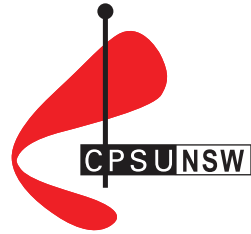


INQUIRY INTO PARKLEA CORRECTIONAL CENTRE AND OTHER OPERATIONAL ISSUES

Organisation: Public Service Association of NSW and Community and Public
Sector Union NSW

Date received: 20 April 2018



PARLIAMENTARY INQUIRY SUBMISSION

Portfolio Committee Number 4 – Legal Affairs

PARKLEA CORRECTIONAL CENTRE AND BENCHMARKING





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FOREWORD

The compilation of this submission has been a somewhat torturous path.

On 7 December 2017 the terms of reference were expanded to include Rapid-Build dormitory prisons, an area of significant interest to PSA/CPSU members employed across the State. Then on 30 January 2018 the Committee advised that an intended term of reference regarding the corporate governance of GEO had been inadvertently omitted from the original notice. The PSA/CPSU sought and was granted an extension of time on this basis.

Then on 13 February 2018, two days before the original closing date, a further term of reference was added, namely the *Benchmarking* process currently being undertaken in every private and public sector correctional centre in the State. *Benchmarking* has been an enormous undertaking by the PSA over the last twelve months and required a significant re-write of our submission. Another extension was sought on this basis and kindly granted by the Committee.

Not all challenges in the creation of this submission however were due to variations to the inquiry by the Committee. On 27 February 2018 the Minister for Corrections, the Hon. David Elliott MP announced a shortlist of tenderers to be considered to operate Parklea Correctional Centre on behalf of the State after the expiry of the current contract in March 2019.

The shortlist included Serco (who currently operate correctional centres in Queensland, Western Australia and are contracted to operate the yet-to-be-built new Grafton Correctional Centre), G4S (who operate centres in Victoria and South Australia) and Broadspectrum (formerly Transfield before being acquired by Ferrovial in 2016, a Spanish-based “infrastructure and municipal service operator” with no known correctional centre experience in Australia).

The current operators of the Centre, GEO (an acronym for Global Expertise in Outsourcing), was not shortlisted. This decision has some bizarre consequences. A company that was not considered suitable to even tender for the next operational contract of Parklea Correctional Centre is still permitted to operate it for the next twelve months. A company that was not considered suitable to even tender for the next operational contract of Parklea Correctional Centre is still considered suitable to operate another gaol, Junee Correctional Centre, on behalf of the State.

Even more curiously, the NSW Government decided that the public sector would not be considered or permitted to tender for the operational contract. This is notwithstanding that the last time a correctional centre was market tested, the public sector was selected as the successful applicant, beating three private sector operators on a value for money basis.

But whilst GEO may have a limited future as operators of Parklea Correctional Centre, this submission was never just about them. It portrays a private sector operating model that is broken. It portrays an operating model that requires a culture of secrecy, cost-cutting and the pursuit of profits to an extent that the safety of officers and prisoners within its walls, and the safety of the community beyond them, are horrifically compromised.

It portrays an operating model that if adopted by a company, operating any correctional centre, anywhere in Australia will result in not only failure but is not worth the risk. The failures of GEO in this submission are not only the failure of that company, but also the failures of privatisation generally.

This submission has been conservative in its recommendations, in the main concentrating on procedural points to ensure the Committee is fully furnished with all relevant documentation that will assist it in its decision-making. That silence should not be interpreted by the Committee as acquiescence on the part of the PSA/CPSU for the status quo. We would hope that upon consideration of this submission the desired outcomes are self-evident.

The PSA/CPSU is of the strong belief, and it is a belief supported by this submission, that correctional centres are best managed by the public sector in terms of cost to the taxpayer, efficiency, rehabilitative outcomes for inmates and safety for staff. If this proves an undeliverable outcome of this inquiry, then the least this Committee can ensure is that any company operating correctional centres on behalf of the State do so in a sustainable, responsible and ethical manner.

This submission is in two parts. The first deals with the first six terms of reference of the inquiry regarding Parklea Correctional Centre. This part largely relies on interviews with CPSU members employed at the gaol. Whilst interviews were only conducted with a sample of CPSU membership, the CPSU can assure the Committee that the consistency of responses on issues was overwhelming and bordering on unanimous. The CPSU has grave concerns for the safety and security of the centre and those within it based on these interviews, not only during the immediate future of operations at the Centre, but across the longer term under any new provider should the same practices be adopted. All members interviewed have been allocated aliases to maintain their confidentiality.

The second part of the submission addresses the other terms of reference which arise from the public sector, particularly the 'Benchmarking' process. The PSA submission seeks to disarm the language utilised by Corrective Services NSW around this process and make it apparent what is actually occurring – at a time of a record inmate population resulting in most correctional centres across the State bulging beyond capacity, CSNSW is embarking upon a program of unnecessary and unfounded job cuts.

Finally, for clarification the Public Service Association of New South Wales (PSA) is a State-registered employee organisation. The Community and Public Sector Union (CPSU) is its Federally-registered counterpart. All members of the former are also members of the latter, although not vice versa. Where industrial rights and representation are pursued in the NSW industrial relations system it is the PSA who is the relevant organisation, but where this is done in the national system under the Fair Work Act 2009 (Cth), such as at Parklea Correctional Centre, the CPSU is the appropriate body. For the purposes of this report the terms are interchangeable.

The PSA/CPSU thanks the Committee for its work and interest into this matter of great public importance and looks forward to providing any other assistance that may be required.

Yours sincerely



Troy Wright

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Branch Assistant Secretary
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GLOSSARY

Area 4 (Parklea)

Minimum security compound within Parklea Correctional Centre, outside the main gaol wall but within the complex.

AVLs

Audio Visual Links to court, the State Parole Authority or legal interviews.

CERT

Centre Emergency Response Team, a mobile squad of equipped officers called in to deal with a crisis such as a fight or recalcitrant inmate. Usually referred to as the event itself ie “called in a CERT”. In the public sector referred to as SERT – Security Emergency Response Team.

Duresses

Duress alarm worn on an officer's belt.

Freshies/fresh custodies

Newly received inmates in custody who have not been in another correctional centre on this sentence/remand period prior requiring assessment and classification.

Green card

An internal alert issued by reception and classification staff that an inmate should not be left alone or unmonitored due to identified self-harm concerns.

IRM

Incident Reporting Model, within OIMS. The record of every incident that occurs in a correctional centre such as use of force, breach of discipline, security issues etc.

Knock up

An inmate locked in their cell seeking assistance from Correctional Officers via the cell intercom system.

Let go

The releasing of inmates from the cells into yards and shared areas at specific times during the day, usually after breakfast and lunch.

Muster

Roll call or head check of inmates for security purposes held at specific times throughout the day.

OIMS

Offender Information Management System. CSNSW's case management database, utilised by all gaols across the State.

Parade

At the commencement of each shift staff are required to meet, usually in a courtyard and where the daily operational routine is disseminated.

Rover

A Correctional Officer not assigned to a specific fixed post, whose duties involve escorting inmates both internally at the Centre and outside the gaol (eg hospital).

Segro

Segregation Wing. A special management area where inmates who have been non-compliant are accommodated for a period of time, often as an internal discipline measure. Segregation inmates are contained in one-out cells, usually with their own yard and limited time outside.

Sweepers

Entrusted, usually long-serving inmates within a wing who are afforded more privileges in return for the cleaning of the wings and yards.

Shiv

Gaol made knife or weapon.

PART 1

GEO and Parklea Correctional Centre



PARKLEA CORRECTIONAL CENTRE UNDER GEO – STAFFING LEVELS, STAFF SAFETY, CONTRABAND AND SECURITY – THE DAILY GAMBLE

(Terms of reference (a)-(c))

THE STAFFING CRISIS

From the outset, it should be recognised that gaols are not static environments. In a time gone by it was thought that the physical security of the centre was the paramount concern. Money was invested in imposing structures such as gatehouses and towers, barbed wire fencing and sandstone walls.

But increasingly with the development of technology, the physical security features of a correctional centre are becoming both less visible and less influential in its operation. Instead, it is recognised that inmate management plays a strategically vital role in maintaining the security and safety of a centre beyond the importance of any key or gate.

The crucial element in inmate management is staff.

What is apparent from the PSA/CPSU's interviews with its members is that the practice at Parklea Correctional Centre (PCC) is woefully inadequate. What is the established number of positions required to operate PCC is not publicly known. No agreement has ever been sought or consequently made with management about what are safe staffing levels for the gaol. GEO have consistently rebuked attempts by the PSA/CPSU to have discussions in this regard, and dismissed concerns raised as either naïve, inaccurate or even insulting in inferring that the safety of its staff were not its paramount concern. Nor have matters of staffing levels been agreed to in industrial instruments. Unlike gaols in the public sector across the State where the number of positions on the roster (lines) are negotiated and transparent, at PCC under GEO they remain a closely-guarded commercial secret.

But even if these staffing levels were agreed, it is clear that the model on paper of how many officers are required to operate the gaol is vastly different to daily practice. Instead, what PSA/CPSU members report is a staffing model at PCC, already with arguably insufficient numbers, peppered with holes through unfilled vacancies and absences;

"In nearly nine years that I have been there, never, never except for the first couple of months have they filled all the lines [on the roster]. They've never been able to do it".

EUGENE, 15 JANUARY 2018

Ordinarily in correctional centres, or indeed any workplace, where a shift would be considered running short a number of alternative options would be pursued, including offering overtime, seeking casuals to fill vacancies or closing non-essential operational elements. PSA/CPSU members have reported however that even when the first options fail, the latter is almost never considered and they are expected to proceed, business as usual;

"...there's nothing more daunting than turning up on a parade and having 28-30 people to run a maximum security gaol".

DONALD, 14 FEBRUARY 2018

"Very rarely are they locked down. I remember being in Area 3A on my own one day. At that point I had forty-eight [inmates]. Freshies. And they are more dangerous than the others, they come in off the street. You don't have any idea".

DAVID, 9 JANUARY 2018

Correctional Officers in today's gaols are not merely key turners. They are required to fulfil proactive and reactive security roles, case management, and contribute to the day-to-day running of the centre. Understaffing obviously means an increased workload, and that operational inmate management cannot be done,

"...you got AVL's, you got legal visits, they have made an arrangement now [for] methadone you come to the wing....like your day could be just gone and you've done nothing".

DONALD, 14 FEBRUARY 2018

But far more serious than the increased workload, understaffing leaves those staff that are on duty feeling vulnerable and exposed, and means that the duties of the job become increasingly hazardous. The ratio of prisoners to officers will never be in the latter's favour, however officers rely on their colleague's physical presence not only in the event of an incident occurring, but to act as a deterrent from one eventuating. But strictly enforced staffing formulas and visible gaps in the staffing has meant most PCC officers have had to make do on a daily basis;

"It's a joke, it is so dangerous. Like you can go into a wing with eighty inmates on your own, but they will say that one person has to stay in the office."

HARRY, 11 JANUARY 2018

"When we went in there it was two officers to ninety-two inmates [on the wing]. If it went to ninety-three, it had to go to three officers...I always left a male in the office so at least he could phone for help and I went out [into the wing] on my own. If something happened at least he could phone [for assistance]"

DAVID, 9 JANUARY 2018

"If all hell broke loose we would be screwed, and especially [in the compound]. When I used to work compound they have got two officers trying to control four yards".

TONY, 1 FEBRUARY 2018

RECRUITMENT AND RETENTION

Assuming the accounts of PSA/CPSU members regarding being short-staffed on a regular basis are correct, it poses the question, why so? Simply put, the churn of staff through the centre is unsustainable. Even with between two and three training groups of approximately twenty new officers being employed every year, PCC still cannot recruit quickly enough to fill their vacancies. It is the HR equivalent of filling a holey bucket with water;

*"you know you have got trainers who are themselves f***ing trainees".*

HARRY, 11 JANUARY 2018

The lack of experience amongst the workforce is now reaching unprecedented levels;

"...here's a quote and this comes straight from the top of the line – now we've got a company that is running into its ninth year....our figures are that 80% [of employees] have not got two years experience in our workforce."

DONALD, 14 FEBRUARY 2018

Aside from training groups not being able to adequately meet the demands of the roster, new and inexperienced recruits bring their own set of hazards for their colleagues. Most PSA/CPSU members are of the view that no training can adequately prepare you for the challenges of working in a prison environment, but now a dearth of experience on the floor means that any mentoring from older heads is nigh impossible.

“...and the worst part is you’ve got fresh people trying to teach fresh people – if fresh people only know half of what is happening cause you don’t start learning until you have done at least three years in most professions like this....”

DONALD, 14 FEBRUARY 2018

“‘Excessive use of force’ no one seems to know what that means. I know I don’t know what it means. What is excessive use of force, when the inmate uses excessive behaviour and is bigger and stronger than me and then I get charged with excessive use of force because I’m using too much restraint?”

EUGENE, 15 JANUARY 2018

So why don’t new recruits stay? Opinions of PSA/CPSU members vary, with some witnessing that too many are thrust in the deep end, being placed in inappropriate or unsupported roles, while others struggle with the short staffing of the centre from the outset and the ramifications upon their work/life balance;

“New officers should not have responsibility; they should be standing there learning. But they throw them in and say you have to learn all this real quick and its very daunting and no one can tell me that some of these new people are not scared. I know one of the officers that has only been with the company since the last class...she was right down the back of the wing and I thought ‘what’s she doing down there, she shouldn’t be down there’, so I walked down and said ‘you ok?’, and she said ‘oh, this is all overwhelming for me’...I said ‘yeah, are you nervous are you?’ I said ‘I’m nervous too and I’ve been here a long time’. She said ‘I don’t like it’...I reported her to the Supervisor and she said ‘yeah, I’m aware, she’s been crying....”

EUGENE, 15 JANUARY 2018

“...they’d only been with the company for approximately one month, a male and female officer who were looking after Segro by themselves.....they came in the last class”.

EUGENE, 15 JANUARY 2018

*“I was talking to a guy there and he was permanent in Area 3. He said you work nearly every weekend, you never home on the weekend to be with your kids and you get the sh*ts, its only like three or four months after he done the class you know”.*

GARRY, 16 JANUARY 2018

After observing what jobs officers resign to pursue, others believe that it is not the demands of the job per se but the demands of PCC and GEO that drive them away;

“...there is a few that don’t like it, but there’s a bigger percentage that go to DCS or equivalents in Serco”.

DONALD, 14 FEBRUARY 2018

*"...all of a sudden we're getting thirty inmates a day....and the gaol is filling up very very quickly but the numbers of officers was declining....as fast as we were hiring, people were leaving. It was because of the huge pressure – the safety of officers was zero. It was zero. It was f***ing appalling if you don't mind me saying. People were leaving not for money, they were leaving because they just could not do it anymore".*

EUGENE, 15 JANUARY 2018

"A lot of them have their heads screwed on to because they've applied for DCS. They've done all their training so DCS will take them in. But in the last couple of months some of them have been going to Serco".

GREG, 1 FEBRUARY 2018

Others again argue that GEO has effectively been a victim of the success of its own industrial hard line. GEO has consistently in enterprise bargaining refused to introduce shift penalties or allowances, notwithstanding that they are paid by their labour market competitors, which many members believe disincentives the shift work they are required to perform.

"...the flat rate doesn't do it, not day in day out 24/7....if I'm there working night shifts there should be incentives for people to do nights".

DONALD, 14 FEBRUARY 2018

WORST OF THE WORST

GEO appears to have adopted a static staffing roster which fails to account for the variables in gaol routine. Adjustments are not made for periods of high demand or alternative responsibility.

"Clinic's one, afternoon's due to the way they roster them due to the change that they have had. At its worst we were punching [processing] almost 150 inmates a week....you know and then they send us all freshies. That's a lot of screening , that's a lot of friggin running".

DONALD, 14 FEBRUARY 2018

"[When short staffed?] Every weekend. Every Saturday and Sunday. And during the week. On Tuesday they would be training. Half day lock in and half the team would go to training, but leave four people on a duty chain. You are running from wing to wing. They still had legal visits, duty calls, appointments with Intel, all the other stuff going on".

DAVID, 9 JANUARY 2018

The PSA/CPSU has long held concerns that the understaffing of the gaol is at its precarious worst at three times – afternoon shift, which commences at 4:00pm and ends at midnight, night shift (midnight til 8:00am) and weekends. The former two are what GEO consider non-peak times, where inmates are contained in their cells and arguably there are less security and welfare concerns. Whilst some reduction of staff allocation for these shifts on these grounds is understandable, GEO have taken this to the extreme and systematically starved these times of resources to breaking point. The stories regarding night shift in a maximum security remand prison holding 900 inmates are truly astounding;

"...you've got trucks coming, you got new people in reception, you've got people coming out that you've picked up on the trucks and so from 4:00am onwards you could be moving inmates....there would probably be about five there maybe six [officers] and as I say I try to avoid night shift...."

DONALD, 14 FEBRUARY 2018

"I would be upstairs in the control room, there would be one in the gatehouse, you would have your supervisor and you would probably have four, maybe five rovers at best".

TONY, 1 FEBRUARY 2018

"I have worked [nights] that there has only been only two staff on because they have had to send out a hospital escort."

HARRY, 11 JANUARY 2018

"But there's been instances of night shift – four officers plus a Shifty [Shift Supervisor], two hospital escorts. Four Officers disappear. So there's two people left in the whole gaol. Two – the shift manager and the one other officer to do movements, and they did movements with two officers."

EUGENE, 15 JANUARY 2018

When WH&S concerns regarding evenings have been raised by the CPSU with GEO management they have been dismissed as rare occurrences and exaggeration. What has become evident through the compilation of this report is that the staffing of the night shift is anything but satisfactory and only good fortune, not good management, has not seen a serious incident eventuate as a result.

Weekends are also fraught with problems but for a different reason. The remuneration available through the current enterprise agreement, an issue GEO have consistently been unwilling to address, operates to make weekend work as unrewarding as possible for both permanent and casual staff, meaning whatever the establishment is, it is rarely filled;

"What with the casuals, they get three or four shifts through the week, they are not going to come in on the weekend."

GARRY, 16 JANUARY 2018

"...on weekends you don't get paid any different, so why would you show up for work on the weekend, there is no incentive."

HARRY, 11 JANUARY 2018

The only way that Parklea CC appears to maintain any semblance of a functional centre at times is through a small number of employees who fill the shortfall with horrendous (and industrially unlawful) hours:

"A lot of them [officers] are doing more than double shifts. We have blokes doing twenty hours a day. They start at six in the morning and finish at midnight or 2:00am the next morning".

GREG, 1 FEBRUARY 2018

CULTURE OF SHORT CUTS AND MAKING DO

The first consequence of constant short staffing but never-ending operational demands have seen staff adopt dangerous work practices that are not officially permitted. GEO could not with credibility claim they are unaware that practices that are not condoned in policy are embedded in the workplace. Without officers finding their own solutions, the gaol would simply cease to function. Employees are not being disciplined for dangerous work practices despite overwhelming evidence that they exist, because this would place a responsibility on GEO to resource the operations in a gaol to ensure they do not occur. Instead GEO management have historically turned a blind eye and allowed an occupationally dangerous culture to flourish.

One evident danger is the movement of prisoners around the gaol. This is a known risk to all in the correctional industry. Inmates are regularly highly agitated and often aggressive when they are being moved between gaols, a combination of anxiety about where they are being moved to (whether it be another wing, another gaol, or court) and the bravado that comes with being paraded in front of their peers. The last Correctional Officer killed on the job was Wayne Smith at Silverwater Correctional Centre in 2006, who was struck fatally by an inmate during an escort within the gaol. Having sufficient officers to observe, pre-empt, manage and diffuse a potentially violent situation during internal movements is essential. Inmates should be escorted in only small groups to avert officers being overwhelmed. But the reality at Parklea CC is far from what could be considered safe practice.

“...they [colleagues] were moving against policy because they were moving them you know ten, twenty, thirty [inmates] at a time with one officer, two officers.....you’re not supposed to jeopardise [your safety]....two blokes should only have ten but in the same token these blokes are in there in their gym close to midnight and these blokes are trying to get them back to their cell so they’re moving twenty...”

DONALD, 14 FEBRUARY 2018

“I escorted seventeen inmates from reception when we had the mains into Area 1 to compounds by myself....the official policy is that if you moving around you are to have at least two officers usually between four and six crims....but because there is no one else and you want to - you want to help out – it had to be done. Where possible there is no way that you know, you move, you know fifteen-twenty by yourself anymore. There’s usually two people doing that, but even two officers to twenty inmates, it can go pear shaped quite easily”.

BRONWYN, 11 JANUARY 2018

Another work practice for Correctional Officers with inherent danger is the patrolling of wings when inmates are not contained to their cells. Obviously an adequate ratio of staff to inmates is essential for ensuring good order and security in the wing. When this ratio is consistently compromised however as has been established above, safe work practices become even more important. Unfortunately again, this has not historically been the case at Parklea CC where when short on numbers, officers on their own volition but with the tacit encouragement of management are exposing themselves to the risk of occupational violence almost every day;

“...the officers were working too hard, and then we had a lot of inexperienced people. You tell people not to do certain things, for example there are strict policies about going into the wings. Two officers at all times, it’s across the board in all gaols in New South Wales. I can assure you, if you go into the gaol tomorrow after let-go, you’ll see female officers by themselves in there with the sweepers. By themselves. It’s unacceptable. There’s not enough officers on the floor to enforce these procedures, that’s the problem”.

EUGENE, 15 JANUARY 2018

INEVITABLE ERRORS

Too few officers with too little training and experience working too longer hours with too many inmates has another completely foreseeable outcome. Mistakes are made. One issue that has emerged in recent months as an example is the management of inmates assessed as being at risk of self-harm (green cards);

“The way we used to do it [screening of fresh custody inmates] is if they were not screened on that night, if there was room in the clinic they’d go with the clinic because it is a camera cell. If there was no room there they would go to 3A as a green card...And we’d have an officer in the station so if they buzzed up we’d go straight there. But green cards have been put on their own and that’s big, you know?”

GREG, 1 FEBRUARY 2018

“People are just flat out doing their job they don’t even notice. The one last Friday the officer [who failed to notice a green card] has been with us four to six months.”

BRONWYN, 11 JANUARY 2018

Officers can also readily identify that mistakes have been made with respect to the security of the centre as well due to being stretched beyond reason;

“...so the clinic calls in the numbers without doing a head check and then the numbers are wrong....I say how many physical people do you have, well the board says fifteen, I say you don’t do a muster by looking at the board, you have to go physically check them, count your bodies. That’s how the last death in custody in the clinic where the guy OD’d or something...they call their numbers through and this guy is suffocating. They knew he was in the cell but they hadn’t gone and done their muster.”

HARRY, 11 JANUARY 2018

“A new officer was in the Clinic at night. When the clinic door is left unlocked you can walk through. He was on his own and let an inmate out to go to the toilet. Put him in the toilet, sat back down. Got up to check on him and he was gone. At 3:00am in the morning. Inmate gone. He disappeared for a while, they found him in Area 2. He was new. On nights. On his own. You shouldn’t make that mistake.”

DAVID, 9 JANUARY 2018

“But when you’ve got your ass hanging out in the afternoon shift or the night shift and you’ve got four officers and you’ve got to do three security checks every night plus do all the movements, sometimes people make mistakes.”

EUGENE, 15 JANUARY 2018

NOT A CHILD CARE CENTRE

The third and arguably most serious consequence of under staffing, certainly from the PSA/CPSU's perspective, is the very real risk and probability of violence against officers. It is prudent to remember that Parklea CC is a maximum-security correctional centre, housing more than 900 of the State's inmates, charged and/or convicted of crimes, mostly of a violent nature. It is an inherent and known risk of the job, however the methods of dealing with it are sometimes unorthodox;

"I went into a full yard where three guys had jumped another inmate and I went in there to drag the inmate out who was getting bashed and I sort of hesitated and this was how good it was, I had one inmate behind me when I stopped and he said it's alright chief, I got your back....my offside had taken off."

HARRY, 11 JANUARY 2018

There is a real or imagined perception that PCC is becoming increasingly violent for the factors outlined above, an issue which will be dealt with later in the report;

"You will find out that there are lots more [assaults] in the last six months, there's a lot more inmate on staff assaults...it's the population, it's the staff experience."

BRONWYN, 11 JANUARY 2018

A further consequence of under staffing is not just an increase in actual violence, but an erosion of morale amongst the staff group. Functioning daily a working environment with levels of tension and danger few who have not experienced cannot imagine requires confidence in the systems and management around you. When that disappears, so does one's ability to perform the job. Officers becoming fearful in their work is unacceptable. Not only does it present a significant WHS issue in its own right, but it is a factor that contributes towards the poor retention rates at PCC, which in turn as outlined above leads to more understaffing, perpetuating a vicious cycle.

"But in some places I feel unsafe. Area 5 I refuse to work there. I fact I refuse to work anywhere inside the gaol any more – I've done my time in the gaol. There's other officers that are of the same opinion, but you can't blame the officers."

EUGENE, 15 JANUARY 2018

"I was headbutted once down when I was working AVL, he just walked up and he cracked me, that's all on footage, that was March 2016 and I pretty much made up my mind by then I was out..."

TONY, 1 FEBRUARY 2018

"Going into a unit with inexperienced staff – it's scary. You can't walk into a unit with two of you and eighty crims, you can't walk in there and bit be worried and not think anything is going to happen. You've got to think anything can happen. You've got to be on your toes. They [the inmates] know nothing is going to happen to them. But it can happen to us. I just do not feel safe."

GREG, 1 FEBRUARY 2018

Of course there are a couple of simple, obvious, cost-effective processes an employer can put in place to circumvent the development of a fearful or unsupported workforce, and aid retention in the process. One of them would be ensuring officers are adequately psychologically supported following a traumatic event. It would be in the mutual interest of all parties and something employers in workplaces with far lower levels of potential psychological injury have put in place effectively. Surely GEO have some preventative measures....

*“So like I said I never got a debrief. [Name omitted] did say to me you know you can call the EAP (Employee Assistance Program) and I said they were f***ing useless so why would I call them for, it had been three or four weeks....but I don't think I can recall anytime I have been through a serious incident where I have been offered a debrief.”*

HARRY

“When I first started you see someone hanging, someone dead and you have to do mouth-to-mouth on them – someone slashed up – all you get asked is you know ‘do you need any counselling?’ and of course you've got to be you know tough and you say ‘no, I'm alright’. Right, that goes on the IRM, ‘staff offered counselling, nil required’.....”

BRONWYN

“You know I have had one [a knock up] where my cellie has cut his foot, he is bleeding really bad. I said how bad, he said there is blood sprayed up the wall....I was roving that night, I have gone straight to the cell and this guy was full on bleeding out because he had smashed the porcelain toilet with his foot and severed an artery....you can see on the ground where the blood was it was all bubble because it had been pumping out so fast and again no debriefs. I come home physically sick that night.”

HARRY

“Take the other day when that police officer was stabbed. He's gone to hospital, he's got three escorts. He's got one of his mates sitting in the back of the ambulance with him, he's got escorts taking him to hospital. [Name of officer at Parklea who was stabbed by an inmate in September 2017] was in the ambulance by himself.”

GREG

ALL STICK, NO CARROT

Under staffing, low morale, fear amongst the staff for the safety, inexperience. What you definitely would not want to do as an employer in these circumstances is make your workforce even more paranoid and on edge that the slightest of mistakes is going to cost them their job.

Unfortunately, particularly over the last twelve months and presumably in response to adverse media coverage, that is exactly the staff management model GEO appear to have adopted. The PSA/CPSU has witnessed a significant increase in disciplinary investigations, suspensions and proceedings against its members for all sorts of matters, many trivial;

“Another officer recently, he was a standard supervisor right, they were training him, good officer, he needed to get something out of his motor vehicle so he walks out of Area 4 with his keys, his security keys on, when he should have taken them off and given them to somebody. He went out to his car to get something and he came straight back...he got hauled over the coals by the Office Manager and then thrown back inside the gaol and lost his position as Supervisor. I spoke to him Monday before Christmas when this was all happening, the guy was in tears.”

EUGENE

"They're interviewing a lot of people on code of conduct on emails. And swearing on emails. It's common...look where we are and look at what we've got to deal with! You just can't help it. It happens. It's a way of culture."

GREG

"Because at the moment it's the amount of people having discipline for really silly things you know, or minute things...Do I get disciplined now because I gave a crim an eleven minute call instead of a six minute call as per policy? That's the type of thing they're looking at now."

BRONWYN

No doubt GEO will point to this as their tough new approach and one had they adopted as a measure some time ago may have yielded better performance results, but the impact upon already stretched staff is predictable. Rather than examine their own failed business model, blaming officers for systematic failures breeds further disillusionment amongst the ranks.

"...if they want to support you or not, that's again whether its going to be beneficial for them or not. So you've got someone who is in a position a lot higher than yours and you're saying 'hey, I can't do this', then they go 'well guess what, you are going to have to'. If you stuff it up, your problem not mine."

BRONWYN

"I went on a hospital escort with an inmate, who got pronounced dead whilst I was at the hospital...I had to get approval to remove ankle restraints even though he was clinically dead.....it took about half an hour to forty minutes.....never got any counselling, never had a debrief as usual. I got a written warning for not recording one of the calls into the log book and not reporting to the shift manager which we did. The shift manager denied, so I got a written warning for gross misconduct...its like after the horse has bolted, they will close the gate."

HARRY

"When I first started, you walk into a wing, oh, like the gate wasn't double locked or door wasn't closed. You fix it. Now someone goes and puts you on paper for that."

TONY

The latest crackdown on performance comes against a back drop of an inconsistent approach previously adopted by GEO which has long harboured suspicions among staff that the only matters the company has considered worthy of investigating are those which they assess bear them no reputational risk.

"I got assaulted by a colleague, raised it with HR. Reported that, basically got ignored, or it did get ignored as it wasn't basic – it wasn't investigated. HR said to me that they wouldn't do anything unless I did a written report on it and I said why don't you do a recorded conversation on what I have just told you and use that as an official record and it just came and went."

HARRY

"[In regard to a serious allegation] I even asked Mr Ma'a when he was passing through the gate. He said take it up with intel. No one ever got back to me. I just got moved."*

DAVID

* former General Manager, Mr Peter Ma'a

"I found an upper level of the wing unlocked at five-thirty in the afternoon by the manager of the area was downstairs with the supervisor...cells were secured, it was the spine door, and he goes, don't worry about it, he goes its sorted. I said don't you want to report it and he said no...because it was a manager and the supervisor was downstairs, even though they had signed off as all security checks being done I was told not to report it...or I was directed not to report it."

HARRY

GEO's approach to disciplinary proceedings against staff has also undermined what policy measures they have tried to introduce as a response, with staff viewing them skeptically and as over reactionary for which they all bear the price;

*"When we had a key stolen from the gaol, stolen by an inmate, in actual fact it was from a nurse with an Abloy key for the clinic. It wasn't cells. That key, the Abloy key cannot open anywhere else in the gaol except the Clinic. You'd think the world was falling apart with what happened. They changed all the locks in the gaol...But like everyone got punished. So getting out of the gaol now is a f***ing nightmare. And they're in a fizz about duresses. The whole world stops spinning if you take your duress home. Honestly, it is just embarrassing to watch...If you see the officers trying to get out, its appalling on hot days and if its raining you get wet. It can take you fifteen, twenty minutes to get out of the gaol."*

EUGENE

The successful operation of a Correctional Centre requires clear lines of command, respect for authority and rank, the adherence to clearly understood procedure, and confidence in management and peers. The work environment breeds and relies upon a culture of trust. Rather than these elements prospering at PCC, GEO's management model has seen this culture breakdown, perhaps irreparably. That there have not been more serious incidents on a more regular basis at PCC has been through good fortune and the concerted efforts by officers over and above what is required, sometimes against policy although with good intentions and often in spite of, not because of, management.

Parklea CC is being operated by GEO until March 2019. On the basis of the concerns outlined above, the Committee would have reasonable grounds to question whether even this is viable. Perhaps the breakdown in relationship and confidence is best summarised by this officer below;

"My biggest worry is never the inmates, like I said, I have never had a drama with the inmates. I knew the ones to leave alone, I knew the ones I could help. It is always the management."

HARRY

PARKLEA AND BEYOND – THE BROKEN PRIVATE SECTOR PRISON BUSINESS MODEL

(Terms of reference (e)-(f))

GEO AT PARKLEA – HOW DID IT GET TO THIS?

The PSA/CPSU accepts that a lot of the aforementioned commentary must appear counter-intuitive as it is not in the interest of any party. Surely the New South Wales Government requires the PCC to be run at the same standard, if not better, than other correctional centres in the State operated within the public sector? Surely it is in the business interests of GEO, as the operator under the contract, wants to succeed and consequently be awarded with more work both within New South Wales and across the country? To understand how this unsatisfactory state of affairs has occurred requires understanding the contractual relationship between the company and the State and in particular what is considered performance.

Unfortunately, the current contract between the Government and GEO is not publicly available.

RECOMMENDATION

“That the Committee be furnished with, if not already provided, the current operating agreement between the New South Wales Government and GEO with respect to Parklea Correctional Centre.”

What the PSA/CPSU has been previously provided however is the first operating agreement for Parklea CC when it was transferred to private sector operation in 2009:

Clause 27 details how, for the first five years of GEO’s operation of PCC up until 31 October 2014 at least, the State was charged by the company for its services. GEO was paid an “Operational Service Level Fee” calculated in part by the number of beds occupied in the centre as detailed in Schedule 6 of the Agreement. Then 2.5% from this Operational Service Level Fee was withheld, and against this sum, deductions were made for any breaches of the nature described in Schedule 8, and calculated and paid every 90 days as per clause 27.3(a).

Schedule 8 lists a series of “Outcomes” with a “Fee Reduction for Performance Failure” against each one. Being the first contract, some of the outcomes relate to the establishment of particular services by a certain date (eg education, programs and industries) and place a \$5000 p/week penalty for where this is not achieved. These criteria obviously would not exist in subsequent contracts. Others relate to internal policy and procedures, such as the establishment of a Custodial Staff Deployment Plan, and procedures to identify inmates at risk of self harm.

More interestingly, there are fee reductions (penalties) for early releases from custody (\$10 000), depriving inmates of their amenities (\$20 000), not reporting serious incidents such as riots, escapes, suicides or allegations of serious misconduct (\$100 000) and deaths in custody where adverse findings are made by a Coroner (\$100 000).

Two things are noteworthy – firstly no matter how poor the company’s performance could be against what are effectively the KPIs laid out in Schedule 8, clause 27.4 guarantees that any contract deductions as a result cannot exceed the 2.5% of the contract value set aside for the purpose. Consequently, potentially realistic damages for wholesale breaches of the contract are nigh impossible.

Secondly, what is apparent through interviews with PSA/CPSU members is how prominent these KPIs are in the company's thinking and how amongst staff they appear to supplant operational requirements in importance. It is clear that the outcomes/KPIs against which GEO is measured have now evolved as is reflected by what officers can now identify as the priorities. Officers have had it reinforced to them not only what the KPIs are but the importance of those areas over riding all others within the centre;

"Sometimes the goal is locked down [but] because of the KPI's they try and avoid it and we might do a rolling half day lock in this area and a half day in that area, they move staff from here and move them there to control it. The KPIs are they've got certain stations they have to man because DCS is supplying an officer for there so for them to not to have those positions filled, that's a breach of a KPI so they'd leave another area short to fill it."

DONALD

"Employment...gotta keep the KPIs up. Gotta get bums on seats working. They will close it at the last resort, you know what I mean"

GARRY

That the exact current KPIs are not publicly available and are kept a matter between only GEO and the government points to another issue that has ramifications for the centre's operations – secrecy. Privatisation is often spouted as producing fairer outcomes for the taxpayer due to the transparency of the private sector. Nothing could be further from the truth when it comes to privately owned or operated correctional centres. The world behind the prison gates is a mystery to most, other than those who have actually been there in a personal or professional capacity, meaning that the public's understanding of the result of privatisation in the sector is minimised and accountability is rarely required. What is even more shocking however is how GEO has managed to have PCC excluded from even its peers. Here an officer points out a difference between PCC in terms of accountability and secrecy from every other correctional centre in New South Wales:

"You know, why is Parklea hidden on OIMS, why can't anyone see their IRMs, that's the biggest question for me...I can read IRMs from Long Bay, Silverwater, Junee...deaths in custody, fires, assaults and anything reportable...but the Parklea ones no one can see them apart from us...That come from Peter Ma'a because he didn't want other people seeing what was going on in Parklea."

HARRY

CHECKING THE CORPORATE SCORECARD

The PSA recently obtained through a GIPA application data on correctional centres across the State, which is further dealt with in the following chapter of this submission. In the 2016-2017 reporting period PCC had the third largest operational capacity in the NSW system at 970 inmates after the Metropolitan Special Purpose Centre (1139) and the Metropolitan Reception and Remand Centre (1107).

On all measurable criteria, the PCC either performed proportionately or worse than its peers on a raw numbers basis. It was third in the State in terms of assaults on staff, second in the State in regards to numbers of assaults on inmates and use of force incidents (after the MRRC on both counts) and first in respect to contraband seized.

Again these numbers run contrary to another oft-cited justification for privatisation, regarding the efficiencies of the private sector. The results clearly are the same as, if not worse than, public sector centres. Private sector management practices at PCC appear to have had little, and sometimes possibly detrimental, impacts on measurable outcomes.

But the PSA/CPSU has serious concerns that these statistics do not portray an accurate picture of the operational outputs of the PCC. The PSA/CPSU has heard multiple reports of under reporting of critical incidents from its members. Reporting is not just reflective of what is done, but what is not done. Whether it has been dictated by KPIs and financial penalties, and whether this has been achieved overtly or subtly by management or whether it has arisen in its own right, what is apparent is the chronic under reporting of incidents throughout the gaol.

“There were a lot of assaults in Area 5. [Officer X] was told when she moved in there that if it’s a one-on-one fight we’re not charging the inmates, because a one-on-one fight would be instigated by one of the sweepers who’s standing over people not paying their debts....and when [supervisor’s name deleted] was moved out of Area 2 the bottom drawer was full of charge packages that hadn’t been dealt with.”

GREG

“I had an inmate HIV positive who deliberately tried to spray me with his blood during a use of force, laughing and taunting us, saying ‘I have got AIDS’ and he cut a vein in his arm and he is trying to smear us all with his blood. I reported that, I said I wanted to lay charges and they said ‘yeah, leave it with us, we’ll get the police here’ and nothing ever happened.”

HARRY

The long held suspicion among officers is that the company has either at the minimum not encouraged, and at its highest deliberately not proceeded with the full reporting of critical incidents out of concerns as to how this would impact upon the KPIs and attract financial penalties under the contract. This perception that complaints are not prosecuted or proceeded with, combined with workload pressure from under staffing, has led to under reporting as well from the officer level.

“I feel there’s a lot you know of charges drawn up and never heard....if someone was in trouble for throwing water at you and you’ve gone to the trouble for making a charge package, why wouldn’t it be made a fuss of? The results don’t warrant the friggin effort and its not the people aren’t trying, its not staunch enough.”

DONALD

“They have pushed the workload down, down, down to the officers on the floor. And that’s just no good. Its too much pressure. I know officers in the gaol who don’t call CERTs unless they really, really have to because they don’t want to be staying back and doing IRMs. Its common. Unless you have inmates fighting and you’ve got no choice – and then you just hope someone else does it.”

EUGENE

“We are getting pumped to do our job and nothing is happening....it was easier just to let it go than bother doing your paper work and doing your reports, and then nothing come of it.”

TONY

TOO MANY, TOO COMPLEX

This catastrophic blend of factors has one more structural pressure which has arguably accounted for more of the failures at PCC over the last few years than any other – the overcrowding of the State’s correctional system and GEO’s corporate desperation to have as a bigger piece of the action as possible. Schedule 6 of the original Operating Agreement makes it clear that GEO’s Operational Fee is a sliding scale based on how many inmates are held in the centre. Much like any paid accommodation in the country, GEO has become like a hotelier not satisfied until the “NO VACANCY” is up in lights out the front. And even then some;

“Mr Maa likes the whole gaol, every bed full. So we have to fill the gaol. Especially on Fridays.”

DAVID

“We had three out cells at a period there, we had crims laying on the floor in a three out cell. How there wasn’t someone killed...we’d give them a fan. The gaol would supply a fan...we had two bunks and the other bloke lay on the floor. Its criminal. If there was a fire in the cell, we were blessed, it could have been catastrophic.”

DONALD

“In a lot of Areas they used to have laundry cells, there was no beds in there and you would use that to house laundry stuff and that. They have been gutted out and had toilets put in, showers put in and that’s how they started utilising all the space. Above segro, I know back in Correctives (public sector operations) that used to be a kitchen then when we got there, there was nothing and now there are cells above segro...”

BRONWYN,

It is not only the number of inmates that has raised suspicion that GEO is attempting to maximise its “market share”, but the complexity. PSA/CPSU members that have been employed by GEO at PCC for more than a few years can identify a definite shift in the inmate population from being a combination of remand and freshly sentenced to pure remand to now many fresh custodies. Remand prisoners have been detained and assessed at another correctional centre whereas fresh custodies, or “freshies” are coming from police custody and yet to commence that particular sentencing episode in a correctional centre. Fresh custody prisoners are often detoxing from illicit substances and may have undiagnosed/untreated mental or physical health issues, and/or be at greater risk of violence towards others or themselves. The work is obviously less predictable, more dangerous and requires greater resourcing, but what isn’t known is if this function has been foisted upon GEO at PCC or whether it also attracts additional income as suspected by the officers.

“It’s a revolving door, more inmates, more money. You’ll find that there is more protection inmates than mainstream inmates nowadays – more money. Fresh custodies, more money again.”

BRONWYN

“When they [GEO] took over they had no idea how to take fresh custody so it was just the remand. They would still go to court and things like that. It wasn’t until about 2012 they started back in with the fresh custodies and they were only supposed to be doing Monday-Friday. They were only doing a few, but now they are doing something like twenty-thirty a day and even some on the weekends.”

GREG

RECOMMENDATION

“That the Committee establish what the current fee structure is for all privately operated correctional centres in New South Wales and ensure that the contract cannot be exploited by operators looking to maximise profits by either accepting a too large or too complex inmate population.”

OTHER POSSIBLE CONTRACTUAL CONCERNS

Like any document that is kept from public examination, suspicions abound regarding various areas of the PCC contract based on the outcomes and emphasises or practices on the ground. Several believed that corners were being cut with respect to their personal protective equipment;

“The [stab] jackets are that ripped and broken, we haven’t even gotten full vests for all members at the moment...you’d want to have the gear if you’re going in to bat, you’d want to have the right stuff”

DONALD

Others noted the peculiar situation they understood at the moment regarding the construction within in gaol walls. Currently the NSW Government is funding extensive new developments which will add some 500 more beds to the centre, however it is the belief of PSA/CPSU members that these building contractors have become a new revenue stream themselves;

*“So the company that’s building it [the extensions to the gaol] has to pay GEO for the security...no one else can do it, there’s not a builder who can say ‘p*ss off, you’re too dear, we’ll get someone else to do our security’ ”*

DONALD

Of course this new stream of income takes priority, and adds even a greater drain upon core operations;

“They have to supply staff to work with contractors...all the movements inside the gaol have to be escorted....so they fix them up but then they go ‘we are short’ because of a hospital escort or something like that [so they] take all the officers out of industries...”

GARRY

The most repeated suspicion is that somehow contractually GEO benefit from their retention problem and consequent seemingly endless recruitment and training program. GEO has its own Registered Training Organisation. All officers are required to complete a Cert III in Correctional Practice which is conducted on PCC grounds by PCC trainers rather than by CSNSW at Brush Farm. The tax and subsidy arrangements for this in-house training are not completely understood but may warrant investigation by the Committee;

“The main reason for that is because when we sign on for a Cert III you are an apprentice (trainee), and like all businesses if they hire X amount of apprentices the government gives them a bonus...The more staff you can employ, sign up for Cert III and if they don’t work out, flick them, hire new ones same things, more money from government.”

BRONWYN

THE LANDSCAPE BEYOND PARKLEA CORRECTIONAL CENTRE

In 2018 the multinational companies GEO Group, SERCO, G4S, and Sodexo operate 10 private prisons operate throughout Australia. The largest private contractors are Geo Group operating 5 prisons and SERCO operating 3 prisons. Together the companies supervise 19% of the prison populations in Australia but little is known about the cost and performance of the private prisons. Major serious altercations including riots, deaths, and escapes have been occurring since the opening of the first private prisons in 1992, and have signalled that the private prisons pose a serious risk to the safety of the inmates and the workers.

Since the time of the last inquiry into the privatisation of prisons, the daily prison population in Australia has risen by 34%, with an additional 13,605 being held on a daily basis.¹ For NSW, the prison population has risen by 3,400 inmates on daily basis to nearly 13,000 people per day. During this time, NSW has achieved the lowest recurrent expenditure per inmate per day in 2016-17 of all the state and territory governments, while maintaining the largest inmate population.

Staffing Levels

In 2017, the Queensland Audit Office released “Management of privately operated prisons,” a review of the state’s two private prisons Arthur Gorrie run by GEO and South Queensland run by Serco.² The report found that while the private operators do deliver a lower cost operation it does so due to less correctional officers, less medical staff, and no overheads to run a state wide prison system. This indicates that the state system subsidises private prisons through overhead costs such as systems and procedures.

The Audit Office report found that the public sector allocated 415.18 staff to work at the Arthur Gorrie Correctional Centre, compared to the private sector’s bid of 332.47, a variance of nearly 20% per cent. The difference was attributed to the private sector’s greater “risk appetite” in order to be competitive for work. On a daily basis the staff quota varies from 165 in the public sector to 130 in the private sector. This variance of staff is occurring concurrently with the centre running at 122% capacity. This presents a clear safety and security issue for inmates, workers and the prison.

The variances in staff from the private prison and the public prisons have been detrimental to the health of prison officers. In 2017 the union in Queensland covering private sector correctional officers, United Voice, is quoted as saying that “Many of our officers have to work in an environment where there’s forty criminals and one officer to look after them,” he said. “It’s not uncommon for it to elevate to sixty or sixty-five inmates to one officer.”³

In 2015, a whistle-blower at Arthur Gorrie Correctional Centre was suspended after publicly raising concerns about prison officer’s safety. The matter was settled by GEO after the case was taken to Fair Work Australia, although conditional upon no further public comment being made.⁴

Additionally, the report states there is no financial incentive for the private contract to employ more staff due to the contractual arrangement between the agency and the private operator that states that any additional officer employed to run the facility that are not included in the contract are to be paid for by the operator. At a time when the prison is running above 122% capacity there is indication from the report, if the private provider is to hire more staff to handle the extra inmates and ensure staff safety, they would be required to absorb the cost. This appears to be a costing and staffing model adopted across jurisdictions.

¹ Productivity Commission, 2017 Table 8A.4

² Queensland Audit Office Report, 2017
https://www.qao.qld.gov.au/sites/all/libraries/pdf.js/web/viewer.html?file=https%3A%2F%2Fwww.qao.qld.gov.au%2Fsites%2Fqao%2Ffiles%2Freports%2Fftp_management_of_privately_operated_prisons.pdf

³ <http://www.abc.net.au/news/2017-07-07/arthur-gorrie-prison-guards-pay-dispute-locked-out/8687156>

⁴ <https://www.brisbanetimes.com.au/national/queensland/whistleblower-prison-officer-kylie-muscat-loses-job-at-arthur-gorrie-correctional-centre-20150416-1mmpo4.html>

Other ways private operators save on staffing is through lax background checks on the employees. An officer with a conviction for drug supply worked at Arthur Gorrie Correctional Centre undetected for three years.⁵ When approached by the media, the prison management claimed the man worked only as an administration clerk. Later the statement was retracted after it was discovered the man interviewed incoming inmates daily and held roles which allowed him to access all inmates' files and records.

In the 2013 at Victoria's Fulham Correctional run by GEO, a brawl lead to the hospitalisation of seven correctional officers.⁶ In 2012, a serious prison riot occurred when inmates took over the main block of the prison and 18 correctional officers were sent to the hospital.⁷ Prior to the riot in 2012, the CPSU had wrote to the prison management asking for review of OHS standards due to staff reductions and further noted the easy access to equipment and knives inmates had to use against the correctional officers.⁸

Contraband

In just the last two years, incidents occurring at GEO run prisons raise serious concerns as to the level of supervision of inmates and the policies and procedures in place at the prisons in regards to contraband.

The Queensland Audit Office 2016 report also found, that the rate of illicit drug use in Queensland's two private prisons is higher than the public sector average.

Since 2005, the private prison sector has been under scrutiny for drug use. The Queensland Prison Association has claimed there has been cover-up of drug use in the prison with drugs that are found in the prison not reported and the evidence is flushed down the toilet. Whilst not alleging this is the case in this instance, GEO arguably has an incentive to cover up the drug use at the facility as there are penalties if drug use is higher than 9 percent in the contract with the agency. Due to commercial in confidence nature of the contract and specifically the payment structure with the provider, it is unclear if GEO Group has received bonus payments or deductions for any contractual obligations including those related to drug use in the system.

In 2016 in Victoria's Fulham Correctional Centre, operated by GEO, contraband was discovered including 28 cannabis plants growing in the centre, while another inmate was discovered to be keeping a brown snake.⁹ During 2016 the death of a 41-year-old Aboriginal man detained in the centre occurred. While the government claims that there were no suspicious activities surrounding the man's death, the provider failed to follow the legal requirement to report the death to Aboriginal legal services. The Victorian Aboriginal Legal Services stated it had no indication of how the man died.

A 2012 review of the Victorian correctional system found one third of Victorian inmates were held in private sector prison cells compared to the national average of 19.2%, and it cost \$257 to house a Victorian inmate per day compared to the national average of \$216.¹⁰ The report indicated that the public prisons in their State are not any cheaper to the taxpayer than government-run prisons, and that in spite of the additional costs involved, they don't appear to be producing any noticeable benefit to the community and rates of recidivism as a whole.

5 <http://www.couriermail.com.au/news/queensland/drug-smuggler-phil-sparrowhawk-worked-undetected-at-brisbane-correctional-centre/news-story/e4755d37f53a90bfbf24cf4bb993f2a9>

6 <http://www.abc.net.au/news/2013-06-13/private-prison-needs-to-hire-more-staff3a-union/4750598>

7 <http://www.heraldsun.com.au/news/prison-riot-rocks-fulham-correctiona-centre-in-west-sale/news-story/f6cfc3d141d6775b13e39b986b0dc72?sv=90db2fa8ed54dd5751ecd598db71562>

8 <https://www.theaustralian.com.au/news/nation/rioting-inmates-from-fulham-prison-in-sale-have-been-secured-back-in-their-cells/news-story/53d41e031ad017bc8bd9354a01631a79?sv=5223dd8134f5409df47ddef4465802c6>

9 <https://www.theage.com.au/national/victoria/dangerous-company-victorian-prisoner-kept-baby-brown-snake-as-pet-20160121-gmanxc.html>

10 <http://theconversation.com/private-prisons-and-the-productivity-commission-where-is-the-value-for-money-5109>

Inmate safety

In New Zealand in July 2016 Serco was stripped of its contract to run Mt Eden following allegations of assaults and organised fight clubs.¹¹ Private prison operator Serco has apologised and paid up for their mismanagement of Mt Eden prison, but has refused to say exactly what that mismanagement entailed.¹² Each fight involved “multiple rounds”, according to one report, and those taking part didn’t always have a choice. Staff recorded the fights and it is alleged betting was taken and this was systemic problem in the prison.

In Western Australia in 2015, Serco lost the prisoner transportation contract it held with the State Government midway through an inquiry into the quality of the service after a convicted rapist and an alleged armed robber escaped from a Serco prison van, and another inmate violently escaped from hospital while under the watch of Serco correctional officers. Serco took over the contract for G4S in 2011 after the death of Aboriginal elder Mr Ward on a long distance regional journey in 2008 and the escape of nine inmates from holding cells at the Supreme Court in Perth in 2004.

In 2011 in Victoria at Fulham Correctional Centre, an inmate due to be released from prison died after an attack in a common room. A scathing report from the Victorian State Coroner found that if the areas where stabbing occurred were monitored by correctional officers or cameras, medical treatment would have occurred sooner and there is a possibility the man would have not died from the injuries.¹³

Private contracts for public services

Part of Associate Professor Jane Andrews of the University of Sydney research in 2016 into private prisons was to determine the availability of contracts and payment arrangements between the private sector and the government.

At the time only two of the private prison contracts were publicly available, while four others were available but with key information excluded regarding the financial and equity schedules. The other four contracts, including those in NSW and in Queensland were not publicly available contracts.

Commercial-in-confidence legislation is used to shield the contract from public scrutiny. In NSW, this lack of scrutiny has meant that the payment of performance linked fees has been profoundly confusing and lacks transparency. It has been reported as being a disincentive for some officers to report incidents as described in the interviews with PSA/CPSU members.

International record of GEO

GEO is a company that not only seeks to run government services, they seek to change laws and influence elections for their own profit.

GEO has had a track record of lobbying for increased prison time, presumably with an eye to boosting revenue. With the help of the American Legislative Exchange Council (ALEC), GEO Group and other private contractors have worked with legislators around the nation to draft and propose “tough on crime” legislation like three strikes laws and limits on parole opportunities.¹⁴ The influence of the corporation on public policy shows how the companies are able to influence governments to increase incarceration rates for their own profits.

11 <http://www.radionz.co.nz/news/national/313562/acc-refuses-to-release-serco-investment-information>

12 <http://www.stuff.co.nz/national/politics/78514739/Serco-to-pay-Government-8m-for-costs-of-Mt-Eden-prison-takeover>

13 <http://www.heraldsun.com.au/leader/inner-south/brutal-killing-of-colin-david-johnson-at-fulham-correctional-centre-could-have-been-prevented-coroner-rules/news-story/bae6480f37c08f877146353ca2045900>

14 <http://www.seattleglobalist.com/2014/05/08/gates-foundation-private-prison-investments-geo-nwdc/24430>

GEO is the largest private prison company in the United States.¹⁵ As of 2012, 43% of GEO group \$1.4 billion revenue came from the US federal government with contracts including running immigration detention centres and prisons with additional income coming from operating state prisons. In 2016 the US Department of Justice issued a statement that the Department will phase out the use of private prison companies for provision of correctional facilities as they found that private prison performed poorly in comparison to state run facilities, do not provide cost savings and do not offer the same levels of safety and security.¹⁶

Additionally, the company has been accused of making illegal campaign contributions to the Donald Trump campaign in the 2016 presidential campaign and to inauguration events. As a Federal contractor to run services such as immigration detention centres and prisons, it is illegal for GEO to make campaign contributions. It has been alleged that GEO donates instead to outside super PACs. GEO defends the contributions to Rebuilding America Now, arguing they were made through a company subsidiary that doesn't contract with the federal government.¹⁷ GEO was one of the companies to see the biggest stock-price jump when election results were announced on 8 November 2016. As of February 2017, the Trump administration has reversed the decisions to phase out private prisons and will continue to use private contractors and has continued to renew GEO detention centres contracts.¹⁸

In 2017 three deaths in three months occurred at GEO's Adelanto Detention Facility with two of the deaths from reported medical errors.¹⁹ In 2015 four hundred detainees went on hunger strike to try to demand reforms including better medical and dental care. Since it opened in 2011, Adelanto has faced accusations of insufficient medical care and poor conditions.

GEO has a long and disturbing history of poor management of correctional facilities in the US, including the Walnut Grove Youth Correctional Facility, a prison for inmates between 19 to 22 years of age. The US Justice Department found the centre to have "systemic, egregious and dangerous practices," and found the prison to have poorly trained correctional officers who actively assist and engage in fights, some with gang affliations, and sex with the incarcerated youth.²⁰ Other reports included the prison warden taking an inmate out of the facility to a motel for sex. The prison was named in America's 10 worst prisons by Mother Jones's and the prison management contract ended up being handed over to another for-profit prison provider upon its expiry.²¹

15 <http://www.thedailybeast.com/articles/2016/12/14/did-private-prison-contractor-illegally-boost-trump.html>

16 <https://assets.documentcloud.org/documents/3027877/Justice-Department-memo-announcing-announcing.pdf>

17 <http://www.thedailybeast.com/articles/2016/12/14/did-private-prison-contractor-illegally-boost-trump.html>

18 <http://www.sun-sentinel.com/business/fl-bz-geo-federal-prison-renewals-20170526-story.html>

19 <https://www.motherjones.com/politics/2017/06/adelanto-death-immigration-detention-geo/>

20 <http://www.npr.org/2012/04/24/151276620/firm-leaves-miss-after-its-prison-is-called-cesspool>

21 <http://www.motherjones.com/politics/2013/05/america-10-worst-prisons-walnut-grove-youth-correctional-facility-mississippi>

SUMMARY

The Committee's inquiry into the operations at Parklea Correctional Centre and GEO generally comes at an opportune time. Whilst a Government announcement last month meant GEO will no longer operate the facility beyond March 2019, the public sector has been excluded from the bidding process and in doing so it was guaranteed that the Centre will remain under the operation of the private sector for the foreseeable future.

It is the PSA/CPSU's position that the incidents and issues emerging from PCC that sparked this inquiry are not attributable entirely to GEO in isolation, but the commercial contractual system in which it competes. To be competitive, GEO is required to adopt a business model that relies on staffing a prison with fewer officers than public sector equivalents. A business model that requires a company to pay its workforce less than its competitors and consequently attract a more transient, inexperienced workforce. A business model steeped in secrecy. A business model that focuses on identified key performance indicators and not a holistic approach. A business model that attracts the maximum number of beds filled for the lowest outlay. A business model that requires short cuts at every opportunity.

It requires a business model that is a roll of the dice with the security of the centre and the safety of those working or living in it every day in order to maximise shareholder returns.

It is the PSA/CPSU's respectful submission that it isn't just the Parklea Correctional Centre the Committee should be concerned with, but the operation of any correctional centre in New South Wales by the private sector. A model of service provision that can lead to the culture, operational models and outcomes detailed above is broken.

Encouragingly, the concerns raised here are not isolated and are reflecting both domestic and international experience. New South Wales would not be alone in identifying these issues and moving to a better approach. Many jurisdictions are abandoning either in part or entirely the operation of correctional facilities by private-for-profit companies for exactly the same reasons detailed here.

It may be too late to sanction GEO and obtain improvements in their practices with relation to Parklea Correctional Centre, but it is not too late for the Committee to repair the process that led to it occurring and ensure any new private sector tenderer does not have the same opportunities and failings.

PART 2

Benchmarking



SUBMISSION ON BENCHMARKING

INTRODUCTION

In September 2015 the NSW Government announced its 'Better Prisons Reform'. As part of the reform Corrective Services announced the *Benchmarking* process. The stated purpose of *Benchmarking* was to improve the efficiency of correctional centres by comparing them with privately and publicly operated centres in other jurisdictions. To achieve this Corrective Services NSW employed a Queensland company Macksam Consultancy. Macksam Consultancy's website claims "*Macksam Consultancy specialises in corrective services. Their expertise is in the operating cost of prisons including staffing.*"¹

There is a great deal of mystery surrounding what is known as the *Macksam Report*. When *Benchmarking* began, the PSA and members were told that, once completed, the *Report* would be released. Despite many requests, GIPA applications and two proceedings in the NSW Industrial Relations Commission, this has not occurred. The release has been actively opposed by the Government and Corrective Services. The PSA believes it is imperative that the Committee is provided a copy of the document that is behind the decisions being made about staffing and safety at correctional centres across NSW. The Government and Corrective Services have stated that the *Macksam Report* figures have been 'moderated' and are subsequently of no relevance. If this is the case, there should be no objection to providing the report and explaining why it is no longer relevant, with direct reference to outcomes both in the report and subsequently developed by Corrective Services.

Without the *Macksam Report* no-one can question the assumptions behind *Benchmarking*.

RECOMMENDATION

The PSA respectfully requests that the Committee obtains a copy of the *Macksam Report* as a priority and if possible makes it publically available to allow a thorough analysis of what is, despite Corrective Services protestations, a fundamental pillar of *Benchmarking*. Without the *Macksam Report* no-one can question the assumptions behind *Benchmarking*.

RECOMMENDATION

The Committee could also request copies of the "moderated" figures that Corrective Services claim superseded the *Macksam Report*.

BENCHMARKING

Using the term "*Benchmarking*" is sophistry. The aim is to cut jobs and save the Government money under the pretence of making correctional centres more efficient. It is an extra efficiency dividend added to the pre-existing efficiency dividend.

The PSA is concerned that the NSW Government wants to align staff numbers in public prisons with private prisons. The limited amount of information about private prisons is not encouraging. Parklea was recently the subject of publicity when Corrective Services had to send in a team of its own employees to review the centre's operations. The Government has so little faith in GEO Group Australia that it did not make the short list of applicants for the recent tender to operate Parklea Correctional Centre, yet it is being used as a model in *Benchmarking*.

¹ (<http://www.macksam.com.au/index.htm>)

Scant regard is being placed on the most important part of running correctional centres – safety. The safety of staff, the safety of the public and the safety of inmates is largely being ignored no matter how often it is brought to the attention of Corrective Services management.

The prison population has been increasing for many years.²

Benchmarking is occurring during a bed crisis in the NSW prison system. New bail laws have resulted in an increase in people on remand. Despite being the architect of the bail laws, the Government made no preparation for the increase in inmates. The prison population increased by 33% between 2011 and 2016.³

In March 2014 the population was 10,917. As of December 2017 it was 12,989⁴. As at March 2018 the PSA believes the population is 13,200 inmates.

Corrective Services is in the process of adding 5,189 beds⁵, a figure that more than any other, points out the lack of planning since the population began to increase.

Previously closed centres (Kirkconnell, Berrima, Grafton) have been reopened and other centres are accepting an increase in inmate numbers. For example, Lithgow had to place two and sometimes three inmates in single cells. PSA members cooperated during this process, helped manage the bed crisis and now face losing their jobs through *Benchmarking*.

The bed crisis was also partially alleviated by increasing staffing levels at those centres where the population increased. The staffing levels will be reduced in most cases to below the levels of staff prior to the bed crisis when inmates are relocated to new centres.

'Rapid build' centres were constructed at Wellington (Macquarie Correctional Centre) and Cessnock (Hunter Correctional Centre). Despite being officially opened neither centre is yet fully operational.

The PSA has been informed that the cladding at the rapid build centres does not meet fire standards (possibly of polyethylene composition similar to Grenfell Tower in London where 71 people died in a fire attributed to the cladding) and will need to be replaced. When this occurs and inmates are relocated this will lead to a return to overcrowding at other centres.

The initial solution to the bed crisis was obviously a short term solution which the Government is addressing by constructing 'rapid build' centres and expanding the capacity at other centres through capital works. There will be a lag before construction is completed. The PSA has no information on when, for example, construction will begin at South Coast (360 beds), Emu Plains (240 beds), Bathurst (250 beds), Mid-North Coast (400 beds) and the privately run prison at Junee (480 beds).

The PSA has obtained information on the number of assaults in centres, workers compensation claims and contraband interceptions. These show an increase of incidents at least in line with the increase in inmate numbers. At some centres the increase is in greater proportion to the increase in the prison population.

It is against this background that the Government is introducing *Benchmarking*, cutting jobs, reducing experience in the workforce and increasing safety risks.

2 Why is the NSW prison population growing? Bureau of Crime Statistics and Research, April 2014 <http://www.bocsar.nsw.gov.au/Documents/BB/bb95.pdf>

3 New Prisons Corrective Services NSW <http://www.correctiveservices.justice.nsw.gov.au/new-prisons>

4 Custody Statistics http://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx

5 Department of Justice Annual Report 2016-2017 page 21 <http://www.justice.nsw.gov.au/Documents/Annual%20Reports/justice-nsw-annual-report-2016-17.pdf>

PSA PARTICIPATION IN *BENCHMARKING*

Members have been reluctant to cooperate with a process that results in job losses and decreased safety and are only doing so under the threat that not cooperating will either lead to '*market testing*' (i.e. threatened privatisation) or actual privatisation. The mantra is "cut the numbers of staff or your centre will be privatised" and senior managers run the risk of being replaced by someone more amenable.

Corrective Services has shown through the market testing of the John Morony Correctional Centre that it can compete with the private sector. If the Government was serious about running the correctional system effectively and efficiently it would have appointed Corrective Services to run the Parklea Correctional Centre again or at least allowed Corrective Services NSW to submit a bid to run the centre again. Instead it specifically excluded Corrective Services from making a bid.

The PSA's most recent dispute on *Benchmarking* before the NSW Industrial Relations Commission was lodged on 31 October 2017. There have been a number of hearings and conciliation conferences highlighting the lack of consultation (ATTACHMENT 2). The notification makes it very clear that Corrective Services is a reluctant negotiator and any variation on its preordained outcome is hard to achieve. Corrective Services has mastered the art of appearing to consult, largely ignoring constructive responses and implementing its preferred, previously decided, outcome.

On February 2 2018 the PSA wrote to the Minister for Corrections, the Honourable David Elliott MP, requesting a halt in *Benchmarking* until the Committee had released its report and the Government had provided its response. In a reply received March 2018 the Minister declined the request. The letter did say the Government would consider the Committee's recommendations but from experience the PSA has little faith that the Government will enact any recommendations that do not agree with its ideological view on running Corrective Services as a business.

The PSA's concerns with *Benchmarking* can be summarised as follows:

1. We do not know the methodology used to ascertain Corrective Services new staffing levels.
2. *Benchmarking* is being coordinated from Corrective Services' head office and members have no confidence that those involved have sufficient custodial experience to understand the safety concerns.
3. The staffing levels are pre-determined and only limited variation up to a few positions has been accepted. The PSA members at the locations that have received small increases in staff numbers will alleviate their safety concerns.
4. Responses are routinely rejected on the basis that the *Benchmarking* staff committee submits staff numbers that are 'too high' and staff need to provide figures that meet the pre-approved staff level. As noted above, rationale for the pre-approved staffing level are not provided and members are informed that they must "make it work".
5. Members at the Long Bay complex are having significant difficulties in their discussions with local management about the 'inability' to make the numbers fit. Valid work, health and safety concerns (partially related to the age of the complex) are being ignored and members are concerned that their consultation committee will be replaced by a more compliant committee. This will negate any pretence of consultation but Corrective Services will get staff numbers that fit its aim of 'making it work', rather than a safe outcome.

6. An example of the previous point about members' staffing proposals being considered too high is at Dawn De Loas- Silverwater men's where an extra staff member is needed on the B Watch (night shift) to accommodate works release still coming in at 1am and leaving the centre at 4am. Members have been told by a senior manager that the works release inmates will have to return by 7pm and leave at 8am. This will affect the company's output and the company has stated they will cancel the contract. Members have also requested a Senior Correctional Officer for Reception on the C watch. The response was to stop the trucks coming in from 1pm. This will mean that inmates that go to court will not be able to return to the centre, they will have to be housed in court locations and fresh custodies will have to remain in police cells. The senior manager is reported to have said that this is not a problem for Custodial Corrections; it is a problem for the Court Escort Security Unit (CESU). Court cells are already overcrowded.
7. The rank of Assistant Superintendent has been completely deleted from correctional centres, removing a layer of management. The Minister has described this as removing "fat" which members find offensive.
8. At Long Bay for example, the Corrective Services proposal was to reduce Executive positions (Senior Assistant Superintendent and Assistant Superintendent) from 24 to 11 in a complex that houses 1,300 inmates.
9. Assistant Superintendents are given the option of applying for a limited number of permanent promotional positions (Senior Assistant Superintendent), or applying for what are essentially demotions to Senior Correctional Officer, applying for a non-custodial role, or accepting voluntary redundancy. The result is a reduction in managerial experience and negative consequences for centre security.
10. The non-custodial roles mentioned at 9 above are in Case Management. These Case Management roles only have 3 years' funding from mid-2017 to mid-2020. If the funding is not extended beyond 2020 Corrective Services will potentially lose another group of experienced officers and the newly appointed case managers.
11. Non-custodial staff are also affected by this limited funding for reducing recidivism (High Intensity Program Units (HIPUs) initiative) and Corrective Services has not been able to satisfy members' concerns about their positions if funding is not extended.
12. The Case Management roles are only being slowly introduced which reduces members' ability to learn and perform well in these roles, setting them up for potential failure and a loss of funding.
13. The number of Senior Correctional Officers is also being reduced with a commensurate reduction in experience.
14. The reduction of both these grades in Correctional Centres reduces promotional opportunities and staff motivation.
15. Corrective Services has announced it will appoint 1,100 new Correctional officers over the next two years but does not acknowledge it is replacing experience with inexperience. The Minister has not stated if these will be casual or permanent staff or a mixture of the two, compounding the PSA's concerns.
16. Corrective Services is not recognising that older facilities such as Long Bay, Bathurst and Goulburn do not have the technology needed to compensate for a reduced number of staff.
17. Managers have been told that requests for increases in infrastructure must not be included in any proposal as there is no funding available.

18. The reduction of staff in the older centres will have a proportionally greater effect on security. Long Bay is a prime example of this where potentially two staff will look after 400 inmates in two yards each holding 200. This would be difficult at the best of times but if an incident occurs it would take minutes for assistance to arrive, having to pass through three security walls to get there.
19. Although the PSA does not support *Benchmarking*, the slow introduction across centres has resulted in an over-reliance on casual staff to temporarily fill vacant positions. For example, Long Bay Hospital is dangerously understaffed resulting in an increasing number of 'lockdowns' over recent weeks and members imposing bans to protect their safety (or invoking the provision to cease unsafe work under Work Health and Safety legislation). This is subject to conciliation in the Industrial Relations Commission.
20. Staffing of centres on weekends will be greatly reduced. In some cases there may be only one Senior Assistant Superintendent in charge of a centre, Governors and Managers of Security being turned into Monday to Friday workers.
21. Along with this there will be a reduction in Correctional Officers working on weekends with consequent effects on security and the interception of contraband. It should be noted that weekends are a prime time for inmate visits.
22. This will affect security at every centre and the PSA does not believe that there will be sufficient staff should an emergency arise on a weekend. At the time of writing the PSA had conducted a weekend tour of the Mid-North Coast Correctional Centre but remains unconvinced that there is adequate concern by Corrective Services about security. A tour of a small centre is currently being arranged.
23. Whilst undergoing *Benchmarking* Corrective Services is simultaneously constructing new centres. That is, while cutting staff numbers it is creating the need for more staff in the short to medium term. This is illogical. It would make sense to retain the current staff (and their experience) to work in the new centres when completed.
24. Senior Managers are concerned that there is inadequate management and supervision on weekends. Under previous practice (and as per the Crown Employees (General Managers, Superintendents, Managers Security and Deputy Superintendents, Department of Justice – Corrective Services NSW Award 2009) these officers worked rotating weekends. They will now be responsible for matters that occur on weekends under the supervision of Senior Assistant Superintendents who will not be acting up in the higher roles. This will result in senior managers having to retrospectively deal with matters and incidents when they return to work on Monday as the Senior Assistant Superintendents may not have the delegation to deal with matters that occur on weekends.
25. Some small centres will be managed by Senior Correctional Officers on weekends (for example Cooma, Mannus, Berrima, Oberon). This is in addition to their usual duties and raises the risk of Senior Correctional Officers not meeting their KPIs. Corrective Services is yet to satisfactorily explain how the duties of Assistant Superintendents will be carried out on weekends without being devolved to Senior Correctional Officers (who will not be acting up).
26. The PSA envisages that most 'acting up' or temporary appointments will be short term (weekends or covering unexpected absences). This runs the risk of favouritism as the time frame will not require an expression of interest. It will also result in members not receiving the experience required to gain promotion nor the knowledge required to make critical decisions when acting up.
27. Senior managers (Governors, Managers of Security) will be subject to what is called the Consequences Regime in addition to the annual performance review all employees undergo. This is unnecessary duplication which has not been adequately explained to members. The Consequence Regime is creating confusion as it appears that staff will be responsible and subject to disciplinary action for duties that are actually the responsibility of other more senior officers within Corrective Services. Separate submission from the PSA Senior Executive Advisory Group (SEAG) is attached (ATTACHMENT 3).

28. *Benchmarking* also sees the introduction of revised Key Performance Indicators (KPI). However, KPIs were not part of the presentations given at the first centres to undergo *Benchmarking* resulting in inconsistent information being provided across all centres.
29. KPIs include the minimum time that inmates must be out of the cell. This particular KPI has been designed to fail. Under the current staffing levels, using the *Crown Employees (Safe Staffing Levels Department of Justice – Corrective Services NSW) Award* and each centre's Management Plan, variations to daily procedures can be imposed if insufficient staff are available to work. One variation can be locking down sections of a centre or reducing out of cell hours. Staff shortages because of sick leave etc. by their nature cannot be predicted and given the safety imperative, KPIs will not be met. The result of *Benchmarking* is Corrective Services will require that the greater out of cell hours must be met using fewer staff. This will not be possible.
30. In order to meet KPIs members are expected to work contrary to the Award provision that entitles them to a paid crib break away from their post or office or working 'one out'.
31. Recidivism programs (another KPI) will also suffer when inmates are unable to attend courses and training because they are locked in their cells. Inmates will often be locked in their cells for safety and security reasons, for illness or part of punishment for behaviour or other indiscretions.
32. *Benchmarking* relies on the establishment of a hospital escort service which will end the procedure of taking officers from their usual duties to escort inmates to hospital. Until the service exists Benchmarked centres will continue to lose an already reduced staff to escorts, potentially resulting in lockdowns and difficulties in meeting KPIs. There has been no detail of the hospital escort service staffing or capability, and as a result of the reduced staffing, this poses a risk that medically untrained officers will have to choose between not meeting KPIs and closing down part of a gaol for an escort, or delaying critical medical escort to a nearby hospital. This risk is multiplied in regional centres.
33. The centres that increased staff during the bed crisis will lose those staff when the extra inmates are moved to the newly constructed centres. As a consequence these centres will not be able to take inmates and inmates will either have to remain in court or Police cells.
34. Corrective Services has not provided an overall comparison table of positions before and after *Benchmarking* making it difficult to precisely identify all the cuts in non-custodial staff.
35. New KPIs are also being applied to non-custodial staff involved in reducing recidivism (see point 11 above). Examples include:
 - Increased KPIs for EQUIPS (Explore, Question, Understand, Investigate, Practice, Succeed) suite of programs in custodial and community locations are expected to be met with reduced staff
 - HIPUs and EQUIPS will effectively compete for access to the same inmates which will restrict the chances of both groups of staff meeting their KPIs
 - Reduced numbers of Services and Programs Staff (SAPOs) are expected to meet increased KPIs: for example Pre-Program Suitability Interviews, Health Survival Tips, NEXUS pre-release sessions, Reintegration services
36. At the same time Corrective Services is increasing the use of Non-Government Organisations (NGOs) to address reintegration of inmates into the community. Members and the PSA are concerned that the escalation of KPIs is intended to set staff up to fail resulting in the privatisation of services and programs by stealth.
37. There is a contradiction in the way staff (e.g. psychologists and SAPOs) are employed on a cluster basis yet expected to meet KPIs at a specific centre (increased travel will be a major factor in this).

38. Managers of Services and Programs (MOSPs) will have up to 20 direct reports within a cluster, which will reduce their ability to effectively manage staff.
39. There is no detail on where some specialist programs (e.g. Mothers and Children, State-Wide Disability Services) fit under *Benchmarking*. SAPOs in these areas are concerned that they may have to be involved in centre based programs to the detriment of their current specialist duties and this will have a consequent effect on the KPIs.
40. Administrative duties are supposedly 'out of scope' under *Benchmarking* but given staff numbers are being reduced there are unavoidable consequences for these staff members. There has been no consultation on this and the PSA is concerned that members are being expected to carry out duties beyond their role descriptions and possibly at a higher grade.

HEALTH AND SAFETY OF STAFF, INMATES AND THE LOCAL COMMUNITY

The pre-cursor to *Benchmarking* has been the "bed crisis" and the overcrowding of NSW Correctional Centres and Court cells. The "bed crisis" as it is titled in Corrective Services dialogue was partially brought about by changes to the bail laws after the Lindt Café Siege in December 2014.

This has seen a steady increase in the prison state (population of inmates in custody at any particular day), and a disproportionate increase in inmate assaults on staff, assaults inmate on inmate, workers compensation claims, and infiltration of contraband into the corrective services centres. This has seen correctional facilities resorting to bunks and mattresses on the floor, with some cells reported having 4 or more inmates per cell.

Whilst the following does not account for court cells which are often used as a stop gap measure for bed shortages which are exceeding capacity multiple fold, the statistics demonstrate a clear example of the disproportionate increase in risk of the entire prison system collapsing with existing staff. Additional staff losses and loss of corporate knowledge and experience in each gaol will only exacerbate the risk to workers, inmates and the surrounding community.

Year	2014-2015	2015-2016	2016-2017
Population⁶	11011	12305	12931
Percentage Increase from base year	NA	11.75%	17.4%
Use of Force	1253	1843	1995
Assaults on Staff	53	214	187
Workers Compensation claims	215	322	312
Assaults on Inmates	1725	2968	3584
Contraband	4158	5605	6589

NB: This includes Correctional Centres and does not include Court Cells and Transport

Source: Corrective Services GIPA Request by Public Service Association of NSW (except population from Productivity Commission)

The risks have already been manifest in the increases in assaults on staff which are sitting at a 300% increase since the commencement of the bed crisis. The assaults on inmates by other inmates are also sitting at over 200% increase since the commencement of the bed crisis. Use of force which is required to maintain control, but also puts workers and inmates at risk every time it is used, has increased by 60%.

⁶ Source- Productivity Commission, Report on Government Services 2018, page 1 of Table 8 A.4

The general feeling amongst experienced prison officers is that the *Benchmarking* staffing formula will result in the following outcomes:

- Increased preventable acute medical issues
- Increased preventable inmate medical deaths
- Increased violence from inmates
- Increased escalation of violence including riots and multiple deaths
- Reduced control of gaol
- Reduced case management and intelligence of inmate behaviour
- Increased officer injuries
- Increased risk of violent death to inmates and staff

The PSA has specific safety concerns for the up to 12 non-custodial staff at the Wellington Correctional Centre expected to deliver HIPU programs for up to 40 inmates with anger control problems at a time. The nearest Correctional Officer post is 400 metres away and on the other side of a security fence in both male and female HIPU facilities. There is no line of sight and no possibility of members being heard if an incident occurs. This has been raised with Corrective Services without an adequate response provided.

WORKERS COMPENSATION

No worker should expect to attend work and get injured, yet this is what is happening in Corrective Services. Corrective Services is increasing the risk by decreasing staffing through *Benchmarking*, whilst increasing the prison population. The above statistics demonstrate what this combination of reduced staff to inmate population will do to a range of risk factors. This will get worse with a permanent reduction in staff population.

Prison staff deal with inmates and cover a range of emergency services functions including policing and applying justice for in gaol offences, a firefighting function for fires inside the gaol, and an emergency medical and escort service for inmates with injuries and illnesses.

There is also minimal opportunity for reasonable adjustment for officers not fully fit for work, leading many workers injured at work to be delayed in returning to work, and a significant number of workers medically retired.

The Association has protested the arbitrary nature of the 2012 Workers Compensation Amendments due to their unfairness to all workers especially with regard to cut offs at 130 weeks and 5 years. What makes this scenario more difficult for correctional staff is that they must face exactly the same risks as those exempted from these provisions, with no control over who enters the gaol, or these systemic settings that see workers facing increased risks of injury due to increased staffing numbers.

RECOMMENDATION

“That the Committee recommend that correctional staff are listed as exempted employees in Schedule 6 , Part 19H - Provisions consequent on enactment of Workers Compensation Legislation Amendment Act 2012 - Section 25 Police officers, paramedics and firefighters.”

THE BRITISH EXPERIENCE OF BENCHMARKING

Benchmarking was introduced in Britain in 2012 and has not been successful⁷ (ATTACHMENT 4). Assaults and self-harm have increased against a background of cost cutting brought about by *Benchmarking*. Corrective Services in NSW is following the British example of the 'core day' which includes time out of cells. The British prisons that have introduced the 'core day' have not seen an increase in out of cell hours. The British authorities have had difficulty in attracting staff while the prison population is increasing.

The Prison Reform Trust produced a 2017 briefing⁸ (attached) which provides a concise overview of the English prison system.

1. It reiterates the increases in deaths, self-harm and assaults⁹
2. Assaults on staff increased by 88% over a two year period¹⁰
3. The number of inexperienced staff (less than two years' experience) increased to 24%¹¹
4. There is an increasing number of staff (27%) who resign after less than 2 years' service¹²
5. Recidivism is increasing¹³
6. These are occurring in a climate of reducing the cost per bed¹⁴ and an effective admission that the reforms were not working – the British Government had to provide an additional £500 to million support the safety and reform program¹⁵

The results of the British experience match the concerns of the PSA and its members as *Benchmarking* is introduced across NSW. The PSA foresees that the British experience will be replicated in NSW.

7 What is going wrong with the prison system? BBC 26 January 2017 <http://www.bbc.com/news/uk-38596034>

8 Prison: the facts Prison Reform Trust, Bromley Briefings Summer 2017 <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202017%20factfile.pdf>

9 Ibid page 4, 5

10 Ibid page 4

11 Ibid page 5

12 Ibid page 6

13 Ibid page 9

14 Ibid page 5

15 Ibid page 5

BENCHMARKING GAOL BY GAOL

The *Benchmarking* process has not been extended to court cells or transport at this time and these figures do not include data related to these operational areas.

These tables demonstrate gaol by gaol a range of statistics related to staffing, capacity and incidents.

The operational capacity in the tables refers to the pre-bed crisis operational crisis from prior to 2013.

The process of *Benchmarking* has seen movement from a 209 roster formula for staffing to a 195 roster formula. This means that even if centres have received more staff in the *Benchmarking* proposal it does not mean that the centre has more posts (staff on the ground). It just means that the centres have more staff to accommodate the change in the formula. If you look closely at these centres they will have actually lost posts (staff on the ground) which means there is the risk to staff and inmate safety.

The following correctional centres are in alphabetical order.

Bathurst Correctional Centre

The Bathurst gaol is one of the oldest gaols in NSW still in use, originally built in 1888. The gaol has operated as a reception gaol for western NSW. It has had a small number of female inmates as part of its population as a result.

The facilities are designed in a prior era and as a result are significantly disadvantaged by the implementation of *Benchmarking* model when there are significant design issues with the gaol making a range of activities requiring additional staff just to traverse the existing complex.

An additional spend on an extension is planned for the Gaol which will see an additional 220 inmates housed at the facility. In 2011 the operational capacity was at 609 but with the increases in beds i.e. double ups, triple ups etc. the current quoted maximum capacity is 659. This was as part of an agreement in or around 2016 when there were extra inmates added to the state with minimal additional staff.

The Bathurst Gaol has seen:

- a spike in use of force with increases of 186%
- 80% increase in assaults on staff
- 72% increase in assaults on inmates.
- 62% increase in workers compensation claims

The *Benchmarking* cuts are significant to this gaol with a loss of experienced officers: 9 Assistant Superintendents, 9 Senior Correctional Officers, 3 correctional officers, 1.8 psychologists, and 2 programs/Welfare officers and 1 overseer.

This gaol has a significant variation in inmates as a result of its western reception role. The recent increases to inmates and the increases to safety and security incidents indicates that the proposed benchmark cuts to custodial, program and rehabilitative staff is likely to heighten the risk of loss of control, reduced intelligence, reduced case management, and increased risk of violence.

Prison: Bathurst (Operational Capacity 609)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	628	622	611
Operational capacity %	103%	102%	100%
Staff (1 July 2016)		191.8	
Use of Force	49	34	140
Assault on Staff	5	7	9
Assault on inmate	102	139	175
Escape	0	0	0
Contraband	220	277	299
Workers Compensation Claims	13	15	21
Classification	Med	Med	Med
Proposed Cuts to Staff		-21.8	

*operational capacity increase prior 2016 during bed crisis

Berrima Correctional Centre

Berrima Gaol is one of the oldest operative gaols in Australia opening in 1839.

It was reopened in 2016 after closure in 2011 to cope with the bed crisis. It is a minimum security gaol.

Through *Benchmarking* the gaol will lose 4 staff net which on its small staff numbers and the age of the gaol will make many of the routine tasks difficult. Additionally a number of experienced staff will be forced to leave due to the application of the *Benchmarking* staffing model. Significant experienced roles of Senior Assistant Superintendent (1), Assistant Superintendent (2), Senior Correctional Officers (2) and a SAPO role will be lost.

Prison: Berrima (Operational Capacity 75)

Year	2014-2015	2015-2016	2016-2017
Inmate Population			66
Operational capacity %			
Staff (1 July 2016)		40	
Use of Force	NA	NA	3
Assault on Staff	NA	NA	0
Assault on inmate	Na	NA	16
Escape	NA	NA	0
Contraband	NA	NA	6
Workers Compensation Claims			NA
Classification	Min	Min	Min
Proposed Cuts to Staff		-4	

NB: change to operations during this period

Brewarrina Correctional Centre

Brewarrina "Yetta Dhinnakkal" Correctional Centre is a minimum security gaol 70 km south of Brewarrina. It was established in year 2000 after the 1996 Indigenous Action Plan to target re-offending. A program of involvement of Aboriginal Elders, education and work programs are offered to create community ties and create work skills. This centre's programs have led to reductions in recidivism.

Despite the minimum security, selective inmates and its geographic isolation, there has been an increase in contraband enter this gaol by 2400% and an increase of assaults by 500%.

The *Benchmarking* structure proposes to lose all senior management replaced with 1 Senior Assistant Superintendent, loss of 1 Assistant Superintendent with 1 additional Senior SAPO and 1 additional entry level Corrective Officer. There will be significant responsibility on this one low graded manager for a 24 hour 7 day a week gaol.

Prison: Brewarrina

Year	2014-2015	2015-2016	2016-2017
Inmate Population	33	36	27
Operational capacity %	NA	NA	NA
Staff (1 July 2016)		19	
Use of Force	0	0	1
Assault on Staff	0	0	0
Assault on inmate	0	1	5
Escape	0	2	3
Contraband	1	9	24
Workers Compensation Claims	NA	0	NA
Classification	Min	Min	Min
Proposed Cuts to Staff		1	

NB: Special Selection: Aboriginal Prison Farm

Broken Hill Correctional Centre

Broken Hill houses up to 89 inmates and is a medium security gaol originally built in 1892. The Gaol has had a reduction in its capacity since the bed crisis from 93. The Gaol also operates a Court Escort Security Unit (CESU). The gaol has male and female inmates.

The Gaol operates a structured day routine with inmates participating in education, programmes, education, work and recreational activities to reduce re-offending.

Despite the static average of the inmate population there has been an increase in the assaults on staff and on inmates.

The gaol gains a net of 2 officers through *Benchmarking* but loses two experienced Assistant Superintendent roles, whilst gaining 1 Senior Correctional Officer and 3 entry level Correctional Officer roles.

Prison: Broken Hill (Operational Capacity 93)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	79	82	73
Operational capacity %	85%	88%	78%
Staff (1 July 2016)		43	
Use of Force	5	11	7
Assault on Staff	0	7	2
Assault on inmate	14	27	43
Escape	0	1	0
Contraband	18	52	55
Workers Compensation Claims	3	8	7
Classification	Med	Med	Med
Proposed Cuts to Staff		2	

Cessnock Gaol

Cessnock Gaol was built in 1972 has maximum to minimum security, and has male and female inmates. There are significant industries that the inmates work on and the gaol runs programs, education, work, and recreation activities. The inmate capacity was increased prior to July 2016 to 881 and in January 2017 through the bed capacity program to 944.

Cessnock is divided into 2 separate areas, area 1/2 & 3/4. Area 1/2 is an old facility that houses both minimum and maximum. Area 3/4 is a new facility that houses maximum security males and certain classifications of female inmates.

The Gaol is a maximum security gaol and as such has a number of challenges. There has been an increase in safety and security incidents as inmate numbers have increased but disproportionately.

These increases in safety and security incidents have seen:

- 25% increase in use of force
- assaults on staff increase by 350%
- assaults on inmates increase by 133%
- 47% increase in contraband

Meanwhile workers compensation claims have increased by up to 183%

The *Benchmarking* proposal sees significant job losses, 36 from the centre with the bulk coming from the experienced officers who maintain control of systems in the gaol to maintain overall security. Additionally programs roles are being cut whilst service KPIs are being increased. Unlike other gaols there have been only 2 additional entry level officer roles to replace dozens of experienced officer roles.

The ability of staff to maintain overall security, intelligence, inmate health, inmate escorts, and order and case management in this maximum security gaol with increased capacity and three dozen staff removed will be difficult and potentially dangerous. Earmarked for cuts with net loss of 36 positions are the following positions 1 Manager of Security (Deputy Governor), 16 Assistant Superintendent , 9 Senior Correctional Officer , 1 Senior Psychologist , 3 SAPOs, 2 Senior Overseers, and 7 Overseers.

Prison: Cessnock (Operational Capacity 750*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	840	844	878
Operational capacity %	112%	113%	117%
Staff (1 July 2016)		296	
Use of Force	40	68	90
Assault on Staff	2	9	9
Assault on inmate	87	157	203
Escape	1	0	0
Contraband	420	507	619
Workers Compensation Claims	12	34	22
Classification	Max	Max	Max
Proposed Cuts to Staff		-36	

*Operational capacity has varied since the bed crisis

Compulsory Drug Treatment Centre

The Compulsory Drug Treatment Centre is based at Parklea but separately managed from the privately operated gaol.

The Centre established in 2004 is designed to house participants who have been sentenced to a Compulsory Drug Treatment Order by the NSW Drug Court in Parramatta.

This Centre is funded by the Drug Court. It will not be subject to benchmarking.

Prison: Compulsory Drug Treatment

Year	2014-2015	2015-2016	2016-2017
Inmate Population	NA	NA	NA
Operational capacity %			
Staff (1 July 2016)	NA	NA	NA
Use of Force	0	0	3
Assault on Staff	0	2	1
Assault on inmate	0	0	0
Escape	0	0	0
Contraband	33	43	50
Workers Compensation Claims	NA	NA	NA
Classification	NA	NA	NA
Proposed Cuts to Staff		NA*	

*not to be benchmarked

Cooma Correctional Centre

Cooma is one of the oldest gaols in NSW built in 1873 and is a medium security gaol for male inmates.

The Gaol maximum capacity has increased to 200 prior to 2016 from 160 due to the bed crisis.

Out of *Benchmarking* the gaol loses its governor, and 3 Assistant Superintendents, and 1 Senior Programs Officer role. It gains entry level and Senior Correctional Officers. This will lead to difficulties in maintaining systems to maintain security and intelligence in the gaol.

Cooma Correctional Centre has 2 separate gaols, about 1 kilometre apart, the reduction in staff makes it difficult to staff adequately and safely.

The safety and security incidents have been increasing since the increased inmate capacity including:

- Increase in use of force by between 50% and 100%
- Increase in assaults on staff
- Assaults on inmates have increased by 111%
- Contraband has increased by 210%

Prison: Cooma Correctional Centre (Operational Capacity 160*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	157	197	191
Operational capacity %	98%	123%	119%
Staff (1 July 2016)		54	
Use of Force	6	12	9
Assault on Staff	0	2	1
Assault on inmate	17	23	36
Escape	0	0	0
Contraband	19	31	58
Workers Compensation Claims	0	3	NA
Classification	Med	Med	Med
Proposed Cuts to Staff		-1	

*Operational capacity has varied during bed crisis prior to 2016

Dawn De Loas Correctional Centre

Dawn De Loas is located in the Silverwater Facility built in 1970, and has C classification inmates. They run a range of programs, education, work, including a significant number of workers with day release to undertake work in industry.

Despite the minimum classification goal the goal is the site of the last death of a prison officer by inmate assault in NSW. During the increase in beds in the goal there has been an increase in security and safety risk incidence in this goal including:

- 200% increase in use of force
- Increase in assaults on staff
- 25% increase in assaults inmates
- 97% increase in contraband

The goal will be losing a significant number of experienced officers, being replaced with less experienced officers. The goal will lose 4 Assistant Superintendents, 2 Senior Correctional Officers, 1 Psychologist, 1 SAPO and 1 Welfare and 1 Overseer roles.

There have also been proposals to cut reception hours which will greatly reduce the ability for workers to participate in work in industry. Currently workers may return from a work shift at up to 1am when and is required by the employer. This will no longer be allowed as staffing will not permit this to occur. This will result in poorer rehabilitation outcomes if workers cannot experience real work.

Prison: Dawn De Loas (Operational Capacity 500)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	550	448	488
Operational capacity %	110%	90%	98%
Staff (1 July 2016)		127	
Use of Force	6	16	18
Assault on Staff	0	4	2
Assault on inmate	32	58	40
Escape	0	0	0
Contraband	134	225	264
Workers Compensation Claims	5	12	6
Classification	Min	Min	Min
Proposed Cuts to Staff		-6	

Dillwynia Correctional Centre

Dillwynia Gaol is located at Windsor and is a maximum security gaol for female inmates built in 2004. The gaol is a reception centre and holds sentenced and unsentenced female inmates.

The Gaol has programmes, education, work, and recreational facilities and works with animals.

Gaol went from a minimum security to a maximum security and from a 200 operating capacity to a maximum capacity of 313 prior to July 2016. The gaol has also changed from medium to maximum security.

The gaol has seen an increase in assaults on inmates and contraband, and a doubling of the number of workers compensation claims. A reduction of 18 officers is likely to contribute to significant increases in security incidents considering the number of pre-sentenced inmates and the maximum security classification of the gaol.

The gaol will lose the following significant roles including 1 Manager of Security, 6 Chiefs (exec), 9 Senior Correctional officers, 1 Manager of Programs, 1 Psychologist, 3 SAPOs, and 1 Overseer.

Prison: Dillwynia (Operational Capacity 200)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	258	243	280
Operational capacity %	129%	125%	140%
Staff (1 July 2016)		148	
Use of Force	12	28	40
Assault on Staff	0	0	0
Assault on inmate	57	63	77
Escape	0	0	0
Contraband	57	78	95
Workers Compensation Claims	5	7	10
Classification	Max	Max	Max
Proposed Cuts to Staff		-18	

*Operational capacity has varied during bed crisis prior to 2016

Emu Plains Correctional Centre

Emu Plains is a minimum security facility for female inmates operated as a farm prior to being built in 1957. The current maximum capacity is 193 inmates.

The Emu Plains Gaol has a program that allows contact between mothers and their children. The gaol also operates a range of programs, education, work and recreational activities including working with animals.

There has been an increase in assaults on staff, workers compensation claims and contraband since the bed crisis.

This Centre will operate under a 12 hour shift model under *Benchmarking*. Staff who are predominantly female with child care responsibilities, are not happy with the proposal. CSNSW feels the 12 hour model will reduce costs.

The jobs lost from *Benchmarking* include experienced roles of 1 Senior Assistant Superintendent, 5 Assistant Superintendents, 1 Psychologist and 1 SAPO, 1 Senior Overseer and 1 Overseer.

Prison: Emu Plains (Operational Capacity 196)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	195	179	170
Operational capacity %	100%	91%	87%
Staff (1 July 2016)		75.5	
Use of Force	14	13	11
Assault on Staff	0	2	2
Assault on inmate	34	39	38
Escape	0	0	0
Contraband	40	86	55
Workers Compensation Claims	3	3	8
Age of facility	1957		
Classification	Min	Min	Min
Proposed Cuts to Staff		-4	

Glen Innes Correctional Centre

Glen Innes is a minimum security gaol, operating in the New England area built in 1928. The gaol runs a range of programmes including with local community and industry. The Gaol gets a slight increase in staff numbers overall but at the cost of a Governor, and senior management with experience to maintain overall gaol continuity and control. The roles being removed include the Governor, 2 Assistant Superintendents, and 1 entry level corrective officer role that will be replaced with 6 senior correctional officer roles.

The gaol has increased its capacity to 208 during the bed crisis.

Like other gaols the increase in inmate numbers has disproportionately increased safety and security risk indicators with assaults on inmates up 240% and escapes up.

Prison: Glen Innes (Operational Capacity 168*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	159	169	162
Operational capacity %	95%	100%	96%
Staff (1 July 2016)		43	
Use of Force	1	1	0
Assault on Staff	0	0	0
Assault on inmate	5	4	17
Escape	0	3	3
Contraband	60	70	56
Workers Compensation Claims	3	NA	3
Age of facility	1928		
Classification	Min	Min	Min
Proposed Cuts to Staff		2	

* This has varied with capacity restraints on the gaol system

Goulburn Correctional Centre

Goulburn is yet to be benchmarked but is one of the oldest gaols still in operation built in 1884. It houses maximum security male inmates, and houses inside the complex the separate gaol HRMCC.

Under the Prison bed capacity program the HRMCC is getting a new build, no consultation has happened with the POVB/PSA.

The maximum security gaol stands to lose significant numbers of jobs through the *Benchmarking* process. This includes numbers of jobs and the jobs with experience of controlling a maximum security gaol when applying the benchmark model staffing to Goulburn Gaol.

With the bed crisis the following safety and security indicators have increased:

- Increase in assaults on staff
- 73% increase in inmate assaults
- An increase in contraband

These indicators are likely to increase further after *Benchmarking* with the dozens of jobs earmarked to be lost. The *Benchmarking* model does not take account for the age of the gaol, the difficulties in escorting inmates between zones in gaol that were built in Victorian times, nor offer any flexibility to maintain room for proactive intelligence and case management, and unforeseen events such as inmate fights, medical incidents and escorts, receptions, and transfers. This will put at risk staff and inmates from increased violence and inmates from lack of access to timely medical assistance.

This coupled with the *Benchmarking* “cookie cutter” model of removing experienced officers will create greater risk of loss of control of the gaol and make reaction to gaol wide issues more problematic.

The Association has grave concerns due to the complexity of this Centre and its age. Any reduction in staff will deter from staff and inmate safety.

Prison: Goulburn (Operational Capacity 517)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	570	567	580
Operational capacity %	110%	110%	112%
Staff (1 July 2016)		*184	
Use of Force	105	124	111
Assault on Staff	0	9	2
Assault on inmate	99	145	171
Escape	0	2	0
Contraband	292	337	332
Workers Compensation Claims	12	15	13
Classification	Max	Max	Max
Proposed Cuts to Staff		*NA	

*Not yet benchmarked

Grafton Gaol

The Grafton Gaol was originally built in 1893 but was closed in 2012 and then later reopened as an Intake and Transient Centre. The gaol was opened again with a significant inmate population in 2015 to cope with the bed crisis. The gaol now takes male and female inmates awaiting courts in the surrounding region. The gaol has programmes, work, education and recreational programmes. Since re-opening the capacity has been increased to 272, and then 282 with the bed capacity program.

Private operator Serco has been approved to manage a new privately run Grafton Gaol housing 1,700 inmates. No consultation has occurred in relation to its future operation separate to the new private Centre operated by Serco.

There is no change proposed to the overall numbers however significant numbers of experienced officers will be replaced with entry level officers putting the volatile inmate population due there in court status at risk.

Prison: Grafton (Operational Capacity 264)			
Year	2014-2015	2015-2016	2016-2017
Inmate Population	0	250	260
Operational capacity %	0	95%	98%
Staff (1 July 2016)		91	
Use of Force	14	31	61
Assault on Staff	0	5	2
Assault on inmate	23	70	121
Escape	0	0	0
Contraband	10	106	245
Workers Compensation Claims	NA	NA	14
Classification	Med	Med	Med
Proposed Cuts to Staff		0	

* Figures are not comparable due to changes in capacity.

High Risk Management Correctional Centre

The HRMU is located in the Goulburn Gaol complex and was built in 2001. There has been an increase in the numbers of inmates. The gaol holds the most dangerous inmates in the state and includes a number of terrorist related inmates.

This Centre is going to be benchmarked on 10 April 2018. At this stage we do not have any information on benchmark numbers.

Prison: High Risk Management Correctional Centre

Year	2014-2015	2015-2016	2016-2017
Inmate Population	35	42	45
Operational capacity %			
Staff (1 July 2016)			
Use of Force	8	20	4
Assault on Staff	2	0	0
Assault on inmate	1	0	0
Escape	0	0	0
Contraband	1	8	13
Workers Compensation Claims	3	NA	NA
Classification	Max	Max	Max
Proposed Cuts to Staff		NA*	

Super Max not to be benchmarked

HRMCC is the name for Goulburn SuperMax

Hunter Correctional Centre

Hunter is a new gaol rapid built next to Cessnock Gaol. The rapid build opened this year with a *Benchmarking* model staffing. Please refer to the Rapid Build part of this submission.

Prison: Hunter (new gaol, Operational Capacity 400)

Year	2018
Inmate Population	NA
Operational capacity %	NA
Staff	202
Use of Force	NA
Assault on Staff	NA
Assault on inmate	NA
Escape	NA
Contraband	NA
Workers Compensation Claims	NA
Age of facility	2018
Classification	Max
Proposed Cuts to Staff	-1

Illawarra Reintegration Centre

Illawarra Reintegration Centre is a new facility built in 2017 located in Unanderra, designed to assist inmate's transition to the community. The Centre has education programs and also assists with work in the community via day release.

This goal has nil net variation in jobs due to *Benchmarking* but reductions in 2 Assistant Superintendents, and 3 Correctional Officer roles replaced by an additional Senior Assistant Superintendent role, and a Senior Correctional Officer.

Prison: Illawarra Reintegration Centre

Year	2014-2015	2015-2016	2016-2017
Inmate Population	NA	NA	32
Operational capacity %	NA	NA	NA
Staff (1 July 2016)		23	
Use of Force	NA	NA	0
Assault on Staff	NA	NA	0
Assault on inmate	NA	NA	25
Escape	NA	NA	0
Contraband	NA	NA	6
Workers Compensation Claims			
Classification	Min	Min	Min
Proposed Cuts to Staff		0	

Ivanhoe Correctional Centre (Warraki)

Ivanhoe Centre is a minimum security gaol for male inmates that has sentenced and un-sentenced inmates. The Centre runs programs with the community to assist in rehabilitation and assist the community and inmates.

The *Benchmarking* proposal sees the loss of the Manager of Security and an Assistant Superintendent, and a counsellor, replaced by more junior custodial roles and with the counsellor not replaced. The staffing profile for Ivanhoe is small and this is likely to have a significant effect overall, with the loss of management with many of the same functions as a larger gaol.

The other issue is that there is never enough staff to run the centre properly as they cannot get staff to go to such a remote location. There is no tax breaks or remote area incentives as provided for Police, Nurses etc.

Prison: Ivanhoe (Warraki) (Operational Capacity 55)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	35	35	26
Operational capacity %	64%	64%	47%
Staff (1 July 2016)		18	
Use of Force	0	1	1
Assault on Staff	0	0	0
Assault on inmate	2	1	0
Escape	0	1	2
Contraband	5	9	3
Workers Compensation Claims	NA	0	NA
Classification	Min	Min	Min
Proposed Cuts to Staff		-1	

*Centre has selective program

John Morony

John Morony, built in 1960 has been going through a “market testing” process for part of 2016 and 2017.

The market testing process ended with a contract signed between the Government and Corrective Services to run the gaol in a particular manner. The terms and details of the contract are bound by confidentiality, however, there is no requirement to further benchmark John Morony gaol.

This centre is under a different roster formula than other centres. All centres are under a 195 formula which is more realistic. John Morony is under a 219 formula which does not account for the ability for staff to take sick leave, recreation leave or detached duties. It is an unrealistic formula which has created deficiencies in the roster on a daily basis.

Also, by not including the rank of first class correctional officer there will be a continual rotation of staff, which means a continual process of having new recruits on a large scale which will raise safety concerns for staff and inmates.

Even though it is governed by CSNSW and run by the Government it is treated as a separate operator. Attempts have been made to distinguish it from industrial obligations, including wearing polo shirts – no meal breaks away from the inmates and not abiding by the safe staffing award.

Prison: John Morony* (Operational Capacity 289**)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	390	396	429
Operational capacity %	135%	137%	148%
Staff (1 July 2016)		62.37	
Use of Force	26	58	38
Assault on Staff	0	2	2
Assault on inmate	28	110	126
Escape	0	0	0
Contraband	100	142	173
Workers Compensation Claims	NA	4	6
Classification	Med	Med	Med
Proposed Cuts to Staff		NA*	

*JM benchmarked part of market testing tender process

**JM operational capacity

Junee Correctional Centre

Junee is a privately run gaol built in 1993 and therefore not subject to *Benchmarking* as operated by the GEO Group. The gaol has been opened up for tender but Corrective Services were not permitted to tender despite being successful with John Morony.

The only difference with this centre compared to Parklea is that this centre's reporting lines are the same as the Government run facilities where Parklea was not.

Prison: Junee			
Year	2014-2015	2015-2016	2016-2017
Inmate Population	844	839	839
Operational capacity %	NA	NA	NA
Staff (1 July 2016)	NA	NA	NA
Use of Force	143	177	112
Assault on Staff	6	9	8
Assault on inmate	189	336	261
Escape	0	0	0
Contraband	298	413	432
Workers Compensation Claims	NA	NA	NA
Classification	Med	Med	Med
Proposed Cuts to Staff		NA*	

*Privately Operated Gaol

Kariong Correctional Centre

Kariong originally built in 1991, is a medium security gaol on the Central Coast. Kariong Correctional Centre converted from a juvenile prison managed by Corrective Services to an adult prison in 2015. The Gaol was formerly run by Juvenile Justice prior to loss of control by Juvenile Justice Management.

The Kariong Gaol runs a range of programmes, work, education and recreation activities.

The Gaol has seen relatively high safety and security incidents for a small inmate population including:

- Increases in assaults on inmates by 146%
- Increases in use of force
- Increases in workers compensation claims.

Although the gaol only loses 1 net officer, it loses 2 experienced Assistant Superintendent roles, and rehabilitative functions including 2 Psychologists, 2 Senior Programs Officers.

Prison: Kariong (Operational Capacity 96)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	34	93	94
Operational capacity %			
Staff (1 July 2016)		52	
Use of Force	0	10	15
Assault on Staff	0	0	0
Assault on inmate	15	30	37
Escape	0	0	0
Contraband	0	91	56
Workers Compensation Claims	0	3	3
Classification	Med	Med	Med
Proposed Cuts to Staff		-1	

Gaol changed from Juvenile Gaol to Adult Gaol

Kirkconnell Correctional Centre

Kirkconnell, east of Bathurst, was built in 1958 and is a minimum security gaol.

The Kirkconnell centre was closed in 2011 with an operating capacity of 250, but re opened in 2015 after a \$4million upgrade. The centre's capacity was also increased to 260, ten inmates above the Operating Capacity at this time.

The Kirkconnell centre runs day programs and work programs within the local council and with community organisations.

Despite the minimum security classification there has been a significant increase in the assaults on inmates.

The *Benchmarking* proposal sees a loss of 2 Assistant Superintendents positions and 1 SAPO role replaced with entry level Correctional Officer roles.

Prison: Kirkconnell (Operational Capacity 250)

Year	2014-2015	2015-2016	2016-2017
Inmate Population		244	254
Operational capacity %		98%	102%
Staff (1 July 2016)		53	
Use of Force	0	5	9
Assault on Staff	0	1	0
Assault on inmate	3	27	41
Escape	0	2	2
Contraband	1	79	46
Workers Compensation Claims	0	NA	7
Classification	Min	Min	Min
Proposed Cuts to Staff		0	

Lithgow Correctional Centre

Lithgow is a maximum security gaol built in 1990. Its capacity of 337 was increased to 460 in or around 2015 to deal with the bed crisis. The gaol is a newer gaol with a number of technologies available to maintain safety and security with minimal staff. The time out of cells has been extended for these maximum security inmates in recent years.

The facility provides a range of therapeutic programs, and structures the inmate's day with programmes, education, work, or recreational activities. Has Violence Prevention Programs, High security and deals with gang affiliation inmates.

On a range of safety and security indicators there has been an increase in safety and security risk in the gaol since the bed crisis:

- Use of Force is up between 100% and 150%.
- Assaults on staff are up between 300% and 400%
- Inmate Assaults are up 91 %
- Contraband is on a steady increase.
- Workers Compensation Claims have increased by over 300%, so one in four workers will have a workers compensation injury in the year

Despite these increasing risk indicators the gaol will lose net 13 positions including 7 Assistant Superintendents, 4 Senior Correctional Officers, 2 Correctional Officers , 1 Senior Psychologist, 2 SAPO.

Prison: Lithgow (Operational Capacity 337)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	422	414	415
Operational capacity %	125%	122%	123%
Staff (1 July 2016)		159	
Use of Force	52	128	108
Assault on Staff	5	24	22
Assault on inmate	55	60	105
Escape	0	0	0
Contraband	205	221	299
Workers Compensation Claims	10	33	41
Classification	Max	Max	Max
Proposed Cuts to Staff		-13	

Long Bay Hospital

Long Bay Hospital established in 1909 operates in Sydney and is a maximum security facility divided into two sectors.

Sector 1 is a state-wide medical and mental health care facility that houses male and female inmates.

Sector 2 operates as a pre and post medical appointment holding facility with a dedicated unit to house segregation and protection inmates.

The capacity has increased to 501 prior to July 2016. The gaol houses inmates with both physical and mental health illnesses and as such is prone to serious behavioural issues. These behavioural issues have increased disproportionately since the bed crisis including the following safety and security issues:

- Use of force has increased 113%
- Assaults on staff have increased by up to 375%
- Assaults on inmates increased by 177%
- Contraband detection up 100%

This gaol is significantly affected by the benchmarking cuts. The Gaol loses 1 Manager of Security (deputy Governor), loses 7 Assistant Superintendents, loses 12 Senior Correctional Officers, 10 Correctional Officers, and 1 Manager of Programs.

The Long Bay Hospital is largely an old Gaol with wings re-opened. There are 4 yards of 100 inmates and a number of old and new gates to traverse to get between the yards and medical services, and programs, and the wings. There are a significant number of required medical escorts to the Prince of Wales Hospital requiring a number of staff to undertake this escort service. There are proposals to reduce the reception staff and also the number of staff looking after the yards, so that it will be unsafe to intervene between inmates when there is fight as there is every second day. Non-custodial program officers will also be unable to rely on protection of custodial officers as the custodial officer will be required to go to other parts of the gaol to escort inmates for the programs.

Prison: Long Bay Hospital (Operational Capacity 355*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	407	410	478
Operational capacity %	114%	115%	135%
Staff (1 July 2016)		219	
Use of Force	69	85	147
Assault on Staff	4	19	17
Assault on inmate	53	97	147
Escape	0	0	0
Contraband	107	169	215
Workers Compensation Claims	27	31	22
Classification	Max	Max	Max
Proposed Cuts to Staff		-29	

*The maximum operational capacity has increased with bed crisis

Macquarie Gaol

Macquarie Gaol is a new Rapid Build Gaol completed in 2017, located in Wellington next to Wellington Gaol just opened with benchmark model staffing.

There is discussion above on the Rapid Builds.

Prison: Macquarie Gaol (new gaol)

Year	2017
Inmate Population	NA
Operational capacity %	NA
Staff	Proposed 202
Use of Force	NA
Assault on Staff	NA
Assault on inmate	NA
Escape	NA
Contraband	NA
Workers Compensation Claims	NA
Age of facility	2017
Classification	Max
Proposed Cuts to Staff	-1

Mannus Correctional Centre

Mannus is smaller minimum security facility that operates weekend detention and a number of programs with local industry.

The gaol has no governor but will lose a psychologist and 5 custodial officers including a manager. Two additional Senior correctional officers will be established. The Gaol has a significantly small establishment making this loss of positions more difficult to maintain case management, intelligence, medical escorts and other functions of a gaol with the remaining minimum staff.

PSA/POVB have raised concerns over the numbers, the B watch having only 2 staff. There have been several escapes in this centre and it is felt that two on B watch is a risk to staff and inmate safety. This issue has not been resolved.

Prison: Mannus (Operational Capacity 164)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	155	159	152
Operational capacity %	95%	97%	93%
Staff (1 July 2016)		41	
Use of Force	2	2	2
Assault on Staff	0	0	1
Assault on inmate	5	10	7
Escape	0	3	1
Contraband	50	96	84
Workers Compensation Claims	0	3	3
Classification	Min	Min	Min
Proposed Cuts to Staff		-4	

Mary Wade Correctional Centre

Mary Wade is a new gaol opened in Lidcombe for female prisoners built in 2018. It has benchmark model staffing.

Prison: Mary Wade (new gaol)

Year	2018
Inmate Population	NA
Operational capacity %	NA
Staff	75.5
Use of Force	NA
Assault on Staff	NA
Assault on inmate	NA
Escape	NA
Contraband	NA
Workers Compensation Claims	NA
Age of facility	Max
Classification	0.5
Proposed Cuts to Staff	-1

Metropolitan Remand and Reception Centre (MRRC)

The MRRC is located at Silverwater and is the largest remand and reception centre in NSW, built in 1997.

The MRRC takes unclassified inmates that:

- Come directly from court on remand, or
- Are transferred from other correctional facilities throughout NSW to stay at the MRRC while attending court in the Sydney metropolitan area, or
- Are housed at the MRRC while they wait for a vacancy to occur at their centre of classification.
- Can be housed here also waiting placement at Long Bay Hospital 1- forensic patients, scheduled inmates.

These are often considered volatile inmates as they have not entered the routine of gaol life, and have not yet comprehended the consequence and reward regime of gaol life. Many also suffer behavioural issues from untreated illnesses, and many are extremely anxious due to court processes underway.

The MRRC has not been benchmarked yet, but has been at the epicentre of the bed crisis caused by the change to bail laws due to its role as a remand centre. There are significant fears however that the one size fits all “cookie cutter” staffing model, will see significant job losses at the MRRC. This will leave staff and inmates at this centre particularly vulnerable when the overcrowding that has occurred already has increased incidence of safety and security risks including:

- 33% increase in use of force
- 230% increase in assaults on staff
- 147% increase in assaults on inmates
- 108% increase in contraband detected

Just under one in five workers can expect to have workers compensation claim every year at MRRC. The members are concerned for the future of the Gaol as a significant reduction in staff numbers will mean that there will simply be less ability to respond to incidents, attend to medical situations, and maintain control of what is a volatile inmate population.

Prison: MRRC (Operational Capacity 938*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	1011	1037	1107
Operational capacity %	108%	111%	118%
Staff (1 July 2016)		275	
Use of Force	223	278	297
Assault on Staff	10	31	33
Assault on inmate	178	321	439
Escape	0	0	0
Contraband	167	232	347
Workers Compensation Claims	52	52	49
Classification	Max	Max	Max
Proposed Cuts to Staff		NA*	

*The maximum operational capacity has increased with bed crisis

Metropolitan Special Purpose Centre (MSPC)

The MSPC is a complex of separate gaols at Long Bay in Sydney. It contains four operational areas of MSPC 1, MSPC 2, MSPC 3, and MSPC 4. As at July 2016 the reported combined maximum operating capacity was 1,221 after adjustments were made for the bed crisis.

The routine used includes education, work, programmes and recreation activities.

Since the overcrowding there has been significant increases in security risk indicators including:

- 268% increase in use of force incidents
- 600% increase in assault on staff incidents
- 91% increase in assaults on inmates
- 200% increase in contraband
- 120% increase in workers compensation claims

The MSPC is over 100 years old and is a very difficult gaol to navigate. There are a series of ad hoc additions, as well as a series of re-integrated facilities after being temporarily closed. There is also a combination of different inmates from those at risk for their crimes or career outside of the gaol, to those at high risk due to violence, as well as inmates incarcerated due to sexual offences. Despite this volatile mix inmates doubling up and tripling in cells has occurred.

There are great difficulties in the *Benchmarking* process as there will be significant job losses from this centre. Applying the “cookie cutter” benchmark model to this gaol is thwart with danger. The loss of 46 positions will simply make the gaol at greater risk. It will make it difficult to undertake roles such as reception whereby inmates are received and checked for health concerns, alerts, and also checked for contraband, which is always considered an at risk period. The cuts will make movement of inmates to health programs, to visits, to programmes and counselling, to pill runs, more difficult. The removal of staff will also make medical escorts difficult as this will require a number of staff to be removed from the normal gaol operations. The details of the medical escort service and its capability have not been confirmed.

Response to incidents such as the regular fights that happen every other day, will also be made more difficult as there will be minimal staffing in each section, with at times 200 inmates contained and just two officers to look out over them.

Under the *Benchmarking* process CSNSW have not looked at the response factor for the centres. They have regular occurrences for complex wide response and consequently less staff is likely to present a decrease in terms of a risk to staff and inmate safety.

The Gaol will lose 46 positions net including 2 Managers of Security, Senior Assistant Superintendents, 11 Assistant Superintendents, 36 Senior Correctional Officers, 2 Psychologists, 6 SAPOs, and 2 Overseers with an additional 14 entry level Correctional Officers and 1 Manager of Programs.

Prison: MSPC (Operational Capacity 1086*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	NA	1091	1139
Operational capacity %		100%	105%
Staff (1 July 2016)		403	
Use of Force	53	119	142
Assault on Staff	3	15	21
Assault on inmate	96	182	183
Escape	0	0	1
Contraband	166	341	495
Workers Compensation Claims	6	8	13
Age of facility	1909		
Classification	Max	Max	Max
Proposed Cuts to Staff		-46	

*See below as this op capacity is likely to be inaccurate due to amalgamation of

Mid North Coast Correctional Centre

The Mid North Coast Correctional Centre is located in Kempsey. The gaol caters for maximum to minimum security male and female inmates. The Centre operates a reception centre from Police and Courts, and has three Sectors 1 maximum, 2 minimum, 3 minimum.

The maximum state of the gaol has increased since the gaols construction with more increases planned. The Operational capacity was 516 in 2011, and with the beds crisis had increased to 564 by July 2016. This has been extended again in January of 2017 in the bed capacity program to 668. An additional 400 inmates are to be placed in the gaol when a new rapid build gaol is built.

Like other gaols suffering cuts to experienced staff and also cuts to numbers this gaol will experience greater difficulties maintaining safety and security across the three sectors. Already with the increase in inmates there has been an increase in safety and security risk incidents including:

- 53-88% increase in use of force
- Increase in staff between 400% and 100%
- Assaults on inmates up 139%
- 53% increase in contraband

It will be difficult to understand how reduced staffing will be able to control these incidents and not have them increase. This gaol is set to lose significant custodial and non-custodial experience including 7 Assistant Superintendents, 7 Senior Correctional officers 3 SAPOs and 1 Overseer. There will be an additional 4 Senior Assistant Superintendents created, and 7 entry level Correctional Officer roles.

Prison: Mid North Coast (Operational Capacity 516*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	515	542	639
Operational capacity %	100%	105%	124%
Staff (1 July 2016)		172	
Use of Force	43	81	66
Assault on Staff	1	11	5
Assault on inmate	85	161	203
Escape	0	0	1
Contraband	280	359	428
Workers Compensation Claims	9	18	6
Age of facility	2004		
Classification	Med	Med	Max
Proposed Cuts to Staff		-7	

*This figure has been adjusted prior to July 2016 to 564

Oberon Correctional Centre

Oberon Gaol is a minimum security gaol built in 1930. Oberon operates a structured day routine with inmates participating in programmes, education, work and recreational activities. The Centre works closely with the local council and community groups. The main program run at this centre is the Young Offender program which if they lose staff numbers staff report this program will not be able to run effectively, if at all.

Due to the nature of the programs and industry, there is careful selection of the inmates for the centre. This has not led to bed capacity increase in Oberon. Despite this there has been an increase in the contraband identified in the gaol.

A reduction in custodial staff of the magnitude of 5 net including 2 Assistant Superintendents, 2 Corrective Officers, and 1 Overseer, when there is minimal staffing will reduce the ability of the gaol to case manage and maintain intelligence on contraband and inmate risks and may also hinder inmate escorts.

Prison: Oberon (Operational Capacity 130)			
Year	2014-2015	2015-2016	2016-2017
Inmate Population	110	127	118
Operational capacity %	85%	98%	91%
Staff (1 July 2016)		42	
Use of Force	0	0	0
Assault on Staff	0	0	0
Assault on inmate	25	6	15
Escape	4	1	0
Contraband	35	77	68
Workers Compensation Claims	5	NA	NA
Classification	Min	Min	Min
Proposed Cuts to Staff		-5	

Outer Metropolitan Multipurpose Centre

The Centre is located near Windsor in Sydney. The Centre is a minimum security centre for male inmates. The Centre runs a range of programs including a rehabilitation program with the RSPC, and also education, recreation and work activities.

The capacity has increased to 380 prior to July 2016.

The Centre has had the following safety and security risk factors increase:

- 214% increase in use of force
- Assaults on staff when formerly there were none
- 32% increase in assaults on inmates
- 25% increase in contraband

Whilst the goal is losing only 1.5 EFT, it will lose significant experience in the roles that maintain appropriate case management, intelligence, classification and security in the gaol due to the loss of experienced staff. This puts at risk the minimum security gaol as a failure of classification elsewhere could allow significant damage at this gaol.

The gaol will lose 1 Manager of Security, 6 Assistant Superintendents, 2 Senior Correctional Officers, 1 Psychologist, 2 SAPOs and 1 Overseer.

Prison: Outer Metropolitan Multipurpose Centre (Operational Capacity 250*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	295	354	329
Operational capacity %	118%	142%	132%
Staff (1 July 2016)		109.5	
Use of Force	7	10	22
Assault on Staff	0	1	1
Assault on inmate	19	18	25
Escape	0	0	0
Contraband	184	221	230
Workers Compensation Claims			
Classification	Min	Min	Min
Proposed Cuts to Staff		-1.5	

*This figure is likely to have been adjusted prior to 2016 see above

Parklea Correctional Centre

Refer to the detailed submission under the Parklea terms of reference.

Parklea is a privately run gaol built by the Government in 1983 and subsequently run by GEO Group and not subject to *Benchmarking*.

The commentary on the gaol will be left to the dedicated section of this submission.

The statistics are reliable only in that is what is reported to Corrective Services. The dedicated part of this submission explains how the KPIs for the operator may diminish the reporting of incidents.

Even with this caveat, with the increased inmate numbers, the reported safety and security incidents appear to be on the rise and significantly high in the centre also including:

- 44% increase in use of force
- Increase in assaults on staff of between 340% and 140%
- An Escape
- Assaults on inmates increased 93%
- 16% increase in contraband

These are high figures even with the under reporting issues explained elsewhere, and should not be the model that the rest of the system is striving for.

Prison: Parklea

Year	2014-2015	2015-2016	2016-2017
Inmate Population	902	966	970
Operational capacity %	NA	NA	NA
Staff (1 July 2016)	NA	NA	NA
Use of Force	144	222	208
Assault on Staff	5	22	12
Assault on inmate	219	402	423
Escape	0	0	1
Contraband	431	471	500
Workers Compensation Claims	?	?	?
Classification	Max	Max	Max
Proposed Cuts to Staff			

Privately Run Gaol.

Silverwater Women's Correctional Centre

Formerly known as Mulawa, Silverwater is a maximum security gaol for women built in 1970.

The operational capacity has altered from 228 in 2011 to 325 prior to July 2016, and then again in January 2017 to 374 with the Bed Capacity program. As a maximum security women's gaol the prison holds some of the most dangerous prisoners in the prison system. Two wings operate including MSU – Behavioural Unit, MHSU- Mental Health Acute Crisis Unit and the Stepdown Unit – Inmates step down from the MHSU.

The increase in safety and security incidents include:

- 143% increase in assaults on staff
- 177% increase in assaults on inmates
- 28% increase in contraband

The proposed cuts to the gaol includes loss of the Manager of Security (Deputy Governor), loss of 8 Assistant Superintendent roles, 8 Senior Correctional Officer roles, 4 Correctional Officer roles, and one Senior Programs Officer role. The proposal by the centre was to keep the MOS and given this centre has equal to if not more incidents that the MRRC with far less inmates.

Considering the disproportionate increase in inmate security and safety incidents, these cuts will have a significant impact on the ability of the gaol to maintain intelligence, case management, and undertake response to incidents. Similarly the ability of the gaol to ensure medical escorts and receptions, and inmate movements to programs will be compromised.

Prison: Silverwater Women's (Operational Capacity 228*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	227	302	293
Operational capacity %	100%	132%	129%
Staff (1 July 2016)		186	
Use of Force	121	140	119
Assault on Staff	7	14	17
Assault on inmate	39	57	108
Escape	0	0	0
Contraband	99	105	127
Workers Compensation Claims			
Classification	Max	Max	Max
Proposed Cuts to Staff		-21	

*Operational capacity has been amended

South Coast Correctional Centre

South Coast Gaol has maximum security and was built in 2010 in Nowra. The gaol's maximum capacity was increased to 667 inmates prior to July 2016 and again in January 2017 to 691 under the bed capacity program. Further increases of 360 inmates are planned with the expansion of the gaol in the coming year.

The gaol runs a range of programmes, education, work and industry and recreation activities.

The gaol has seen increases in a range of safety and security issues since the increase in inmate numbers. These include:

Increase in use of force by 141%

- Assaults on staff
- 93% increase in assaults on inmates
- 50% increase in contraband
- 20% increase in workers compensation claims.
- The gaol also recently had a riot in January this year.

The job losses are felt in the ranks of experienced staff including 7 Assistant superintendents, 9 Senior Correctional Officers, 1 Psychologist, 1 Senior Programs officer, and 3 Overseer roles in industry. These roles are all critical for rehabilitation, case management and overall security systems management of the gaol. The removal of these roles poses a threat when considering that the inmate population increases have coincided with the above increases in safety and security threats, and a riot, which will be harder to manage without the experienced roles in place.

Prison: South Coast (Operational Capacity 600*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	574	624	635
Operational capacity %	96%	104%	106%
Staff (1 July 2016)		187	
Use of Force	29	56	70
Assault on Staff	0	2	3
Assault on inmate	69	127	133
Escape	0	1	1
Contraband	250	321	377
Workers Compensation Claims	10	10	12
Classification	Max	Max	Max
Proposed Cuts to Staff		-12	

*Maximum capacity has been altered prior to July 2016

St Heliers Correctional Centre

St Heliers is a minimum security gaol housing male inmates located near Muswellbrook in the Hunter Valley. The gaol runs a range of programs including agriculture work programs with farming and livestock.

The gaol gets 2 additional staff from the *Benchmarking* proposal but loses significant experience a manager of Security (Deputy Governor), 4 experienced supervisory staff, a senior Psychologist, and a senior Overseer.

Prison: St Heliers (Operational Capacity 286*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	283	272	272
Operational capacity %	99%	95%	95%
Staff (1 July 2016)		67	
Use of Force	5	3	5
Assault on Staff	0	0	0
Assault on inmate	13	25	25
Escape	0	1	0
Contraband	210	151	179
Workers Compensation Claims	5	4	4
Age of facility	1990		
Classification	Min	Min	Min
Proposed Cuts to Staff		2	

* This figure was altered to 290 prior to July 2016

Tamworth Correctional Centre

Tamworth is a medium security gaol for male inmates and has been operated in various forms for over 100 years. The Gaol opened again in 1991. Whilst the gaol gains officers from *Benchmarking*, it is losing a Psychologist and 2 experienced Assistant Superintendent roles whose experience contributes towards maintaining control in the centre.

As with most gaols there has been an increase in inmate assaults by 90% and contraband 73% since the bed crisis.

Prison: Tamworth (Operational Capacity 89)			
Year	2014-2015	2015-2016	2016-2017
Inmate Population	81	81	85
Operational capacity %	91%	91%	96%
Staff (1 July 2016)		47	
Use of Force	15	40	13
Assault on Staff	1	4	0
Assault on inmate	20	34	38
Escape	0	0	0
Contraband	29	51	49
Workers Compensation Claims	4	4	NA
Classification	Med	Med	Med
Proposed Cuts to Staff		2	

Wellington Gaol

Wellington Gaol established in 2007, is a maximum security gaol for male inmates and holds inmates from maximum to minimum security in three sectors.

The gaol runs a range of programs, education, work and industry and recreation activities.

The capacity changed initially prior to July 2016 to accommodate the bed crisis to 701 and has since increased again to 748 with the bed capacity program in January 2017.

The Gaol has had an increase in the safety and security incidents as the population has increased disproportionate to the increase of inmates including:

- 207% increase in use of force
- 750% increase of assaults on staff
- 135% increase in assaults on inmates
- 33% increase in contraband
- Two thirds increase in workers compensation claims

Significant cuts to staff have occurred through the benchmark process to custodial staff including 10 Assistant Superintendent roles, 8 Senior Correctional Officer roles, and 3 entry level Correctional Officer roles. Additionally 2 Senior Programs Officer roles have been cut.

With the increase in safety and security incidents with the increased inmates, the ability to respond to incidents, maintain control and security, and to undertake appropriate intelligence and case management will be put at greater risk.

Prison: Wellington (Operational Capacity 510*)

Year	2014-2015	2015-2016	2016-2017
Inmate Population	554	670	705
Operational capacity %	109%	131%	138%
Staff (1 July 2016)		188.5	
Use of Force	40	70	123
Assault on Staff	2	12	15
Assault on inmate	128	238	301
Escape	0	0	0
Contraband	229	227	304
Workers Compensation Claims	9	15	14
Classification	Max	Max	Max
Proposed Cuts to Staff		-19	

*Operational capacity has increased since bed crisis

PART 3

Attachments



**Operating Agreement
For
Parklea Correctional
Centre**

CONFIDENTIAL

23.8 Protection of Information

- (a) The parties agree that the information stored on the computer systems of:
- (i) the Commissioner; or
 - (ii) the Operator so far as it relates to the management of Inmates or the Operator's obligations under this Agreement,
- forms part of the Confidential Information; and
- (b) the provisions of **Clause 40** will apply to all such information as if the Operator were the Receiving Party.

23.9 Operator's assistance

The Operator shall provide to the Commissioner all reasonable facilities and assistance to enable the Commissioner to fully exercise the Commissioner's powers under this **Clause 23**.

24. CRITICAL INCIDENTS, RIOTS AND HOSTAGE OR SIEGE SITUATIONS**24.1 Request for assistance**

If the Operator requests the assistance of the Department to manage a disturbance, including a riot or Critical Incident, the Operator shall meet the costs of the service provided by the Department on a fee for service basis as set out in **Schedule 3**.

24.2 Intervention

Where a disturbance other than a hostage or siege situation escalates due to a failure by the Operator to take timely and appropriate action in accordance with the Correctional Centre Operating Manuals, including requesting assistance from the Department, the Commissioner may intervene under **Clause 34.3** and the Operator shall meet the Department's costs in relation to such intervention as set out in **Schedule 3**, to the extent that these costs exceed any reduction in the Performance Linked Fee as set out in **Schedule 8**.

24.3 Hostage or siege

Where a disturbance results in a hostage or siege situation the Department may intervene under **Clause 34.3** and shall meet its own costs in relation to such intervention.

24.4 Intervention to affect Performance Linked Fee

Where the Department intervenes in a disturbance pursuant to **Clause 24.2** the Operator will have failed to meet the relevant Key Performance Indicator and may lose a proportion of the Performance Linked Fee.

25. OPERATIONAL SERVICE LEVEL FEE**25.1 Payment Of Operational Service Level Fee**

In consideration of the Operator performing the Services, the Commissioner shall, during the Term, or for a period not exceeding 3 months after the expiration of the Term within the meaning of **Clause 35.2(b)**, pay within 20 Business Days of the end of each month of the

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Term the Operational Service Level Fee as calculated in accordance with Schedule 6 less the amount of the Performance Linked Fee withheld in accordance with Clause 27.2.

25.2 Operational Service Level Fee Adjustment

If the number of Inmates (calculated on a daily average basis) in the Correctional Centre during a Calendar Quarter:

- (a) exceeds the Operational Service Level the Commissioner shall pay to the Operator within 20 business days of the end of that Calendar Quarter the Operational Service Level Fee Adjustment calculated in accordance with Schedule 6; or
- (b) is less than the Operational Service Level the Commissioner may deduct from the payment of the Operational Service Level Fee for the last month of that Calendar Quarter an amount calculated in accordance with Schedule 6.

25.3 Adjustment of Operational Service Level Fee

On each anniversary of the Effective Date the Operational Service Level Fee will be adjusted in accordance with the formulae specified in Schedule 6.

25.4 Correctional Industries

The net surplus from Correctional Industries (comprising gross revenue from Correctional Industries less direct expenses incurred by the Operator in generating that revenue) will be set-off against the Operational Service Level Fee each Calendar Quarter. The Operator shall prepare and provide to the Commissioner an audited report of net surplus (statement of income) from Correctional Industries in the form specified by the Commissioner each Calendar Quarter within 4 weeks of the end of each Calendar Quarter.

26. NOT USED

26A. RECRUITMENT SUPPORT PAYMENT

26A.1 Payment of the Recruitment Support Payment

The Commissioner must during the period from the Effective Date to 31 October 2012 pay to the Operator the Recruitment Support Payment calculated in accordance with Clause 26A.2. The Recruitment Support Payment is payable quarterly in arrears within 20 Business Days of the end of each Calendar Quarter.

26A.2 Calculation of the Recruitment Support Payment

- (a) The Recruitment Support Payment comprises a payment for supplementation of the ordinary time salary and/or wages of employees of the Commissioner as at the Commencement Date who are recruited by the Operator in accordance with Schedule 18 (Former Department Employees).
- (b) The Recruitment Support Payment shall comprise an amount per Calendar Quarter representing the difference between:
 - (i) the ordinary time wages or salary (including compulsory superannuation contributions) which would have been payable to each Former Department Employee under the industrial instrument applicable to him or her, had he or she worked ordinary time hours as an employee of the Commissioner equivalent to those worked for the Operator; and

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- (ii) the ordinary time wages or salary (including compulsory superannuation contributions) paid to each Former Department Employee in respect of ordinary time hours actually worked for the Operator.
- (c) For the avoidance of doubt, the amount calculated under **Clause 26A.2(b)** does not include overtime, penalty rates, allowances or benefits (however described) which would have been, or may have been, payable to the Former Department Employees under the applicable industrial instruments as employees of the Commissioner.
- (d) Where the Former Department Employee is remunerated under an arrangement which includes an "all up" rate (that is, a rate which is inclusive of overtime, penalty rates, allowances or benefits however described) the Operator must disclose to the Commissioner for the purposes of calculating the amount under **Clause 26.A.2(b)** that component of the "all up" rate which may properly be regarded as ordinary time wages or salary.

26A.3 Supplementary payments to be made to Former Department Employees

The Operator must pay to each Former Department Employee an amount in supplementation of ordinary time wages or salary comprising the difference between:

- (a) the ordinary time wages or salary (including compulsory superannuation contributions) which would have been payable to the Former Department Employee under the industrial instrument applicable to him or her, had he or she worked ordinary time hours as an employee of the Commissioner equivalent to those worked for the Operator; and
- (b) the ordinary time wages or salary (including compulsory superannuation contributions) paid to each Former Department Employee in respect of ordinary time hours actually worked for the Operator.

The Operator is responsible for ensuring appropriate deductions (including PAYG tax) are made from any supplementary payment.

27. CALCULATION OF PERFORMANCE LINKED FEE

27.1 Payment of Performance Linked Fee

In addition to the Operational Service Level Fee, the Operator may be entitled to payment of the Performance Linked Fee, calculated in accordance with the formula set out in **Schedule 8** for each Contract Year.

27.2 Withholding from Operational Service Level Fee

The amount available for the payment of the Performance Linked Fee will be obtained by withholding from the Operational Service Level Fee each month of an amount equal to 2.5% of the Operational Service Level Fee for that month.

27.3 Payment by Commissioner

- (a) Subject to **Clause 27.3(b)**, the Commissioner will pay the Performance Linked Fee (if any) as determined by this **Clause 27** within 90 Business Days at the end of each Contract Year.
- (b) During the first Contract Year, the Commissioner will pay that component of the Performance Linked Fee (if any) attributable to the Transition Period (as defined in **Schedule 18**) as determined by this **Clause 27** within 90 Business Days of

Transition Completion (as defined in **Schedule 18**) and that component of the Performance Linked Fee (if any) attributable to the remainder of the first Contract Year as determined by this **Clause 27** within 90 Business Days at the end of the first Contract Year.

27.4 Adjustment of Performance Linked Fee

The Operator acknowledges that the amount available for the Performance Linked Fee may be reduced in the manner and by the amounts set out in **Schedule 8**, provided that such reduction does not exceed 2.5% of the Operational Service Level Fee, should the Operator fail to meet any one or more of the Key Performance Indicators, but in no event can the amount by which the Performance Linked Fee is reduced in a Contract Year exceed the withholdings made for that Contract Year under **Clause 27.2**.

27.5 Not Used

27.6 Key Performance Indicators

- (a) The Operator acknowledges that the Commissioner may within 30 Business Days of the end of any Contract Year change the Key Performance Indicators to reflect any change in Government and Department Policies or the Operator's performance or its obligations under this Agreement.
- (b) Where the Commissioner has changed the Key Performance Indicators in terms of **Clause 27.6(a)**, such change may constitute a variation within the meaning of **Clause 6.5**, where the Operator considers that additional cost will be incurred by the Operator in meeting the Key Performance Indicators.

28. GST

28.1 GST Wording

Words defined in the GST law have the same meaning in clauses concerning GST, unless it is clear that a different meaning is intended.

28.2 GST Gross-up

If GST is or will be imposed on a supply made under or in connection with this Agreement to the extent that the consideration otherwise provided for that supply under this Agreement is not stated to include an amount in respect of GST on the supply:

- (a) the consideration otherwise provided for that supply under this Agreement is increased by the amount of that GST; and
- (b) the recipient must make payment of the increase as and when the consideration otherwise provided for, or relevant part of it, must be paid or provided or if the consideration has already been paid or provided, within 7 days of receiving a written demand from the supplier.

28.3 Tax Invoices

The right of the supplier to recover any amount in respect of GST under this Agreement on a supply is subject to the issuing of the relevant tax invoice or adjustment note to the recipient.

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Schedule 6

OPERATIONAL SERVICE LEVEL FEE

As attached.

1. Annual Escalation of Operational Service Level Fee

The Operational Service Level Fee will be indexed each financial year, for movements in costs due to labour price fluctuations and movements in other operational costs.

Escalation will be calculated annually on the anniversary of the Effective Date on the following basis:

- (a) non-salary items will be escalated by the New South Wales Consumer Price Index referable to the prior year as at the December quarter immediately prior to the relevant anniversary of the Effective Date; and
- (b) salary items will be escalated at the rate at which New South Wales Treasury escalates the Department of Corrective Services' salaries (as at the Commencement Date, ██████ per annum). Any variations (up or down) in the rate at which Treasury escalates the Department's salaries will be passed on to the Operator. It is anticipated that actual cost movements above this escalation will be funded by the Operator through productivity improvements.

Non-salary items comprise ██████ of the Operational Service Level Fee.

Salary items comprise ██████ of the Operational Service Level Fee.

2. Operational Service Level Fee

The Operational Service Level Fee (GST exclusive) is as specified in Worksheet A ("Operational Fee") and subject to the Operational Service Level Fee Adjustment specified in Worksheet B ("Double Up") (Worksheets A and B are attached to this Schedule 6 and incorporated by reference).

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WORKSHEET A

Parklea Operational Fee

Enter in coloured cells only - Don't add or delete lines.

Labour Costs - linked to Labour Cost sheet

- Ordinary Labour and Allowances
- Overtime
- Long Service Leave
- Superannuation
- Payroll Tax
- Workers Compensation

Non Labour Costs - linked to Non Labour Cost Sheet

- Staff Related Costs
- Prisoner Related Costs
- Property Related Costs
- General Costs

Industry Costs and Revenue Offsets

- Industry Materials and Consumables
- less Industry Revenue
- Gross Profit

ANNUAL OPERATING COSTS

Margin & Contribution to Corporate Overheads

OPERATIONAL FEES

\$29,124,488

The Operational Fee stated above will be the only figure used to compare the financial bids of tenderers over the 5 years of the contract period. If for any reason a tenderer has qualified the application of this fee over the 5 year contract period, this qualification must be stated below as well as reference made to the section of the tender response where this qualification applies.

Operational Fee - Qualifications

1. The double up rates included in our response assume that the department will provide for any infrastructure changes required to accommodate the increase in inmates (i.e double up beds, etc).

3. As requested the Staffing Profile Snapshots have been completed, however please note that these do not include all staffing areas as the forms were not inclusive of all areas of the centre. For a more detailed analysis of the proposed staffing levels please refer to our response to criteria 22.2.5 Staff Deployment and the Labour Cost Worksheet.

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WORKSHEET B

Parklea Double Up Rates

Enter in coloured cells only - Don't add or delete lines.

Double Up Rates

Reduction in Operational Fee if State is less than 823 Prisoners

Average Daily State	Double Up Rate	FTE Variation
761	790	[REDACTED]
791	822	[REDACTED]

Increase in Operational Fee if State is greater than 823 Prisoners

824	850	[REDACTED]
851	880	[REDACTED]
881	910	[REDACTED]
911	940	[REDACTED]

FTE Variation refers to the increase or decrease in Full Time Equivalent staff compared to the FTEs quoted in Labour Schedule (i.e 823 prisoners)

Double Up Rates are expressed as a rate per prisoner per day.

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Schedule 8

PERFORMANCE LINKED FEE

1. Calculation

The Performance Linked Fee shall comprise not more than 2.5% of the Operational Service Level Fee.

2. Composition of the Performance Linked Fee

The Performance Linked Fee described in Clause 27 of the Operating Agreement shall comprise the following fixed and proportional elements:

- (a) **Fixed Element** – detailed in Table 1. The fee reduction for the fixed element of the Performance Linked Fee cannot exceed 2.5% of the Operational Service Level Fee.
- (b) **Proportional Element** - which shall comprise the following components (expressed as a percentage of the total Performance Linked Fee):
 - (i) Offender Management and Operations: *As specified in Table 2.*
 - (ii) Organisational Capability, Governance and Staff Support *As specified in Table 2.*

These elements are referred to as the **Component Categories**. The composition of these Component Categories are detailed in Table 2 (Performance Linked Fee Matrix).

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TABLE 1: FIXED ELEMENT

As attached.

The attached table, in accordance with Clause 27.3(b) of the Operating Agreement, applies for the Transition Period (as defined in Schedule 18).

The parties must prepare a revised Table 1 for the remainder of the Contract Year on or before the Transition Completion Date (as defined in Schedule 18) which shall, on agreement, be deemed to vary the attached table.

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Outcomes	Fee Reduction for Performance Failure
Offender Management	
1. Failure to provide the Essential Services throughout the Transition Period (with compliance with this requirement determined at the conclusion of [REDACTED] post Effective Date).	\$100,000
2. Failure to achieve the material obligations of the Transition Plan within [REDACTED] of the Effective Date, unless such failure was due to an obligation of the Commissioner which has been unreasonably withheld or delayed.	\$60,000
3. Unnecessarily depriving Inmates' amenities (for example, unnecessarily restricting Inmate access to out of cell hours, visits, buy ups, phone calls, contrary to Corrective Services New South Wales policies). (Compliance with this requirement shall be determined at the conclusion of [REDACTED] post Effective Date).	\$20,000
4. Without limiting Items 1, 2 or 3:	
A. Education Provider not in place from Effective Date.	\$5,000 per week not in place
B. Custodial Staff Deployment Plan not achieved (new custodial staff trained and in position) by the commencement of [REDACTED] post Effective Date.	\$5,000 per week until achieved
C. Program Delivery Staff not in place by the commencement of [REDACTED] post Effective Date. [See Note 1]	\$5,000 per week not in place
D. Industries Staff not in place by the commencement of [REDACTED] post Effective Date. [See Note 2]	\$5,000 per week not in place
E. Failure to submit revised emergency response plans and contingency plans to the Commissioner prior to the Effective Date (such plans are to have been developed in consultation with the Assistant Commissioner Logistics and Strategic Operations and relevant stakeholders to reflect operational knowledge of Parklea Correctional Centre).	\$5,000
F. Fully trained CERT not in position by the Effective Date. (Operator to provide evidence of experience, training, and competence of CERT officers [See Note 3].)	\$1,000 per day not in position
G. Effective procedures and trained staff not in place to identify, assess and manage inmates at risk of self harm or suicide [See Note 4].	\$5,000 per week not in place
H. Failure to submit all operational procedures and policies to the Commissioner by the Effective Date.	\$5,000 per week until submitted
<p>5. All instances of the following incidents are reported by the Operator to the Commissioner promptly after they occur or are brought to the attention of the Operator.</p> <p>The following serious incidents:</p> <ul style="list-style-type: none"> • Suicide; • Death; • Escape from custody; • Riot; • Hostage situation; or • Allegation of serious misconduct or corruption by Operator's Personnel. 	\$100,000 per instance not reported

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6.	Death in custody for which a material adverse finding has been made against the Operator by the Coroner.	\$100,000 per incident
7.	Intervention by the Commissioner to resolve an Inmate disturbance which has escalated due to the Operator failing to take timely and appropriate action (which may include asking Corrective Services NSW for assistance) in accordance with the approved Operating Manual.	\$100,000 per incident
8.	Erroneous release from custody (where an Inmate is held in custody beyond the date from when they should have been legally released) due to a failure of the Operator's procedures. (For the avoidance of doubt, for the purposes of calculating the Fixed Element of the Performance Linked Fee an erroneous release from custody of one Inmate comprises one incident).	\$10,000 for each day that an Inmate is held in custody beyond the date when they should have been legally released
9.	Erroneous release from custody (where an Inmate is released from custody prior to the date on which they were legally entitled to be released) due to a failure of the Operator's procedures (For the avoidance of doubt, for the purposes of calculating the Fixed Element of the Performance Linked Fee an erroneous release from custody of one Inmate comprises one incident.)	\$10,000 per incident
10.	Within seven days of receiving the Random Selection of Offenders Report, from the Department's Urinalysis Unit, collect urine samples from each of the inmates identified in the report.	1.5% of Performance Linked Fee where not achieved.
11.	All inmates returning positive urinalysis report, which resulted in inmate being charged, are referred for an AOD assessment. To commence from week 12 post Effective Date.	2% of Performance Linked Fee where not achieved.

Notes:

- (1) Subject to the Commissioner delivering staffing as recorded in the Transition Plan.
- (2) [REDACTED]
- (3) CERT Officers will be trained in the Emergency Procedures Course. The Commissioner will authorise the Operator's use of interstate staff of the Operator, subject to such officers meeting applicable NSW training standards and applicable integrity checks. The Operator shall ensure a [REDACTED] CERT officers are on duty for all out of cell hours.
- (4) The parties agree that the implementation of effective procedures and trained staff to identify, assess and manage inmates at risk of self harm or suicide relies in part on the implementation of information sharing and an information protocol as recorded in the Health Services (Tripartite) Deed.

The Fee Reduction for the Fixed Element of the Performance Linked Fee during the Transition Period (as defined in Schedule 18) is capped at 2.5% of the Operational Service Level Fee otherwise payable for the duration of the Transition Period (as defined in Schedule 18). Any dispute in relation the imposition or proposed imposition of a Fee Reduction for Performance Failure shall be dealt with in accordance with Clause 32, Dispute Resolution.

2017-329231

Form 4
Notification to Industrial Registrar of Industrial Dispute Pursuant to section 132

- 1. **Name:** Public Service Association and Professional Officers Association Amalgamated Union of New South Wales
- 2. **Address:** 160 Clarence Street, Sydney NSW, 2000
- 3. **Capacity of notifier:** Industrial Organisation of Employees
- 4. **The question, dispute or difficulty concerns the following industrial matters:**

- 1. The dispute relates to the Better Prisons Reform – CSNSW NSW Benchmarking announced to the PSA by CSNSW in September 2015.
- 2. The purpose of Benchmarking was purportedly an attempt to improve the efficiency of the operations of correctional centres by comparing the operation of correctional centres in NSW with those in other jurisdictions.

The effect of Benchmarking has been to set new staffing levels for correctional centres.

The PSA has not been provided with any information that explains how the new staffing levels are being determined.

CSNSW engaged an independent consultancy agency known as Macksam Consulting to prepare a report into efficiencies that could be achieved in the operation of correctional centres.
- 3. CSNSW informed representatives of the PSA during a briefing that the Macksam Report would be used to set financial benchmarks for the operation of correctional centres.
- 4. To date under the Better Prisons Reform a total of 201 roles are to be deleted, encompassing all classifications of roles within a Correctional Centre (see annexure A).
- 5. The greatest impact on loss of roles is to those holding rank of Assistant Superintendent, Senior Correctional Officer and Correctional Officer.
- 6. The largest loss of roles to date will be those located at the Metropolitan Special Purpose Centre the MSPC) and Long Bay Hospital (LBH) with a total of 94 roles deleted (see annexure B).

I.R.C. No. 2017-329231
 Recd. 3:22 a.m.
 Date 31/10/2017
 1. Registering Officer P.W.
 2. Manager, RCS
 3. Panel *Neto*

10. The PSA argues that the Macksam Report, which determined the flattened management structure under the Better Prisons Reform, is crucial to the Association and its understanding of how the new benchmark levels have been determined.
11. The PSA requires a copy of this Report so as to understand the method used to delete 94 roles from an established Correctional Centre holding some 1723 inmates.
12. The proposed reduction of staff at the MSPC and LBH raises serious concerns about the safety of correctional officers and inmates and the security of the correctional centre.
13. To date there have been 20 Correctional Centres placed under the Benchmark Reform, which commenced in July 2016 with South Coast (Nowra) and Mid North Coast Correctional Centre (Kempsey) being the first two pilot sites.
14. CSNSW NSW continue to recruit new correctional staff, particularly against the Correctional Officer rank, by way of converting casuals to permanent roles within both Centres and Court locations despite the fact that many correctional officers are to be displaced. All requests from the PSA to stop the movement of casuals into permanent roles until benchmarking has been completed have been ignored or brushed aside.
15. The PSA argues that the continual recruitment for casual Correctional Officers should be placed on hold to allow, and more importantly, ensure that those Officers who are deleted by way of the Better Prisons Reform are able to retain employment.
16. The PSA has through both formal correspondence and within the benchmark meeting structure with CSNSW NSW requested that a current list of vacancies across all ranks and roles be provided to the PSA for the purpose of supporting those officers deleted under the benchmark process.

To date the current vacancy list for all ranks remains outstanding (see annexure C).
17. The PSA further contends that in the interests of transparency by way of workforce staff placement, it has requested CSNSW NSW to provide a list of all substantive roles currently filled by casuals, contractors and labour hire in both Correctional Centres and Court Locations across NSW. This request has also been ignored.
18. Further recruitment issues have arisen as a result of the Benchmark Reform with CSNSW NSW now moving to a process outside of the position as agreed on allowing all affected Correctional Officers, regardless of rank, to compete for identified promotional roles (see annexure D).

As identified, the greatest affected rank is Assistant Superintendent, as this role has been determined by the Macksam Report to be excess to the operational management structure in correctional centres.

The PSA remains of the view that where within Correctional Centres there is an increase in promotional roles, such as the Senior Assistant Superintendent, then these must be quarantined for the rank of Assistant Superintendent.

If there are remaining roles available, only then should these be opened up to other affected ranks.

19. Currently, Senior Assistant Superintendents and Assistant Superintendents are paid a Case Management Allowance within the Benchmark Reform. This allowance is to be phased out with only those at the Senior Assistant Superintendent level to have their allowance 'grandparented'.

Those at the rank of Assistant Superintendent will have the allowance payment terminated if they are successful in gaining a promotion to the Senior Assistant Superintendent (see annexure E).

The PSA is of the view that the case management allowance should remain for each rank, irrespective of their being successful in gaining a promotional role. These staff will be required to act in the Case Management role during periods of leave or other absences.

20. A new funding initiative has been introduced for Case Management within CSNSW with a 150 new and temporary roles to be created.

As advised by CSNSW, the funding for the new case management model has been confirmed for an initial three years taking this up to mid-2020 (see annexure F).

CSNSW, within this new funding initiative, have placed a particular emphasis for those Prison staff whose roles are affected by benchmarking to apply for roles.

The PSA states that the greatest affected rank under the Benchmark Reform is that of the Assistant Superintendent who by way of determination under the Macksam Report has been removed entirely from the staffing structure of CSNSW.

The PSA states that this offer of a new role under the function of Case Management is disingenuous as any officer who takes up this role is placed against a lower paid salary, lessens current leave value and is only a role aligned to temporary funding.

21. A further impact under the Benchmark Reform is the change to the weekend staffing profile.

As outlined by CSNSW, the new flattened management structure:

- Has the Senior Assistant Superintendent (SAS) working mainly in Monday to Friday roles and owning a position such as Security, an Accommodation Unit, Rosters and Structured Day and Intelligence.
- The Senior Assistant Superintendent (SAS) will rotate through the OIC on weekends (see annexure G).
- The Senior Correctional Officer (SCO) will be trained up to operate at the SAS level (see annexure H).

The PSA argues that the increase in duties and responsibilities imposed upon Senior Correctional Officers without appropriate salary remuneration is unacceptable.

Therefore, the PSA seeks that the role of Senior Correctional Officer be evaluated to recognise the additional management functions imposed upon that role.

The current Operations Procedure Manual, as used within both Correctional Centres and Court Locations, is currently under review and is to be renamed the Custodial Policy and Procedures (see annexure I).

The Operations Procedure Manual is the tool that all Correctional Officers use, whether they be within Correctional Centres or Court locations, to ensure compliance when undertaking their duties. The review of the Manual is crucial, however, CSNSW have not provided to the PSA the full Manual (COPP) for review.

The PSA views this as being disingenuous by CSNSW and in order for the PSA to be able to adequately assess, the full Custodial Policy and Procedures must be provided (see annexure J).

The PSA also seeks that until such time that there has been a full and frank review undertaken by the PSA that the current Operations Procedure Manual remains in effect.

22. CSNSW has further embarked upon a transition from the current 28 day roster cycle to one of cyclic rostering (see annexure K).
- As outlined by CSNSW, the aim is to increase opportunities for staff to better manage work/life balance through the rostering of staff up to 12 months in advance.
 - Increased opportunity for staff to secure swaps of individual shifts, blocks of shifts or entire schedules.
 - To provide increased fairness, equity and transparency of roster allocations to staff.

Within the Business Rules for Cyclic Rostering CSNSW propose a loss of shift penalties for those held against the 'L shift 12 hour (6am-6pm).

The PSA argues that current shift penalties as afforded to each shift type must be retained.

23. CSNSW have stated the administration area has undergone its own recent review and is out of scope under the Benchmark Reform.

As each of the 20 Correctional Centres move into and under the Benchmark Reform, the PSA notes that there is again a move to broaden the range of duties for administrative staff and this appears to be applied under a local operational routine.

The PSA argues that there cannot be an expansion to duties and tasks currently performed by both administration and store staff without the following:

- Consultation with the PSA
- Independency in defining the duties as currently held by administration and store staff
- And if agreed an expansion to the role and function for those officers, a review of the current salary range is also required.

24. It appears that CSNSW is not taking into account the extra staff that will be needed to staff the expanded Dillwynia Correctional Centre and the Metropolitan Remand and Reception Centre and is dispensing with staff whose services will be needed when the extra beds are available.

25. Under the Better Prisons Reforms, Correctional Centres will operate under a stand-alone model by way of Management Agreement between the Governor and Assistant Commissioner Custodial Corrections. For staff within Offender Services and Programs, reporting lines will still operate under a cluster model (see annexure L).

The PSA argues that for these staff CSNSW will place a greater burden upon their workloads and areas of responsibility.

The reporting structure as defined by the Public Service Commission and to be implemented by CSNSW is to have Direct Reports of between 5 and 7 staff (see annexure M).

The PSA argues that for Offender Services and Program staff the management span of control is greater than the 5 to 7 direct reports, which is in conflict with the objectives under the Better Prison Reform.

26. The PSA seeks clarity in relation to the current programs which operate within CSNSW, such as Mothers and Children, State-Wide Disability Services and or any other specific needs programs or specialist services as to where they lie under the Better Prisons Reform.
27. CSNSW is now moving to broaden the agreed parameters as initiated at South Coast Correctional Centre known as ring fencing which applies to an individual centre.

CSNSW now wants to extend this part way through the process to a complex and regional cluster basis.

Ring fencing is the agreement when positions are lost at that centre completion for the remaining positions is limited to those at that centre only (see annexure n).

5. The award, agreement or determination which applies to the employees is:

Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009
Crown Employees (Senior Assistant Superintendents and Assistant Superintendents, Department of Justice – Corrective Services NSW) Award 2009
Crown Employees (Correctional Officers, Corrective Services NSW) Award 2007 for Kempsey, Dillwynia and Wellington Correctional Centres
Crown Employees (Correctional Officers, Department of Justice – Corrective Services NSW) Award

6. The person to contact on behalf of the notifier is:

Evan Cole
 Industrial Manager, Justice
 Public Services Association of New South Wales
 160 Clarence Street
 SYDNEY NSW 2000
 Tel: 0408 410 744 Fax: (02) 9262 1623

7. The other persons affected by or involved in this question, dispute or difficulty are:

Commissioner Peter Severin Corrective Services NSW Henry Deane Building Level 2, 20 Lee St SYDNEY NSW 2000 Contact: Ms Gayle Robson Chief of Staff Tel: 8346-1900 Email: gayle.robson@justice.nsw.gov.au	Mr Ian Peters Director Public Sector Industrial Relations For the Secretary of the Treasury 52 Martin Place SYDNEY NSW 2000 Tel: 9228-5927 Email: ian.peters@industrialrelations.nsw.gov.au
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SUBMISSION ON BEHALF OF THE PSA ON BENCHMARKING OF PUBLIC PRISONS IN NSW
Senior Executives Advisory Group

Preamble

CSNSW is rushing into play several reform agendas for publicly operated correctional centres within NSW under the overarching banner of Better Prisons Reform Agenda (BPRA). The stated goal of the BPRA is to improve productivity, increase out of cell hours, increase programs, education and employment and to reduce re-offending.

An integral part of the BPRA is the *Benchmarking* of all correctional centres. The goals of *Benchmarking* are:-

- Maintain or increase staff safety
- Enhance service delivery and achieve benchmarks
- Provide a consistent management approach across all correctional centres
- Deliver an efficient operation that achieves benchmarks
- Implement performance management system – myPerformance, and
- Create a management development and succession program.

Benchmarking methodology

1. An independent consultant benchmark – July 2015.
2. CSNSW Desktop Benchmarks – July 2016
3. Consultation at local levels – 2017 – ongoing
4. Transition and implementation – Ongoing.

Concerns

The PSA has expressed its concern over the *Benchmarking* reform agenda at all meetings, presentations and reviews of individual centres' submitted plans. Our concerns are ongoing and have been raised at fortnightly *Benchmarking* meetings, the Industrial Relations Commission and at individual *Benchmarking* presentations/consultations within all correctional centres to date.

Below will set out our concerns from the conceptual phase through to the approval of Management Agreements for individual Governors/MOS's.

Conceptual phase.

During the initial phase of the reform agenda the UK was widely touted as the model on which the *Benchmarking* reform agenda was linked to. In the intervening period the UK reforms have proved disastrous. Please see attached links for confirmation. All serious incidents increase, staff absenteeism increased, staff turnover increased. It was not successful.

Since the UK debacle the link to the UK *Benchmarking* reforms have been dropped from all local consultation presentations. Even reference to privately operated correctional centres has been

drastically reduced; this will further erode with the current operator of Parklea being excluded from the ongoing tender process.

A founding principal the *Benchmarking* reform agenda is contained in the *Macksam Report*. The PSA has repeatedly requested access to this document to understand where some of the disputed areas of *Benchmarking* originated. Despite appearances before the Industrial Relations Commission the document has not been released to the PSA.

Our concern is that the document contains references to *Benchmarking* in the UK and CSNSW is following the unsuccessful reforms introduced in the UK. The public of NSW deserves to see this document in its entirety to assess the decision to proceed with *Benchmarking* as it currently stands.

The PSA would like to ascertain whether other unproven and disputed facets of *Benchmarking* are enshrined in the *Macksam Report*. These include:

- The total deletion of the Assistant Superintendent (AS) rank within all correctional centres,
- The rostering of one functional manager on weekends
- The assumption the Senior Correctional Officers (SCO) will automatically agree to assume the duties of the deleted rank without remuneration. The allocation of the duties is in dispute, yet CSNSW is continuing to push through *Benchmarking* into all correctional centre
- Cut to custodial numbers in correctional centres while at the same time espousing how staff safety will be enhanced.

The PSA requests that the Parklea inquiry obtain the *Macksam Report* and make it available to the public of NSW to satisfy the state's obligations for accountability and service. Our concern is that *Benchmarking* may fail (reasons discussed) and the public, as well as the PSA, has a right to know what these reform agendas were based on in the first place.

Coercion

The PSA is concerned at the level of coercion that is being applied to Governors and MOS to "blindly" sign Management Agreements for their centres. Examples of coercion and what could possibly be construed as bullying and harassment are presented below.

Local presentations

It has been spelt out clearly at some presentations that centres who are unable to come to consensus with the *Benchmarking* requirements may be subject to market testing as recently occurred at John Morony Correctional Centre.

Consequence Regime

CSNSW has implemented a Consequences Regime for Governors and MOS to ensure that there are consequences, outside of the usual performance process for all public servants under the Government Sector Employment Act, for failing to meet key performance indicators (KPI's) which

further coerces Governors and MOS's to agree to work under the *Benchmarking* reforms and achieve the *Benchmarking*. While Governors and Managers of Security are aware of the measurement process of KPI's they have not been made aware of all specific measurements for their centres.

It has been noted that there no consequence regime for the Assistant Commissioner of Custodial Corrections if he fails to meet his obligations to each and every correctional centre. His obligation includes the provision of a budget (still not received for fiscal year 2017/18) and provision of staffing to centres. Nearly all correctional centres are facing staff shortages at the present and foreseeable future.

Consequences include management replacement as an option. It is noted that the ACCC will be part of the review team. This should be seen as a conflict of interest.

Signature blocks on Management Agreements

An inducement for Governors and MOS's to sign their individual Management Agreement appears to be the wording "*so as not to incur personal liability*" under the signature block for the Governors/MOS's as well as the signature block for the ACCC.

Our concern is that *Benchmarking* is a major reform, reductions to staff have occurred and individual centres have been forced to complete risk assessments without the guidance of qualified experts in the interpretation of risk matrixes and the assigning of consequence/risk ratings. It was noted that one Governor was requested to undertake a review of their centres risk assessments as several consequence ratings were listed as high. The PSA has queried risk assessments when presented to them for review.

It is the PSA's concern that Governors and Managers of Security are the 'person conducting a business or undertaking' (PCBU) under the Work Health and Safety Act 2011 and may be personally liable for damages and civil litigation as a result of the implementation of *Benchmarking* within their centre, I understand that staff shortages was one of the accepted causes for the prison riot in Victoria and that the Victorian prison system has accepted liability.

Deletion of the Assistant Superintendent rank.

Under *Benchmarking* the rank of Assistant Superintendent will be deleted in all correctional centres and their duties allocated to Functional Managers and Senior Correctional Officers. The allocation of duties to Senior Correctional Officers is in dispute with the PSA and CSNSW.

Assistant Superintendents are commissioned officers who provide the backbone of governance and supervision and management of non-commissioned officers within correctional centres.

The Assistant Superintendent positions and duties will be rolled up into a reduced number of Functional Managers (Senior Assistant Superintendents) increasing their work load drastically. This will be further exacerbated by CSNSW's intention to roster only one Functional Manager on weekends to manage a centre in its entirety. This is despite the increased activities within a

correctional centre on weekends and the lack of Overseers who manage up to 80% of inmates during the week.

CSNSW also expects that Functional Managers in charge of centres will be paid at their normal salary despite the vastly increased workloads, legislated responsibilities and staff and inmate supervision and management.

Risk assessments have been queried as to the consequence rating for Functional Managers who have the responsibility of managing a centre in its entirety by themselves. The workload, possible conflict with staff and stress levels remain an extreme concern for the PSA.

Senior Correctional Officers quite rightly demand to know what duties will be allocated to them and what levels of increased remuneration will be given.

Summary

It would appear that CSNSW is rolling ahead with *Benchmarking* without consolidating or verifying that it will lead to better prisons. The *Benchmarking* team at a recent local consultation could not even give a credible or informed response to the question "how will gaols be safer with less staff?"

In light of recent failures in correctional centre management initiatives, e.g. *The Way Forward*, the PSA is rightly concerned that history is repeating itself and that this latest initiative is being introduced in an *ad hoc* manner without the experience of trialling it in one "old"/traditional centre first to see what works and learn from those experiences before introducing it state-wide.

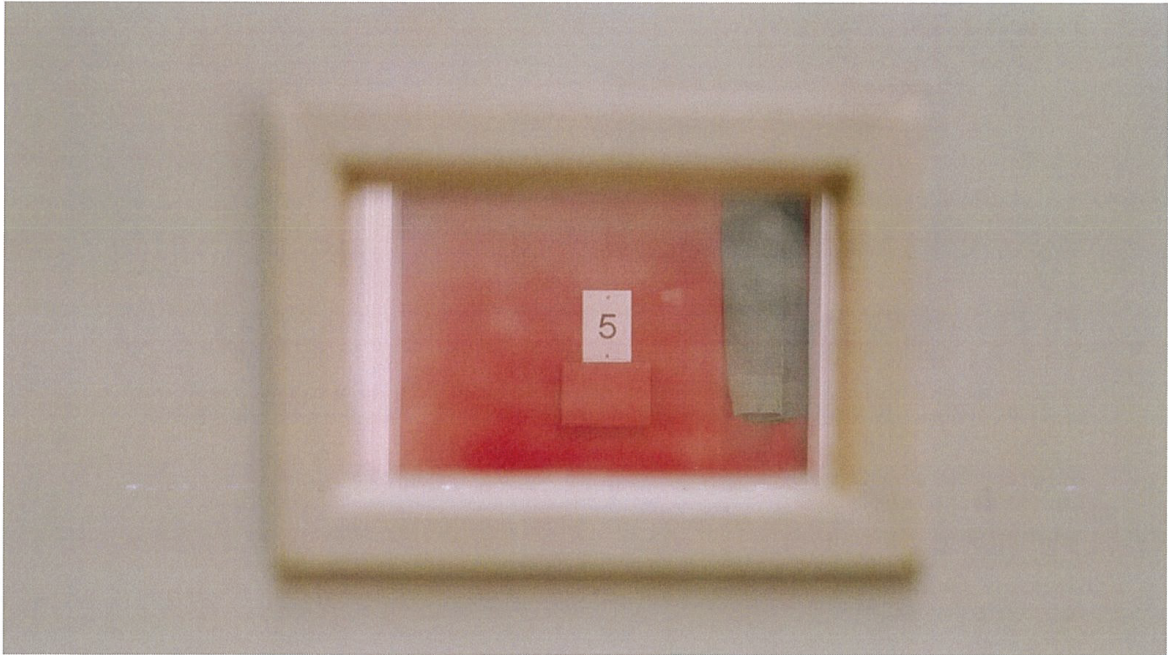
Concerns at the moment which will affect the effectiveness of *Benchmarking* include:

- State-wide staff shortages
- Centres not being allocated a budget
- The "failure" of recent changes to inmate education that has resulted in less education for inmates in some centres
- PSA and relevant unions have not agreed to increased responsibilities, accountabilities and workloads.



Prison: the facts

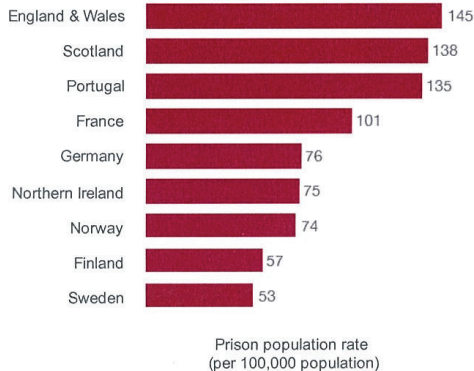
Bromley Briefings Summer 2017



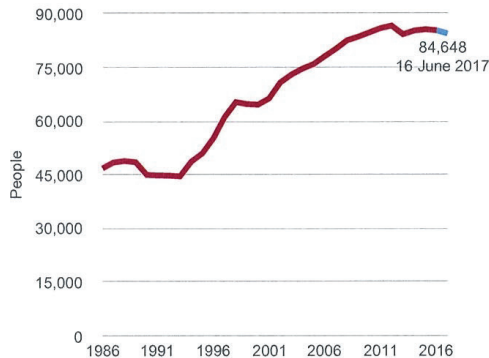
Facts and figures provide a better basis than opinion for policy and practice change. Drawn largely from government sources, these facts chart the extraordinary rise in prison numbers over the last twenty years, inflation in sentencing and the social and economic consequences of overuse of custody. They reveal the state of our overcrowded prisons and the state of people in them, the impact of deep budget cuts, the pace and scale of change in the justice system and the scope for community solutions to crime.

Sentencing and the use of custody

England and Wales has the highest imprisonment rate in western Europe



The prison population has risen by 82% in the last 30 years



We overuse prison for petty and persistent crime

Nearly **68,000** people were sent to prison to serve a sentence in 2016



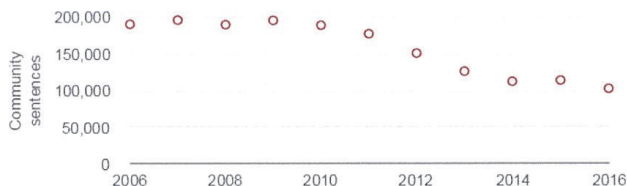
The majority had committed a non-violent offence



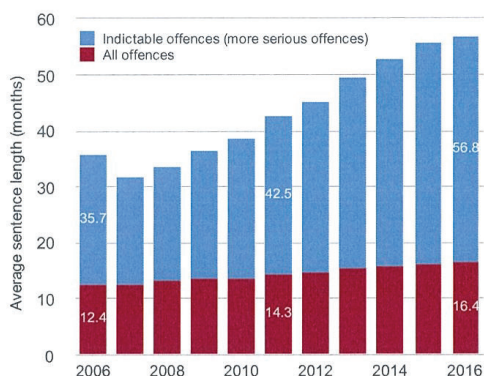
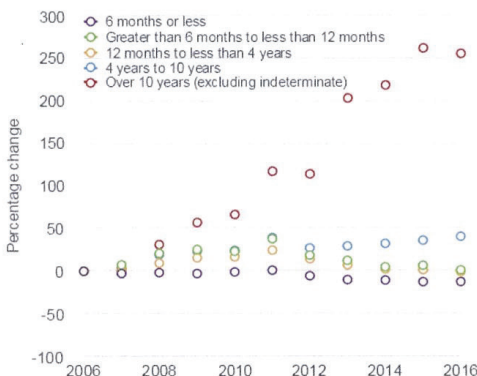
Almost half were sentenced to serve six months or less

Use of community sentences has nearly halved since 2006

Yet **short prison sentences are less effective** than community sentences at reducing reoffending



For more serious offences we choose to send people to prison for a long time...and it's growing



Sources: Ministry of Justice (2017) Population and capacity briefing for 16 June 2017, London: Ministry of Justice International Centre for Prison Studies website
 Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice
 Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice
 Ministry of Justice (2017) Criminal justice statistics quarterly December 2016, London: Ministry of Justice

Sentencing and the use of custody

According to the National Audit Office, there is no consistent correlation between prison numbers and levels of crime.¹ International comparisons also show there is no consistent link between the two.²

Suspended sentences, where people must meet conditions or face the prospect of prison, have risen by 68% in the last decade—the only sentence to have increased in use. They accounted for 5% of all sentences in 2016.³

Anyone leaving custody who has served two days or more is now required to serve a minimum of 12 months under supervision in the community.⁴

As a result, the number of people recalled to custody following their release has increased dramatically—the recall population has increased by nearly 1,000 people since the changes were introduced in February 2015. 6,554 people were in prison on recall at the end of March 2017.⁵

Nearly 8,000 people serving a sentence of less than 12 months were recalled back to custody in the year to December 2016.⁶

The number of people entering prison to serve a sentence has dropped by a quarter since 2010.⁷ Over the same period, the proportion of cases where a guilty verdict is reached has remained broadly stable. However, a fall in the number of cases coming before the courts has led to a drop in the number of people found guilty. Numbers have fallen by 8% in magistrates' courts and by 24% in Crown courts.⁸

Overcrowding and changes to the prison estate

The prison system as a whole has been overcrowded in every year since 1994.⁹ Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending, as well as distance from families and other support networks. At the end of May 2017, 76 of the 117 prisons in England and Wales were overcrowded—holding 9,496 people more than they were designed to.¹⁰

20,995 people were held in overcrowded accommodation on average in 2015–16—nearly a quarter of the prison population. The majority were doubling up in cells designed for one.¹¹

This level of overcrowding has remained broadly unchanged for the last 12 years.¹²

£1.3bn has been announced to invest in reforming and modernising the prison estate. The previous Conservative government committed to build nine new prisons, five of these by 2020.¹³

A new 2,106 place prison in Wrexham, North Wales opened in February 2017 at a cost of £212m.¹⁴ Plans were also announced to create 5,000 further places with the possible building of four new prisons in Yorkshire, Wigan, Rochester and Port Talbot.¹⁵

¹ National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office

² Lappi-Seppälä, T (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/Tapio>

³ Table Q5.1b, Ministry of Justice (2017) Criminal justice statistics quarterly December 2016, London: Ministry of Justice

⁴ Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

⁵ Table 1.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice and previous editions of the same publication

⁶ Table 5.2, Ibid.

⁷ Table A2.6, Ministry of Justice (2017) Offender management statistics prison receptions 2016, London: Ministry of Justice

⁸ Table Q3.1, Ministry of Justice (2017) Criminal justice statistics quarterly December 2016, London: Ministry of Justice

⁹ Home Office (1999) Digest 4: Information on the criminal justice system in England and Wales, London: Home Office and Table 2.2, Ministry of Justice (2016) Prison performance statistics 2015 to 2016, London: Ministry of Justice

¹⁰ Ministry of Justice (2017) Monthly population bulletin May 2017, London: Ministry of Justice

¹¹ Table 2.2, Table 2.3 and Table 2.4, Ministry of Justice (2016) Prison performance statistics 2015 to 2016, London: Ministry of Justice

¹² Table 2.2, Ibid.

¹³ HM Treasury (2015) Spending review and autumn statement 2015, London: HM Stationery Office

¹⁴ Ibid.

¹⁵ Ministry of Justice (2017) Justice Secretary announces plans to create 5,000 modern prison places, available at <https://www.gov.uk/government/news/justice-secretary-announces-plans-to-create-5000-modern-prison-places>

Safety in prison

Safety in prisons has deteriorated rapidly during the last six years. People in prison, prisoners and staff, are less safe than they have been at any other point since records began, with more self-inflicted deaths, self-harm and assaults than ever before.

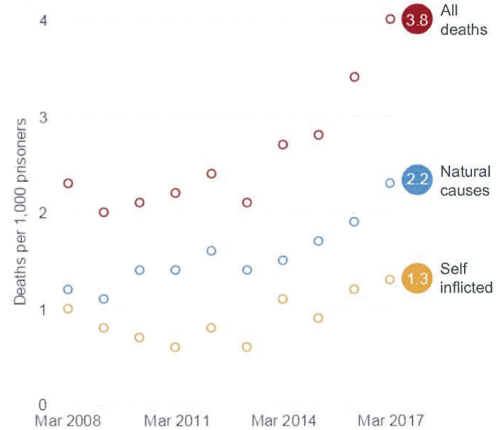
344 people died in prison in the year to March 2017
The highest number on record

After a welcome decline in self-inflicted deaths up to 2011, rates are now near record levels

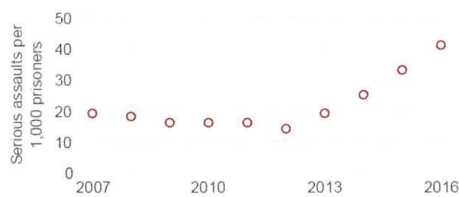


A third were self-inflicted

Nearly 3 in 5 were due to natural causes



Serious assaults in prison have more than doubled in the last three years



Rates of self-harm are at the highest level ever recorded



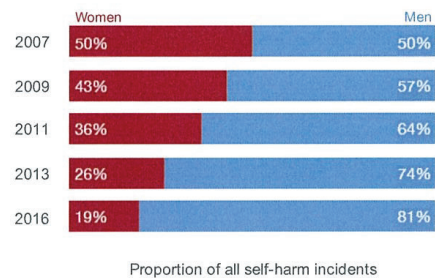
Assaults on staff have

↑88%
in the last two years



Women account for a disproportionate number of self-harm incidents in prison—despite making up only 5% of the total prison population

But in recent years there has been a significant rise in self-harm incidents by men



Source: Ministry of Justice (2017) Safety in custody statistics quarterly update to March 2017

There were three homicides in prison in the year to March 2017 and another six the year before.¹⁶

Sexual assaults in prison have more than tripled since 2012. There were 345 recorded assaults in 2016.¹⁷

There were 64 deaths in prison between June 2013 and April 2016, where the person was known, or strongly suspected, to have used or possessed new psychoactive substances (NPS) before their death—44 of these were self-inflicted.¹⁸

Rates of deaths from natural causes have doubled in only eight years. 199 people died of natural causes in the year to December 2016, a 21% rise on the previous year.¹⁹

Prison service resources and staffing

HM Prisons and Probation Service (HMPPS), formerly the National Offender Management Service (NOMS) reduced its budget by nearly a quarter since 2010–11. Between 2010–11 and 2014–15 it delivered cumulative savings of £900m.²⁰

A further savings target of £91m was set for 2015–16.²¹ However HMPPS failed to meet this, spending £210m more than the year before. This was mostly due to increased costs in staffing for the National Probation Service, new facilities management contracts and Community Rehabilitation Company contracts.²²

Additional funding of up to £500m was committed by the previous Conservative government in order to finance its safety and reform programme between 2017–18 and 2019–20.²³

The cost of a prison place reduced by 20% between 2009–10 and 2015–16. The average annual overall cost of a prison place in England and Wales is now £35,182.²⁴

There are now fewer staff looking after more prisoners. The number of frontline operational staff employed in the public prison estate has fallen by over a quarter (26%) in the last seven years—6,428 fewer staff looking after over 300 more people.²⁵

There is currently shortfall of over 900 frontline operational staff in public prisons against target 'benchmark' numbers.²⁶ The previous Conservative government has committed to recruit a further 2,500 additional officers by 2018.²⁷

Despite efforts to recruit, with a significant increase in recruitment in the first three months of 2017, frontline operational staff numbers have only increased by 75 in the last year.²⁸

Nearly a quarter of prison officers (24%) have been in post for two years or less.²⁹ The proportion of experienced staff is also declining—currently three in five officers have 10 years of experience or more.³⁰

Over a quarter (27%) of frontline operational staff quit before two years in the role—and the rate at which they are leaving has accelerated significantly in the last three years.³¹

A shortage of support staff, down nearly 700 against target benchmark numbers, means that officers will often have to cover support tasks, such as working at the gate or answering phones—diverting them from their work with prisoners.³²

¹⁶ Table 2, *Ibid.*

¹⁷ Table 3.9, *Ibid.*

¹⁸ Newcomen, N. (2016) Prisons and Probation Ombudsman speech to the Royal College of Psychiatry learning day on New Psychoactive Substances, available at http://www.ppo.gov.uk/wp-content/uploads/2016/11/PPO-speech_Royal-College-of-Psychiatrists_28.11.16.pdf

¹⁹ Table 2, Ministry of Justice (2017) Safety in custody statistics quarterly update to December 2016, London: Ministry of Justice

²⁰ National Offender Management Service (2016) Annual Report and Accounts 2015/16, London: The Stationery Office

²¹ House of Commons written question 5958, 14 July 2015

²² National Offender Management Service (2016) Annual Report and Accounts 2015/16, London: The Stationery Office

²³ HM Treasury (2016) Spending review and autumn statement 2016, London: HM Stationery Office

²⁴ Table 1, Ministry of Justice (2016) Costs per place and costs per prisoner by individual establishment 2015 to 2016 tables, London: Ministry of Justice and Table 42, Ministry of Justice (2011)

National Offender Management Service Annual Report 2009/10: Management Information Addendum, London: Ministry of Justice

²⁵ Ministry of Justice (2017) National Offender Management Service workforce statistics: March 2017, London: Ministry of Justice;

Table 1.1a, Ministry of Justice (2010) Offender management statistics quarterly bulletin April to June 2010, London: Ministry of Justice and

Table 1.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

²⁶ Ministry of Justice (2017) National Offender Management Service workforce statistics: March 2017, London: Ministry of Justice

²⁷ Ministry of Justice (2016) Prison safety and reform, London: Ministry of Justice

²⁸ Ministry of Justice (2017) National Offender Management Service workforce statistics: March 2017, London: Ministry of Justice

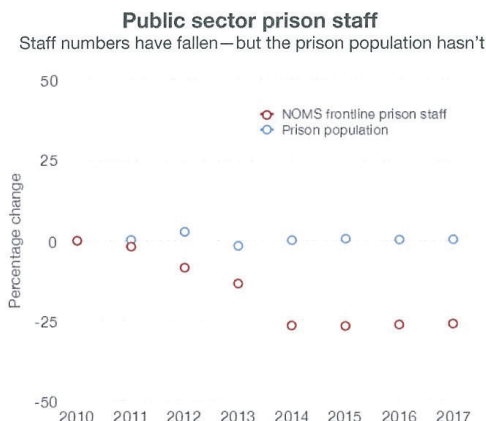
²⁹ *Ibid.*

³⁰ *Ibid.*

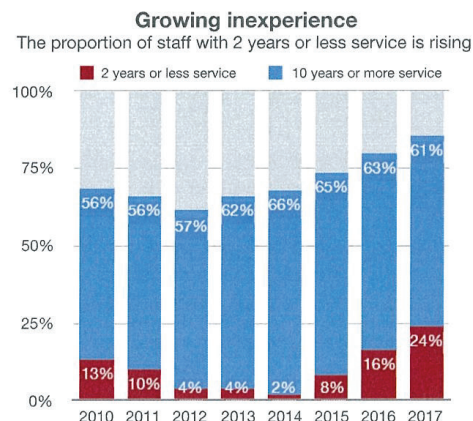
³¹ Table 10 and 8d, *Ibid.*

³² Ministry of Justice (2017) National Offender Management Service workforce statistics: March 2017, London: Ministry of Justice

Prison service resources and staffing



Sources: NOMS workforce statistics bulletin: March 2017 and Offender management statistics



Source: NOMS workforce statistics bulletin: March 2017

People in prison

People on remand

For many people, their first experience of prison is on remand. This might be ahead of their trial, or whilst they are awaiting sentencing having been found guilty.

People remanded to custody to await trial are innocent until proven guilty. 34,256 people were sent to prison before their trial in 2016—down by 15% on the previous year.³³

More than half (56%) of people entering prison on remand awaiting trial are accused of non-violent offences—17% were for theft offences, and 11% for drug offences.³⁴

People on remand currently make up 11% of the total prison population—9,419 people. The majority are awaiting trial (69%), whilst the rest await sentencing.³⁵

More than one in 10 people (10,328) remanded in custody in 2016 were subsequently acquitted. A further 14% of people (13,224) received a non-custodial sentence.³⁶

People spend an average of just over 10 weeks in custody whilst on remand.³⁷ However, some may be held considerably longer.

More than one in four (28%) self-inflicted deaths in 2016 were by prisoners held on remand.³⁸

Remand prisoners receive no financial help from the Prison Service at the point of release.³⁹ Those acquitted receive no compensation.

³³ Table 2.3a, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

³⁴ Table 2.1i, Ministry of Justice (2017) Offender management statistics prison receptions 2016, London: Ministry of Justice

³⁵ Table 1.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

³⁶ Table Q4.4, Ministry of Justice (2017) Criminal justice statistics quarterly December 2016, London: Ministry of Justice

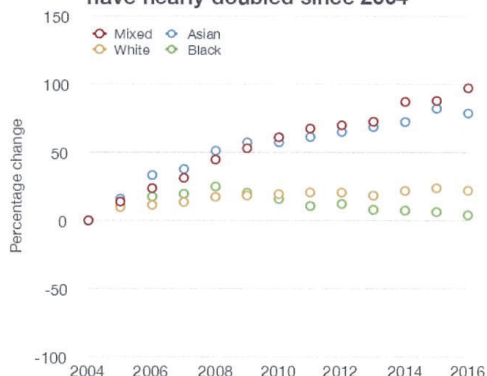
³⁷ Ministry of Justice (2015) Deposited paper DEP2015-0181, London: House of Commons Library

³⁸ Table 1.8, Ministry of Justice (2017) Safety in custody statistics quarterly update to December 2016, London: Ministry of Justice

³⁹ Citizens Advice (2007) Locked Out: CAB evidence on prisoners and ex-offenders, London: Citizens Advice

Black and minority ethnic prisoners

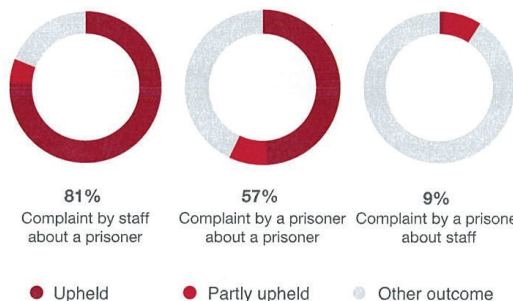
Asian and mixed ethnicity prisoner numbers have nearly doubled since 2004



Source: Offender management statistics, Prison population 2016

Evidence of discrimination?

Proportion of complaints that were upheld or partly upheld



Source: Prison Reform Trust, Tackling discrimination in prison: still not a fair response (Based on 610 investigations from eight London prisons in 2014)

Over a quarter (26%) of the prison population, 22,432 people, are from a minority ethnic group.⁴⁰ This compares to 14% of the general population.⁴¹

11% of British prisoners are black and 7% are Asian.⁴² For black Britons this is four times higher than the 3% of the general population they represent.⁴³

Analysis conducted for the Lammy Review found a clear direct association between ethnic group and the odds of receiving a custodial sentence. With black people 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.⁴⁴

The number of people in prison of mixed ethnicity has nearly doubled since 2004 and there are nearly 80% more Asian people in prison—during the same period the number of white people in prison increased by 22%.⁴⁵

Black men are 26% more likely than white men to be remanded in custody. They are also nearly 60% more likely to plead not guilty.⁴⁶

The number of Muslim prisoners has more than doubled over the past 14 years. In 2002 there were 5,502 Muslims in prison, by 2016 this had risen to 12,663. They now account for 15% of the prison population.⁴⁷

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 40% are Asian, 29% are black, 16% are white and 9% are mixed.⁴⁸

Black and minority ethnic and Muslim prisoners often report more negatively about their experience in prison and relationships with staff. Fewer said they felt safe on their first night or at the time of the inspectorate's survey; fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been victimised by staff.⁴⁹

⁴⁰ Table 1.4, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

⁴¹ Office for National Statistics (2012) 2011 Census: Key statistics for England and Wales, March 2011, London: Office for National Statistics

⁴² Table A1.9, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice

⁴³ Table 4, Office for National Statistics (2011) Population Estimates by Ethnic Group 2002–2009, London: Office for National Statistics

⁴⁴ Hopkins, K., et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice

⁴⁵ Table A1.9, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice

⁴⁶ Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

⁴⁷ Table A1.10, Offender management statistics prison population 2016, London: Ministry of Justice

⁴⁸ House of Lords written question HL3275, 5 January 2017

⁴⁹ HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office

Older people in prison

With prison sentences getting longer, more people are growing old behind bars. People aged 60 and over are the fastest growing age group in the prison estate. There are now nearly triple the number there were 14 years ago.⁵⁰

One in six people (16%) in prison are aged 50 or over—13,257 people. Of these, 3,175 are in their 60s and a further 1,561 people are 70 or older.⁵¹

226 people in prison were aged 80 or over as of 30 September 2016. Nearly all were sentenced when they were over the age of 70.⁵²

43% of men in prison aged over 50 have been convicted of sex offences. The next highest offence category is violence against the person (22%) followed by drug offences (9%).⁵³

As the prison population ages, more people will die of natural causes whilst in prison. 164 people aged 50 or over died of natural causes whilst in prison in 2016—more than double the number a decade ago.⁵⁴

Life and indeterminate sentences

Increasing numbers of people in prison don't know if, or when, they might be released. Indeterminate sentences account for 14% of the sentenced prison population, up from 9% in 1993.⁵⁵

England and Wales have more than twice as many people serving indeterminate sentences than France, Germany and Italy combined—the highest in Europe by a significant margin.⁵⁶

10,803 people are currently in prison serving an indeterminate sentence. 7,275 people are currently in prison serving a life sentence and a further 3,528 people are serving an Indeterminate Sentence for Public Protection (IPP).⁵⁷

Despite its abolition in 2012, over four-fifths (85%) of people serving an IPP sentence are still in prison having passed their tariff expiry date—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.⁵⁸

574 people are still in prison despite being given a tariff of less than two years—nearly half of these (270 people) have served eight years or more beyond their original tariff.⁵⁹

However, the rate of release for IPP prisoners has increased sharply in the last two years. In 2016, for every 1,000 people serving an IPP sentence 144 were released.⁶⁰

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 16 years in custody, up from 13 years in 2001.⁶¹

Lifers continue to serve their sentence on release from prison for the rest of their lives. They are subject to monitoring and restrictions and can be returned to custody at any point if they break the terms of their licence.

There are currently 59 people serving a whole life sentence—they are unlikely to ever be released.⁶²

⁵⁰ Table A1.7, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice

⁵¹ Table 1.3, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

⁵² House of Lords written question HL3273, 30 November 2016

⁵³ House of Lords written question HL3278, 5 January 2017

⁵⁴ Table 1.3, Ministry of Justice (2017) Safety in custody statistics quarterly: October to December 2016, London: Ministry of Justice

⁵⁵ Table 1.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

⁵⁶ Table 7, Aebi, M., et al. (2016) Council of Europe Annual Penal Statistics, Survey 2014, Strasbourg: Council of Europe

⁵⁷ Table 1.9a, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

⁵⁸ Ibid.

⁵⁹ Table 1.9b, Ibid.

⁶⁰ Table A3.3, Ministry of Justice (2017) Offender management statistics prison releases 2016, London: Ministry of Justice and Table A1.15, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice

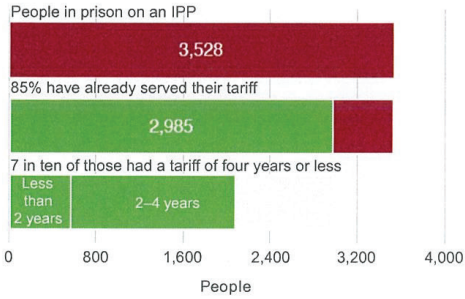
⁶¹ Table A3.3, Ministry of Justice (2017) Offender management statistics prison releases 2016, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

⁶² Table 1.9a, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

IPP prisoners

The legacy of the IPP

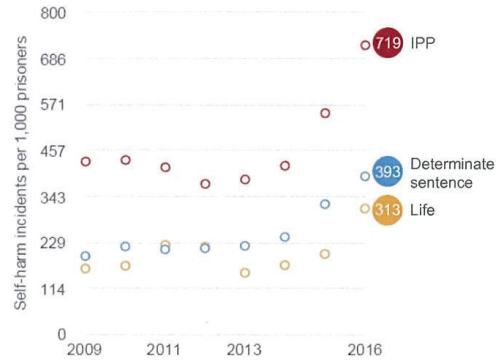
More than eight in 10 are stuck in prison beyond tariff



Source: Offender management statistics quarterly: October to December 2016

Risk of harm?

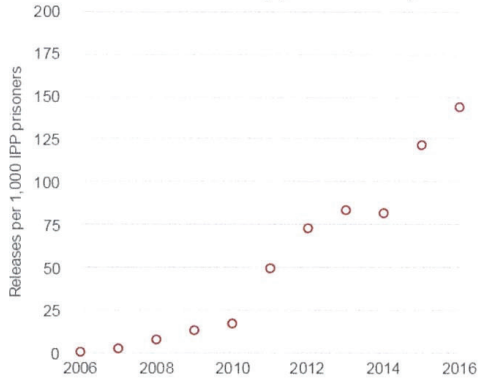
IPP prisoners are more likely to self-harm



Source: Safety in custody statistics quarterly update to December 2016 and Offender management statistics prison population 2016

Successful release

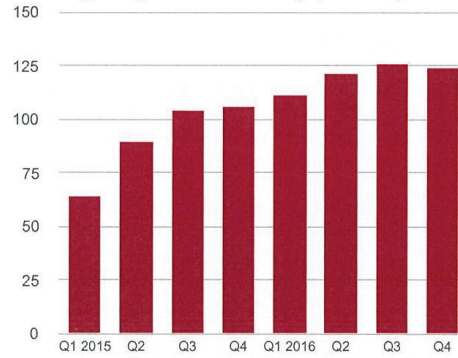
Release rates have risen sharply in the last two years



Source: Offender management statistics prison releases 2016

Recall

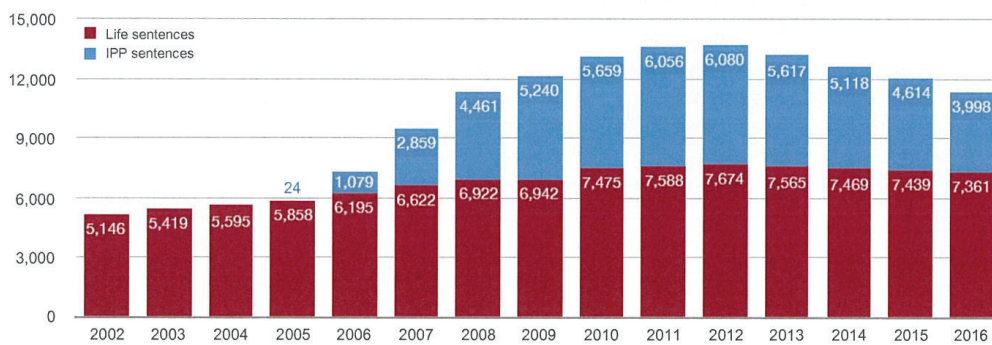
But growing numbers are ending up back in prison



Source: Offender management statistics quarterly: October to December 2016

A growing problem

Use of indeterminate sentences has risen dramatically in the last decade



Source: Offender management statistics prison population 2016

People with learning disabilities and difficulties

Nearly three in 10 people assessed in prison in 2015–16 reported that they had a learning disability or difficulty.⁶³ This is consistent with previous research.⁶⁴ However, inspectors have found that the system is failing to identify people with learning disabilities and difficulties adequately.⁶⁵

7% of people in contact with the criminal justice system have a learning disability—this compares with only 2% of the general population.⁶⁶

Four-fifths of prisoners with learning disabilities or difficulties report having problems reading prison information. They also had difficulties expressing themselves and understanding certain words.⁶⁷

Independent inspectors found that “little thought was given to the need to adapt regimes to meet the needs of prisoners with learning disabilities who may find understanding and following prison routines very difficult.”⁶⁸

Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule; they are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.⁶⁹

The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.⁷⁰

There is 53% population coverage of liaison and diversion services across England, which will rise to 75% by 2018. The previous Conservative government committed to full roll out of services by 2020–21, subject to evaluation.⁷¹

Foreign nationals in prison

The term ‘foreign national prisoner’ encompasses many different people. They may have come to the UK as children with parents, or be second generation immigrants; they may be asylum seekers or been given indefinite leave to remain as a refugee; they could be European nationals; those who have entered the UK illegally or were in the UK as students, visitors or workers who have got involved in the criminal justice system.

Foreign nationals (non-UK passport holders) currently make up 11% of the prison population in England and Wales. On 31 March 2017 there were 9,791 foreign nationals in prison.⁷²

Foreign national prisoners come from 169 countries—but over half are from nine countries (Poland, Ireland, Albania, Romania, Jamaica, Lithuania, Pakistan, India and Somalia).⁷³

Three-quarters of foreign nationals entering prison to serve a sentence in 2015 were sent there for non-violent offences.⁷⁴

11% of women in prison are foreign nationals.⁷⁵ Some are known to have been coerced or trafficked into offending.⁷⁶

More than 36,000 foreign national offenders have been removed from the UK since 2010. 5,705 of these were removed in 2016.⁷⁷

484 people were still held in prison as of 9 January 2017 under immigration powers, despite having completed their custodial sentence.⁷⁸

⁶³ Skills Funding Agency (2016) OLASS English and maths assessments: participation 2015/16. London: SFA

⁶⁴ Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs. London: Prison Reform Trust

⁶⁵ Criminal Justice Joint Inspection (2015) A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system - phase two in custody and the community. London: HM Inspectorate of Prisons

⁶⁶ NHS England (2016) Strategic direction for health services in the justice system: 2016–2020. London: NHS England

⁶⁷ Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties. London: Prison Reform Trust

⁶⁸ Criminal Justice Joint Inspection (2015) A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system - phase two in custody and the community. London: HM Inspectorate of Prisons

⁶⁹ Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties. London: Prison Reform Trust

⁷⁰ Department of Health website, accessed on 5 May 2017, available at <https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>

⁷¹ Ibid.

⁷² Table 1.7, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016. London: Ministry of Justice

⁷³ Ibid.

⁷⁴ House of Commons written question 36554, 11 May 2016

⁷⁵ Table 1.7, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016. London: Ministry of Justice

⁷⁶ Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women. Cambridge: University of Cambridge

⁷⁷ Table r_t_06_q, Home Office (2017), Immigration statistics October to December 2016. London: Home Office

⁷⁸ Home Office (2017), Immigration statistics October to December 2016. London: Home Office

Women in prison

The number of women in prison has more than doubled since 1993. There are now nearly 2,300 more women in prison today than there were in 1993.⁷⁹

On 16 June 2017 there were 3,994 women in prison in England and Wales.⁸⁰

8,447 women were sent to prison in the year to December 2016, either on remand or to serve a sentence.⁸¹

Most women entering prison under sentence (84%) have committed a non-violent offence.⁸²

Theft offences accounted for nearly half (48%) of all custodial sentences given to women in 2016.⁸³

As a result, most women entering prison serve very short sentences. 70% of sentenced women entering prison in the year to December 2016 were serving six months or less.⁸⁴ This has grown significantly since 1993 when only a third of women were given these very short sentences.⁸⁵

53% of women in prison reported experiencing emotional, physical or sexual abuse as a child, compared to 27% of men.⁸⁶

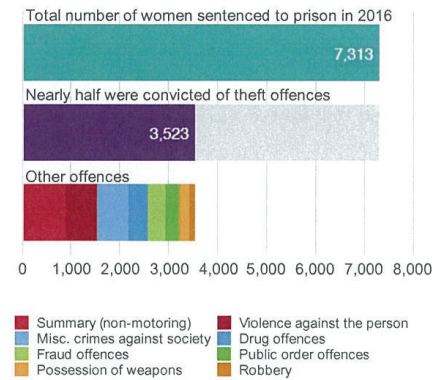
There were 12 self-inflicted deaths of women in prisons in England and Wales in 2016, the highest number since 2004, the year before Baroness Corston was commissioned to review the sharp rise in female deaths in custody.⁸⁷ The recent significant and rapid increase in women's deaths in prison is under investigation.⁸⁸

Women make up only

5%

of the total prison population at any one time

This is because they tend to commit less serious offences...



Source: Criminal justice statistics quarterly December 2016

But

10%

of people sent to prison each year are women

...and so many serve custodial sentences of 12 months or less



Source: Offender management statistics annual tables 2016

79 Table A1.2, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice and Table 1.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

80 Ministry of Justice (2017) Population and capacity briefing for 16 June 2017, London: Ministry of Justice

81 Table 2.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

82 Table 2.4b, Ibid.

83 Ministry of Justice (2017) Criminal justice statistics quarterly December 2016, Sentencing data tool, London: Ministry of Justice

84 Table 2.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice

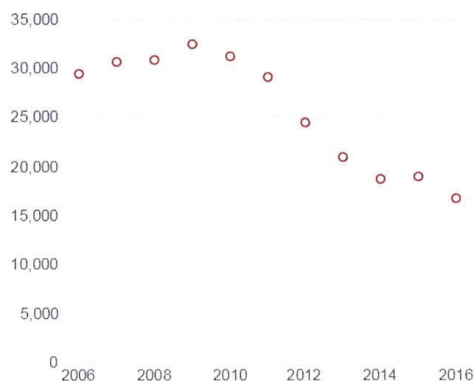
85 Heddeman, C. (2012) Empty cells or empty words, government policy on reducing the number of women going to prison, London: Criminal Justice Alliance

86 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

87 Table 1.2, Ministry of Justice (2017) Safety in custody quarterly update to December 2016, London: Ministry of Justice

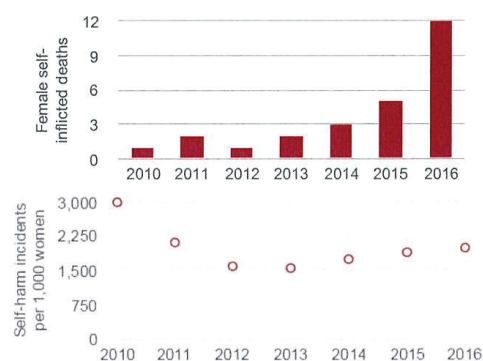
88 Independent Advisory Panel on Deaths in Custody (2017) Preventing the deaths of women in prison—initial results of a rapid information gathering exercise by the Independent Advisory Panel on Deaths in Custody, London: IAP

Despite this, the number of community sentences for women has fallen by nearly half in the last decade



Source: Criminal Justice statistics quarterly December 2016

Many women in prison have high levels of mental health needs and histories of abuse, and there have been rises in self-inflicted deaths and self-harm



Source: Safety in custody statistics quarterly update to March 2017

Children and young adults in prison

The number of children (under-18s) in custody has fallen by 70% in the last decade.⁸⁹ They are also committing fewer crimes—with proven offences down by 74% from their peak in 2006.⁹⁰

858 children in custody were in England and Wales at the end of March 2017. 42 children were aged 14 or younger.⁹¹

Nearly a third of children in custody in 2015–16 were there for non-violent crimes.⁹²

Fewer than 1% of all children in England are in care,⁹³ but they make up nearly two-fifths of children in secure training centres (39%) and young offender institutions (37%).⁹⁴

More than two in every five children in custody (43%) are from a black or minority ethnic background. The drop in youth custody has not been as significant for black or minority ethnic children—a decade ago they accounted for a quarter (24%).⁹⁵

Nearly half of children (46%) in young offender institutions said they had felt unsafe at some point, the highest figure ever recorded by inspectors. Inspectors found that for too many children in custody, violence, bullying and intimidation are a regular feature of life.⁹⁶

Assault rates amongst children in custody continue to rise, with an average of 245 assaults a month. There were 19 assaults per 100 children in custody in the year to March 2016, up from nine in 2010.⁹⁷

Use of restraint on children in custody remains high, with an average of 360 restraint incidents a month. In the year to March 2016, there were 28 incidents of restraint per 100 children in custody, up from 18 in 2010.⁹⁸

87 incidents required medical treatment as a result of restraint in 2016—three of these required a child to be sent to hospital.⁹⁹

⁸⁹ Table 1, Youth Justice Board (2017) Monthly youth custody report—March 2017, London: Youth Justice Board

⁹⁰ Table 4.2, Ministry of Justice (2017) Youth Justice Statistics 2015–16, London: Ministry of Justice

⁹¹ Table 1 and 8, Youth Justice Board (2017) Monthly youth custody report—March 2017, London: Youth Justice Board

⁹² Table 7.5, Ministry of Justice (2017) Youth Justice Statistics 2015–16, London: Ministry of Justice

⁹³ Department for Education (2015) Children looked after in England year ending 31 March 2015, London: DfE and Table MYE2, Office for National Statistics (2016) Population Estimates for UK, England and Wales, Scotland and Northern Ireland, mid-2014, London: ONS

⁹⁴ Appendix A2 and B2, HM Inspectorate of Prisons (2016) Children in custody 2015–16, London: HM Stationery Office

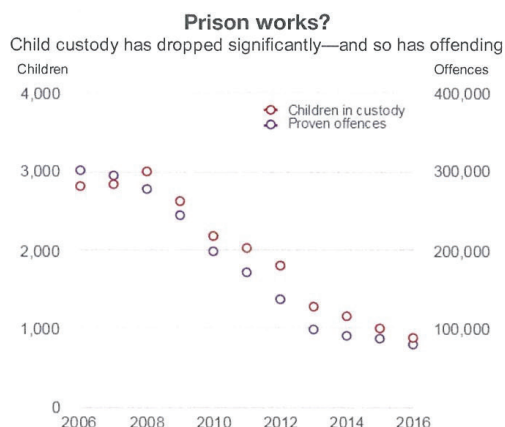
⁹⁵ Table 1 and 6, Youth Justice Board (2017) Monthly youth custody report—March 2017, London: Youth Justice Board

⁹⁶ HM Inspectorate of Prisons (2016) Children in Custody 2015–16, London: HM Stationery Office

⁹⁷ Table 8.3, Ministry of Justice (2017) Youth Justice Statistics 2015–16, London: Ministry of Justice and Youth justice statistics 2014 to 2015

⁹⁸ Ibid.

⁹⁹ Table 8.8, Ibid.



Sources: Youth Justice Board Monthly youth custody report March 2017 and Youth Justice Statistics 2015-16



Source: Youth justice statistics 2015 to 2016

More than two-fifths (42%) of Muslim children in YOIs said that they had been victimised by staff. This compared to fewer than one-in-three (29%) non-Muslims.¹⁰⁰

14,932 young adults (aged 18–24) are currently in prison in England and Wales—they account for 17% of the total prison population.¹⁰¹

There are now a third fewer young adults (aged 18–24) in prison in England and Wales than in 2011.¹⁰²

Despite this welcome reduction, the prisons inspectorate has cautioned that those who remain in custody are “some of the most vulnerable, troubled young adults”.¹⁰³

The minimum age that a person can be prosecuted in a criminal trial in England, Wales and Northern Ireland is 10 years. This compares to 12 years in Canada, 13 years in France, 14 years in Germany and China, and 15 years in Sweden. In Scotland the age of criminal responsibility is eight years, but the minimum age for prosecution is 12.¹⁰⁴

Mental health in prison

26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.¹⁰⁵

25% of women and 15% of men in prison reported symptoms indicative of psychosis.¹⁰⁶ The rate among the general public is about 4%.¹⁰⁷

Suicide rates are significantly higher in custody than amongst the general population. In 2015 the rate of self-inflicted deaths amongst the prison population was 120 per 100,000 people, amongst the general population it is 10.8 per 100,000 people.¹⁰⁸

70% of people who died from self-inflicted means whilst in prison had already been identified with mental health needs. However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.¹⁰⁹

100 Appendix B6, HM Inspectorate of Prisons (2016) Children in custody 2015–16, London: HM Stationery Office
 101 Table 1.3, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice
 102 Ibid. and Table A1.7, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice
 103 HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office
 104 Jacobson, J. and Talbot, J. (2009) Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children, London: Prison Reform Trust; and <http://www.scotland.gov.uk/News/Releases/2009/03/27140804>
 105 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
 106 Ibid.
 107 Wiles, N., et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519-526
 108 Table 2, Ibid. and Office for National Statistics (2016) Suicides in the United Kingdom, 2014 Registrations, Newport: Office for National Statistics
 109 Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

The PPO's investigation found that nearly one in five of those diagnosed with a mental health problem received no care from a mental health professional in prison.¹¹⁰

The PPO also found that no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified.¹¹¹

Nearly three-quarters (73%) of transfers from prison to secure hospitals under the Mental Health Act in the last year took longer than the Department of Health's expectation of 14 days.¹¹²

Less than one per cent of community sentences given in 2015 included a mental health treatment requirement—this has remained unchanged for the last five years.¹¹³

Rehabilitation and resettlement

Reoffending

Prison has a poor record for reducing reoffending—44% of adults are reconvicted within one year of release. For those serving sentences of less than 12 months this increases to 59%.¹¹⁴

48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences.¹¹⁵

Nearly seven in 10 children (69%) sent to prison are reconvicted within a year of release—this rises to 78% for those serving sentences of less than six months.¹¹⁶

Short prison sentences are less effective than community sentences at reducing reoffending. People serving prison sentences of less than 12 months had a reoffending rate seven percentage points higher than similar offenders serving a community sentence—they also committed more crimes.¹¹⁷

Reoffending by all recent ex-prisoners costs the economy between £9.5 and £13 billion annually. As much as three quarters of this cost can be attributed to former short-sentenced prisoners: some £7–10bn a year.¹¹⁸

Purposeful activity

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison.

Fewer than half (44%) of prisons received a positive rating from inspectors in 2015–16 for purposeful activity work.¹¹⁹

Over half (57%) of people entering prison were assessed as having literacy skills expected of an 11 year old¹²⁰—over three times higher than in the general adult population (15%).¹²¹

94,700 adults in the prison system participated in education in the 2015–16 academic year—a decrease of nearly seven per cent on 2014–15.¹²²

The number of qualifications achieved at level 1 or 2 (GCSE equivalent) has plummeted, falling by 38% in English and 35% in Maths between the 2011–12 and 2015–16 academic years.¹²³

Despite this, 11,300 people achieved a full level 2 qualification, the equivalent to 5 GCSEs, in the 2015–16 academic year via mainstream prison learning—more than five times as many as in 2011–12.¹²⁴

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² House of Commons written question 62839, 7 February 2017 and House of Commons written question 45018, 8 September 2016

¹¹³ House of Commons written question 67348, 29 March 2017

¹¹⁴ Tables C1a and C2a, Ministry of Justice (2017) Proven reoffending statistics: July 2014 to June 2015, London: Ministry of Justice

¹¹⁵ Table 6.07, 6.09 and 6.10, Ministry of Justice (2016) Women and the criminal Justice system 2015, London: Ministry of Justice

¹¹⁶ Table C1b and Index disposal tool, Ministry of Justice (2016) Proven reoffending statistics quarterly: January to December 2014, London: Ministry of Justice

¹¹⁷ Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice

¹¹⁸ National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office

¹¹⁹ HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office

¹²⁰ Skills Funding Agency (2016) OLASS English and maths assessments: participation 2015/16, London: SFA

¹²¹ Figure 1.1, Department for Business Innovation and Skills (2012) The 2011 Skills for Life Survey: A Survey of Literacy, Numeracy and ICT Levels in England, London: BIS

¹²² Table 10.1, Skills Funding Agency (2017) Further education and skills: March 2017, London: SFA

¹²³ Skills Funding Agency (2016) FE data library—DLASS: participation and achievement by equality and diversity & English and maths level: 2010/11 to 2015/16, London: SFA

¹²⁴ Table 10.2, Skills Funding Agency (2017) Further education and skills: March 2017, London: SFA

However, only 300 people achieved a level 3 qualification (AS and A Level equivalent) in the 2015–16 academic year via mainstream prison learning—a quarter of the number in 2011–12.¹²⁵

Engagement with education can reduce reoffending. The Ministry of Justice found that one year reoffending rates were a quarter lower (six to eight percentage points) for people who received support from Prisoners’ Education Trust for educational courses or learning materials compared to those in a matched group who did not.¹²⁶

An average of 9,300 prisoners are working in the public prison estate, and a further 1,700 are working in private prisons. They worked for a total of 16 million hours in 2015–16.¹²⁷

Inspectors found that in too many prisons, work remains mundane, repetitive and is rarely linked to resettlement objectives. The skills that people had developed whilst in prison often went unrecorded and so failed to help their employment prospects on release.¹²⁸

A Ministry of Justice survey of prisoners found that only 53% reported having had paid work in prison. Nearly one in three worked as cleaners.¹²⁹

Prisoners who attend vocational training in prison are more likely to secure employment shortly after release¹³⁰—a view endorsed by Ofsted.¹³¹

Release on temporary licence

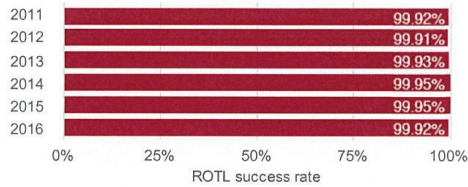
Release on temporary licence (ROTL) can play an important part in helping people to prepare for release, particularly those who are serving long sentences. Following a full risk assessment, it allows people to take responsibility, and reconnect with the world they will be released in.

In

99.92%

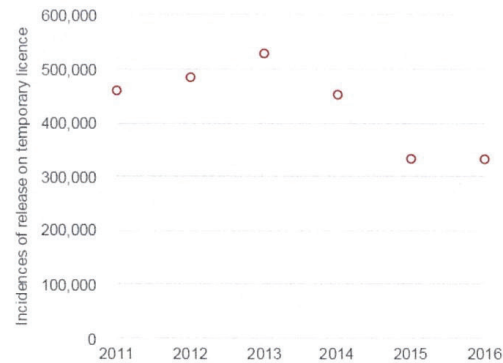
of cases ROTL is completed successfully.

ROTL has had a consistently high success rate



Source: Offender management statistics quarterly: October to December 2016

Despite this, new restrictions on ROTL have seen a drop of nearly 40% in the last three years.



Source: Offender management statistics annual tables 2016

In nearly three-quarters of resettlement prisons between 2013 and 2015 use of ROTL was either nonexistent or negligible.¹³²

During 2015–16, there were a total of 1,467 people, on average only 335 per month, working out of the prison on licence.¹³³

They paid £247 per month on average to the Prisoners’ Earnings Act levy—the equivalent of nearly 30% of their net earnings.¹³⁴

¹²⁵ Ibid.
¹²⁶ Ministry of Justice (2015) Justice Data Lab Re-offending Analysis: Prisoners’ Education Trust, London: Ministry of Justice
¹²⁷ Table 5 and 6, Ministry of Justice (2016) Prison performance statistics 2015 to 2016, London: Ministry of Justice
¹²⁸ HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office
¹²⁹ Hopkins, K., and Brunton-Smith, I. (2014) Prisoners’ experience of prison and outcomes on release: Waves 2 and 3 of SPCR, London: Ministry of Justice
¹³⁰ Brunton-Smith, I. and Hopkins, K. (2014) The impact of experience in prison on the employment status of longer-sentenced prisoners after release, London: Ministry of Justice
¹³¹ Ofsted (2014) The report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2013/14: Further education and skills, London: The Stationery Office
¹³² House of Lords written question HL3128, 16 November 2015 and NOMS population and capacity briefings
¹³³ Ministry of Justice (2016) Prison performance statistics 2015 to 2016, London: Ministry of Justice
¹³⁴ Ibid.

Resettlement

For many, having a criminal conviction is a barrier to leading a law-abiding life on release. The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs.

Only one in four people (27%) had a job to go to on release from prison.¹³⁵

One in five employers (19%) said they excluded or were likely to exclude them from the recruitment process.¹³⁶

However, 78 employers so far, including the entire Civil Service, have signed up to Ban the Box— removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.¹³⁷

Just 19% of people leaving prison and referred to the Work Programme have found a job which they have held for six months or more.¹³⁸ Of these, nearly two in five people (38%) have subsequently gone back to Jobcentre Plus.¹³⁹

Entitlement to housing benefit stops for all sentenced prisoners expected to be in prison for more than 13 weeks. This means that many prisoners have very little chance of keeping their tenancy open until the end of their sentence and lose their housing.

11% of people released from custody in 2014–15 had no settled accommodation.¹⁴⁰ Inspectors have said that the figures are “misleading” as “they do not take into account the suitability or sustainability of the accommodation.”¹⁴¹

Almost three-quarters of prisoners surveyed said finance, benefits and debt were a very significant need on release—second only to accommodation.¹⁴²

More than four in five former prisoners surveyed said their conviction made it harder to get insurance and four-fifths said that when they did get insurance, they were charged more. The inability to obtain insurance can prevent access to many forms of employment or self-employment.¹⁴³

¹³⁵ Table 8, Ministry of Justice (2015) National Offender Management Service annual report 2014/15: Management Information Addendum, London: Ministry of Justice

¹³⁶ Chartered Institute of Personnel and Development (2010) Disadvantaged Groups in the Labour Market, London: CIPD

¹³⁷ Business in the Community website, accessed on 16 May 2017, available at <http://www.bitc.org.uk/programmes/ban-box/who-has-banned-box-0>

¹³⁸ Table 2.8, Department for Work and Pensions (2016) Work programme official statistics to December 2016, London: DWP

¹³⁹ Department for Work and Pensions, Stat-Xplore website, accessed on 15 May 2017, available at <https://stat-xplore.dwp.gov.uk/>

¹⁴⁰ Table 10, Ministry of Justice (2015) NOMS Annual Report 2014/15: Management Information Addendum, London: Ministry of Justice

¹⁴¹ Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HMIP

¹⁴² Figure C.5, Meadows, L. et al (2010) Investigating the Prisoner Finance Gap across four prisons in the North East, London: DWP

¹⁴³ Bath, C., and Edgar, K. (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

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This briefing is also available as an app—search for Prison: the facts

The Prison Reform Trust is grateful to the Bromley Trust for kindly supporting the production of this briefing and the more detailed Bromley Briefings Prison Factfile. Next edition due Autumn 2017.

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What is going wrong with the prison system?



Danny Shaw
Home affairs correspondent
@DannyShawBBC

26 January 2017

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PA

What is going wrong with the prison system? - BBC News

<http://www.bbc.com/news/uk-38596034>



Levels of violence are up, staff numbers are down and complaints about overcrowding are widespread. Why are prisons in England and Wales under pressure?

"There's an incident at height - the prison's in lockdown."

I was in the gate-lodge at High Down Prison in Surrey when a message came through from the governor.

BBC Special Report: Prisons under pressure

The Ministry of Justice - which controls prisons in England and Wales - had, unusually, granted permission for me to visit a jail for a **radio documentary about prison violence.**



High Down prison in Surrey

They had chosen High Down, a prison built on the site of an old mental hospital and now home to 1,100 male inmates.

I waited in the visitors centre worried my visit might be cancelled, but half an hour later the incident had been resolved.

Serious assaults in prisons in England and Wales



Source: Ministry of Justice (Data for 12 months to March)

Ian Bickers, the High Down governor at the time of my visit in December 2014, brushed aside what had happened. A prisoner had clambered on to the safety netting under a landing because he was unhappy with the regime and wanted to move to another jail.

Mr Bickers explained that prisoner protests were a common occurrence, but required adept handling.

At that stage, High Down was on the edge of instability. Since then, a number of jails in England and Wales have fallen over the edge.



What is going wrong with the prison system? - BBC News

<http://www.bbc.com/news/uk-38596034>



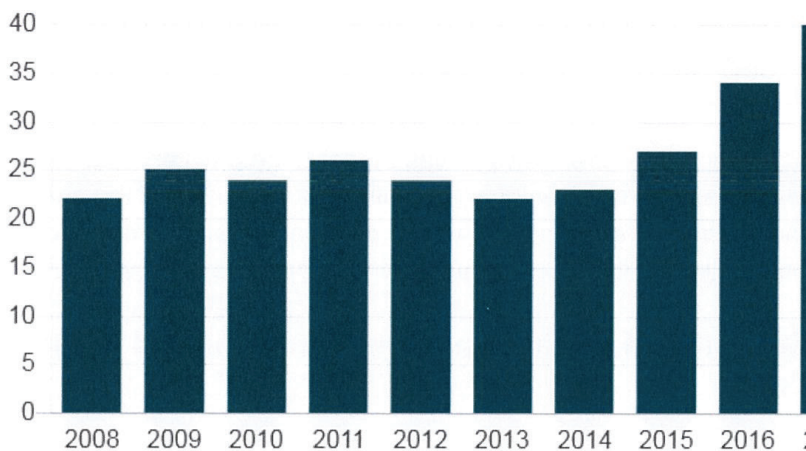
The footage is understood to have been filmed by inmates of HMP Birmingham

The recent disturbances at Lewes, Bedford, Birmingham and Swaleside prisons; the fatal stabbing of an inmate at Pentonville, followed by the escape of two of its prisoners; and the **record number of prisoner suicides** and assaults on staff all provide concrete evidence of the turmoil behind bars.

In 2015, in his last annual report as Chief Inspector of Prisons, Nick Hardwick said jails were in their worst state for a decade.

Last year, David Cameron, in one of his final domestic policy speeches as prime minister, **said reoffending rates and levels of prison violence, drug-taking and self-harm "should shame us all"**.

Self-harm incidents in prisons in England and Wales



Source: Ministry of Justice (Data for 12 months to March)

Even Liz Truss, who as justice secretary has overall responsibility for prisons, acknowledges that they're "not working" and are under "serious and sustained pressure".

There have always been problems. For many years, internal reports painted a picture of daily outbreaks of violence, cell fires and self-harm across the prisons estate.

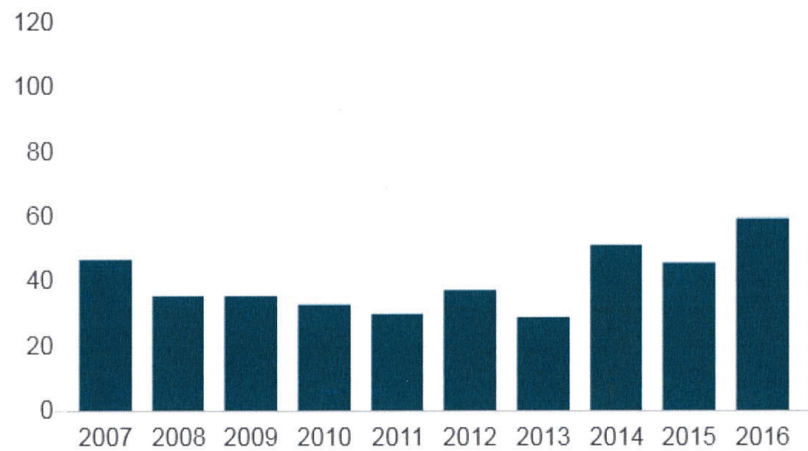


The aftermath of the 1990 Strangeways Prison riot

The worst disorder in the history of the prison service came in 1990 when two people died and hundreds were injured during rioting at Strangeways, in Manchester. It evolved into a 25-day protest against the squalid conditions and was followed by disturbances at eight other prisons.

The report into Strangeways was meant to be a watershed. It did lead to some improvements, including the beginning of the end of the practice of slopping out, where prisoners used chamber pots in their cells, but it did not herald an end to prison overcrowding.

Self-inflicted deaths in prisons in England and Wales



Source: Ministry of Justice (Data for 12 months to June. Includes pre-inquest cases)

Numbers

The principal reason is numbers. England and Wales **went from almost 45,000 prisoners in 1991 to 85,000 two decades later** - an increase of nearly 90%.

Justice and policing are devolved matters for Scotland and Northern Ireland. There has been nothing like the same rise in the jail population in Scotland, where the latest figure, around 7,200, is the lowest it has been for a decade. In Northern Ireland, there are some 1,500 people in custody, about 300 fewer than in the mid-1990s.

GETTY IMAGES

So why did numbers rise so steeply in England and Wales? Some lobby groups and criminologists point to a "moral panic" following the murder in 1993 of the toddler James Bulger.

Experts describe a sentencing "arms race" between political parties vying to be the strongest on law and order. Former Conservative leader Michael Howard's "prison works" versus former Labour Prime Minister Tony Blair's "tough on crime, tough on the causes of crime".



Inside Wandsworth Prison: Trashed cells, hooch and legal highs

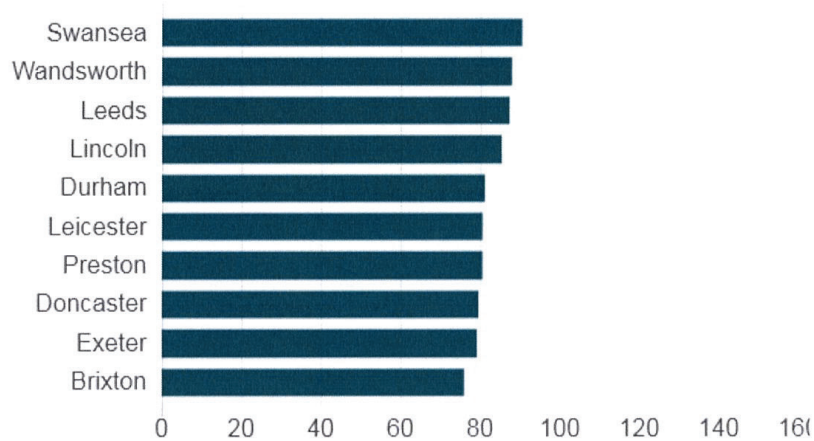
Whatever the reasons, average sentence lengths have crept up, **more offenders have been jailed for life or indeterminate terms** and growing numbers of released prisoners have had to

return to custody for breaching their licence conditions.

New jails have been built, but have not kept up with demand. The Prison Reform Trust (PRT) calculates that an average of 20,000 prisoners, almost a quarter of the total, are held in overcrowded conditions. Many share cells designed for one.

Top ten most overcrowded prisons in England and Wales

Proportion of recommended accommodation level prison is at (%)



Source: Ministry of Justice (June 2017)

At times, when Labour was in power, there was so little spare capacity that cells at police stations and in court buildings were used to hold inmates. To ease the pressure, a scheme was introduced to let prisoners out up to 18 days before their standard release date, halfway through their sentence. Eighty-thousand inmates were freed under the scheme - in addition to those released early under an existing programme which required them to wear electronic tags.

Overcrowding has a corrosive effect. It is, in the words of Strangeways report author Lord Woolf, "a cancer eating at the ability of the prison service" to deliver effective education, tackle offending behaviour and prepare prisoners for life on the outside.

Cost-cutting

When the Coalition Government came to power in 2010 it began to look for savings, as part of its effort to reduce overall public spending. Five years later the **National Offender Management Service** (NOMS), which is responsible for prisons in England and Wales, had reduced its budget by nearly a quarter.

GETTY IMAGES

Wandsworth Prison is one of the country's most overcrowded

Old jails that were expensive to operate were shut - 18 have closed since 2011.

But the other tactic in the efficiency drive has been a programme of "benchmarking".

Publicly run jails are required to peg their costs to the same level as the most efficient prisons, including those in the private sector.

Fourteen jails in England and Wales, and two out of 15 prisons in Scotland, are operated by private firms - G4S, Serco and Sodexo. And benchmarking has certainly led to savings. The Ministry of Justice estimates that the average annual cost of a prison place fell by 20% between 2009-10 and 2015-16 to about £35,000.

The 'core day'

Benchmarking has involved major changes to the regime in prisons and cuts to staffing. A standardised "core day" has been introduced in some jails, with the aim of making the most of prisoners' time out of their cells and giving them certainty about what activities they are doing.

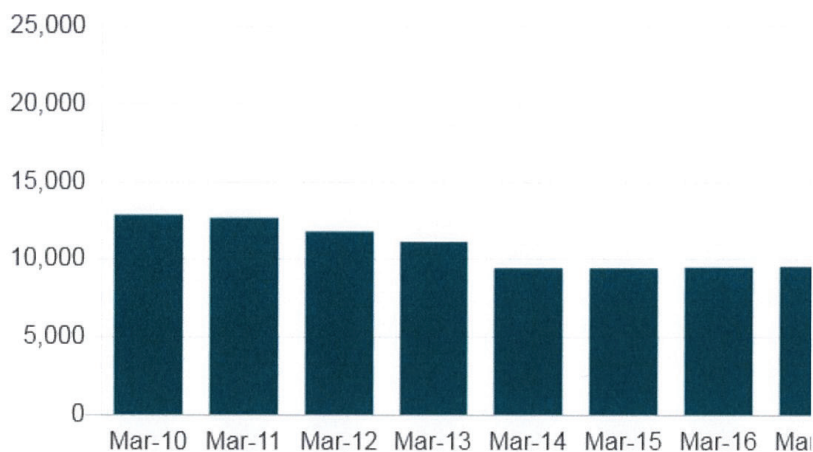
But the Chief Inspector of Prisons, Peter Clarke, said jails which had brought in the new core days had not increased the amount of prisoners' time spent unlocked. Under half of jails were assessed as delivering "good" or "reasonably good" purposeful activities compared with more than two-thirds in 2009-10.

Fewer staff

With the benchmarking programme and other cost-cutting, there was a dramatic reduction in staff numbers. Posts were cut in the Northern Ireland Prison Service as well, but in Scotland staff numbers have risen.

Prison officer numbers

Band 3-5 full-time equivalent, England and Wales



Source: Ministry of Justice. Note: Band 3-5 includes frontline officers and custodial managers

The overall number of staff employed across the public sector prison estate in England and Wales has fallen from 45,000 in 2010 to just under 31,000 in September 2016. Although a small part of the reduction has been because of employees switching to jails transferred to the private sector, the decline is substantial by any measure, with the number of prison officers working in key front-line roles down by more than 6,000.

The jobs market in areas such as London and south-east England has been so competitive that prisons have found it hard to attract and retain replacements on a £20,500 starting salary. Many experienced prison officers have taken voluntary redundancy - with their know-how and jail-craft sorely missed. About 200 staff each month are brought in from other jails to work at prisons where vacancies cannot be filled.

Last November, members of the Prison Officers Association took part in a **24-hour walkout** in protest at what they said were the "chronic staff shortages and impoverished regimes" in jails which they claimed had resulted in staff no longer being safe.

'Legal highs'

What is going wrong with the prison system? - BBC News

<http://www.bbc.com/news/uk-38596034>

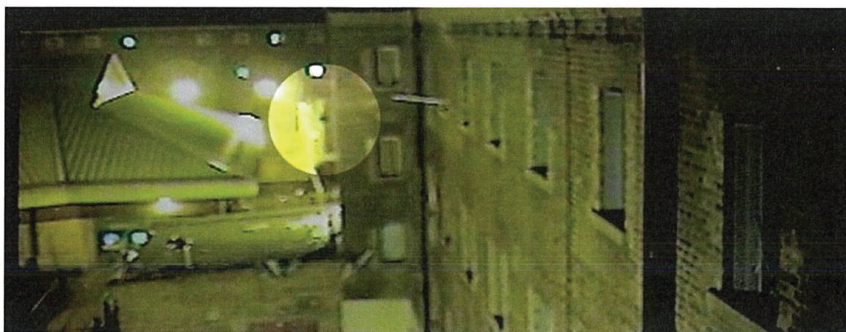
As thousands of prison staff departed, a seemingly intractable drugs problem began to arrive in jails - "legal highs", also known as new psychoactive substances (NPS). Sold under names such as Spice and Black Mamba, by 2013 the synthetic cannabis compounds had become a major problem. In contrast, Scottish prisons have had no record of any seizures of the drug.

EPA

Synthetic drugs are becoming an increasing problem in England's prisons

The health dangers, bizarre behaviour and violence associated with NPS led to them being banned in the UK last year. In prisons, they have proved to be an unpredictable, and occasionally lethal, alternative to cannabis. Between June 2013 and April 2016, the Prisons and Probation Ombudsman identified 64 deaths in jail where the prisoner was known or strongly suspected to have used or possessed NPS before they died.

Despite the dangers, these synthetic drugs are popular because they are hard to detect using conventional drug testing methods and they provide a diversion to the boredom and frustration of prison life. The drugs are a source of income for criminal gangs whose illicit use of phones and drones, combined with the help of a number of corrupt staff, has helped the trade thrive behind bars.



Watch a drone deliver drugs and mobile phones to London prisoners in April 2016

The destabilising impact of synthetic drugs, together with the loss of so many staff in such a short space of time, against a backdrop of overcrowding, has proved to be a dangerous cocktail for our prisons.

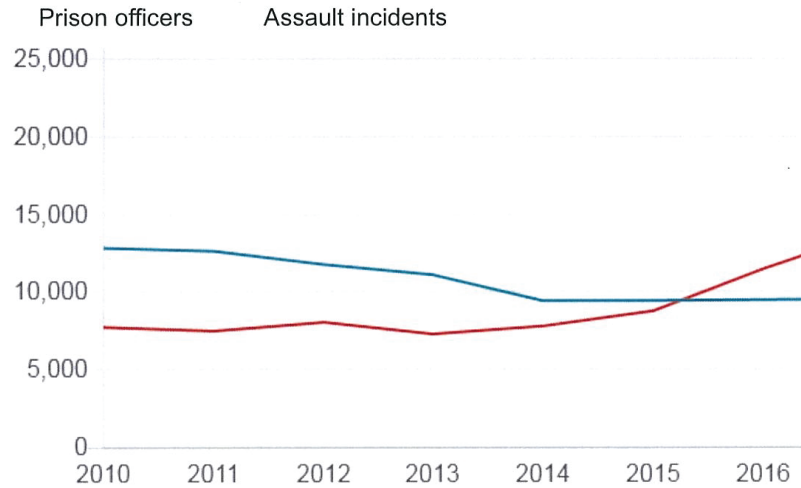
The government's policy document, entitled **Prison Safety and Reform**, published in November, acknowledges the scale of the challenge. An extra 2,500 prison officers are being recruited, there will be financial incentives for staff to stay in their jobs, while sniffer dogs and new methods of drug testing are being deployed.

Labour said the announcement was "too little, too late", saying earlier staff cuts had created a "crisis in safety".

And there are calls for far more radical measures.

Decrease in prison workforce and rise in violence

Number of assaults in 12-month period vs number of staff



Source: Ministry of Justice (Assaults data for 12 months to March, prison officer numbers at March)

Nick Clegg, deputy prime minister in the Coalition, together with the former Home Secretaries Jacqui Smith and Ken Clarke, said prisoner numbers must be steadily cut back to the levels of the early 90s, a reduction of some 40,000 inmates. "We believe that an escalating prison population has gone well beyond what is safe or sustainable," they wrote in a letter to the Times.

There are no signs, however, that Liz Truss, the justice secretary, has any intention of arbitrarily cutting the jail population. Sentencing changes and early release schemes are simply not on her agenda.

PA

Justice Secretary Liz Truss wants to cut prisoner numbers by reducing reoffending

Michael Spurr, the chief executive of NOMS, has even gone as far as to say that he cannot see an end to prison overcrowding until at least after the next parliament - 2025, at the earliest.

Instead, Ms Truss believes that any drop in prisoner numbers should come through a reduction in reoffending - fewer people going through the revolving door of the criminal justice system.

She is hoping that extra staff and security improvements will steady the ship while longer-term changes to the management of prisons take effect. Governors will have greater autonomy, there will be closer monitoring of prison performance and education and investment in modern facilities.

HMP Berwyn in north Wales will be the UK's biggest prison

A new jail, HMP Berwyn, opens in north Wales next month. It has cost £250m to build and will house more than 2,000 male prisoners - making it the biggest prison in the UK.

The extra places will help relieve some of the pressure on a

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system that still relies heavily on jails constructed in the Victorian era. But more important, Berwyn sends a clear message that in spite of all the recent trouble, tensions and turmoil within prison walls, the government remains committed to the concept of imprisonment itself.

UPDATE: The graphs in this piece were updated on 2 August to reflect new figures published

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