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Contact: Emma Roebuck

Dear Peter

**Provisional Optional Protocol for the Convention Against Torture (OPCAT)  
follow up inspection report – Whanganui Prison**

Thank you for your letter dated 1 February 2021, providing the Department of Corrections (Corrections) the opportunity to respond to your provisional OPCAT follow up inspection report for Whanganui Prison.

From 14 to 17 September 2020, your inspectors visited Whanganui Prison to follow up on 37 recommendations made in your previous OPCAT inspection report in August 2018. Of your 14 new recommendations, I have accepted nine and partially accepted five. A table of responses to each recommendation is attached for reference.

I am very proud of the progress my team has made at Whanganui Prison since 2018. I note positive comments by your inspectors on a range of areas including up to date control and restraint training, privacy screens in double-bunked cells, ensuring health examinations occur in an appropriate and private space, and an increase in constructive activities for remand accused individuals. Since the recent inspection in September 2020, my team has also completed or started work in relation to all nine new accepted recommendations.

I note a new area of concern for you is that complaints were not always dealt with in a timely manner. As you are aware, during the COVID-19 lockdown, the complaints process was streamlined and enhanced. The Complaints Response Desk has been disestablished. People in prison can now access the Inspectorate directly if they are not satisfied with the outcome of a PC.01 complaint. The Inspectorate has established an Early Resolution Team to triage all incoming complaints and resolve lower-level complaints at the earliest opportunity. Complex complaints are still managed by regional Inspectors. These enhancements reflect a significant shift and prioritisation of complaints management.

As noted in the attached table, the complaints process is also a module in the 'Getting Basics Great' initiative. This initiative focuses on getting practice right in key areas in prisons. Areas covered so far include incident reporting, file notes, segregation, and security classifications. Prison staff are currently looking at misconducts and disciplinary proceedings. Prisons focus on one area of practice for two months with key areas chosen for their significant impact on the rehabilitation, safety and security of the people in prison. The complaints process and management of complaints is an upcoming area of focus and will provide valuable guidance and support around what good practice with complaints looks like.

Finally, I recognise your responsibility in examining and monitoring the general conditions and treatment of people in prisons. I value your feedback and will use your recommendations to make improvements where possible. As recognised through our Hōkai Rangī strategy, Corrections cannot reduce re-offending, keep our communities safe, and enhance people's wellbeing alone. We need to work together with iwi, whānau, local communities, social service providers and other agencies, as well as monitoring agencies such as your office. I look forward to continuing to work with you to advance our mutual interest of enhancing the wellbeing of people in prison.

I look forward to hearing from you in due course in preparation for the publication of the finalised report.

Yours sincerely



Jeremy Lightfoot  
Chief Executive



## Whanganui Prison - Follow up inspection

### Recommendations 2021

Recommendation	Accept/ Partial/ Reject	Corrections' Response
<b>Treatment</b>		
<p>1) The practice of routinely placing at-risk prisoners in dry cells ceases immediately.</p>	<p>Partially accept</p>	<p>We have partially accepted this recommendation because we can confirm the use of the dry cell to accommodate at-risk people in prison is not routine practice at Whanganui prison. For example, since the time of your inspection, there has been one instance where an at-risk individual was placed in the dry cell. This was due to the occupation of all Intervention and Support Unit (ISU) cells and the inherent need for the individual to be protected from self-harm. We agree that using dry cells on a routine basis as common practice should not occur, and this is not the case at Whanganui Prison.</p> <p>Corrections' Mental Health Services are working closely with external Forensic Services to ensure the appropriate use of the Mental Health Act. For instance, Health Services' strengthened focus on the use of section 45 of the Mental Health Act to ensure those who are acutely unwell are placed with Forensic Services. This focuses on the appropriate and careful</p>

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		<p>placement of particularly unwell individuals and in turn can assist with the reduction in the use of dry cells.</p> <p>Importantly, the recent strengthening of relationships between health and custodial staff at Whanganui Prison has resulted in an enhanced, collaborative approach to manage individuals out of the ISU at the earliest opportunity. This approach has resulted in the ISU cells being more readily available to incoming patients, and has reduced the need for placement in the dry cell (which is as noted above, is a last resort).</p> <p>Further, we are in the process of strengthening mental health support on site by creating a clinical specialist mental health nurse role. This role is currently being advertised and a core priority for the individual appointed in this role will be to work with custodial staff to ensure appropriate placement and care of individuals who are at-risk. This individual will further support the use of section 45 of the Mental Health Act and provide specialist advice about the appropriate management of complex presentations.</p>
<p>2) Measures are taken to better protect the privacy of prisoners in the Intervention Support Unit (ISU) when they are naked, partially naked, or undertaking their ablutions.</p>	<p>Partially accept</p>	<p>As your office is aware, the Chief Custodial Officer produced a research paper to inform future actions for enhancing privacy for people in ISUs. In early 2019, we provided your office with the completed paper, for consultation. You provided your feedback in late 2019, which relevant teams at Corrections have been considering. Considerations on the regulatory prohibition on privacy screening are ongoing. As a result, there may be some enhancements to facilities or a change in current procedures regarding the use of cameras which will work to further improve privacy</p>

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		<p>for people in prisons. Unfortunately, we are not currently able to provide concrete timeframes for these next steps.</p> <p>Regardless, ISU custodial staff are supported to work in ways that are trauma-informed and people-centric to uphold patient's dignity whilst in the ISU. Corrections' Learning and Development team have created 'Trauma Informed Care' workbooks to assist staff when working with patients, this includes consideration of dignity and respect.</p>
<p>3) Prisoners who test positive for drugs are automatically referred to substance misuse services.</p>	<p>Partially accept</p>	<p>As noted in our response to your 2018 report, there are some mechanisms already in place to progress a positive drug result. The response we provide is flexible and is based upon the persons individual needs.</p> <p>One way an individual in prisons substance-use related risk is identified is through the ASIST process and is undertaken by case management and healthcare staff upon entry to the prison.</p> <p>ASIST is a modified version of the Alcohol, Smoking and Substance Involvement Screening Test (ASSIST) developed by the World Health Organisation and screens for all levels of substance use risk. The ASIST generates a risk score which determines the level of intervention recommended. It is followed by a brief intervention and, if appropriate, referral to a specialist AOD service.</p> <p>In addition to the ASIST, case managers use another assessment tool (SDAC-21) at planned contact with individuals. Contact is scheduled by the case manager and is based on risk and need, and whether there has been a change in the persons circumstances or risk. For example, information</p>

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		<p>flow between unit staff and case managers is likely to alert a case manager to an individual producing a positive result, the case manager would then consider whether a planned contact needs to be scheduled sooner than earlier scheduled. At the planned contact the case manager would assess and establish a plan going forward with the individual, which may include a referral if deemed appropriate.</p> <p>We do not consider a one size fits all approach (an automatic referral to substance misuse services) is appropriate when we consider the complexity of an individual returning a positive drug test. However, we are committed to supporting those with AOD needs in our prisons and ensuring there is an additional screen or follow up discussion following an individual returning a positive test result. Particularly if this means we can proactively provide further support or assistance to help the individual.</p> <p>We therefore consider it appropriate that we add a consideration point to the relevant section of the Prison Operations Manual to make it a requirement in policy to notify the case manager of a positive test, which will then ensure the test result is following up appropriately (however, not necessarily by an automatic referral every time). We will work to have this consideration point live in POM over the coming months.</p>
<b>Transition to lawful custody</b>		
<p>4) Prison management improve induction arrangements for those with literacy issues to ensure these prisoners are fully briefed on Prison procedures.</p>	<p>Accept</p>	<p>You have made comment about the absence of support for those with lowered literacy levels throughout the induction period. On an individual's entry to prison, the Receiving Office staff and ISU staff spend a longer period of time with the individual to ensure the induction is comprehended. Once a lowered literacy level is identified and the</p>

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		<p>individual is in the unit, unit staff spend longer with the individual to ensure the unit induction is understood.</p> <p>The Case Management team inductions occur with individuals within 10 working days. Identified lower level numeracy and literacy candidates are scheduled for assessments with education tutors and waitlisted for tutoring.</p> <p>English as a second language support is offered through an external agency and individuals are waitlisted for ongoing support. Whanganui Prison staff continue to make use of the telephone translation service (Ezispak) as it is the most accessible option available to support people in prisons.</p> <p>As your office is aware, Corrections have been working with Translation Services at the Department of Internal Affairs to have key documents relating to the reception and induction process for people in prisons (including at risk assessments) translated into other languages. This work is ongoing. Initially it is envisaged that we will trial translated material in several languages at a couple of prison sites to test that we have covered all the necessary information and conveyed information in a user-friendly way to the intended audience. We advised last year that we had extended the scope of this work with the provision of information in Te Reo Māori and NZ Sign Language. As you have noted in your draft report, this work was put on hold during our response to Covid-19. We acknowledge that this work is a priority and will be picked up as soon as resourcing allows.</p>

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		Once implemented, this resource will, as with Ezispeak, assist staff in their duties and people in prisons.
<b>Decency, dignity and respect</b>		
5) Arrangements to improve ventilation in units are implemented and monitored to ensure appropriate temperatures are consistently achieved.	Partially accept	<p>Ventilation issues are being addressed in the West Wing and Remand areas through Facilities Management with an expected completion date of June 2021. Subsequently, Te Moenga is a top priority within the Planned Asset Programme for 2021/22. Funding will be confirmed as part of the Capital Plan sign off in May 2021.</p> <p>Aside from this, and as noted in your report, we are providing fans to each cell occupant which goes some way in addressing temperatures in cells. Whanganui Prison ensure that fans are available and maintain regular stock, which includes ordering ahead of time. This is maintained as part of Whanganui Prison's heat management plan.</p>
6) The serving of meals is standardised to normal hours. This would involve lunch being served any time between midday and 1.30pm and dinner to be served any time between 5pm and 7pm.	Accept	<p>At the time of the inspection, Whanganui prison was on an 8 am to 5pm regime and were on the old staff rosters. Whanganui prison moved to the new rosters under the Making Shift Work project on 30 November 2020.</p> <p>Unlock hours have also been extended as part of this project. This has provided the opportunity for more standardised mealtimes. The new mealtimes are as follows:</p> <ul style="list-style-type: none"> <li>• Breakfast is served at 0700 hours.</li> <li>• Lunch is served between 1200 and 1300 hours.</li> <li>• Dinner is served at 1700 hours in high security and at 1800 hours in low security.</li> </ul>
<b>Health and wellbeing</b>		

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<p>7) Processes and practices for storing and administering controlled medication comply with Corrections' Health Services Medication Standards.</p>	<p>Accept</p>	<p>Monthly audits of controlled medications were initiated in November 2020 with the view to continue audits for a minimum of six months, at which time further review will occur to determine ongoing frequency. The site audits are collated by the Health Practice team at National Office, with results reported to the Health Senior Leadership team.</p> <p>Audit results are also included as part of the Health Regional Operations Directors' monthly reporting. Continual support for safe practice at Whanganui Prison Health Centre is a priority for the regional clinical team, with members of the regional clinical team visiting site on a frequent basis to provide an oversight and monitoring function.</p> <p>Whilst we accept this recommendation in principle, we do not consider a further action, additional to that which we are doing above, is necessary. We consider the ongoing audit schedule provides consistent monitoring and oversight of processes and practices regarding controlled medications and this is reported through to the Health Senior Leadership team for any further follow up.</p>
<p>8) Prisoner access to dental services is improved.</p>	<p>Accept</p>	<p>Immediate actions undertaken to reduce the dental waitlist include the scheduling of additional dental hours in December 2020 and the installation of new dental equipment (a new compressor) which enables a more efficient service.</p> <p>In addition to the short-term actions, national procurement for dental services is anticipated to be completed by the end of November 2021. This procurement will include a review of the services required, service specifications and quality reporting.</p>

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		<p>In order to improve access to dental services we will also work to enhance health and custodial staff ability to collaborate to ensure patients are escorted to appointments.</p>
<p><b>Protective measures</b></p>		
<p>9) Complaints handling complies with Prison standards, specifically, complaints are responded to within policy timeframes.</p>	<p>Partially accept</p>	<p>Whanganui prison prioritise the timely management of complaints within legislative requirements. Every effort is made to ensure staff are aware of and implement good practice regarding the management of complaints.</p> <p>The complaints process/procedure is an upcoming module in 'Getting Basics Great', which is an initiative focused on uplifting custodial practice. This includes guidance and education to frontline staff on their responsibilities when processing complaints.</p>
<p>10) The Prison develops a comprehensive system for recognising, reporting and supporting prisoners with disabilities.</p>	<p>Accept</p>	<p>Corrections is working on the development of a Disability Action Plan which will be supported by the development of a patient pathway for a person with a disability. This includes ensuring these individuals have access to an Initial Health Assessment (IHA) within 10 days (if indicated following assessment they will be seen within 24 hours).</p> <p>Work is underway for the IHA to include the Washington Short Set of Questions on Disabilities (designed to identify people with functional limitations as a consequence of their disability). The questions identify disabilities with vision, hearing, remembering or concentrating, walking/climbing stairs, self-care; and communication (understanding or being understood). The measures range from 'no difficulty', 'some difficulty', 'a lot of difficulty', or 'cannot do at all'.</p>

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		<p>Understanding the functional limitations provides more than a count of people who experience specific disabilities, it provides insight into what this disability means for the person. Based on the answers provided, health staff will be able to identify the interventions or services the person may need in order to increase their functionality, as well as track their level of functioning over time.</p> <p>This will be live from 1 April 2021. Further work will include incorporating these questions in all health assessments to ensure there is regular review of all people in prison to identify any disabilities, or additional needs that have developed whilst in our management.</p> <p>The Health Care Pathway Policy is under review and will incorporate the patient pathway, which is being developed by Health and Mental Health, Custodial Services, Case Management, Probation, Psychology and Programmes and non-government organisations in the community.</p>
<p>11) Transgender detainees are treated with dignity and respect by staff.</p>	<p>Accept</p>	<p>A national “Guideline for Gender Affirming Healthcare for Non-Binary and Transgender Young Adults and Adults in our Care” will be launched on 18 March 2021. This will be accompanied by an operational resource which will support the application of the guideline into health practice.</p> <p>Further work needs to be scheduled to review POM alongside this guideline to align with its recommendations to ensure people are treated with dignity and respect.</p> <p>Staff will be provided with information on links to resources and further information over the coming months.</p>

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		<p>Whanganui Prison recognises this is a work in progress and involves a deeper culture shift than originally anticipated. In our 2018 response to your inspection, we noted training was being provided to staff (inclusive of individuals at Whanganui Prison) regarding inclusion and diversity.</p> <p>Whanganui Prison have obligated to include practice reminder sessions and training regarding the needs of transgender individuals as part of the allocated ongoing custodial training that is led by Principal Corrections Officers. This will be supported by online resources and training.</p> <p>We consider ongoing education and consideration of the needs and complexities for transgender individuals will go some way in ensuring individuals are treated with dignity and respect.</p>
<b>Purposeful activity and transition to the community</b>		
<p>12) Provision of cultural support is enhanced throughout the Prison.</p>	<p>Accept</p>	<p>Hōkai Rangi recognises the need for more cultural support for individuals, particularly in terms of two of the six outcome domains of the strategy, 'Incorporating a Te Ao Māori worldview' and 'Whakapapa' which describe access to culture as a fundamental right, not a privilege, and makes a commitment to creating a safe environment for Māori to share and learn about their identity.</p> <p>Initial implementation activity has focussed on developing cultural capability of site leadership in all prisons and increasing the accurate recording of iwi affiliation data, as well as greater development of relationships with mana whenua at site, and the creation of a Pou Tikanga role reporting to the Prison Director to be responsible for overseeing cultural support provision on site.</p>

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		<p>Future planned activity will focus on ensuring staff understand and promote programmes and interventions targeted at Māori (Hōkai Rangi short term action 4.3), and expanding the provision of matauranga Māori subjects to individuals (Hōkai Rangi short term action 4.6) amongst others.</p> <p>Additional cultural provisions at Whanganui Prison are as follows:</p> <ul style="list-style-type: none"> <li>• The consistent visits of four Kaiwhakamana volunteers, from the community who support men across the site.</li> <li>• The Whaanui Te Tirohanga Maori Specialist Unit which includes pro-active staff that work alongside men housed there. Importantly, the specialist Pou Arataki role in this unit has key networks with mana whenua, whanau ora and external health services. Whilst the main focus of this individual's role is the men in this unit, she is also available to assist and connect other staff to key external services, and advise on how to better support people in prison.</li> <li>• The Oranganui (Whanau Ora Organisation) contractors that provide the Drug Treatment Programme at the Te Tirohanga Unit are also a resource that provide support to staff or people in prison.</li> </ul>
13) Unlock hours are increased in low security units.	Accept	As previously mentioned, at the time of your inspection, Whanganui Prison was still on the 8am to 5pm regime. Whanganui Prison moved to new rosters under the Making Shifts Work project on 30 November 2020 and unlock hours have now been extended. Low security units are unlocked between 7am to 7pm during the week, and 7am to 6pm at weekends. This also allows for more standardised mealtimes.
14) Right Track meetings are reinstated at the Prison.	Accept	Right Track meetings have been reinstated in the units. A review of the recently introduced Making Shifts Work roster will see Senior Corrections Officer's aligned to base/home units. This will not only facilitate better oversight and 'ownership' of Right Track meetings but will also strengthen the consistency of interaction between staff and people assigned to their

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		<p>Right Track caseload. This consistency will benefit open and ongoing interaction between staff and people in prison.</p> <p>A secondary assurance plan to track the progress of Right Track meetings is in the early stages of development with the regional Operational Performance team. In the meantime, Whanganui Prison management will undertake monthly checks on the delivery of right track meetings to ensure their use, consistency and value are being upheld.</p>