

TPS has Memoranda of Understanding with a number of other relevant agencies concerning the exchange of offending history and other information relevant to the management of prisoners in its custody or under its supervision. As is the case with the majority of MOUs on the TPS intranet, these documents require reviewing and updating as some are over 10 years old.

### Sentence calculation errors

The issue of sentence calculation errors was raised with the inspection team during interviews with TPS staff. In particular, concern was expressed that there have been occasions where a prisoner has not been released on the correct date. Additionally, at the time of the inspection, there were public reports by media detailing a number of errors in prisoner releases.

Sentence calculation error was an issue that was addressed in the *Custody Inspection Report 2018*. In that report it was noted that:

*The possibility for human error is largely due to a deficiency in CIS as it is unable to calculate multiple sentences, affecting the release date calculation. In these cases, SAU staff override the dates in CIS with the manual calculation date. This creates an administrative burden, and potential for error, as once a release date is manually overridden then this date needs to be manually maintained for all future changes to the release date – for example, if a remission is granted or removed.*

To confirm staff feedback and media reporting, the inspection team requested information from TPS and undertook an audit of prisoner releases which confirmed that errors have been made. These errors have been due to genuine miscalculation and other human errors rather than system errors. The errors persist, despite the Sentence Management Division



## Records management

having recently been overhauled completely, because TPS continue to manually calculate of sentences rather than employ an appropriate automated sentence calculation and management system. Many other jurisdictions have developed or acquired automated software to address similar calculation and human errors. TPS should take steps to identify such software and consider implementation of an automated system.

The inspection team was advised that an electronic system that allows sentence calculation will be considered as part of the Justice Connect project, but it is expected to be approximately five years before this is in operation. This is too long to wait before taking action to address the deficiencies in sentence calculations and existing systems.

Post-inspection, TPS advised that:

*... improvements [have been] made by the TPS in relation to sentence calculation and custody processes, such as enforcement of the three-check verification; updated calculation checklist; new checklists for remission calculation; and the draft SMU Operating Manual ... [and] The SMD has reduced key person dependency in relation to its processes by the drafting of an Operational Manual and by up-skilling other members of the SMD to work across each other's roles, including in the SMU and Vacancy Management.*

### Recommendations

It is recommended that TPS:

59. Reviews record management systems and processes with a view to eliminating duplication of records across multiple systems.
60. Reviews, and where appropriate, updates all Memoranda of Understanding with relevant agencies and organisations.
61. Considers implementation of an automated sentence calculation and management system to address deficiencies with the manual sentence calculation processes.



## 5 Environmental sustainability

### Inspection standards 149 to 156

The inspection standards contain a suite of standards focussing on environmental sustainability, noting in the preamble that:

*It is increasingly important that prisons become more committed contributors to Government environmental sustainability objectives. There is also potential for passing on good environmental sustainability practices to prisoners*

The inspection found that TPS fails to meet any of the relevant standards. There is a distinct lack of focus on environmental sustainability, with no dedicated permanent resources.

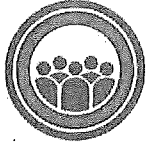
TPS has no environmental sustainability indicators to measure and demonstrate sustainability. There are no strategies to reduce energy costs or water consumption and no work being undertaken in respect of identifying renewable energy resources. This is despite the fact that there are increased costs in water consumption and electricity due to the steady increase in prisoner numbers.

There is no prisoner participation in the development of environmentally sustainable practices nor is there any environmentally sustainable employment. At the time of the inspection, there was one correctional officer undertaking some project work focussed on sustainability, with a concentration on recycling and reduction of waste going to land fill. This officer was on a return to work placement and the inspection team was advised post-inspection that the officer had been moved to another role outside TPS. As a result, the sustainability project work has ceased.

Interviews with relevant staff confirmed that TPS has very limited resources and traditionally, the prison environment has been reactive not proactive. It appears that budget is a major obstacle to implementing new environmentally focussed measures such as water catchment and tanks, grey water systems, solar panels, waste recycling measures and biodegradable waste options. There is no waste management plan in place currently.

The expectation of the standards is that waste generation in custodial centres should be kept to a minimum and handled in a safe, legal and environmentally responsible manner. Where possible, waste should be recycled and reused and biodegradable waste should be composted. At TPS facilities, all prisoner waste goes to landfill at a substantial cost to the government. The inspection team was advised that TPS pays \$184,000.00 for waste removal each year. There is no recycling program.

Of concern is the amount of waste created through the packaging of prisoner meals. All meals are prepared and individually packaged in single use plastic which is not recyclable. In addition, all cutlery provided to prisoners is also plastic and not recycled creating a huge amount of waste. TPS needs to consider alternative environmentally friendly options – recyclable, biodegradable or compostable materials or some other alternative – to single use plastic products. The immediate benefits of introducing eco-friendly alternatives would



## Environmental sustainability

be two-fold – firstly, less waste removal to pay for and secondly, the greater benefit to the environment. Additionally, introducing eco-friendly alternatives may make evident opportunities for prisoner employment.

There is no wastewater management plan or strategies in place to reduce water costs. The existing prison design does not take into consideration the new standards for water catchment. The inspection team was advised that TPS considered installing water tanks at the back of the medium security precinct but it was too costly to plumb the water back into infrastructure. There is one water tank at RBMSP, of approximately 1,000 to 1,500 litre capacity, and it is used to water the gardens.

There are no solar panels or solar hot water on any pre-existing units at the Risdon site. The most recent build at Risdon was the three Vanessa Goodwin units in MHWP and there is one solar hot water system for one of those units. The inspection team was told that the women's facility has asked for full solar for all the units, but to date this has not been provided. Across all facilities there is plenty of roof space for solar, but without additional Government funding this cannot be implemented.

Of greater concern, the planning for the new Southern Remand Centre does not appear to have considered solar efficiencies, water catchments or water tanks.

TPS advised the following with regard to water consumption:

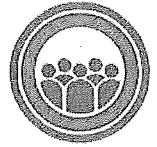
- RBMSP – there are no timers and no restrictions on showers
- HRP – the showers have timers set to approximately 8 minutes and each prisoner is limited to one shower every 8 hours
- LRP – there are no timers and no restrictions on showers
- MHWP – there are no timers and no restrictions on showers
- RPC Maximum – there are no timers and no restrictions on showers
- RPC Medium – there are no timers but the following restrictions apply
  - the hot water is on a maximum demand power shedding building management system (BMS) and heats up through the night only
  - there are three 315 litre fast recovery hot water cylinders servicing 28 prisoners (approximately 33 litres per prisoner). If all the hot water is used through the day then there is none until it starts to reheat during the evening

There is no emphasis on energy efficiency or minimisation of consumption except in respect of RBMSP where consumption is limited because there are issues with electrical circuits tripping due to the aging infrastructure. This issue was previously reported in the *Care and Wellbeing Inspection Report 2017*:

*TPS advise that due to the age of the RBMSP facility and services, they have to manage carefully the demand on the electrical system "this is an old facility and we only have so much power that we can draw upon"*

Prison transport arrangements should be environmentally friendly and the following standards are relevant:

- prisoner transport should only occur when absolutely necessary



- fuel consumption should be minimised and alternative *green* fuels promoted
- the prison transport vehicles should have low greenhouse gas emission ratings
- the prison transport fleet should be subject to regular environmental and efficiency assessments

TPS fails to meet all the standards relating to prison transport. The inspection team was advised that the Department of Justice ensures compliance with Government Fleet Guidelines and that TPS lease most vehicles from Lease Plan. The existing fleet of escort vans are owned by TPS and, as reported in the *Custody Inspection Report 2018*, are outdated and in need of replacement.

The inspection team was advised that it is not possible for procurement by each prison to be in line with environmental management objectives. This is because the Tasmanian Government Legislative and policy framework governs TPS purchasing and procurement. The Treasurer's Instructions establish the procurement principles, Government policy and mandatory procedures for procurement and contracting. This procurement framework prevents TPS from complying with the following standards:

- where possible, goods purchased by the prison should be recycled
- equipment purchased by the prison should be energy efficient
- prisons should increase electronic procurement

There is no land management plan in place for any TPS custodial centres. The inspection team undertook site visits to prison gardens in RPC, RBMSP and MHWP. There is no evidence that the prison gardens that are used to grow produce for consumption or for landscaping to employ *water wise* practices.

The standards provide that prisons should develop staff and prisoner knowledge of sustainable practices through education, training and actual practice. The inspection found, however, that there is no education or training for prisoners or staff. Likewise, there are no sustainable practices activities or programs in operation, other than RBMSP growing vegetables for SecondBite.

SecondBite is an emergency food relief organisation, dedicated to rescuing and redistributing surplus fresh food to people in need. Vegetables are grown by prisoners in RBMSP, and supplied to the local SecondBite branch free of charge to be used in activities such as community meals, pantry style services, soup vans, food hampers and fruit in schools programs. This is a commendable initiative of TPS giving back to the community.

There had been some activity occurring in RPC Medium in 2018 with the making of paper bricks using shredded recycled paper. The bricks were distributed to community groups to be used as fuel in wood heaters. The inspection team was advised that the paper bricks project had to cease because there was no place to store bricks to dry at TPS. This is unfortunate as it was a worthwhile sustainable prison project which provided a benefit back to the community.



## *Environmental sustainability*

### Recommendation

It is recommended that TPS:

62. Addresses the lack of focus on environmental sustainability and considers the need for a designated permanent resource.
63. Considers alternative environmentally friendly options to single use plastic products such as recyclable, biodegradable or compostable materials or some other alternative.
64. Explores options for a recycling program drawing on the resources through prisoner employment.



## Glossary of Terms and Acronyms

<b>Term or Acronym</b>	<b>Definition</b>
DSO	Director's Standing Order
HR	Human Resources
PDP	Performance Development Plan
RTW	Return to Work
TPS	Tasmania Prison Service
WH&S	Work, Health & Safety



## Appendix 1

### Department of Justice comments

The Department of Justice values the role of the Custodial Inspectorate and appreciate the work of the Inspector to contribute to the continuous improvement of the custodial environment.

It is noted that the inspections for this Report were conducted in August and September 2019, and that significant progress with respect to many of the matters raised has been achieved in the intervening 12 months.

#### **Correctional services and people**

##### Workers Compensation

Whilst supporting the proactive efforts required to prevent the occurrence of any injury or illness to employees, the Department of Justice (DoJ) remains committed to assisting and supporting its employees in their recovery process, actively encouraging early, meaningful and sustainable return to work. Specifically, the DoJ has made substantial changes to the management of Workers Compensation since the audit was conducted in 2019. These include:

- Consolidation of workers compensation resources into a focused injury management team based at Risdon;
- Creation of a full time Rehabilitation Coordinator position;
- Appointment of an experienced workers compensation and safety manager to head the injury management team as the Assistant Director (Compensation, Safety and Wellbeing); and
- A thorough review of processes by the new manager, and development of a new injury management framework for implementation from August 2020.

##### Staff Training

A Senior HR Manager has now been appointed as the Assistant Director (Human Resources) for the TPS. A review of staff training is being undertaken across the service, and reforms are being implemented as the process unfolds.

##### Recruitment

In the 2018/19 reporting year, in excess of 98% of staff in the TPS had an active Performance Development Plan.

##### Leadership and Supervision

The TPS has undertaken and finalised recruitment for an additional 11 Correctional Supervisors, which goes some way to address the Inspectorate's concerns about the high number of staff acting in Correctional Supervisor roles.



## Work related grievances and Bullying

The Department of Justice takes a strong stance against bullying and has a comprehensive process and policy in place relating to Discrimination, Harassment and Bullying.

## Prison management, policy and planning

### Financial Plan

Predictive modelling in regard to prisoner numbers is undertaken by the Agency's Reporting, Analysis and Modelling Unit (RAM).

A budget centre report is prepared for each prison on a monthly basis analysing the expenditure against the budget. The managers responsible for each prison are integral to the process.

## Responses to recommendations

Recommendation	Response/Acceptance Level
1. Considers conducting independent external annual employee engagement surveys to enable benchmarking and identification of organisational strengths and areas for improvement.	Supported - Existing Initiative The Tasmanian State Service Employee Survey is undertaken every two years and TPS staff are encouraged to participate.
2. Considers developing an exit interview template and a process for HR senior management personnel to conduct exit interviews, prior to an employee separating from TPS.	Supported - Existing Initiative The DOJ has an Exit Interview Process, which encompasses all outputs within the Department, including the TPS. In 2020 the Department created a template for exit interviews as part of the People Strategy. This process is not compulsory but all separating staff are invited to participate.
3. Undertakes a comprehensive staffing analysis to determine staffing needs based on current prisoner numbers and consideration of future growth.	Supported - Existing Initiative Shiftwork Solutions was engaged in 2018 to undertake a thorough review of the TPS staffing model. Managers are now able to accurately predict staffing needs; develop recruitment plans; address overreliance on overtime; ensure shifts are as family friendly as possible while improving out of cell hours; and allow for access to service providers for prisoners. The DOJ also has a Reporting, Analysis and Modelling branch that, among other functions, undertakes predictive modelling of prisoner numbers to assist in the management of staffing needs.



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**Recommendation****Response/Acceptance Level**

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| 4. Considers introducing a casual contingent workforce or other similar arrangement to address shift vacancies arising from unplanned leave. | <p>Supported in Principle</p> <p>The employment of casual staff would require consultation with staff and unions and involves other considerations such as training and whether a sufficient labour market exists. This option will be further considered when the new staffing model is fully embedded.</p>   |
| 5. Considers strategies to improve gender equity in supervisor and management roles.   | <p>Supported - Existing Initiative</p> <p>In addition to the Agency-wide People Strategy, Heads of Agencies signed a commitment to gender diversity in August 2016. The whole-of-Agency (DoJ) Diversity &amp; Inclusion (D&amp;I) Working Group meets every 6-8 weeks and one of the four key focus areas of the D&amp;I Project is Gender Equity. A separate TPS Diversity and Inclusion Working Group has also been established, with the first meeting occurring on 24 July 2020. The male to female gender breakdown in senior management roles is monitored by the D&amp;I project, particularly in relation to the whole-of-State-Service target of 40% of all SES roles to be occupied by women by 30 June 2020, with an ultimate goal of 50%. During the latest recruitment process the TPS promoted four new female correctional supervisors (in addition to seven males). The gender breakdown of the Senior Management Team is approximately 50/50.</p> |
| 6. Introduces strategies for reducing sicknesses and absences.   | <p>Supported - Existing Initiative</p> <p>The TPS now has a dedicated resource for the management and oversight of absences due to sickness. Specifically, the TPS has a Management of Attendance Policy, which is available to the Inspectorate via the TPS Intranet page. This policy is currently under review.</p>   |



Recommendation	Response/Acceptance Level
7. Reviews its fatigue policy and puts in place processes to ensure that it is adhered to in order to ensure sustainable employee health and wellbeing.	Supported - Existing Initiative The TPS Fatigue Policy was updated and re-issued on 17 December 2019, after negotiation with unions. As a result of updates made to this policy, the TPS Rostering and Overtime Policy was also updated in January 2020. Excess overtime continues to be actively managed and has been addressed in a number of individual cases.
8. Provides Operations Supervisors with access to TimeFiler in order to perform checks on hours worked to ensure that the fatigue policy is not being breached when additional shifts are allocated to correctional staff.	Supported - Existing Initiative Correctional Supervisors already have access to TimeFiler, which provides them with staff hours already worked prior to the allocation of shifts. Supervisors have recently undertaken TimeFiler training and have managed rosters since 27 July 2020. Overtime hours are also reviewed by management on a monthly basis.
9. Undertakes a review of the Rostering function and considers <ul style="list-style-type: none"><li data-bbox="328 1126 727 1227">o decentralisation of rosters, returning the function to individual prisons and</li><li data-bbox="328 1249 743 1417">o options to ensure effective resource coverage for the complex 24 hour, 7 day week shift environment in which TPS operates.</li></ul>	Supported - Existing Initiative An independent review was undertaken in 2018 by Shiftwork Solutions. Correctional Supervisors have managed rosters since 27 July 2020, effectively decentralising rosters. It is acknowledged that further training is required in order to fully transition to this operating model.
10. Commissions a full audit by an external consultant of its human resources structure, roles, functions and interaction/collaboration across the TPS.	Supported in Principle A review was undertaken by the Department's external auditor, Deloitte, earlier in 2020. The findings of that review included action plans with allocated responsibilities by target dates, and these are currently being progressed. Further work required will be identified throughout that process.



Recommendation	Response/Acceptance Level
<p>11. Engages an external consultant to conduct a full audit of the existing workers compensation policy, systems and processes. The audit should include a review of return to work arrangements, modified duties and current claims.</p>	<p>Supported in Part</p> <p>A comprehensive internal review of workers compensation policy, systems and processes was undertaken in the last quarter of 2019-20 and a new injury management framework has been developed as a consequence. Consultation on this framework will commence soon. An audit of the new framework will be undertaken after the new framework has been embedded.</p>
<p>12. Introduces more frequent correctional staff rotations through work areas to avoid unnecessary stress and to reduce psychological related workers compensation claims.</p>	<p>Not Supported</p> <p>A new rotation policy will be implemented in September 2020 but the recommendation is not supported as increasing rotations will undermine the goal of achieving greater consistency across the prisons and working towards a team-based structure. The Staff Rotation Policy has been provided to the Inspectorate.</p>
<p>13. Reviews processes and implements measures to ensure active case management of workers compensation claims, with emphasis on improved communication with staff.</p>	<p>Supported - Existing Initiative</p> <p>The issues are covered in the new injury management framework which is now being implemented.</p>
<p>14. Reviews processes and implements measures to ensure active management of employees on return to work programs, with a focus on identifying opportunities for modified duties and roles to get staff back to work as soon as possible after medical clearance.</p>	<p>Supported - Existing Initiative</p> <p>The issues are covered in the new injury management framework which is now being implemented. A dedicated position of DoJ Assistant Director, Compensation, Safety and Well-being is currently in place within the TPS and is currently undertaking a review of the Departmental Worker's Compensation Policies and Procedures, including a review of return to work placements.</p>
<p>15. Maintains a register recording the cancellation of therapeutic appointments, program and education course sessions resulting from lockdowns – with the reason for the lockdown being noted.</p>	<p>Supported in Principle</p> <p>Lockdowns data is already captured. Some TPS departments capture information relating to the impact of lockdowns on service delivery. Further consideration and discussion is required to determine if a central register for this data would be warranted.</p>



Recommendation	Response/Acceptance Level
16. Ensures all unlock and lockup times for prisoners are accurately recorded by correctional staff each morning and afternoon to ensure true records are maintained for statistical and reporting purposes.	Supported - Existing Initiative The Performance and Compliance Unit will soon be implementing a new Out Of Cell Hours (OOCH) and lockdown reporting process, with the development of new reporting workbooks which will assist staff to report Ooch and lockdowns information more easily and accurately. Roll-out to facilities is anticipated in October 2020.
17. Ensures case notes record individual prisoners' time out of cell for maximum-security units - whether alone or in a walk group - accurately reflect the start time and total time to ensure true records are maintained.	Not Supported This issue has been further considered since a similar recommendation of the Adult Custody Inspection Report of August 2019 was supported. Making daily individual CIS entries for all prisoners' time in and out of cells would have significant resource and logistical impacts on staff, although staff endeavour to undertake this in Tamar and Franklin management units where it is appropriate to record individual times out of cells, including walking groups. Operational requirements may sometimes prevent this from occurring. This matter continues to be discussed through processes to review case management.
18. Addresses gaps in mandatory staff training as an urgent priority.	Supported - Existing Initiative A new training delivery schedule is being developed following the roll out of all new rosters in January 2020.
19. Introduces mandatory annual respectful workplace behaviour training to be conducted by an appropriately experienced and skilled external People & Culture specialist.	Supported - Existing Initiative This material is already covered in recruit and promotion courses via eLearning and face to face training. An additional eLearning product is being developed and will be delivered through the Diversity and Inclusion Initiative.
20. Ensures all staff training is evaluated on conclusion with processes implemented for feedback to be provided by participants.	Supported - Existing Initiative Further work is being undertaken by the TPS to improve this process.
21. Makes available on the intranet the Australian Guidelines for the Prevention and Control of Infection in Healthcare.	Supported - Existing Initiative This task has been allocated and completion is expected by the end of August 2020.



Recommendation	Response/Acceptance Level
22. Ensures all staff complete the online learning course Communicable Diseases as a matter of priority.	Supported - Existing Initiative  All online training materials are currently under review and will be updated. This will be fully addressed as the TPS rolls out Emergency Management training as part of the new training delivery schedule.
23. Issues an updated Director's Standing Order covering Communicable Diseases.	Supported - Existing Initiative  This is part of the wider review and update of Directors Standing Orders and will be added to the Policy Working Plan.
24. Considers introducing annual physical assessments for correctional officers to ensure ongoing physical suitability for the role.	Supported - Existing Initiative  The COA negotiations of 2016 introduced the capacity to apply annual testing for all staff recruited since that time. Discussions are occurring with a view to finalising an appropriate model and formally introducing this in 2020.
25. Undertakes an education and awareness campaign regarding the importance of first respondents completing incident reports.	Supported - Existing Initiative  All persons involved in incidents (including First Responders) are currently required to submit Incident Reports following the event (as per DSO 1.05 – Incident Reporting). This will be further addressed as the Emergency Management training is rolled out.
26. Develops procedures to ensure employees lodging an accident, incident or hazard report are <ul style="list-style-type: none"> <li>○ consulted verbally after lodging the report</li> <li>○ communicated with throughout the investigative process and</li> <li>○ provided with advice about the remedial action to be taken prior to the incident being closed.</li> </ul>	Supported - Existing Initiative  The relevant sections of the TPS WHS Manual and the Notifiable Incidents Reporting procedure have been provided to the inspectorate.



Recommendation	Response/Acceptance Level
27. Develops and maintains a register for recording notifiable incidents.	Supported - Existing Initiative TPS WHS now maintains a notifiable incident register and the Performance and Compliance Team maintains the Incident Management System (IMS). The relevant section from the TPS WHS Manual and the Notifiable Incidents Register have been provided to the Inspectorate.
28. Ensures fire drills for staff are conducted at all facilities at least annually.	Supported - Existing Initiative The TPS Evacuation Register is now in place and training will occur as the Emergency Management training is rolled out. The Fire Evacuation Register and WHS 2020-2021 schedule have been provided to the Inspectorate.
29. Engages an independent external consultant to conduct full audit of the Work Health & Safety framework, including roles, workflow, policy, process and inter- departmental relationships with other HR functions.	Supported in Part This is an existing initiative currently being undertaken by the new Assistant Director, Compensation, Safety and Wellbeing. A DoJ WHS framework is being developed and strategies to support the framework are currently awaiting approval.
30. Develops and implements processes to notify the Custodial Inspectorate of all critical incidents in Tasmanian adult custodial centres in a timely manner.	Not Supported The Custodial Inspectorate receives the TPS Daily Report every business day via email (with events occurring over the weekend reported on the following Monday). This report notes all category 1 incidents that occur, other reportable incidents and a record of all lockdowns. The Inspectorate can query any notification made within the daily report with the Performance and Compliance Unit. The Custodial Inspectorate also receives daily reports from facilities and is able to access all TPS incident reports through the Department's information management system (Content Manager). The provision of additional information would create an additional impost on staff resources.



Recommendation	Response/Acceptance Level
31. Ensures there is an HR presence on recruitment panels for interviews to provide advice and assistance with processes and procedural fairness.	Not Supported  The TPS now has a Senior HR Manager in charge of Correctional Officer recruitment. It is unclear if this recommendation is intended to apply to non-correctional recruitment as well. The requirement to have HR representation on all TPS recruitment would impose an onerous workload on HR personnel, but HR has overview of all DoJ appointments.
32. Implements a simplified performance management framework (customised for TPS) which encourages participation in a meaningful discussion between supervisor and employee.	Supported - Existing Initiative  The TPS has a customised intranet page available to staff, including reference to the TPS Performance Management Policy and Framework. A review of the process was undertaken and a new Performance Development Plan (PDP) form will be implemented by the end of 2020 following staff training.
33. Ensures that all supervisors are trained in the Performance Development Plan (PDP) and effective conversations training to assist with how to manage difficult situations and employee underperformance.	Supported - Existing Initiative  In place, and refreshers will be provided in line with the introduction of the new form (see response to 32 above).
34. Ensures all managers and staff with direct reports undertake essential supervisor training.	Supported - Existing Initiative  A draft model has been presented to SMT and work is ongoing.
35. Considers developing a tiered Leadership Development Program (frontline management training) to be completed by all correctional supervisors.	Supported - Existing Initiative  A draft model has been presented to SMT and work is ongoing.
36. Ensures clear written procedures to support correctional supervisors are developed, maintained and stored in an easily accessible location.	Supported - Existing Initiative  This material forms part of regular updates to TPS DSOs.



Recommendation	Response/Acceptance Level
37. Explores options, and undertakes works, to provide staff with appropriate spaces for breaks, including the provision of areas that facilitate privacy and alone time and outside areas where staff can enjoy fresh air.	Supported in Part Every prison has an identified staff rest area and most staff can access the outside during their shift. Additional changes would be subject to significant additional investment.
38. Upgrades the staff room at MHWP so that it can adequately cater for the staffing complement.	Supported in Principle This matter is subject to the financial considerations of the budget process.
39. Upgrades or replaces the inadequate kitchen facilities at HRP as a priority, noting the issues with the electrical supply.	Supported in Principle A plan for a new kitchen has been developed by TPS Maintenance and this will be considered subject to normal budget processes.
40. Actions the recommendations of the Auditor General relating to workforce planning as a priority, with continued focus on ensuring such planning continues into the future.	Supported in Principle The importance of a workforce plan for the TPS is acknowledged. The Strategic Infrastructure Project team has made some recommendations around staffing models in respect of the Southern Remand Centre and other future projects currently being considered. The roster review of 2018 was the first part of this workforce planning initiative. Planned changes to the senior management structure, including the introduction of General Managers in each prison, will continue this work. Many of the recommendations from the Auditor General's report are addressed through these planned changes.
41. Reviews and evaluates the effectiveness of the M.A.T.E.S <sup>26</sup> program and, if it is to continue to operate, ensures that staff that are mates receive appropriate training and upskilling.	Supported in Principle It is agreed that a thorough review should be undertaken of the MATES program including the effectiveness of training for the staff involved. Staff involved receive 12 days training as part of their induction into the role.

<sup>26</sup> Mates Are There for Encouragement and Support



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**Recommendation****Response/Acceptance Level**

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| 42. | Engages a clinical psychologist or other appropriately skilled health professional to attend onsite after a critical incident so staff have the option to immediately talk to a mental health expert following a serious incident. | <p>Supported - Existing Initiative</p> <p>There are already arrangements in place for the provision of critical incident stress debriefing following critical incidents. This can include the use of internal resources as well as engagement of external professional support. Further consideration will be given to the current arrangements.</p>   |
| 43. | Explores and implements options to provide flexible family friendly work options for all employees.  | <p>Supported - Existing Initiative</p> <p>Dealt with on a case by case basis. The new shift rosters result in staff working an average of three twelve hour days per week. Over 86% of staff are now working 12 hour shifts.</p>   |
| 44. | Establishes a database to record the date an employees' national police check is first completed.  | <p>Not Supported</p> <p>A national police check is undertaken on all staff during the recruitment phase. The undertaking of this check, although not the record itself, is recorded on personal files and it is not regarded as necessary for it to be recorded in a database at this point in time.</p>   |
| 45. | Introduces a process to ensure a person's offending history is routinely checked.  | <p>Supported in Principle</p> <p>Pre-employment offending history checks are undertaken as part of existing selection processes. Pre-employment checks are governed by Employment Direction No, 7 and that does not include the authority to undertake conviction and related checks on an ongoing basis throughout the period of ongoing employment. The position of the employer maintaining an awareness of any alleged offending behaviour that is relevant to an employee's employment is supported in-principle. Consideration would however need to be given as to whether this can be undertaken within the industrial framework and if so how this would be achieved. This matter will be examined further by the Department.</p> |



Recommendation	Response/Acceptance Level
46. Reviews the policies and procedures relating to work related grievances and takes action to improve the culture associated with reporting of work related grievances so that employees are (and feel) supported in raising workplace issues.	Supported - Existing Initiative The Department already has this process and policy in place. Additional resources are being engaged to ensure the timely and effective management of work-related grievances and support for affected staff.
47. Updates the procedural documents relating to anti-bullying as a priority.	Supported - Existing Initiative The Department has comprehensive policies and procedures in place for the management of bullying and harassment which apply to the entire Agency, including the TPS.
48. Implements anti-bullying strategies in all custodial centres, covering both staff and prisoners, tailored to the specific prison environment.	Supported in Part As noted above the Department already has a policy for employees and the Human Resources (HR) branch deals with allegations of staff bullying. It is recognised that the policy regarding prisoner bullying does require review and updating. A draft was presented to SMT in late 2019. Progress was delayed by the COVID-19 response, but it will now be actioned. The Safer Prisons anti-bullying strategies, specific processes and statistics will only refer to prisoners, not to staff.
49. Ensures that statistics of all bullying incidents are collected and maintained and appropriately reported on to prison management on a regular basis.	Supported - Existing Initiative This will be addressed in conjunction with the response to recommendation 48. The challenges in adequately and consistently defining and capturing incidents of bullying and in addressing the varying expectations of victims are noted.
50. Incorporates in future business plans analysis of the prisoner population including the needs of significant prisoner cohort groups.	Supported This is in place to a degree through the Tier 1 and Tier 2 assessment processes. The implementation of the new IOM service delivery model will address the outstanding issues.



Recommendation	Response/Acceptance Level
<p>51. Implements processes to regularly analyse prisoner needs so that it can assess each prison's prisoner profile in order for the structured regime of each custodial centre to address and meet prisoners' risks and needs in that facility.</p>	<p>Supported</p> <p>As for the response to 50 above. In addition, the TPS Senior Management Team is currently considering adopting the UK Measuring the Quality of Prisoners' Lives (MQPL) model.</p>
<p>52. Complies with section 29(1)(a) of the <i>Corrections Act 1997</i> and ensures that every prisoner, if not ordinarily engaged in outdoor work, is given the opportunity to spend time in the open air for at least an hour each day if the facilities of the prison are suitable for allowing the prisoner or detainee to be in the open air.</p>	<p>Supported - Existing Initiative</p> <p>This occurs in all but exceptional circumstances. The new extended core days will bring further improvements in this regard.</p>
<p>53. Creates and maintains a register of community service providers which contains, as a minimum, relevant information including contact details, the purpose of activities, the location of activities delivered and the frequency of attendance by the service provider.</p>	<p>Supported in Part</p> <p>A list of service providers is maintained by the IOM unit. However, it would be resource intensive for Core Day staff to maintain statistics for all visits to all prisons. LRP and HRP maintain their own booking systems. A copy of the list of service providers has been provided to the Inspectorate. The Justice Connect program may be able to enhance the provision of this information.</p>
<p>54. Introduces structured processes and procedures, and provides a dedicated resource for the purposes of recording and actioning prisoner subgroup needs, so that minorities receive as much community assistance and contact as is practicable and appropriate.</p>	<p>Not Supported</p> <p>Individual prisoners' needs are captured through the reception process. If this process identifies that a prisoner belongs to a specific minority cohort, appropriate interventions and rehabilitation opportunities are considered.</p>
<p>55. Implements a process to regularly review the work of service providers, to ensure it meets current needs, and the qualifications of service providers are current.</p>	<p>Supported - Existing Initiative</p> <p>Work to review, update and convert many of the TPS' Memoranda of Understanding into Service Level Agreements is underway, and the qualifications of service providers will be considered as part of this process.</p>



Recommendation	Response/Acceptance Level
56. Considers options and takes action to facilitate prisoner activity in industries in MHWP.	Supported - Existing Initiative Plans are well advanced to refurbish the Roland unit to create a multi-functional space. Planning is also occurring to upgrade the MHWP kitchen. The 10 Lives Cat Centre project will be fully implemented as soon as possible.
57. Consider options and implements programs that provide reparation opportunities for prisoners to contribute to the local community.	Supported - Existing Initiative Many opportunities are already available through the Section 42 leave program for prisoners to engage with local communities.
58. Establishes a Community Reference Group, or other similar forum for community input, and ensures the group meets regularly with prison management and is able to contribute to the prison's operational agenda and its public standing.	Supported in Part A prison expo is planned for early 2021 to widen community knowledge of the TPS and to develop greater engagement and understanding. A Throughcare Reference Group was established in 2016 and includes representation from a wide range of community agencies. That group is consulted in relation to Corrections issues and will also be consulted as part of the development of the next Corrections Strategic Plan.
59. Reviews record management systems and processes with a view to eliminating duplication of records across multiple systems.	Supported - Existing Initiative This will be addressed by the Justice Connect project.
60. Reviews, and where appropriate, updates all Memoranda of Understanding with relevant agencies and organisations.	Supported - Existing Initiative Work to review, update and convert many of the TPS' Memoranda of Understanding into Service Level Agreements is underway.
61. Considers implementation of an automated sentence calculation and management system to address deficiencies with the manual sentence calculation processes.	Supported - Existing Initiative This is one of the key objectives of the Justice Connect project.



Recommendation	Response/Acceptance Level
62. Addresses the lack of focus on environmental sustainability and considers the need for a designated permanent resource.	Supported - Existing Initiative A delivery model for the Sustainable Prison program is under development but has been delayed since the resignation from the TPS of the Project Officer. The Activities Coordination Unit has taken carriage of this matter since April 2019.
63. Considers alternative environmentally friendly options to single use plastic products such as recyclable, biodegradable or compostable materials or some other alternative.	Supported - Existing Initiative A delivery model for the Sustainable Prison program is under development (as for 63 above), and includes multiple sustainable prison projects to be run across the prison facilities. Replacing non-recyclable items with recyclable ones where possible is a core element of the program.
64. Explores options for a recycling program drawing on the resources through prisoner employment.	Supported - Existing Initiative A delivery model for the Sustainable Prison program is under development (as above). 14 prisoners have been employed statewide in sustainable prison roles to date, and it is anticipated that this figure will increase as the project is further developed.



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