

21 December 2023

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Department of Corrections

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

Tēnā koe Janis

Re: Separation and Isolation Thematic Report - Progress Update

I am writing to provide a formal update on the progress made in response to the Separation & Isolation Thematic Report, recognising your recommendation;

7. Corrections must report back on progress on the recommendations and areas of consideration in six months and thereafter at six monthly intervals. The Office of the Inspectorate will report on progress publicly at periodic intervals.

While this is the first formal written update, I also want to acknowledge I am grateful for our monthly meetings, together with the Deputy Chief Inspector Russell Underwood and a member of the Review Response Team. I hope to continue this approach, reflecting our commitment to ongoing engagement between this significant piece of work and your office.

In our response to your report earlier this year we committed broadly to three phases of work. Beginning with four interim actions to be delivered in the first six months and then the development of a long-term, system wide plan for enduring change. Both of these phases are being delivered by the Review Response Team established to lead on this work. Parallel to this, legislative policy work to consider amendments to the Corrections Act 2004 and Corrections Regulations 2005 has begun.

Review Response Team

In March 2023 the Organisational Performance Committee agreed to the establishment of a team of three to work across Corrections to integrate your recommendations and areas for consideration into a plan to make substantive improvements. The team reports to the Deputy National Commissioner in Corrections Services with steerage and guidance from me. They have also partnered with the Prison Director Governance Group in this work, attending their meetings every month to provide progress updates, test ideas and raise emerging issues.

In late May a Principal Adviser was appointed to the Review Response Team and was joined on 31 July 2023 by a team member with operational and technical experience in directed segregation systems. The team is now fully recruited with a mental health practitioner joining the team on 30 October 2023 to bring a hauora lens to the work. The team makeup reflects the essential operational partnership between health and custodial staff in managing and caring for those who have been separated from others, primarily through a directed segregation order or the at-risk regime. The timing of team appointments has directly informed the phasing of the work completed to date.

The Review Response Team is established until 31 March 2024 and an essential component of their work is to develop a plan that effectively transitions to the new structure set out in Te Ara Whakamua | The Pathway Forward. Establishing responsibility for implementation of the plan will be confirmed in the first quarter of 2024.

Interim Actions

Early focus was largely on the four interim actions points outlined in our response to your draft report.

- The implementation of an interim assurance system for directed segregation orders.
- The implementation of an interim escalation process for directed segregation orders.
- Exploration of a dashboard for directed segregation orders.
- Begin providing targeted support to Custodial Systems Managers (CSMs).

These four actions were considered necessary in the short term, to help improve oversight and confidence in the systems as they are now, before any wider changes are planned and implemented. The team has added an additional interim focus, working with the digital team to progress a proposal to include segregation records into the Integrated Offender Management System (IOMS).

Custodial Systems Managers support

In September 2023, the Review Response Team hosted a workshop with several CSMs and some other segregation subject matter experts from across the network. The focus of this workshop was to discuss the segregation process, current practice and opportunities for change, and the challenges and training needs of the CSM role. The team would like to thank you again for attending alongside Jeremy Lightfoot and members of your team. Your attendance helped to set the scene for the workshop about the findings of your thematic investigation and why Corrections has accepted the compelling reasons for change. The legal team also attended the workshop, facilitating a session about the domestic and international legal framework related to segregation and lessons learned from some difficult cases.

As a result of the workshop, it was identified that this staff group would benefit from a regular forum to connect. A Microsoft Teams channel for CSMs has since been established, providing an avenue for instant communication, and allowing the group to test their thinking, problem solve, share ideas and resources, and support each other with daily issues. The Review Response Team were encouraged to see CSMs quickly use the channel for this purpose, including on segregation matters.

To enhance this connection further monthly catch-up sessions have begun. These are an opportunity to deliver bite sized training and a regular platform to discuss topics of interest, concerns, and successes. An experienced CSM is leading the sessions for the first six months before shifting to sites taking turns to host the sessions to encourage ownership and build engagement. The Review Response Team are also supporting the sessions initially, using the opportunity to share insights into directed segregation or at-risk regimes. The first two sessions have occurred and they have focused on bite-sized training on Microsoft Teams, the interim directed segregation assurance process, exploring the challenges with transferring someone who has been on segregation between prisons and continuity of access to necessary records. The Review Response Team has also facilitated discussions on common challenges with segregation procedures highlighted by the interim assurance process and CSMs have shared the steps they have taken to make improvements with these challenges.

Parallel to this, the National Manager Custodial Training has recognised the necessity of a training package for CSMs and is aiming to collaborate with the Review Response Team to organise a two day in person workshop in 2024.

Interim Assurance

The Review Response Team looked first to learn from the steps taken by the Women's Prison Network Improvement Programme who implemented a monthly interim assurance process for priority areas, including segregation, focused on compliance for the three women's prisons. This assurance process has proved valuable, promoting a collaborative approach, and providing the opportunity to test procedural compliance and practice quality across the women's network. Given the success of this process it was agreed that a similar model would be adapted for the male network.

In October 2023, the network wide interim assurance began. It will remain in place until the end of March 2024. The process comprises a national centralised repository where all 18 prison sites furnish monthly assurance records. Approximately half the sites use the template adapted from the women's network, while the other half use existing assurance check records. This mixed model approach was selected for the interim system to enable a wider range of assurance processes to be considered and compared. The information is then reviewed to identify common themes and opportunities for intervention and improvement through the long-term planning work. Themes are shared with prison directors through the Prison Director Governance Group and with CSMs in their monthly forum.

A review will be conducted in early 2024 by the Operations Performance Teams to consider the costs and benefits of the different assurance methods. Their findings will inform any necessary adjustments to the interim assurance approach in the short term. Their wider insights will be prepared for the new Organisational Resilience and Safety group who can use the insights to help design and implement an enduring assurance process for separation practices.

Interim Escalation:

The formation of a multidisciplinary group to promote a whole of network approach to the individual management of extended and complex cases is underway. An initial cohort of approximately 40 people who are currently subject to the longest periods of directed segregation have been identified and this cohort was primarily made up of individuals on directed protective custody. The intention is to see whether a national network lens can identify management options that would most likely increase access to meaningful human interaction and/or activities.

Dashboard

A draft COBRA dashboard has been developed to provide quick access to information about people subject to directed segregation and flag those subject to the lengthiest periods of segregation. The draft dashboard is currently being consulted with CSMs and we aim for it to be accessible on COBRA in early 2024.

The dashboard relies on segregation alerts entered into IOMS so has limitations on the ability to provide information on trends, but has been able to provide a snapshot of ethnicity and custodial status.

IOMS

In November 2023 the Investment Committee agreed to fund a project to work toward integrating segregation and use of force records into IOMS. The project is working to prepare a full investment case by April 2023, which will outline the full future state options for how these two areas can be reflected in IOMS. Work to consider the underpinning policies and procedures for segregation will occur alongside this so that the record keeping approach integrated into IOMS reflects the future direction for separation practices.

This work is considered 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).

Long-Term Plan

Since the establishment of the interim Review Response Team they have progressed to developing the long-term plan. They are working to integrate the recommendations from your Separation & Isolation report, with earlier recommendations from your office, those from the Office of the Ombudsman and issues raised by staff, to set the strong foundation of a long-term plan.

They are intent on viewing the planning through a health lens and are being informed by Ngā Paerewa Health and Disability Services Standards, Te Pou's seclusion and restraint minimisation work and their Six Core Strategies. They have met with the Ministry of Health, the Health Quality Safety Commission, Te Pou and frontline forensic mental health service experts on reducing seclusion in health settings, and aim to continue to build these external networks so that they persist into the longer-term plan.

I look forward to sharing the draft plan with you and your team in early 2024.

Ngā mihi nui



Ben Clark
Pathway Forward: Te Ara Whakamua lead