



27 June 2024

Janis Adair
Chief Inspector
Department of Corrections

By email: janis.adair@corrections.govt.nz

Tēnā koe Janis

Separation and Isolation Thematic Report

I am writing to give you an update on Corrections' response to the above report.

Since our last update in December, as you know, Corrections has undergone a significant restructure as part of The Pathway Forward: Te Ara Whakamua. This organisational change is designed to grow our capability, enhance how we deliver our services, and support us to deliver on our aspirations for a more effective and efficient Corrections system.

We previously advised you the Review Response Team would develop a long-term, system wide plan for enduring change in the first few months of this year, with a view to sharing a draft with your office. In the intervening period the team has undergone several staff changes, periods of absence, and a move to a different part of the organisation. This has diminished our ability to create a plan within the expected timeline.

Our Executive Leadership Team has now approved the reallocation of responsibility for responding to the recommendations in your report to new owners under the new structure. Consequently, the remaining full time staff member in the team has been focussed on transitioning this work ahead of the dissolution of the Review Response team on 30 June 2024. In recognition of the complexity and importance of this work, the report is now jointly owned by two members of the executive team, the Deputy Chief Executive Pae Ora and the Commissioner Custodial Services, with new recommendation owners across the organisation.

The Review Response Team has also been working with other parts of the business to explore more effective approaches to respond to, deliver, and oversee responses to monitoring entity report recommendations. This is essential for complex systemic and thematic reports like this one. Working more collaboratively, streamlining our processes, and taking more proactive steps to assess, prioritise and integrate recommendations into our work plans, will support us to respond more effectively and commit to work aligned with our key organisational outcomes.

In the meantime, we have made some progress against your seven overarching recommendations.

On 16 April, the Review Response Team led a Separation and Isolation workshop with representatives across National Office. The workshop explored attendees' knowledge of our segregation processes, local and international perspectives on segregation and its effects, discussion on themes, recommendations, and areas of consideration in the report and those identified through engagement with staff across the Department. The workshop emphasised the importance and complexity of the work needed to address the findings in your report and improve our practices.

The team also undertook a gap analysis in relation to both the themes identified from speaking to stakeholders and the recommendations and considerations from the report. We looked at current programmes of work that may contribute towards improvements in the segregation space and where there is no identified work underway. This document, along with other work and information generated and collated by the team, has been passed to the new recommendation owners to inform future developments.

Legislative policy work to consider amendments to the Corrections Act 2004 and Corrections Regulations 2005 continues.

Training and support

To support frontline staff in relation to legislation and practice expectations for managing separation, we are continuing to develop tools and guidance and deliver educational sessions. These include:

- A flowchart setting out how to determine the correct placement for someone who is separated on a health segregation direction or is at-risk.
- A presentation by the Health Quality and Practice and Legal team on separation and isolation legislative obligations at the Health Centre Managers forum on 29 May 2024.
- Speaking sessions at the monthly Custodial Systems Manager network meetings. The Director Custodial Operations and the Chief Custodial Officer attended the April and May meetings respectively, to speak about segregation directions and documentation, and management plans. The Review Response Team has conducted a survey with Custodial Systems Managers, seeking input about training needs to inform future planning in this area.
- Our Mental Health Quality and Practice team, alongside Health Quality and Practice and the Organisational Resilience and Safety team, are in the process of developing segregation management plans and care plans for Section 60 Segregation for medical oversight. The Mental Health Quality and Practice Team are also in the process of developing a daily review process for people placed in Intervention and Support Units (ISUs) which aims to ensure people are not placed in these units for longer than they need to be.

IOMS

High-level requirements for the project to introduce segregation, at risk, and use of force processes into IOMS have been approved by business owners. The first cut of the full investment case is going through the review cycle ahead of consideration by the Product Group Board in July. We anticipate having these processes in IOMS will significantly reduce the burden on staff, improve timeliness, support more effective assurance and escalation processes, enhance national oversight of complex and lengthy cases and assist us to identify common themes and gaps in practice.

As we have noted previously, we consider this work is foundational for progressing three of your overarching recommendations about collecting accurate data (recommendation three), reporting on it publicly (recommendation five) and developing strong assurance processes (recommendation four).

Interim assurance processes

Following the introduction of Te Ara Whakamua, the Director Custodial Operations has a key role in supporting/revoking initial segregation directions and directing continuations of segregation directions. This reflects the significance the oversight of these directions has for Corrections. The Director Custodial Operations is focused on ensuring directions meet the legislation, paperwork is of a good standard, and decisions are well-evidenced and aligned across the network. Decision making has been found to be generally good and sites have been responsive to feedback. While some sites have reconsidered or withdrawn continuation directions on request for further evidence or advice, only one application has been revoked by the Director Custodial Operations. Some have had a reduced duration as insufficient evidence was received to justify the period sought. When there is good evidence that these requirements are consistently demonstrated, the focus will shift to management plans, ensuring these are effective and individualised.

Transitioning the report

Our intention has been to respond to your report through a hauora (wellbeing) lens. Consequently, the Pae Ora team will lead the response on recognising the profound isolation experienced by people in segregation and at-risk (recommendation one) and the need to report regularly to your office (recommendation seven).

New teams within our new Organisational Resilience and Safety group will be taking on your recommendations to do more to mitigate the extent of isolation experienced by people on segregation (recommendation two) and to develop a robust assurance framework (recommendation four). Organisational Resilience and Safety was set up to help us reduce duplication of effort and to provide a clear framework to guide how we manage our most critical operational risks. The group will steer Corrections towards safer and more resilient operational performance through future focused systems and capabilities, a culture of learning, agility and adaptability, as well as clear and nationally consistent operational policies and guidelines. This team will also take the lead on organisation-wide readiness to manage future pandemic or other events (recommendation six) with support from colleagues in Pae Ora. We believe lessons-learned reporting Corrections has already undertaken, along with findings from the inspections carried out by the Office of the Ombudsman during the COVID-19 lockdown period, provide valuable information to address the learning component of this recommendation. Future work we undertake to mitigate the effects of isolation will also benefit people separated for clinical reasons.

The remainder of the recommendations sit between our Custodial (recommendation three) and Strategy & Corporate Services (recommendation five) colleagues. We recognise that to be able to deliver this complex piece of work effectively, we will need to work collaboratively across the business. All action owners are supported by assignees from relevant teams to enable us to effectively address different facets of the response.

The Office of the DCE Pae Ora is taking on a coordination function. They have already begun working to bring action owners together to agree a reporting structure and plans for delivering against the recommendations. The team is also looking at the areas of consideration and linking these to the recommendations and the gap analysis to inform future direction and focus.

We look forward to keeping you and your team involved and updated as this work progresses. You can expect to receive the next update on this work from the Deputy Chief Executive Pae Ora and the Commissioner Custodial Services.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'E.C.', with a stylized flourish extending to the right.

Eamon Coulter
Director Enterprise Planning