

Appendix A:

Submissions and comments

We have consulted with DJCS and DFFH, and we considered their views when reaching our audit conclusions. As required by the *Audit Act 1994*, we gave a draft copy of this report, or relevant extracts, to those agencies and asked for their submissions and comments.

Responsibility for the accuracy, fairness and balance of those comments rests solely with the agency head.

Responses received

Agency	Page
DJCS	A-2
DFFH	A-6



Department of Justice and Community Safety

Secretary

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Our ref: 23060731

Mr Andrew Greaves
Victorian Auditor-General
Level 31/35 Collins Street
MELBOURNE VIC 3000

Correctional services for people with an intellectual disability or acquired brain injury

Dear Mr Greaves,

Thank you for your letter of 30 May 2023 and the opportunity to respond to the proposed report for the performance audit on correctional services for people with an intellectual disability or acquired brain injury.

The department is committed to providing a safe environment and appropriate supports to people in custody who have an intellectual disability or acquired brain injury and has proactively invested in specialist program and service responses for this cohort. This is critical to offering opportunities for rehabilitation and reintegration.

The department has provided further feedback on the proposed report to your audit team to assist them to meet your tabling deadline. In addition to correcting inaccuracies and providing important context, it provides clarification on the breadth of core and specialised service responses and functions. These go beyond provision of specialist beds and are necessary to deliver essential services and to promote rehabilitation in a safe and humane custodial environment.

The report does not sufficiently acknowledge the department's efforts to develop and adapt service responses to address the needs of people in this cohort. It does not reflect that services delivered in response to a person's cognitive impairment are part of an overarching case management approach. This approach considers an individual's risk, needs and personal preferences along with the safety and security of the prison environment.

Our action plan (attached) provides responses to your recommendations. While accepting your recommendations, some have been accepted in principle and the timing of implementation for others is dependent on the Department's budget position and any future State budget decisions.



Response provided by the Secretary, DJCS – continued

If you have any questions or require further information, please contact Jacqueline Lincoln
Acting Executive Director, Assurance on [REDACTED] or via email
[REDACTED].

Yours sincerely,

[REDACTED]

Kate Houghton PSM
Secretary

12/06/2023



DJCS action plan

Correctional services for people with intellectual disability or an acquired brain injury

#	VAGO recommends that DJCS:	#	DJCS will:	By:
1	Develops governance arrangements, including monitoring and assurance, to coordinate its services and support for prisoners with intellectual disability (ID) or an acquired brain injury (ABI).	Accept	1 Strengthen governance arrangements to improve oversight, monitoring and co-ordination of policy, program and service delivery for people in prison with a cognitive impairment. (Timing of implementation is dependent on available resources.)	31-12 2023
2	Regularly evaluates reoffending rates for <ul style="list-style-type: none"> prisoners who have been housed in specialised accommodation prisoners who have participated in adapted offending behaviour programs prisoners with ID or an ABI. 	Accept in principle	2 Subject to available funding, develop an evaluation framework based on best practice to assess the efficacy of existing programs and services for people in prison with an ABI or ID. Subject to funding, evaluate programs in line with this approach. (Note that in developing such an approach, attribution of reoffending rates to a portion of time spent in custody in a specialised unit may not be possible.)	30-06 2024
3	Identifies and monitors the demand for specialised accommodation for prisoners with ID or an ABI.	Accept in principle	3 Develop a mechanism for regular monitoring of demand for specialist services, including accommodation, for people in prison with a cognitive impairment, including those with an ID or ABI. (Implementation is subject to resourcing and would be supported by implementation of Recommendation 1.)	30-06 2024
4	Develops criteria to prioritise which prisoners with ID or an ABI should go into specialised accommodation, be prioritised for offending behaviour and support programs.	Accept	4 Strengthen existing criteria for eligibility and prioritisation for placement in specialist programs and services, including accommodation and adapted offending behaviour programs, for people with an ID or ABI.	31-12 2023
5	Regularly reviews course materials for adapted offending behaviour programs to make sure they are up to date.	Accept	5 Review course material for adapted offending behaviour programs in line with Corrections Victoria Intervention Accreditation Committee guidelines.	31-12 2024
6	Analyses the needs of prisoners with ID or an ABI to assess if it should develop more adapted offending behaviour programs.	Accept in principle	6 Conduct analysis that includes review of current service delivery model for this cohort and contemporary best practice evidence into what is effective to address offending behaviour. (Timing is subject to resourcing and will inform action in response to Recommendation 5 and the accreditation requirements.)	31-03 2024
7	Expands adapted offending behaviour programs to provide the best opportunity to attend before their release date or the date they are eligible for parole.	Accept in principle	7 Subject to the outcome of analysis undertaken in response to Recommendation 6, explore funding opportunities to recruit additional staff to deliver adapted offending behaviour programs. (Implementation is subject to demonstration of need and funding availability.)	31-12 2024



#	VAGO recommends that DJCS:		#	DJCS will:	By:
8	Advises the government about the demand for its services for prisoners with ID or an ABI including the waitlists for these programs, how many prisoners missing out on services, the impact that missing out on services has on prisoners.	Accept in principle	8	Ensure submissions to government for programs and services for people in prison with an ID or ABI include contemporary data on program demand and waitlists, in addition to information on the benefits of these programs to improve transition and rehabilitation for participants.	30-06 2024
9	Monitor if prisons comply with the <i>Corrections Victoria Deputy Commissioner's Instruction: 2.08 Prisoners with Disability</i> .	Accept in principle	9	Develop and implement a process to monitor compliance with DCI 2.08. (Timing of implementation is dependent on available resources.)	30-06 2024
10	Develops a mandatory questionnaire or tool for prison staff to identify all incoming prisoners who may have ID or an ABI.	Accept in principle	10	Develop a mandatory questionnaire or tool for prison staff to identify any incoming people in prison who may (have the risk factors or) be suspected of having an ID, ABI or other cognitive impairment. This is not a diagnosis tool; it is a tool to identify risk factors which require further cognitive assessment. (Implementation and timing is subject to available resourcing and ability to implement recommendation 11.)	31-12 2023
11	Rolls out the existing disability training for prison officers on how to identify and support prisoners with ID or an ABI. DJCS should make this mandatory, keep training attendance records.	Accept in principle	11	Continue roll out of PDSI staff training modules on how to identify and support people in prison with a cognitive impairment. Seek to incorporate these training modules into pre-service training for custodial and clinical staff. (Implementation is subject to available funding.)	30-06 2025
12	Makes sure the Prisoner Information Management System and the Corrections Victoria Intervention Management System have consistent and accurate information about prisoners with ID or an ABI.	Accept in principle	12	Improve the utility and integration of information storage systems to improve the accurate identification of people in prison with an ID or ABI. Where a diagnosis is known, made or revised, update this information in PIMS and CVIMS. (Implementation is subject to available funding.)	30-06 2025
13	Sets timeframes and a monitoring process for updating flags for prisoners with ID or an ABI in the Prisoner Information Management System and the Corrections Victoria Intervention Management System.	Accept in principle	13	Set up processes to establish timeframes for updating flags for people in prison with an ID, ABI and other suspected or confirmed cognitive disability. (Timing of implementation is dependent on available resources.)	30-06 2025

Response provided by the Secretary, DFFH



Secretary

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BAC-CO-36660

Andrew Greaves
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[REDACTED]

Dear Mr Greaves

Thank you for your letter of 30 May 2023 providing the *Proposed Performance Audit Report: Corrections services for people with intellectual disability or acquired brain injury*.

We acknowledge the work of your team in the conduct of the audit and thank them for their ongoing liaison and communication with the department.

The department accepts the two recommendations directed to it and our proposed implementation actions are attached.

We look forward to receiving the final Performance Audit Report in due course and in continuing to work with your team on monitoring our implementation actions.

If you require any further assistance, please contact Carly Northcott, Executive Director, Disability Services Policy and Support on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

Peta McCammon
Secretary

9/ 06 /2023



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Response provided by the Secretary, DFFH – continued

no	Recommendation that DFFH:	Response	Implementation	Dates
1	<p>Advises the government about the demand for specialised beds in its residential treatment facilities, including:</p> <ul style="list-style-type: none"> the unmet demand for these facilities the impact that missing out on these facilities has on offenders. 	Accepted	<p>DFFH will:</p> <p>Use Data and Analytics in the development of an evidence base, including in determining unmet demand for specialised beds in residential treatment facilities</p> <ul style="list-style-type: none"> Deliver Stage One of the current data and analytics project to scope and develop a data workplan to assist in the development of an evidence base and deeper understanding of the complex needs and forensic disability client group. Stage one includes a draft Victorian Social Investment Integrated Data Resource (VSIIDR) application by the end of the 2022-23 financial year. Stage two of the current project will deliver the analytical workplan developed in stage one. Stage three will further develop the linked data strategy and analytics across complex needs and forensic disability services and further develop and improve the evidence-base for interventions, including specialised beds in residential treatment facilities, that will best support clients. <p>Seek investment and partnership to better address demand</p> <ul style="list-style-type: none"> Continue to raise demand for services through future system reform and budget processes. Continue to work with DJCS and across the disability and justice service system to identify impacts for people where residential treatment beds are unavailable. Continue work with the NDIS and to participate in the NDIS review process advocating for Victorian participant with forensic and complex needs 	2024 - 2026
2	Regularly and comprehensively evaluates the Forensic Disability Service and Complex Needs Service.	Accepted	<p>DFFH will:</p> <p>Evaluate Forensic Disability Programs</p> <ul style="list-style-type: none"> Commencing in the 2023/24 financial year DFFH will develop a clear project plan and undertake partnership with qualified evaluation specialists to ensure a comprehensive program of evaluations across Forensic Disability and Complex Needs services, including establishing a methodology for continuous evaluation post-2026. <p>Support research to improve the evidence base for interventions</p> <ul style="list-style-type: none"> Develop a research strategy and research charter in collaboration with academic institutions to further improve the evidence-base for interventions that will best support clients. 	2024 - 2026

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