

The Auditor-General
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Performance Audit

Individual Management Services Provided to People in Immigration Detention

Department of Immigration and Citizenship

Australian National Audit Office

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Canberra ACT
11 February 2013

Dear Mr President
Dear Madam Speaker

The Australian National Audit Office has undertaken an independent performance audit in the Department of Immigration and Citizenship with the authority contained in the *Auditor-General Act 1997*. I present the report of this audit to the Parliament. The report is titled *Individual Management Services Provided to People in Immigration Detention*.

Following its presentation and receipt, the report will be placed on the Australian National Audit Office's Homepage—<http://www.anao.gov.au>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian McPhee'.

Ian McPhee
Auditor-General

The Honourable the President of the Senate
The Honourable the Speaker of the House of Representatives
Parliament House
Canberra ACT

AUDITING FOR AUSTRALIA

The Auditor-General is head of the Australian National Audit Office (ANAO). The ANAO assists the Auditor-General to carry out his duties under the *Auditor-General Act 1997* to undertake performance audits, financial statement audits and assurance reviews of Commonwealth public sector bodies and to provide independent reports and advice for the Parliament, the Australian Government and the community. The aim is to improve Commonwealth public sector administration and accountability.

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Abbreviations

AITA	Adelaide Immigration Transit Accommodation
ANAO	Australian National Audit Office
ANAO Survey	ANAO Survey of people in immigration detention
APOD	Alternative Places of Detention
BITA	Brisbane Immigration Transit Accommodation
BMP	Behaviour Management Plan
CCC	Client Consultative Committee
CCMDS Portal	Compliance, Case Management, Detention and Settlement Portal
CIAPOD	Christmas Island Alternative Places of Detention
CIDC	Curtin Immigration Detention Centre
CIIDC	Christmas Island Immigration Detention Centre
DAL	Darwin Airport Lodge
DAPODS	Darwin Alternative Places of Detention
DIAC	Department of Immigration and Citizenship
DSM	Detention Service Manual
DSP PPM	detention service provider's Policy and Procedures Manual
GFU	Global Feedback Unit
HAS	Household Allowance Scheme
IAP	Individual Allowance Program

IAPOD	Inverbrackie Alternative Place of Detention
IDC	Immigration Detention Centre
IDF	immigration detention facility
IDV	Immigration Detention Values
IHMS	International Health and Medical Services Pty Ltd
IAP	Individual Allowance Program
IMA	irregular maritime arrival
IMP	Individual Management Plan
IRH	Immigration Residential Housing
JFAT	Joint Facility Audit Team (JFAT)
JSAT	Joint Site Audit Team (JSAT)
ITA	Immigration Transit Accommodation
LAPOD	Leonora Alternative Place of Detention
MIDC	Maribyrnong Immigration Detention Centre
Migration Act	<i>Migration Act 1958</i>
MITA	Melbourne Immigration Transit Accommodation
MSA	MAXimusSolutions Australia
NIDC	Northern Immigration Detention Centre
PAIRH	Port Augusta Immigration Residential Housing
PAM3	Procedures Advice Manual
PIDC	Perth Immigration Detention Centre

PIRH	Perth Immigration Residential Housing
PSP	Psychological Support Program
Serco	Serco Australia Pty Limited
SIDC	Scherger Immigration Detention Centre
SIEV	Suspected Illegal Entry Vessel
SIRH	Sydney Immigration Residential Housing
SME	Supportive Monitoring and Engagement
UAA	unauthorised air arrival
VIDC	Villawood Immigration Detention Centre
WPIDC	Wickham Point Immigration Detention Centre
YHIDC	Yongah Hill Immigration Detention Centre

Summary and Recommendations

Summary

Introduction

1. Immigration detention is one of the most complex, controversial and debated areas of government policy. The Department of Immigration and Citizenship (DIAC) is responsible for administering immigration detention under the *Migration Act 1958* (Migration Act). The Migration Act requires people who are not Australian citizens and who are unlawfully in Australia to be detained in immigration detention.

2. In 2011–12, immigration detention cost \$1.235 billion; \$1.04 billion in administered costs and \$192.44 million in departmental costs. Over half of the cost of immigration detention (\$700 million) was paid to the two key service providers that are contracted to provide detention and health services in Australia's immigration detention facilities. These contracts are managed by DIAC.

Immigration detention facilities and population

3. Australia has two types of immigration detention: 'held' immigration detention, where people are accommodated in immigration detention facilities; and community detention, where people are accommodated in the community. 'Held' immigration detention facilities (IDFs) include:

- Immigration Detention Centre (IDC);
- Alternative Places of Detention (APOD);
- Immigration Residential Housing (IRH); and
- Immigration Transit Accommodation (ITA).

4. There are currently 19 IDFs located in metropolitan and regional/remote areas throughout Australia's states and territories. In addition, the Republic of Nauru and the Independent State of Papua New Guinea were designated as 'regional processing countries' under the Migration Act in September 2012 and October 2012 respectively.

5. As at 30 September 2012, there were 7670 people in held immigration detention—6552 men, 454 women and 664 children. The majority of detainees

(around 72 per cent) were accommodated in IDCs and around one quarter were housed in APODs. The average time detainees spent in immigration detention as at 30 September 2012 was 83 days.¹ However, some detainees continue to be detained for very long periods—956 detainees (10.2 per cent) had been in detention for over one year and, of these, 514 (5.5 per cent) for over two years.

Immigration detention service providers

6. DIAC contracts with three key providers to meet the needs of people in immigration detention. Providing detainees with services that meet their needs and expectations also supports the maintenance of good order of the immigration detention network and minimises the risk that disturbances will occur.²

Main detention service provider

7. Serco Australia Pty Limited (Serco) is the main detention service provider. DIAC has two contracts with Serco—one for the provision of detention services at APODs and IDCs and one for services in IRHs and ITAs. The contracts are currently valued at \$1.67 billion and \$94.36 million for five years from 2009, respectively.

8. The contracts outline a philosophy that describes the service delivery aims, as follows:

The aim of service delivery to People in Detention is to ensure that the only change to an individual's wellbeing as a result of being in Immigration Detention is the restriction of freedom of movement. Immigration Detention is mandatory "administrative detention"; it is not indefinite or correctional detention. Arrangements and principles that underpin the requirements of Immigration Detention are detailed in the Immigration Detention Values.

The Department and the Service Provider will work together to ensure that every individual in the detention environment is treated with dignity, equality, respect and fairness, in accordance with the Immigration Detention Values. The Department and the Service Provider will facilitate a positive, safe

¹ Includes people in community detention.

² The detention service provider defines good order as a variable state of the immigration detention facility where the mood of the clients in detention and the security of the facility is within acceptable parameters. Good order should be conducive to the welfare of the clients, visitors, staff from Serco, DIAC and other service providers, and that risk to these cohorts is appropriately minimised.

and healthy detention environment by providing Services to maintain the physical, emotional, social and spiritual wellbeing of the individual Person in Detention.³

9. The Immigration Detention Values (IDVs), referred to in the abovementioned contracts, were announced in July 2008 by the then Minister for Immigration and Citizenship as a key part of the Government's *New Directions in Detention* policy. The IDVs are intended to guide and drive detention policy and practice. DIAC employees and the providers of services within the immigration detention network are expected to act in accordance with the values. The IDVs include that people in detention will be treated fairly and reasonably within the law (IDV 6) and that conditions of detention will ensure the inherent dignity of the human person (IDV 7).

10. The contracts with the main detention service provider set out, among other things, the individual management services to be provided to people in immigration detention. These services include the:

- programs and processes that the detention service provider employs to manage and engage with the detainee population, such as: interacting with people in detention; developing and maintaining Individual Management Plans; managing behaviour; identifying people in detention at risk; and engaging detainees in service design and provision; and
- services provided to detainees that are intended to meet their basic needs, such as: catering; clothing; programs and activities; internet access; and the Individual Allowance Program.

Other key service providers

11. International Health and Medical Services Pty Ltd (IHMS) provides general and mental health services to people in immigration detention. The contract with IHMS is currently valued at \$679.81 million over five years from 2009 to 2014. A third contractor, MAXimusSolutions Australia (MSA), provides client support and independent observer services to unaccompanied minors. The contract covers the period July 2012 to March 2014 and is valued at \$29 million.

³ Extract from the detention Services Contract between the Department of Immigration and Citizenship and Serco Australia Pty Limited, June 2009.

Audit objectives, scope and criteria

12. The objective of the audit was to assess the effectiveness of DIAC's management of individual management services provided to people in immigration detention. The ANAO assessed whether:

- appropriate individual management services were provided to people in immigration detention;
- DIAC effectively monitored the individual management services provided to people in immigration detention and managed service provider performance; and
- DIAC's administrative arrangements facilitated the cohesive provision of individual management services to people in immigration detention.

13. The audit focused on DIAC's oversight of selected individual management services provided to people in held immigration detention. The services included within the scope of the audit were:

• interaction with detainees	• catering
• Individual Management Plans	• clothing
• behaviour management and identifying detainees at risk	• programs and activities
• Individual Allowance Program	• internet access

14. The audit did not include the performance of service providers or the services provided to detainees transferred to the Republic of Nauru or the Independent State of Papua New Guinea.

Overall conclusion

15. Immigration detention is one of the most complex, controversial and debated areas of government policy. Over the past three years, the number of people in immigration detention has increased significantly. Around 1000 people were accommodated in immigration detention in June 2009, compared to around 7670 in 'held' detention and an additional 1688 in community detention as at 30 September 2012. Over the same period, the total number of immigration detention facilities in Australia and on Christmas Island increased from nine to 19. DIAC manages the contracts with the service providers to operate the facilities and provide a range of services to people held in immigration detention. The two five year contracts with the main detention service provider are currently valued at \$1.77 billion. The

contracts for health services and services to unaccompanied minors are valued at \$679.81 million and \$29 million, respectively.⁴

16. The growth in the number of irregular maritime arrivals⁵ in recent years has necessarily required DIAC and the key service providers to focus on immediate priorities for the provision of services to people in detention. Nevertheless, the contractual and administrative arrangements put in place by the department envisage a range of defined services being provided to detainees to meet their basic needs and to manage and engage with the detainee population. These services are expected to be provided across the full network of immigration detention facilities. In practice, however, there has been considerable variability in the level and standard of services delivered, in particular for the more complex types of individual management and engagement services.

17. The inconsistency in service provision has arisen largely because DIAC has not exercised sufficient strategic direction and national management oversight in response to the growth across the network to achieve consistent service provision by contractors. In the absence of such a strategic approach, various localised management and service provision arrangements have been developed. While some local flexibility should be expected in a national immigration detention network, service variability necessarily also impacts on a person's experience during their period of detention. In severe cases, and particularly when significant numbers of detainees are moved around the network, the affect of inconsistency in service provision can lead to tensions within the detainee population, which may, in turn, increase the risk that good order may be jeopardised and disturbances could occur.

18. Consistent with the contracts, detainees are offered basic services, such as food, clothing and access to a range of programs and activities and are able to access the internet. Arrangements are also in place for: the development and maintenance of Individual Management Plans (IMPs); personalised staff interaction with detainees, primarily through a Personal Officer Scheme; and the management of detainees' behaviour and detainees at risk of self-harm or harm to others. However, generally IMPs were of a poor quality and were not

⁴ As noted in paragraph 11, the health services contract is for five years (2009–2014) and the contract for services to unaccompanied minors covers the period July 2012 to March 2014.

⁵ 'Irregular maritime arrivals' is the term used to describe the people who arrive in Australia unlawfully by boat and subsequently claim asylum.

dynamic or meaningful documents that could be used to effectively meet the individual needs of detainees. In addition, limited guidance about the Personal Officer Scheme has meant that it operates inconsistently across facilities, and the type, quality and number of programs and activities varied across the network.

19. The contracts with the detention service provider include a framework for assessing the service provider's performance. In line with this framework, DIAC has established an adequate approach to monitoring and assessing performance, including as it relates to the provision of services to detainees. However, there are inconsistencies and a lack of clarity in parts of the contracts and the performance assessment framework, particularly in relation to the metrics used to assess the detention service provider's performance, which DIAC has not addressed. In addition, departmental staff have not received adequate guidance to manage the complex contracts in a consistent way. Consequently, DIAC has not been in a position to effectively monitor the service provider's performance in delivering services to detainees across the network.

20. DIAC employs a variety of mechanisms to communicate with, and facilitate the sharing of, information between its staff and the service providers. However, communications have been poorly managed at a national level and DIAC has not established an effective strategy for communicating and sharing information within the immigration detention network. As a consequence, service provision decisions and practices vary across facilities.

21. Managing the changes to the immigration program, including policy changes and the rise in the number of irregular maritime arrivals, has been challenging for DIAC and the service providers. Nevertheless, the shortcomings in DIAC's management of the detention service provider's performance and services provided to people in immigration detention continue to exist three years into the contract period and, naturally, impact on detainees. The variability in service delivery means that a person's experience during their period of detention also varies, depending on where they are accommodated, that is, their placement within, and movement across, the immigration detention network.

22. DIAC has recently developed a new detention services governance framework and initiated several reviews and projects to improve its administration of immigration detention, including its management of services provided to detainees. Areas under review include: the Personal Officer

Scheme; IMPs; programs and activities; contract management; and communications. Along with significant changes to DIAC's senior management in this area, the initiatives are designed to improve the management of the services provided to detainees. It will be important for DIAC to closely monitor and review the outcomes of these initiatives and make adjustments as necessary, to enable a core level of services to be provided across the immigration detention network, while allowing sufficient flexibility to account for local and regional considerations in service delivery.

23. This report highlights a range of systemic issues in DIAC's management of the services provided to detainees that require attention to achieve better outcomes for individuals and for the management of the immigration detention network. Specifically, the ANAO has made four recommendations aimed at improving the effectiveness of DIAC's contract management of the services provided to people in immigration detention.

Key findings by chapter

The detention service provider contracts (Chapter 2)

24. The detention service provider contracts are complex and lengthy documents. Currently, there are inconsistencies in some of the conditions of the contracts as well as a lack of clarity in some of the key definitions. For example, the timeframes for developing, implementing and reviewing detainees' Individual Management Plans (IMPs), the intention of which is to identify and tailor the ongoing care and services required for the detainee, varies between the different types of facilities. This can impact on the services provided to detainees and DIAC's management of the detention service provider's performance. Drawing on its experience of the last three years, the department could use future contract variations more effectively to clarify or remove inconsistencies, rectify omissions, and clarify and rationalise the provisions in the contracts as appropriate. This approach would enable a core level of services to be provided across the immigration detention network, and also allow for sufficient flexibility to account for local and regional considerations in service delivery. The requirements of the contracts should also be reviewed prior to their renewal or retender.

Managing detainees (Chapter 3)

25. The service provider has established mechanisms to interact with detainees, including a Personal Officer Scheme. The majority of respondents to

a survey conducted by the ANAO⁶ also felt that they were treated respectfully, fairly and reasonably by the detention service provider and DIAC staff. However, until late 2012 there was limited guidance available to staff at IDFs about the implementation and management of the Personal Officer Scheme, resulting in its inconsistent operation across the immigration detention network. The approach adopted by individual IDFs has meant that there are differences in locally developed IMP templates and the information captured. The IMPs for 17 of the 20 detainees reviewed by the ANAO did not meet the requirements outlined in the contracts and the relevant guidance materials. Generally, the quality of IMPs was poor and IMPs were not dynamic or meaningful documents that could be used to effectively meet the needs of detainees.

26. The detention service provider has implemented adequate procedures to manage detainees' behaviour using Behaviour Management Plans. DIAC and the service providers have also put in place sound mechanisms to manage detainees identified as being at risk—the Psychological Support Program and Keep SAFE. These processes were understood by service provider personnel and generally adopted across the network. Detainees were engaged in the design and delivery of the services they receive through requests and complaints processes and Client Consultative Committees. These mechanisms assist to empower detainees and encourage a sense of control over aspects of their lives and contribute to maintaining the good order of each facility.

Services provided to detainees (Chapter 4)

27. The service provider generally provides the individual management services as required by the contracts. Detainees are provided with clothing and toiletries and their basic catering needs are being met with a variety of meals and snack food options, or self-catering facilities where appropriate. Detainees could purchase additional items at the IDF shop. A range of programs and activities, including excursions, are provided above the minimum level required by the contracts. Internet access is also provided at all facilities to allow detainees to maintain contact with their families and work on their immigration cases.

⁶ As part of audit fieldwork, the ANAO conducted a survey of people in immigration detention. The survey was made available to all detainees in the facilities visited during the audit. It was provided in 11 languages, including English. A total of 301 responses were received from detainees at 12 IDFs.

28. However, there are shortcomings in a number of these services and the provision of services was inconsistent across the immigration detention network. Catering at Leonora and Darwin APODs is separately contracted and the contractual requirements are not as rigorous and extensive as the requirements at other facilities.⁷ The type and quality of programs and activities offered to detainees also varied. The number of programs provided for the month of May 2012 ranged from less than one to around 18 per detainee.

29. Further, the contractual requirements for programs and activities are not expressed in terms of the level of activities offered to detainees, but rather are expressed in terms of activities per facility (for example, the IDC/APOD contract requires one activity in the morning and afternoon for the whole facility). At a large facility, providing only one activity in the morning and one in the afternoon may not be sufficient to allow interested members of the detainee population to participate.

30. In addition, the Individual Allowance Program (IAP), under which detainees are allocated points that can be exchanged for items at the IDF shop, was not operating consistently, resulting in variations in the purchasing power of IAP points at different facilities. There were also variations in the items available for trade in the shops.

31. As a result, a person's experience during their period of detention depends on where they are accommodated. While some local flexibility should be expected in a national immigration detention network, service variability necessarily also impacts on a person's experience during their period of detention. In severe cases, particularly when significant numbers of detainees are moved around the network, the affect of inconsistency in service provision can lead to tensions within the detainee population, which may, in turn, increase the risk that good order may be jeopardised and disturbances could occur. Inconsistencies continue to exist three years into the contract period.

⁷ For example, the catering provider at Leonora and Darwin APODs is not required to provide menu plans or have menus approved by a dietician.

Placement of detainees (Chapter 5)

32. A detainee's placement is important to their wellbeing and, given the variability in service provision across the immigration detention network, impacts on the services they receive.

33. Placement decisions are the result of complex considerations and factors. Participants in placement committees cooperate to achieve the best outcome for the detainee given operational and security concerns. However, other than bulk transfers, which describe the movement of a large group of detainees at one time from one facility to another, placements are initiated and arranged by and between DIAC's case managers at individual IDFs. The success of these processes rely on the relationships between DIAC personnel in the various facilities. National office has limited oversight of or involvement in these placement decisions. In addition, there is an absence of data on the number of times detainees are moved within the network.

34. DIAC's new placement model has the potential to provide a more strategic approach to placements within the immigration detention network. It should also provide detainees with more predictability and certainty about future moves. However, assessing the effectiveness and impact of the model will require DIAC to improve procedures to collect and analyse data about detainee placements and movements around the immigration detention network.

Managing service delivery performance (Chapter 6)

35. Managing the contracts for the provision of services to detainees is a complex and challenging task. However, DIAC has not exercised sufficient strategic direction and national office oversight of the detention service provider contracts or provided adequate guidance to staff to manage the contracts in a consistent way. As a result, contract management staff at individual facilities have developed localised approaches to managing the contracts and assessing service provider performance.

36. DIAC has established a process for assessing performance at the facility level that accords with the contractual requirements and allows for the calculation of fee abatements. However, the abatement indicator metrics, which DIAC uses to assess the service provider's performance, could be better balanced to increase the focus on the quality of services provided to detainees and address some key elements of the contract, such as behavioural management and identifying detainees at risk. While there is scope in the

contract to make changes to the performance management framework, to date the metrics remain unchanged.

37. The lack of effective contract management guidance and limited national oversight has resulted in multiple local agreements and an inconsistent approach to assessing performance across the immigration detention network. DIAC has recently introduced changes to address some of these issues and promote a more consistent approach to managing the contracts across the network. These initiatives include a Detention Risk Assessment Toolkit, a protocol for providing policy and contractual advice, and a database to capture that advice. However, many of the initiatives are in their early stages and it may be some time before improvements are noticeable. It will be important for DIAC to closely monitor the initiatives and review the effectiveness of the outcomes in the short, and longer, term and make adjustments as necessary. Assigning responsibility to one area within the department to coordinate and oversee the many reviews and projects currently underway would also improve the management of these projects.

Information sharing arrangements (Chapter 7)

38. DIAC uses a variety of mechanisms to communicate with and facilitate the sharing of information between its staff and the service providers, including formal and informal meetings, and communications via email and telephone. Some of these mechanisms are driven by the requirements of the service provider contract, and others are informal and ad hoc. The ANAO noted the generally constructive relationships between DIAC and service provider staff, and a willingness to achieve appropriate service delivery outcomes for detainees. However, DIAC has not established a strategy for communicating and sharing information between DIAC staff at national and local levels and with key service providers. Inconsistent practices and decisions across the detention network have been, in part, a consequence of poor communication as well as contract management. In addition, DIAC's nominated information system, the CCMDS Portal, is not an effective tool for storing or sharing information about detainees or the services they receive.

39. DIAC has developed a new detention services governance framework, which is a positive response to some of the shortcomings in its management arrangements. If implemented effectively, regularly reviewed and revised as appropriate, the framework has the potential to improve DIAC's management of the service provider contracts and its relationships with service providers. The implementation of a communications strategy would build on the

framework and enhance DIAC's management of immigration detention services by providing greater clarity about performance management and reporting requirements, and improve communication networks and information sharing protocols and systems.

Summary of agency response

40. The Department of Immigration and Citizenship (DIAC) welcomes the ANAO audit report on Individual Management Services to People in Immigration Detention. The detailed examination of the detention service provider contracts, provision of services to detainees, and management of the performance of the service provider is a valuable contribution to the Department's ongoing continuous improvement processes in immigration detention.

41. DIAC has made significant progress towards increasing service provider performance, through improvements in information sharing and investment in building DIAC staff capabilities in contract and performance management.

42. The recognition from the majority of respondents to the People in Detention ANAO survey that they felt that they were treated respectfully, fairly and reasonably by the detention service provider and DIAC staff is a positive reflection on the dedicated staff who work in a complex and challenging environment.

43. DIAC acknowledges that there is scope to realise further improvements through consistency in contractual requirements across the immigration detention facilities and will continue to build on the work that has already been undertaken.

Recommendations

Recommendation No.1
Paragraph 3.65

To better manage the provision of services to people in immigration detention, the ANAO recommends that DIAC, in consultation with the service providers, review the appropriateness and effectiveness of Individual Management Plans, which are currently used by the detention service provider to identify and tailor the ongoing care and services required by individual detainees.

DIAC's response: Agreed.

Recommendation No.2
Paragraph 6.41

To promote consistency in the interpretation and management of the detention services contracts and the provider's performance, the ANAO recommends that DIAC:

- develop clear and suitably targeted contract management guidance and disseminate the guidance to contract management staff; and
- implement quality assurance processes to provide the department with assurance that contract management staff are appropriately applying the guidance.

DIAC's response: Agreed.

Recommendation No.3
Paragraph 6.43

To better assess the quality and effectiveness of services provided to detainees, the ANAO recommends that DIAC strengthens the performance management framework provided for under the contracts, and in particular the metrics used to evaluate the service provider's performance.

DIAC's response: Agreed.

**Recommendation
No.4**

Paragraph 7.43

The ANAO recommends that DIAC develops and implements a communications strategy that provides a framework for communicating and sharing information between DIAC staff at national office and across the immigration detention network and with the key providers of immigration detention services.

DIAC's response: Agreed.

Audit Findings

1. Background and Context

This chapter provides an overview of immigration detention in Australia, including the current challenges facing DIAC when administering this complex area of government policy.

Immigration detention

1.1 Since the 1970s, the policy of immigration detention has formed the basis of Australia's response to people arriving in Australia without authorisation, usually by boat; with mandatory detention becoming policy in 1992. Immigration detention is one of the most complex, controversial and debated areas of government policy.

1.2 The Department of Immigration and Citizenship (DIAC) is responsible for administering immigration detention under the *Migration Act 1958* (Migration Act). The Migration Act requires people who are not Australian citizens and who are unlawfully in Australia to be detained in immigration detention.⁸ Generally, 'unlawful non-citizens' are people who have:

- arrived in Australia without a visa;
- overstayed their visa; and/or
- had their visa cancelled.

1.3 DIAC administers immigration detention under two programs—Onshore Detention Network and Offshore Asylum-Seeker Management. In 2011–12, immigration detention cost \$1.235 billion; \$1.04 billion on administered costs and \$192.44 million on departmental costs.⁹ Over half of the cost of immigration detention (\$700 million) was paid to the two key service providers that are contracted to provide detention and health services in immigration detention facilities. These contracts are managed by DIAC.

⁸ Section 189(1) of the Migration Act states that if an officer knows or reasonably suspects that a person in the migration zone (other than an excised offshore place) is an unlawful non-citizen, the officer must detain the person.

Section 189(2) of the Migration Act states that if an officer reasonably suspects that a person in Australia but outside the migration zone is seeking to enter the migration zone (other than an excised offshore place) and would, if in the migration zone, be an unlawful non-citizen, the officer must detain the person.

⁹ In the four months to October 2012, \$550.79 million had been expended on immigration detention; \$481.65 million on administered expenses and \$69.14 million on departmental expenses.

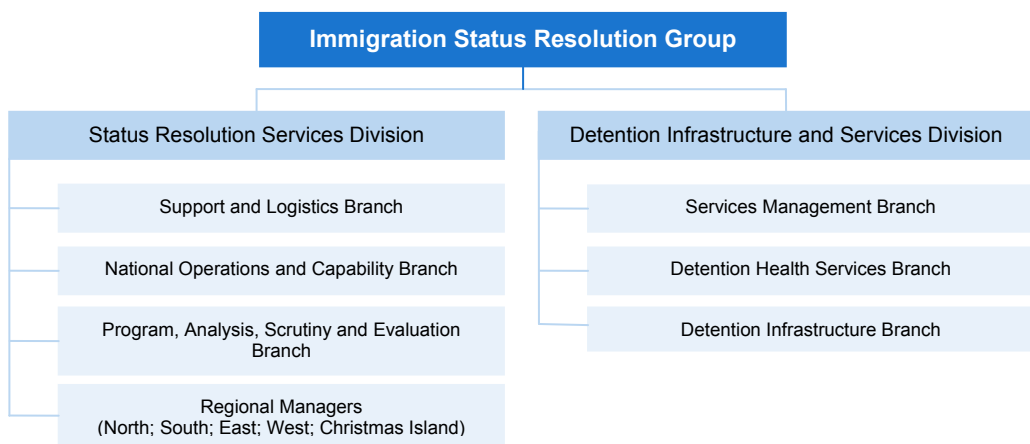
Immigration detention accounts for around 42 per cent of DIAC's total administered and departmental budget.

Administering immigration detention—DIAC's organisational structure

1.4 DIAC's Immigration Status and Resolution Group is responsible for administering immigration detention. The relevant divisions and branches within the Immigration Status Resolution Group are outlined in Figure 1.1.

Figure 1.1

Immigration Status Resolution Group, DIAC



Source: ANAO analysis of DIAC data.

Note: The Group also includes the Community Programs and Children Division.

1.5 Generally, Status Resolution Services Division is responsible for case management service delivery. The Detention Infrastructure Services Division is responsible for, among other things, managing the contracts with the various service providers. Case management is another important area within DIAC with a role in immigration detention. Its purpose is to engage with detainees to assist them to resolve their immigration status in an informed manner, consistent with legislation and Government policy. The case management area sits within the Policy and Program Management Group, and is separate from the Immigration Status Resolution Group.

1.6 As at 30 June 2012, around 450 DIAC officers were working in immigration detention facilities (IDFs). The average detainee to staff ratio

across the network was 13:1—that is, at 30 June 2012 there were 13 people detained in immigration detention for every DIAC officer working in an IDF.¹⁰ The number of DIAC staff in each facility varies, due, in part, to the location and the type of detainees accommodated at each facility. In addition, the number of staff at each facility fluctuates in response to the changes in the size of the detainee population. For example, the number of staff on Christmas Island increases following the arrival of boats carrying asylum seekers. The nature of immigration detention also means that the turnover of DIAC and service provider staff at some facilities is high, particularly at remote facilities where staff may be seconded for short periods.

Immigration detention facilities

1.7 Australia has two types of immigration detention:

- ‘held’ immigration detention, where people are accommodated in restrictive IDFs; and
- community detention, where people are accommodated in the community.¹¹

Table 1.1 describes the four types of held immigration detention.¹²

¹⁰ Excludes officers on leave or in transition.

¹¹ This audit focused on services to people in ‘held’ immigration detention. Community Detention, otherwise known as Residence Determination, enables people to reside in the community through a ‘residence determination’ made by the Minister for Immigration and Citizenship, the ministerial power being non-delegable and non-compellable. Community detention is subject to a number of conditions, including a mandatory requirement to report regularly to DIAC and/or the service provider, and to reside at the address specified by the Minister.

¹² Appendix 2 shows photographs of the IDFs visited by the ANAO. Appendix 3 lists the regular operational and contingency capacities of each of the IDFs and Appendix 4 provides, on a timeline, the dates the IDFs opened.

Table 1.1**Held immigration detention**

Type of IDF	Description	Operational IDFs ¹
Immigration Detention Centre (IDC)	Primarily accommodate individuals with a higher risk profile. This may include individuals who have overstayed their visa; breached their visa conditions and had their visa cancelled; been refused entry at Australia's entry ports; or are irregular maritime arrivals.	Christmas Island IDC (North West Point) Curtin IDC Maribyrnong IDC Northern IDC Perth IDC Scherger IDC Villawood IDC Wickham Point IDC Yongah Hill IDC
Alternative Places of Detention (APOD)	Accommodate people who have been assessed as posing a minimal risk to the Australian community. As well as the IDFs listed in the column to the right, APODs include rented accommodation in the community such as hotel rooms and apartments, hospital accommodation, schools, correctional facilities, and accommodation in the community made available through arrangements with other government departments.	Christmas Island APODs (Phosphate Hill, Construction Camp, Lilac and Aqua) Darwin APODs (Darwin Airport Lodge 1, 2 and 3, Berrimah House) Inverbrackie APOD Leonora APOD
Immigration Residential Housing (IRH)	Accommodate detainees who have been assessed as being of low escape and behavioural risk, including families with children, in domestic, independent family-style housing.	Perth IRH Port Augusta IRH Sydney IRH
Immigration Transit Accommodation (ITA)	Accommodate detainees who have been assessed as being of low escape risk in hostel-style accommodation.	Adelaide ITA Brisbane ITA Melbourne ITA

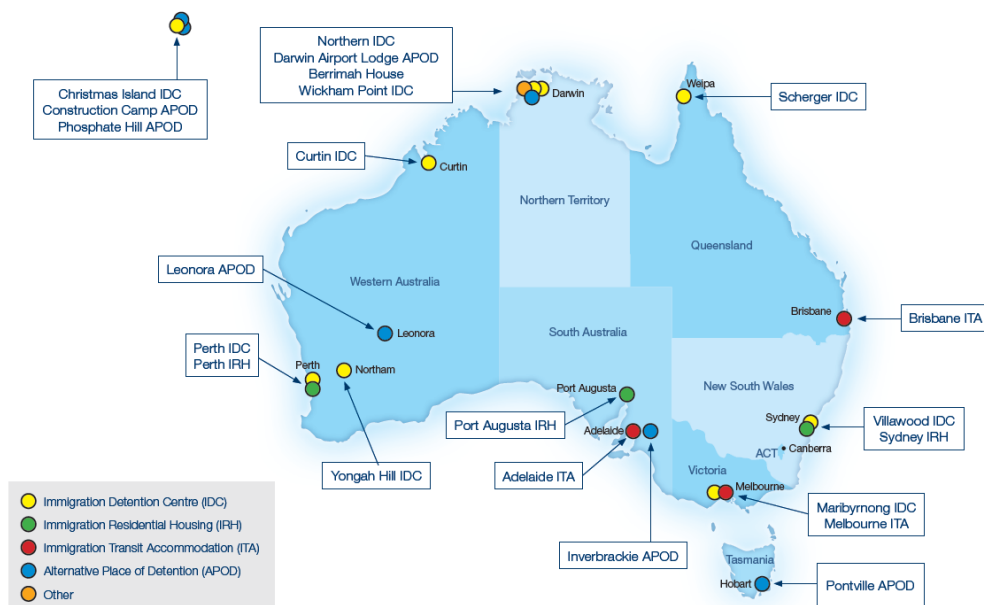
Source: ANAO analysis of DIAC data.

Note 1: Operational IDFs as at October 2012.

1.8 The facilities are located in metropolitan and regional/remote areas throughout Australia's states and territories, as shown in Figure 1.2.

Figure 1.2

Location of Australia’s immigration detention facilities



Source: DIAC.

People in immigration detention

1.9 As at 30 September 2012, there were 9358 people in immigration detention; 7670 in IDFs and 1688 in community detention. Table 1.2 provides a breakdown of these figures across immigration detention types.

Table 1.2

People in immigration detention, 30 September 2012

Facility type	Men	Women	Children	Total
IDC	5 441	51	0	5 492
IRH	30	9	6	45
ITA	114	1	66	181
APOD	967	393	592	1 952
Total in held immigration detention	6 552	454	664	7 670
Community detention	681	363	644	1 688
Total in immigration detention	7 233	817	1 308	9 358

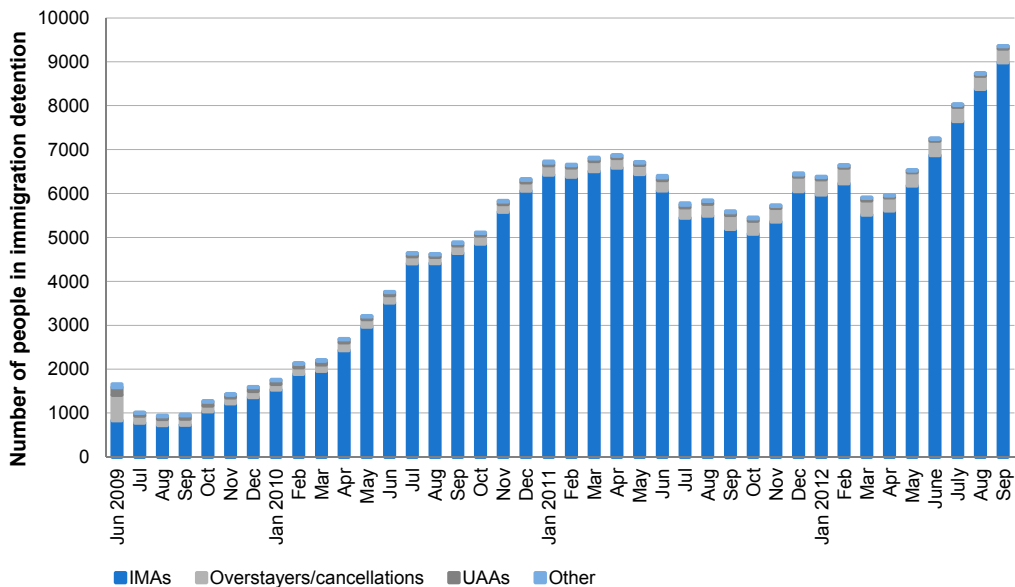
Source: Department of Immigration and Citizenship, *Immigration Detention Statistics Summary, 30 September 2012*, p.4.

1.10 The detainee population, shown in Figure 1.3, consists of people who:

- arrived unlawfully by boat and subsequently claimed asylum (irregular maritime arrivals [IMA])¹³;
- arrived unlawfully by air and subsequently claimed asylum (unauthorised air arrivals [UAA]);
- overstayed their visa or had their visa cancelled;
- were apprehended fishing illegally in Australian waters (illegal foreign fishers); and
- stowed away in, or deserted from, ships visiting Australia.

Figure 1.3

Immigration detention population, by reason for detention, June 2009 to September 2012



Source: ANAO analysis of DIAC data.

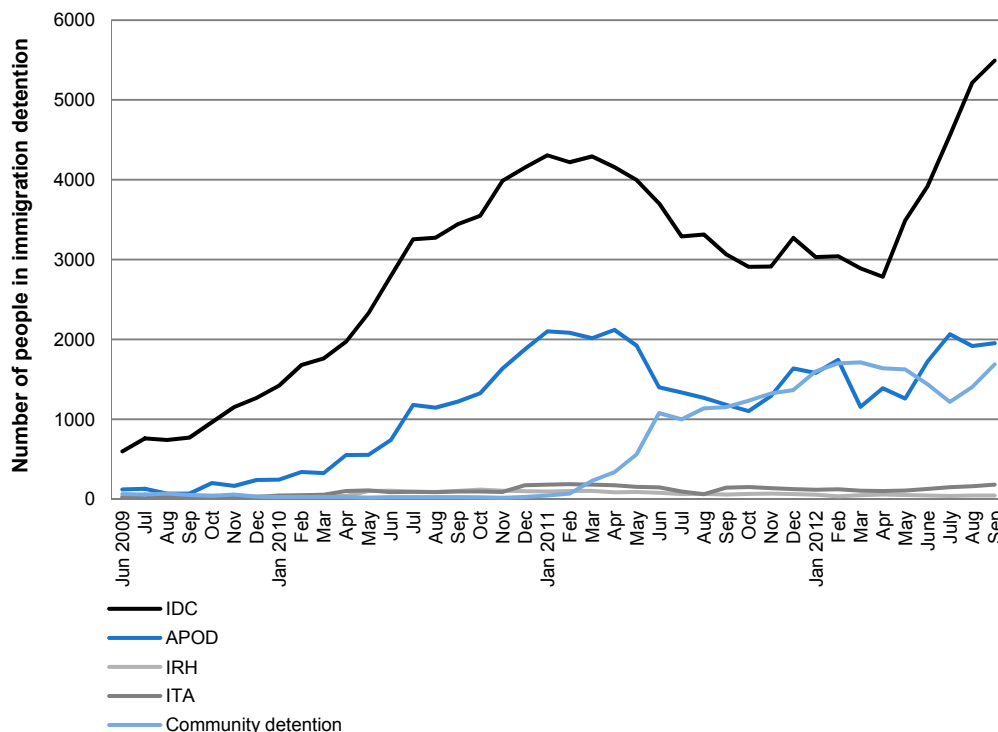
Note: Includes community detention. The figures in the table represent the population at a point in time. Until May 2011, DIAC published data for different days each month. From June 2011, data is for the last day of the month.

¹³ Generally, IMAs arrive at an excised offshore place (a place that has been removed from Australia's migration zone) for example, Christmas Island or Ashmore Island, or are intercepted en route to those locations within Australian waters.

1.11 The number of IDFs has increased substantially since June 2009. In June 2009, there were nine IDFs; currently there are 19 facilities.¹⁴ The majority of detainees are housed in IDCs, as shown in Figure 1.4.

Figure 1.4

Immigration detention population, by IDF type, June 2009 to September 2012



Source: ANAO analysis of DIAC data.

Note: The figures in the table represent the population at a point in time. Until May 2011, DIAC published data for different days each month. From June 2011, data is for the last day of the month.

Immigration detention service providers

1.12 Since 1998, services in ‘held’ immigration detention facilities have been provided under contract. Currently, Serco Australia Pty Limited (Serco) is the main detention service provider. International Health and Medical Services Pty

¹⁴ The Christmas Island facilities have been combined by type of facility and counted as two IDFs (one IDC and one APOD). The APODs in Darwin have been counted as one facility.

Ltd (IHMS) provides general and mental health services and a third contractor provides services to unaccompanied minors.¹⁵

Detention service provider

1.13 Serco is a for-profit company based in the United Kingdom and provides immigration detention services in Australia under two separate contracts. One contract covers detention services at APODs and IDCs; the other covers services at IRHs and ITAs.

1.14 DIAC entered into the contract with Serco for the provision of detention services at APODs and IDCs in June 2009. The contract is for five years, but may be extended by two additional periods of two years each. At the time the contract was signed, it was valued at \$279.22 million over five years. To June 2012, there have been four deeds of variation to the contract, reflecting the increase in the number of detainees. The contract is currently valued at \$1.67 billion for five years. DIAC entered into the second contract with Serco to provide services to people in IRHs and ITAs in December 2009. This contract was for \$44.45 million but has been varied twice and is currently valued at \$94.36 million for the five year period. A total of \$1.23 billion was paid to Serco between June 2009 and October 2012.

1.15 Under the contracts, Serco provides immigration detention services including: communication; visitor management; religious activities; programs and activities; reception and induction; catering; security; and a range of transport and escort services.¹⁶ The services are set out in three statements of work—one covering services delivered in APODs and IDCs, one for services in IRHs, and the third for services in ITAs. Serco assumed responsibility for the services from the previous service provider (Global Solutions Limited) from September 2009.¹⁷ The contracts describe the people in detention philosophy

¹⁵ Appendix 4 shows, on a timeline, the dates the service provider contracts were signed.

¹⁶ The contracts set out, among other things, the individual management services to be provided to people in immigration detention. These services include the:

- programs and processes that the detention service provider employs to manage and engage with the detainee population, such as: interacting with people in detention; developing and maintaining Individual Management Plans; managing behaviour; identifying people in detention at risk; and engaging detainees in service design and provision; and
- services provided to detainees that are intended to meet their basic needs, such as: catering; clothing; programs and activities; internet access; and the Individual Allowance Program.

¹⁷ Serco assumed responsibility for the Christmas Island facilities on 30 September 2009, Perth IDC on 14 October 2009, Maribyrnong IDC on 21 October 2009, Villawood IDC on 28 October 2009, Northern IDC on 11 November 2009, and IRHs and ITAs on 31 January 2010.

and the principles to which the detention service provider must adhere in delivering services to detainees. An extract from the APOD/IDC contract is shown below and the philosophy statement is provided in full in Appendix 5.

Figure 1.5

People in detention services philosophy (extract)

The aim of service delivery to People in Detention is to ensure that the only change to an individual's wellbeing as a result of being in Immigration Detention is the restriction of freedom of movement. Immigration Detention is mandatory "administrative detention"; it is not indefinite or correctional detention. Arrangements and principles that underpin the requirements of Immigration Detention are detailed in the Immigration Detention Values.

The Department and the Service Provider will work together to ensure that every individual in the detention environment is treated with dignity, equality, respect and fairness, in accordance with the Immigration Detention Values. The Department and the Service Provider will facilitate a positive, safe and healthy detention environment by providing Services to maintain the physical, emotional, social and spiritual wellbeing of the individual Person in Detention.

Source: Extract from the detention Services Contract between the Department of Immigration and Citizenship and Service Australia Pty Limited, June 2009.

Health service provider

1.16 In 2006, DIAC signed an agreement with IHMS, the health service provider, to provide physical and mental health services to people in immigration detention. In January 2009, portions of this agreement were superseded by a contract between DIAC and IHMS.¹⁸ In 2011, the arrangements with IHMS were reviewed, which resulted in a substantial variation to the contract being executed in May 2012. Christmas Island services were included in the contract and the provision of health services for both mainland Australia and Christmas Island were re-specified. As such, all services provided by IHMS within Australia are now covered by one contract, which is currently valued at \$679.81 million over five years from 2009 to 2014.¹⁹ The contract may be extended by two additional periods of two years each.

1.17 The services to be provided under the contract are dependent upon the type of IDF. Generally, IHMS is contracted to provide:

- health induction and health discharge assessments;

¹⁸ Under the 2009 contact, IHMS provided health services to persons in mainland immigration detention, while the agreement continued to apply to services to people in immigration detention on Christmas Island only.

¹⁹ When signed, the 2006 agreement was valued at \$89 million and the 2009 agreement was valued at \$71 million.

- continuing health care, including health management and periodic mental health screening and assessment; and
- medical escort services.

Services to unaccompanied minors

1.18 In 2012, DIAC entered into an agreement with MAXimusSolutions Australia (MSA) to provide support to unaccompanied minors in immigration detention. The contract covers the period 17 July 2012 to 31 March 2014 and may be extended for up to 12 months after this period. It is valued at \$29 million. DIAC had previously contracted not-for-profit organisation Life Without Barriers Australia to provide these services.

1.19 The service provider is contracted to provide:

- client support services—depending upon the facility, either facility-based, 24 hour live-in support or facility-based, non live-in, daily support of the minor; and
- independent observer services—pastoral or physical care of the minor during interviews and meetings.

Immigration Detention Values

1.20 In July 2008, the then Minister for Immigration and Citizenship announced seven key Immigration Detention Values (IDVs) as part of the Government's *New Directions in Detention* policy.

Figure 1.6

Immigration Detention Values

1. Mandatory detention is an essential component of strong border control.
2. To support the integrity of Australia's immigration program, three groups will be subject to mandatory detention:
 - all unauthorised arrivals, for management of health, identity and security risks to the community;
 - unlawful non-citizens who present unacceptable risks to the community; and
 - unlawful non-citizens who have repeatedly refused to comply with their visa conditions.
3. Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an immigration detention centre.
4. Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both the accommodation and the services provided, would be subject to regular review.
5. Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time.
6. People in detention will be treated fairly and reasonably within the law.
7. Conditions of detention will ensure the inherent dignity of the human person.

Source: Senator the Hon. Chris Evans, Minister for Immigration and Citizenship, '*New Directions in Detention - Restoring Integrity to Australia's Immigration System*' (Speech delivered at the Australian National University, Canberra, 29 July 2008).

1.21 The IDVs are intended to guide and drive detention policy and practice, and DIAC employees and the providers of services within the immigration detention network are expected to act in accordance with the values.

Seeking asylum

1.22 At the end of 2011, worldwide there were 42.5 million forcibly displaced people.²⁰ Of these, 26.4 million were internally displaced, 15.2 million people were refugees, and 895 000 were in the process of seeking asylum. Globally, South Africa received the highest number of asylum applications in 2011 (107 000 applications) and the United States of America received the most claims for asylum (74 000) among industrialised countries. In 2011–12, Australasia received 11 800 asylum claims, with applications in Australia declining by nine per cent from 2010 levels.²¹

²⁰ United Nations High Commissioner for Refugees, *Asylum levels and trends in Industrialized Countries 2011*, March 2012, [<http://www.unhcr.org/4f7063116.html>], accessed 17 July 2012].

²¹ *ibid.*

1.23 The majority of people in immigration detention in Australia are IMAs; primarily asylum seekers from Afghanistan, Sri Lanka, Pakistan and Iran who arrive by boat from Indonesia or Sri Lanka.²² Often these journeys are arranged by people smugglers and are made in unsafe boats.²³ In 2011–12, 7832 asylum seekers arrived in Australia by boat.²⁴

1.24 While the number of asylum seekers arriving by boat attracts considerable public attention, in 2011–12 an additional 633 people arrived unauthorised by air and, as at 30 June 2011, there was an estimated 58 400 unlawful non-citizens residing in Australia who entered Australia on a valid visa and subsequently overstayed their visas. At that time, the number of unlawful non-citizens was eight and a half times more than the number of IMAs in immigration detention (including community detention). If located, these people would have to be detained until their visa status was resolved or they departed Australia.

Policy and administrative changes

1.25 Prompted by reviews, changes of government or specific incidents, various policy and management approaches have been adopted in an attempt to address the issue of IMAs and improve the administration of immigration detention.²⁵ Most recently, in June 2012, the Prime Minister announced the formation of an Expert Panel on Asylum Seekers, to report to the Government on options for dealing with asylum seeker issues. The panel reported on 13 August 2012, making 22 recommendations in relation to the Australian Government's approach to managing asylum seekers. They included proposing changes to Australia's humanitarian program and certain visa classes, regional cooperation and processing, and removal and return of people whose claims for asylum are unsuccessful. As a result, in September and

²² Of the 7670 people in held immigration detention as at 30 September 2012, 3124 (41 per cent) were Sri Lankan nationals, 1352 (18 per cent) were Afghan nationals, 1220 (16 per cent) were Iranian nationals, and 482 (six per cent) were Pakistan nationals.

²³ In June and August 2012, three asylum seeker boats are known to have sunk en route to Australia. The loss of life from these tragedies is unknown, but is estimated at around 200 people.

²⁴ Figure covers the period from 1 July 2011 to 27 June 2012. Commonwealth Parliamentary Library, *FlagPost, Update on statistics for boat arrivals*, Commonwealth of Australia, 28 June 2012.

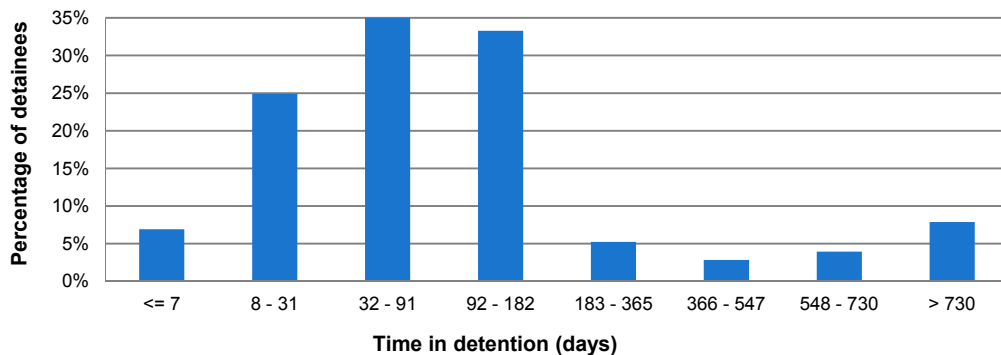
²⁵ DIAC has been the subject of many reviews, either specific to detention or relevant to DIAC's operations more generally, by Australian parliamentary committees and in response to incidents. The Commonwealth Ombudsman, the Australian Human Rights Commission and the Australian Red Cross also undertake regular reviews of immigration detention. Examples of these reviews are listed in Appendix 6.

October 2012 the Republic of Nauru and the Independent State of Papua New Guinea were designated as ‘regional processing countries’ under the Migration Act.

1.26 Mandatory detention has been shown to have a deleterious impact on detainees; in particular, deteriorating mental health and residual long-term trauma as a result of detention. The longer a person is held in detention, the greater the impact of that detention on the detainee’s mental health.²⁶ The recent policy changes, most notably the expanded use of community detention and the introduction of bridging visas for IMAs²⁷, have seen a decrease in the average amount of time detainees spend in immigration detention. In November 2011, the average length of time people spent in detention was 277 days. As shown in Figure 1.7, by 30 September 2012 that time had decreased to 83 days, with 5886 detainees (62.9 per cent of the detention population of 9358) detained for three months or less. However, some detainees continue to be detained for very long periods; 956 detainees (10.2 per cent) had been detained for over one year and, of these, 514 (5.5 per cent) had been in detention for over two years.

Figure 1.7

Length of time in detention, as at 30 September 2012



Source: ANAO analysis of DIAC data (Department of Immigration and Citizenship, *Immigration Detention Statistics Summary 30 September 2012*, Commonwealth of Australia, September 2012, p.8).

²⁶ Many studies and reports describe the impact of detention on the mental health of detainees. Two examples are the: *Joint Select Committee on Australia’s Immigration Detention Network, Final Report, March 2012*, pp.x-xi, 103-139; and *Australian Human Rights Commission Submission to the Joint Select Committee on Australia’s Immigration Detention Network*, August 2011, pp.28-32.

²⁷ In the six months to 30 June 2012, 1741 IMAs were granted bridging visas (Bridging Visa E) and, as at 30 June 2012, 1437 people were residing in community detention (1688 people were in community detention as at 30 September 2012).

1.27 The adverse impacts of long-term detention are particularly relevant for asylum seekers who have been found to be refugees under the Convention and Protocol Relating to the Status of Refugees but who have received an adverse security assessment from the Australian Security Intelligence Organisation.²⁸ Generally, under the Convention, these people cannot be returned to their country of origin (refouled) and, according to current detention policy, they are not to be released from immigration detention. Unless an alternative country can be found for settlement, these people face long term (and potentially lifelong) detention in Australia's immigration detention network.

Audit objective, scope and criteria

1.28 The objective of the audit was to assess the effectiveness of the Department of Immigration and Citizenship's management of individual management services provided to people in immigration detention.

1.29 The ANAO assessed whether:

- appropriate individual management services were provided to people in immigration detention;
- DIAC effectively monitored the individual management services provided to people in immigration detention and managed service provider performance; and
- DIAC's administrative arrangements facilitated the cohesive provision of individual management services to people in immigration detention.

1.30 The audit focused on DIAC's oversight of selected individual management services provided to people in held immigration detention—that is, in IDCs, APODs, IRHs and ITAs. The ANAO did not audit the service providers.

²⁸ In 2011–12, the ANAO assessed the effectiveness of the Australian Security Intelligence Organisation's arrangements for providing timely and soundly-based security assessments of individuals to client agencies, including DIAC. See ANAO Audit Report No.49 2011–12, *Security Assessments of Individuals*.

1.31 The services included within the scope of the audit were:

• interaction with detainees	• catering
• Individual Management Plans	• clothing
• behaviour management and identifying detainees at risk	• programs and activities
• Individual Allowance Program	• internet access

1.32 Other services (such as health, interpreters, and transport and escort) were not included in the audit, except to the extent that they overlapped or impacted on the selected services. Also, as the services selected are primarily the responsibility of the detention service provider, other service providers were only included to the extent that they were involved in the provision of the selected services. The audit did not examine services provided to people in Community Detention.

1.33 The Republic of Nauru and the Independent State of Papua New Guinea were designated as ‘regional processing countries’ under the Migration Act in September 2012 and October 2012 respectively. As these events occurred after the ANAO had completed its fieldwork, the scope of the audit did not include the services provided to detainees transferred to Nauru and Papua New Guinea.

Methodology

1.34 The audit team visited the following immigration detention facilities during the audit:

Christmas Island IDC Curtin IDC Maribyrnong IDC Northern IDC Perth IDC Villawood IDC Wickham Point IDC	Christmas Island APODs (Construction Camp and Phosphate Hill) Darwin APODs (Darwin Airport Lodge 1, 2 and 3) Inverbrackie APOD Leonora APOD	
	Perth IRH Sydney IRH	Brisbane ITA Melbourne ITA

1.35 The ANAO reviewed relevant DIAC and service provider records and documentation and interviewed DIAC and service provider personnel at their national offices and the immigration detention facilities visited. Discussion groups were held with detainees at each IDF²⁹, and a ‘Survey of people in

²⁹ The discussion groups were held at each IDF visited to explore in detail the detainees’ perceptions of the services they receive. The groups were conducted by language group and the number of participants in each group ranged from two to hundreds.

immigration detention' (ANAO Survey) was made available to detainees.³⁰ A detailed review of the files pertaining to 20 detainees was also conducted.³¹ In addition, key stakeholders, including representatives from the Commonwealth Ombudsman, the Australian Human Rights Commission, Amnesty International and the Refugee Council of Australia were interviewed.

1.36 The photographs that appear in this report were taken by the ANAO audit team during their visits to the IDFs.

1.37 The audit was conducted in accordance with ANAO auditing standards at a cost of \$713 000.

³⁰ The survey was made available to all detainees in the facilities visited during the audit. It was provided in 11 languages, including English. A total of 301 responses were received from detainees at 12 IDFs. Appendix 7 provides more details about the survey, including a summary of the results.

³¹ The files included 12 detainees who were discussed at IDF prevention and placement committee meetings at least once during early 2012 and eight detainees who died in immigration detention between 1 July 2010 to 30 June 2012.

Report structure

1.38 The structure of this report is:

<p>Chapter 2: The Detention Service Provider Contracts</p>	<p>Examines the immigration detention provider contracts, including the legal and policy framework they operate within.</p>
<p>Chapter 3: Managing Detainees</p>	<p>Examines the programs and processes that the detention service provider employs to manage and engage with the detainee population in 'held' detention.</p>
<p>Chapter 4: Services Provided to Detainees</p>	<p>Examines the services provided under the detention service provider contracts to detainees in 'held' detention that are designed to meet their basic needs.</p>
<p>Chapter 5: Placement of Detainees</p>	<p>Examines the approach to the placement and movement of detainees within the immigration detention network and the potential impact of placement decisions on detainees.</p>
<p>Chapter 6: Managing Service Provider Performance</p>	<p>Examines DIAC's administrative arrangements for managing the detention service provider contracts and how it assesses and manages the detention service provider's performance when providing services to detainees.</p>
<p>Chapter 7: Information Sharing Arrangements</p>	<p>Examines how DIAC manages its relationships with internal and external stakeholders, particularly how it shares information with its staff at IDFs and with service providers.</p>

2. The Detention Service Provider Contracts

This chapter examines the immigration detention provider contracts, including the legal and policy framework they operate within.

Legal and policy framework

2.1 The detention service provider contracts are managed within the context of a complex policy framework and a range of international instruments, Australian Government legislation and department-specific policy and procedures. Schedule 16 in both contracts lists the legislation and policy documents to which DIAC and the service provider must have regard. These include:

- general legislation and legislative instruments—26 in the APOD/IDC contract and 28 in the IRH/ITA contract, including the Migration Act, *Immigration (Guardianship of Children) Act 1946*, *Freedom of Information Act 1982* and *Administrative Decisions (Judicial Review) Act 1977*;
- 11 general Australian Government policies, including the Commonwealth Disability Strategy, Commonwealth Procurement Guidelines, and APS Code of Conduct;
- 15 department-specific policies, including the Regional Management Model, Service Delivery Values, National Case Management Framework, Client Placement Model, Divisional Plan, and DIAC's Procedures Advice Manual (PAM3, which includes the Detention Service Manual [DSM]); and
- eight international treaties, charters, covenants and agreements, including the International Covenant on Civil and Political Rights, the Convention Relating to the Status of Refugees and the Convention on the Rights of the Child.

Complex contractual environment

2.2 The immigration detention environment is complex. Consequently, the contracts for detention service provision are lengthy and complex documents.³² The main body of the contracts provides the framework for service delivery, performance management, and management of the facilities themselves. The supporting information and operational detail is set out in the 18 schedules to each contract.

2.3 Good contract management suggests that contractual requirements should be as concise as possible, clear, unambiguous, consistent and not conflict with other contractual terms and conditions.³³ When managing contracts within an environment like immigration detention, there is a need to recognise the wide variability in detainee needs and available detention infrastructure. In such circumstances, an appropriate approach would be for the contracts to require the service provider to deliver a core level of services across the immigration detention network, while allowing sufficient flexibility to account for local and regional considerations in service delivery. Drafting and enacting related contracts that are complex and lengthy within such an environment can impact on the clarity and consistency of those contracts. Accordingly, the ANAO reviewed the:

- consistency of the contractual requirements;
- clarity of key definitions; and
- level of prescription.

Consistency of the contractual requirements

2.4 Requirements relating to the management of detainees and the provision of services to detainees are not consistent across the three statements of work included in the two contracts as they related to services to detainees, as shown in Table 2.1.

³² The APOD/IDC contract is 974 pages and the IRH/ITA contract is 679 pages (excluding variations).

³³ ANAO Better Practice Guide, *Developing and Managing Contracts—Getting the right outcome, achieving value for money*, February 2012, p.28.

Table 2.1**Examples of inconsistencies between contractual requirements at different facilities**

Service	Contractual requirement
Developing and implementing Individual Management Plans (IMPs)	<p>Detainees' IMPs should be developed and implemented:</p> <ul style="list-style-type: none"> • within five days of arrival at in APOD, IDC or IRH; but only • within seven days of arrival in an ITA.
Reviewing IMPs	<p>IMPs should be reviewed:</p> <ul style="list-style-type: none"> • weekly in an APOD and IDC; but only • fortnightly in an IRH or ITA.
Behaviour management and identification of detainees at risk	<p>Services to detainees in APODs and IDCs include behavioural management agreements, identification of detainees who are at risk of self-harm or harm to others and the operation of a prevention committee; but these are not a requirement of the IRH/ITA contract.</p>
Complaints	<p>Timeframes for escalating and informing detainees about the outcome of complaints differ—for example, unresolved complaints are reported to DIAC as incidents:</p> <ul style="list-style-type: none"> • within three days in an APOD or IDC; but only • within seven days in an IRH or ITA.
Programs and activities	<p>The detention service provider must provide the following number of programs or activities:</p> <ul style="list-style-type: none"> • at least one in the morning and afternoon of every day in an APOD or IDC; but only • one each day on site at an IRH or ITA.
Excursions	<p>Detainees accommodated in IRHs and ITAs must have access to three off-site outings a week to locations such as a library, video/DVD outlet and local community sporting facilities, and for local community group activities; but these are not a requirement of the APOD/IDC contract.</p>
Recreational equipment	<p>The detention service provider must provide detainees in IRHs and ITAs access to equipment such as soccer balls, ping pong balls and bats, playing cards, blackboards and chalk; but these are not a requirement of the APOD/IDC contract.</p>
Assistance and support to detainees with respect to self-sufficiency, social and life skills and access to services in the Australian community	<p>The IRH statement of work places greater emphasis on the degree of independence and autonomy exercised by residents in IRH facilities than the other statements of work.</p>

Source: ANAO analysis of the service provider contracts.

2.5 As a result of the lack of consistency between the contract provisions, detainees will receive different services and their experience during their time in detention will differ substantially depending on the type of facility within which they are accommodated. Some of the inconsistencies can be explained by the circumstances and requirements at the time the contracts were signed.³⁴ For example, ITAs were designed as short term accommodation, primarily for people denied access to Australia after arriving at an airport pending departure. Developing IMPs for these people would not have been considered a necessary requirement. However, ITAs are now used to accommodate longer term detainees. Given the considerable changes in the detention environment in the last three years, there would be benefit in DIAC drawing upon its experience to better articulate reasonable and achievable standards and contractual requirements for the services provided across the network. This would simplify administration of the contracts and provide a more consistent experience for detainees when moving between different facilities.

Clarity of key definitions

2.6 Some of the key terms in the detention service contracts lack clarity. For example, the definition of an APOD differs between the various contracts. APODs are described as Alternative Detention in three of the contracts and APODs in the fourth (see Table 2.2).

³⁴ The APOD/IDC contract was signed by DIAC and the detention service provider in June 2009 and the IRH/ITA contract in December 2009.

Table 2.2

What is an APOD?

Contract	Category	Definition in the contract
Contracts with detention service provider	Alternative Detention	Immigration Detention in a place approved by the Minister in writing where the Unlawful Non-Citizen is being held by or on behalf of an Officer and includes detention in hotels, motels and hospitals, however, for the purposes of this Contract, does not include detention in Immigration Residential Housing or Immigration Transit Accommodation.
Contract with health service provider	Alternative Detention	Means Immigration Detention in a place approved by the Minister in writing where the Unlawful non citizen is being held by or on behalf of an Officer and includes detention in hotels, motels, hospitals, Immigration Residential Housing and Immigration Transit Accommodation.
Contract with provider of services to unaccompanied minors	Alternative Places of Detention (APODs)	Means places approved by the Minister, or his delegate, where a person may be kept in Immigration Detention other than at a detention centre. Examples of alternative places of detention used for accommodation purposes include: IRHs, ITAs, hospitals, nursing homes, mental health facilities, hotels/motels etc.

Source: ANAO analysis of the service provider contracts.

Note: Category and Definition are as per the Glossary or Definitions of the relevant contract.

2.7 The contracts with the detention service provider excludes IRHs and ITAs from the definition of an APOD, while the contracts with the other key service providers define an APOD as including IRHs and ITAs. As a result, it is unclear from the contracts whether the IRHs and ITAs are, or are not, APODs. There is, therefore, potential for confusion among the service providers—with the detention service provider defining IRHs and ITAs as different to APODs and other service providers interpreting IRHs and ITAs as APODs. In addition, the contract for IRHs and ITAs imposes requirements on the detention service provider that differ from those in the APOD/IDC contract.

2.8 The handover date for each APOD/IDC, which is the date upon which the service provider is to commence delivering the full range of services, is also unclear in the contracts.³⁵ The contract merely states that the handover date means the actual day on which handover is achieved. The handover date is defined in the contract's glossary as the date specified in the transition-in plan. However, the handover date in the APOD/IDC transition-in plan lists

³⁵ The handover date in the IRH/ITA contract is specified as 31 January 2010 for all sites covered by the contract.

milestones for certain actions to be achieved and notes that further detailed planning of the transition process will be undertaken early in the transition-in period. It does not state the handover date.

2.9 Specificity of the handover date is important as it triggers many of the activities required in the contract. As well as being the date on which the service provider is to commence delivering the full range of services within that facility, the handover date determines the timing of acceptance tests³⁶, the commencement of the performance monitoring and reporting regime, and the due date for various plans and their review.

2.10 A further example of a contractual term that has not been clearly defined is the date on which acceptance testing commences. Acceptance testing is an important part of the transition-in arrangements and is meant to reassure DIAC that the service provider is capable of delivering the services required by the contract. However, the drafting of the contracts is contradictory and open to interpretation, variously stating that DIAC will:

- conduct acceptance testing within three months after the handover date for each facility;
- complete acceptance testing within three months of the handover date; and
- conduct acceptance testing within four weeks of the handover date.

Level of prescription

2.11 The contracts, including the statements of work that specify the services to be provided and how these services will be delivered, are very prescriptive. The provisions covering two services (outlined in Table 2.3) illustrate some of the detail in the contracts.

³⁶ Acceptance testing is undertaken in order to determine whether the service provider is able to provide services as per the contracts and is discussed in more detail in Chapter 6.

Table 2.3

Examples of prescriptive contract requirements

Service	The contract contains detailed specifications about the:
Access to communications services	<ul style="list-style-type: none"> • use of telephones; • number of telephones to be provided; • times they must be available; • management of incoming calls and fax services; • detainee access to computers and internet services; • equity of access to communications services; • access to and use of mail services; • security of mail services; and • communication of information to detainees.
Visitor arrangements	<ul style="list-style-type: none"> • management of visitors; • recording of visit details; • implementation of visitor management procedures; • screening of visitors; • creating visitor records and annotation of files; • creating and maintaining visitor logs; • provision of designated visitor areas; • provision of private interview rooms; • visitor conditions and restrictions; • prior agreement of the detainee to see the visitor; • refusal or removal of visitors; • provision of standard and minimum visiting hours; • visits by volunteers, community groups, religious practitioners, media; and • arrangements for the property of visitors to be held while visiting the facility.

Source: ANAO analysis of the detention service provider contracts.

2.12 The detailed and highly prescriptive nature of the contracts means that there is a lack of flexibility in service delivery and it is difficult for the detention service provider to comply with the requirements of the contract. For example, the statements of work each contain the word ‘must’ up to 150 times, making it mandatory for the service provider to undertake the specified range of activities for the delivery of services. One of these services is complaints management. The contract contains detailed specifications about what the service provider must do in relation to complaints, including acknowledging all complaints on receipt and transcribing oral complaints. This includes minor

or easily resolved complaints, such as an outstanding request for a new pair of thongs. Another example of the prescriptive nature of the contracts is the requirement to provide access to free hairdressing by qualified professionals at APODs and IDFs. In the more remote facilities it may be difficult to obtain sufficient professional hairdressing expertise without impacting on the local community or, indeed, at all.

2.13 The impact on the wellbeing of the detainees may be negligible if particular contractual requirements are not complied with precisely. A more generally expressed list of services would allow the service provider to consider the best means of delivering appropriate services given the limitations of the environment and the facility.

Variations to the contracts

2.14 The detention environment has changed considerably since the signing of the detention service provider contracts in June and December 2009. At that time approximately 1000 people were held in nine immigration detention facilities. As at 30 September 2012, the network was accommodating 7670 detainees across 19 immigration detention facilities. Consequently, there is an ongoing need to vary the contracts to accommodate changes to the environment and the services required.

2.15 The APOD/IDC contract has been varied four times and the IRH/ITA contract twice. The variations cover the provision of services at new facilities, increasing capacity at existing facilities and some transport services. As a result of the variations, the value of the APOD/IDC contract has increased from \$279.22 million to \$1.67 billion and the value of the IRH/ITA contract has increased from \$44.45 million to \$94.36 million.

2.16 Due to the rapid growth in the immigration detention program, many of the variations were not executed until after the services were in place. For example, the third deed of variation to the APOD/IDC contract, for the provision of services at a number of IDFs, was signed on 28 November 2011. Some of the facilities had been open for more than a year when the variation was signed. As such, services were being provided at these facilities, and associated payments made to the service provider, in the absence of a

contractual agreement.³⁷ These variations should have been formalised much earlier. DIAC has acknowledged the need to action contract variations in a more timely manner.

2.17 While variations to any aspect of the contract are allowed, the enacted variations have not modified the terms of the original contracts. Rather, they have been in response to the need for increased services and facilities. At present, there are inconsistencies in the contractual requirements and a lack of clarity in key definitions. To improve consistency across the contracts and better reflect the current detention environment, there would be benefit in DIAC using contract variations more effectively and in a more timely manner, and considering the findings presented in this report when redrafting the contracts in preparation for their renewal or retender.

Conclusion

2.18 The detention service provider contracts are complex and lengthy documents. Currently, there are inconsistencies in some of the conditions of the contracts as well as a lack of clarity in some of the key definitions. For example, the timeframes for developing, implementing and reviewing detainees' Individual Management Plans (IMPs), the intention of which is to identify and tailor the ongoing care and services required for the detainee, varies between the different types of facilities. This can impact on the services provided to detainees and DIAC's management of the detention service provider's performance. Drawing on its experience of the last three years, the department could use future contract variations more effectively to clarify or remove inconsistencies, rectify omissions, and clarify and rationalise the provisions in the contracts as appropriate. This approach would enable a core level of services to be provided across the immigration detention network, and also allow for sufficient flexibility to account for local and regional considerations in service delivery. The requirements of the contracts should also be reviewed prior to their renewal or retender.

³⁷ DIAC advised the ANAO that the Contract Administrator provided verbal approval for the variations in accordance with Regulation 9 of the *Financial Management and Accountability Act 1997* at the time the services were required. Written approval was not sought from DIAC's Chief Financial Officer until December 2011. DIAC identified, and reported, the delay in seeking written approval as a breach of Regulation 12 of the *Financial Management and Accountability Act*, which requires that such approval be 'provided in writing as soon as possible'.

3. Managing Detainees

This chapter examines the programs and processes that the detention service provider employs to manage and engage with the detainee population in 'held' detention.

Introduction

3.1 The detention service provider contracts require that DIAC and the service provider work together to ensure that every individual in the detention environment is treated with dignity, equality, respect and fairness. Services to detainees should be provided in accordance with the IDVs and the duty of care owed to detainees.³⁸ In addition, the services provided should meet the immediate needs of persons in immigration detention, be of consistent quality regardless of locality and contribute to positive outcomes for detainees while they are in immigration detention.³⁹

3.2 The requirements for individually managing detainees are set out in the detention service provider contracts and encompass those services that directly impact upon a detainee's wellbeing and individual treatment. They include specific programs and processes that assist the detention service provider to manage and engage with detainees as well as the services directly provided to them.

3.3 Providing detainees with services that meet their needs and expectations supports the maintenance of good order and minimises the risk that disturbances will occur.⁴⁰ For example, a review of the incidents at Christmas Island IDC and Villawood IDC in 2011 found that shortcomings in services contributed to the disturbances, along with overcrowding and an increase in negative decisions on individual asylum claims. In addition, an analysis of incidents at CI IDC by the detention service provider suggests that

³⁸ DIAC and the detention service providers are legally obliged to exercise reasonable care to prevent persons in immigration detention from suffering reasonably foreseeable harm.

³⁹ Positive detainee outcomes, in this context, refer to the outcomes for detainees while they are in immigration detention. This includes empowering detainees to become involved in the design and delivery of services they receive, providing services that are appropriate and satisfy detainee needs, providing detainees with a safe environment and treating them in accordance with the IDVs.

⁴⁰ The detention service provider defines good order as a variable state of the immigration detention facility where the mood of the clients in detention and the security of the facility is within acceptable parameters. Good order should be conducive to the welfare of the clients, visitors, staff from Serco, DIAC, IHMS and other service providers, and that risk to these cohorts is appropriately minimised.

a decline in incidents, including self-harm, is in part attributable to increased resources for, and access to, programs and activities and improved behaviour management strategies. Therefore, services are an important element of the immigration detention environment and contribute to the good order of the facility and the immigration network as a whole.

3.4 The ANAO examined the following individual management processes that assist the detention service provider to manage and engage with detainees:

- interacting with detainees—focusing on the Personal Officer Scheme;
- identifying and documenting individual welfare requirements—through Individual Management Plans (IMPs);
- managing detainees’ behaviour and detainees at risk—through Behaviour Management Plans (BMP) and the Psychological Support Program (PSP); and
- engaging detainees in service design and provision—through requests, complaints and consultative committees.

Interacting with detainees

3.5 Meaningful interaction between detainees and the detention service provider is an important aspect of the services provided in immigration detention. The detention service provider’s Policy and Procedures Manual (DSP PPM) states that an environment of productive social relationships will assist service provider staff to develop a detailed understanding of the health and wellbeing of detainees. It will also contribute to the security and atmosphere of the IDF because positive interaction assists in anticipating issues and preventing minor issues escalating. Interaction occurs between staff in a variety of roles and as a result of the daily working of the facilities. For example, Centre Managers interact with detainees when undertaking regular walks around the IDFs, and programs and activities officers interact with detainees during activities and excursions. The key relevant roles of detention service provider personnel are outlined in Table 3.1.

Table 3.1**Interacting with detainees—roles**

Role	Description
Personal Officer	Meets regularly with the detainee to personalise service delivery and to ensure the wellbeing of the detainee.
Welfare Officer	Works hand in hand with the client service officers/client support workers to add another level of detainee care, ensuring that the individual needs of the detainees are catered for. ¹
Family Liaison Officer	Builds relationships with families; informs families about Australian laws, customs and culture; and works with facilities to ensure that facilities cater to the needs of families and single women.
Religious Liaison Officer	Assists detainees with cultural and religious matters and coordinates all religious activities.

Source: ANAO analysis of DIAC and service provider data.

Note 1: Client service officers and client support workers are the detention service provider staff working in the compounds at IDFs. The difference in title is based on the qualifications of the officers.

Personal Officer Scheme

3.6 The Personal Officer Scheme is central to the interaction between detainees and the detention service provider. Under the contracts, the detention service provider is required to allocate a staff member, generally a client service officer or client support worker, to each detainee to act as a personal officer. The objective of the scheme is to personalise service delivery and to ensure the wellbeing of the detainee with the aim of maintaining the good order of the facility.

3.7 The contracts are not specific about the operation of the Personal Officer Scheme. DIAC has provided only limited guidance about the scheme and, at the time of the ANAO's fieldwork, the detention service provider had not developed a national policy or procedures. In the absence of national guidance about how to implement and manage the scheme, six of the IDFs visited by the ANAO had developed their own guidance materials.

3.8 While the locally developed guidance materials were broadly similar, the implementation of the Personal Officer Scheme across the immigration detention network varied. For example, the number of detainees allocated to each personal officer ranged from around six detainees to 80 detainees per personal officer. This generally correlated with the size of the IDF, with a greater number of detainees per personal officer at the larger facilities. The way staff were allocated as personal officers also varied, as follows:

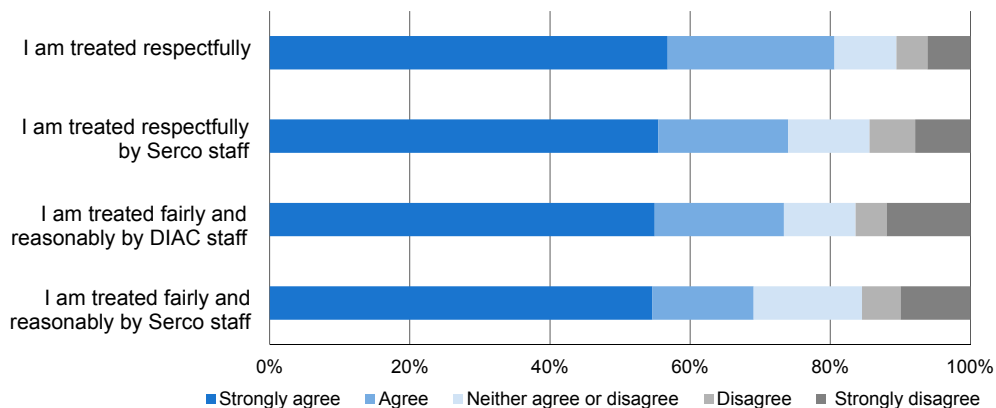
- teams of officers assigned by accommodation block, to act as personal officers to all detainees in that block;
- individual officers assigned by room or accommodation block, to act as personal officers to all detainees in that room or block;
- primary and secondary personal officers assigned to a detainee so that if the primary personal officer was otherwise engaged or off-shift there was an alternative personal officer available⁴¹; and
- two personal officers allocated across the total IDF population (at one small IDC).

3.9 Although the Personal Officer Scheme was operating differently across the immigration detention network, the ANAO observed during visits to IDFs that detention service provider staff were visible in the compounds and available to detainees when needed. In addition, the majority of detainees who responded to the ANAO Survey felt that they were treated respectfully, fairly and reasonably by the detention service provider and DIAC staff, as outlined in Figure 3.1.

⁴¹ Although the personal officer scheme is designed to provide a consistent staff member for a detainee to interact with, detainees are able to speak to any officer in the compound, regardless of whether the officer is their personal officer or not.

Figure 3.1

ANAO Survey respondents' views of treatment by DIAC and Serco staff



Source: ANAO Survey of people in immigration detention.

Note: On average, 2.8 per cent of detainees did not provide an answer to these four questions; the percentages have been adjusted to exclude these respondents.

3.10 During discussion groups with detainees at the facilities visited, the ANAO explored the interaction between detainees and IDF staff and the way detainees were treated. Some detainees described general behaviour or specific incidents that did not reflect well on IDF staff. These included staff gossiping about detainees, and negative comments, threats and intimidation to and of detainees. However, consistent with the ANAO Survey findings, most detainees described their interaction with detention service provider and DIAC personnel in positive terms and were satisfied with the way they were treated.

We are being treated as human by all the officers in Inverbrackie. ... The DIAC also act in the best interest of us. We really thank the Australian Government for protecting us. Thank you.

Source: Respondent to the ANAO Survey of people in immigration detention.

3.11 To improve the operation of the Personal Officer Scheme, DIAC has developed the Stakeholder Collaborative Project (also referred to as the Case Management-Serco Personal Officer Pilot). The aim of this project is to enhance collaboration between the detention service provider’s personal officers and DIAC’s case managers. One element of the project is that individual personal officers and case managers are partnered and assigned to the same group of detainees. DIAC informed the ANAO that the project will be implemented across the network in stages. It is being piloted at one facility and DIAC intends to roll out the project to the next facility in early 2013. When fully

implemented, the Stakeholder Collaborative Project could help to improve the consistent administration of the Personal Officer Scheme.

3.12 In addition, in October 2012 the detention service provider released a new DSP PPM on the Personal Officer Scheme that covers the role of the personal officer, procedures, and reporting requirements. The guidance is brief, but provides some direction for personal officers and other detention service provider personnel. In October 2012, the detention service provider also commenced a series of Client Management Workshops for staff at IDFs. The workshops are intended to reinforce the requirements and desired operation of the scheme across the immigration detention network.

Individual management plans

3.13 Under the contracts, the detention service provider is required to identify the individual welfare requirements of each detainee as soon as possible after they enter a facility and then develop and implement an IMP within five days of entry (seven days if the detainee is accommodated in an ITA). The intention of an IMP is to capture information relevant to the management of each detainee, and identify and tailor the ongoing care and services required for that person.

3.14 An IMP should be a dynamic document that is continually updated according to the detainee's circumstances and accompanies a detainee when they transfer around the immigration detention network. Table 3.2 lists the information that IMPs should record, as a minimum.

Table 3.2**Minimum contents of IMPs**

Name	Accommodation allocated
Personal Officer	Visitors' details
Program needs, including a mapping of preferred and/or intended programs	Any matters the personal officer/client service officer consider material to the detainee's welfare
Activity needs, including a capture of the preferred activities/hobbies/sports and interests of the detainee	Any matters the personal officer/client service officer consider material to the interaction with the detainee
Identified developmental needs	Staff observations and concerns
Religious or spiritual needs	Arising pertinent welfare or assistance needs
Cultural needs	Behavioural management issues
Special or preferred dietary needs	Health related issues
Welfare needs, including mental and physical health	Requests or complaints
Individual Allowance Program balance	Current Security Risk Assessment

Source: ANAO analysis of the detention service provider contracts.⁴²

Note: The IRH/ITA contract, which emphasises the importance of self-sufficiency, states that an IMP must also include any ongoing care, coaching or training required by the detainee to achieve self-sufficiency.

3.15 To meet these requirements, IDFs have developed IMP templates, which include guidance for detention service provider staff completing the templates. The templates varied across the facilities visited by the ANAO. They were either based on the national guidance and modified for the facility, or locally developed. The quality of IMPs and information captured also varied — from IMPs that contained nothing more than the minimum biographic data on the detainee, to IMPs that were detailed, personalised and updated over time.

3.16 The IMPs for 17 of the 20 detainees reviewed in detail by the ANAO did not meet the requirements outlined in the contracts and the DSP PPM, including that:

- IMPs were a largely static document, not often updated with information from case notes or IMP reviews;

⁴² The APOD/IDC contract does not include a description of the contents of an IMP.

- for half of the detainees, IMPs were more of an information sheet about the detainee, rather than a plan detailing the ongoing care and services required;
- IMPs for five detainees were not tailored for that individual;
- when four of the detainees were transferred to a different IDF, new IMPs were developed without reference to prior IMPs and case notes;
- the connection between IMPs and documents contained on DIAC's Compliance, Case Management, Detention and Settlement Portal (CCMDS Portal)⁴³, such as security risk assessments and case notes, was not evident for seven detainees;
- IMPs for eight detainees had not been uploaded to the CCMDS Portal⁴⁴; and
- for five detainees, there were time lags between when the detainee arrived in detention and when the initial IMP was completed and uploaded to the CCMDS Portal, the most significant being almost a year after the detainee first arrived in detention.

3.17 DIAC has also found that there was a general lack of understanding among personal officers about the purpose of IMPs and the type and quantity of information that should be entered into an IMP.⁴⁵

3.18 Three of the IMPs reviewed were of a better quality. In addition to providing general information about the detainee, they contained:

- actions required by the detention service provider and/or health service provider to address identified issues;

⁴³ The detention service provider is required to record and update IMPs on the CCMDS Portal, DIAC's nominated information system. The CCMDS Portal is examined in more detail in Chapter 7.

⁴⁴ Six of the eight detainees whose IMPs had not been uploaded to the CCMDS Portal died in immigration detention. In addition to reviewing the CCMDS Portal records for the eight detainees who had died in immigration detention between 1 July 2010 and 30 June 2012, the ANAO reviewed copies of the detainees' dossiers, where available. The level of documentation in the CCMDS Portal for deceased detainees was generally poor. For two of the four detainees, an IMP had been completed and was included in the scanned copy of the dossier but had not been uploaded to the CCMDS Portal. This is consistent with the findings of the *Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre*, which noted that IMPs were not in place for all detainees and recommended that IMPs be completed for all detainees and regularly reviewed.

⁴⁵ *Analysis of Irregular Maritime Arrival Case Manager Responsibilities*, Workplace Research Associates, April 2011.

- the detainee's history while in detention;
- requirements specific to the detainee (that is, the IMP was tailored to the detainee and captured information individual to them);
- details about staff interactions with the detainee;
- a timeline for when the plan was to be reviewed; and
- evidence that the IMP was updated from the original.

3.19 If used effectively, over time IMPs should provide the detention service provider with a comprehensive profile of each detainee's service needs and preferences that can be used to plan services. However, the extent to which detention service provider personnel, such as programs and activities officers, referred to IMPs when planning other services also varied.

3.20 The health service provider is required to assist in preparing and reviewing IMPs. Their involvement in IMPs was also not consistent across IDFs, with health service provider personnel at several IDFs advising the ANAO that they did not have any input into the IMP process. Discussions with representatives of the health service provider's management indicated that they were not aware that their personnel are required to be involved in the IMP process at a local level. There would be benefit in DIAC providing further clarity about the expected involvement of the health service provider in the preparation and review of IMPs.

Case notes

3.21 The contracts require that the detention service provider document and report any matter they consider material to the welfare of detainees in IMPs. This is generally achieved through case notes, which should record meaningful interactions between personal officers and detainees (see Figure 3.2). They are uploaded onto the CCMDS Portal as evidence of the detention service provider's interaction with detainees.

Figure 3.2**Examples of case notes****Case note based on an observation**

Client Joe ate dinner with his family and sat on the swing lounge with his wife in the evening. He enjoys a walk in the garden after dinner. Appears fine.

Case note based on a meaningful interaction

Client Joe has appeared in a relaxed mood of late. He watched the TV with clients of his nationality. Joe said spending time in the gym and having visitors are the best part of his day. He has commented that he does not like being disturbed of a night-time while he is trying to sleep. Joe would like to spend more time doing some gardening as it helps relax him.

Source: Villawood Immigration Detention Centre Personal Officer Scheme Policy and Procedure, Serco Australia Pty Limited, p.7.

3.22 When reviewing the records for 20 detainees, the ANAO noted that the regularity with which detention service provider staff recorded case notes about detainees varied, being daily, weekly, monthly, or ad hoc. The quality of case notes also varied between IDFs and, in some cases, within the IDF—from case notes merely noting an observation of the detainee’s behaviour to those based on a meaningful interaction, including actions taken by the detention service provider staff member relating to issues raised by the detainee. In addition, there were differences in the way in which IDFs recorded case notes—either on the detainee’s IMP, as a separate document, or in a free-text field within the CCMDS Portal. In reviewing the detainees’ files, the ANAO observed that accessing case notes and building a complete chronology for each detainee was a difficult and very time consuming exercise as it involved reviewing a large volume of documents stored within a system that is not easy to navigate and use.

3.23 Case notes provide a record of the detention service provider’s interaction with the detainee. Over the period of an individual’s detention, the information captured in case notes should provide a useful source of information about the client that would assist the detention service provider to understand and service that person’s needs and enhance their wellbeing. However, the content of some case notes, the approach taken to recording them, and the difficulty in finding and accessing information in the CCMDS Portal limit the usefulness of case notes for informing service delivery to the individual detainee.

Reviewing Individual Management Plans

3.24 The contracts require that DIAC, the detention service provider and the health service provider participate in a weekly review of IMPs for detainees in APODs and IDCs and fortnightly for detainees in IRHs and ITAs. In practice, IMP reviews were conducted on a monthly basis and/or as a result of a ‘trigger’ event. Trigger events included if the detainee was: involved in an incident; discussed at placement and prevention meetings; received news of a negative decision in their immigration case; or placed on the PSP.⁴⁶ As such, the timing of IMP reviews varied from the requirements outlined in the contracts and the DSP PPM. However, strict compliance may not always be practical or necessary. The approach adopted in practice is a pragmatic one, particularly at facilities with large detainee populations or low incident numbers, and where detainees needs do not often change.

3.25 The information contained in IMP reviews was not always consistent with other information on the CCMDS Portal, suggesting that reviewers did not always access the information available to them when undertaking the reviews. For example, the CCMDS Portal recorded that a detainee had been abusive and aggressive towards a detention service provider staff member. The day after this entry was made on the CCMDS Portal, the IMP was reviewed and it recorded that the detainee abides by the IDF rules.

3.26 In three cases in the ANAO’s sample, the IMP was not developed or the IMP reviews were not conducted as the detainee did not wish to participate in the process. This alone should not be a reason for not reviewing a detainee’s IMP. IMPs are the basis for the detention service provider’s provision of individual management services to people in immigration detention. If a detainee does not wish to participate in the IMP process, at a minimum the reason for non-participation should be investigated and appropriate actions considered and implemented, including follow-up discussions with the detainee. In addition, the detainee’s case notes should be updated to reflect the discussions and action planned and taken.

⁴⁶ The PSP, led by the health service provider, is the overarching framework providing a clinically recommended approach for identifying and supporting detainees who have mental health vulnerability or who are at risk of self-harm and suicide.

Reviewing Individual Management Plan procedures

3.27 The current variations in the quality and contents of IMPs and the IMP development and review processes limit their usefulness. Greater consistency in the information captured through IMPs would improve their usefulness as a management tool. It would also support more effective information transfer when detainees are moved around the immigration detention network and provide for improved continuity in the services provided to detainees, if the IMP template and the information captured within was comparable across facilities.

3.28 DIAC has identified the need for clearer guidance when completing IMPs and agreed service standards for IMP reviews. The detention service provider advised the ANAO that it reviewed the IMP procedures and released a revised DSP PPM in October 2012. IMPs are also covered as part of the detention service provider's Client Management Workshops. In addition, DIAC, as part of the initiatives being undertaken in this area, including the Stakeholder Collaborative Project, could clarify its expectations of IMPs, including their quality, contents and utility when planning other services.

Managing detainees' behaviour and detainees at risk

3.29 The detention service provider is required to develop strategies to manage the behaviour of detainees that aim to defuse tensions and conflicts before they become serious and violent, and to detect illegal and anti-social behaviour. The detention service provider also plays a role in identifying detainees who are emotionally distressed or at risk of self-harm or harm to others, and taking appropriate action. For their part, detainees are expected to behave in an appropriate manner, including contributing to the maintenance of the good order and security of the facility and not engaging in behaviour that is discriminatory, intimidating or bullying.

Managing the behaviour of detainees

3.30 Services designed to promote good order and to minimise adverse behaviours include: providing programs and activities; excursions and access to on-site facilities such as a gymnasium and internet services; and giving detainees the opportunity to have input into the design and operation of these services.

3.31 Immigration detention is, however, an environment in which people are detained in confined areas for indeterminate, and perhaps very lengthy,

periods, with little control over their futures. In such circumstances, it may be expected that detainees will not always behave in a manner that is conducive to good order. Disturbances and behavioural issues may result from any number of factors, for example: the escalation of a minor disagreement between two players during a sporting event; frustrations over food or access to activities; or the receipt of negative news about an application for protection. In such cases, the detainee may be placed on a Behaviour Management Plan (BMP).⁴⁷

Behaviour Management Plans

3.32 Illegal or anti-social behaviour that is not acceptable in immigration detention includes: bullying; sexual or other forms of harassment; assault; malicious destruction of property; and possession of weapons or illegal drugs. If a detainee exhibits such behaviours and threatens or undermines the good order of a facility, the detention service provider may develop a BMP for that detainee.

3.33 Four of the 20 detainees reviewed in detail by the ANAO had been placed on a BMP during their period in immigration detention. For three of those detainees, the BMP was included on the CCMDS Portal; for the other detainee, the portal contained only the BMP review notes, not the BMP. Generally, the BMPs reviewed captured the information that they were expected to record, as shown in Table 3.3.

⁴⁷ Referred to as a Behavioural Management Agreement in the APOD/IDC contract.

Table 3.3**Number of BMPs that recorded expected information**

Information to be recorded on a BMP	Number of BMPs that recorded the information
Issue or behaviour that triggered its need and whether the behaviour is out of character or part of an established pattern of behaviour	2
The detainee's opinion of the event or behaviour	0
Factors that might reduce the likelihood of the behaviour recurring or continuing, such as the presence of family members or involvement in particular activities	0
Expected standards of behaviour	3
Support that will be provided to the detainee to help them achieve the desired behavioural change	1
Consequences if the detainee's expected standards of behaviour are not met and maintained, such as relocation to another part of the facility or a different facility, exclusion from a specific activity and/or police intervention	3
Restrictions currently in place, such as restricted access to activities and excursions	2 (noted that detainees were not subject to any restrictions)

Source: ANAO analysis of DIAC data.

3.34 The APOD/IDC contract states that a BMP is developed when a detainee's behaviour is such that they are moved to a more restrictive place of detention within a facility.⁴⁸ Appropriately, in practice BMPs are also used as a behaviour management tool for detainees in the general population of a facility who continue to engage in anti-social or illegal behaviour after being challenged by the detention service provider. The four detainees in the ANAO's sample were not in restrictive detention when placed on BMPs, but had been involved in incidents. Also appropriately, BMPs are used in the same way across all types of facilities.⁴⁹

⁴⁸ There are three areas classified as restrictive places of detention within the immigration detention network—the support unit at Christmas Island IDC, the Murray Unit at Villawood IDC, and Zone C at Maribyrnong IDC.

⁴⁹ The BMP requirements are set out in only one of the detention service provider contracts (the APOD/IDC contract). Nevertheless, while the other detention service provider contract (the IRH/ITA contract) does not include similar requirements; the BMP processes have been implemented at the facilities covered by this contract.

3.35 The consequences of bad behaviour and acting in defiance of a BMP include restricted access to various services, such as activities and excursions.⁵⁰ Placement, either within a facility or to a different facility, is another option available to IDF staff to manage a detainee's behaviour. Detainees can also be transferred between higher and lower risk facilities in the same region as an incentive for good behaviour or as a consequence of bad behaviour. Of the detainees reviewed, one was moved to a less restrictive area within the same facility after complying with the conditions of a BMP and another was transferred to a lower risk facility.

3.36 While the quality of some of the BMPs reviewed by the ANAO varied, the detention service provider has implemented adequate procedures to manage detainees' behaviour using BMPs and these procedures are applied in a similar way across the immigration detention network.

Managing detainees at risk

3.37 The detention service provider is required, by the APOD/IDC contract, to develop and implement an evidence-based system for determining if a detainee is emotionally distressed or at risk of self-harm or harm to others.⁵¹ Detainees may be at risk of self-harm or harm to others because of pre-existing mental health issues, such as the impact of torture or trauma from events that occurred before arriving in Australia, or as a result of being in detention in Australia.

3.38 The key mechanisms for managing detainees at risk are:

- PSP—led by the health service provider; and
- Keep SAFE⁵²—led by the detention service provider.

3.39 For detainees considered to be at risk of self-harm, the PSP process involves assessment by the health service provider and, if necessary, initiation of a monitoring and review process, referred to as Supportive Monitoring and Engagement (SME). The process includes, as necessary, regular reviews and

⁵⁰ While the ANAO was informed that these approaches may be taken, largely as a result of the change in the detainee's risk assessment because of their behaviour, the detainees in the ANAO's sample had not been placed on any restrictions.

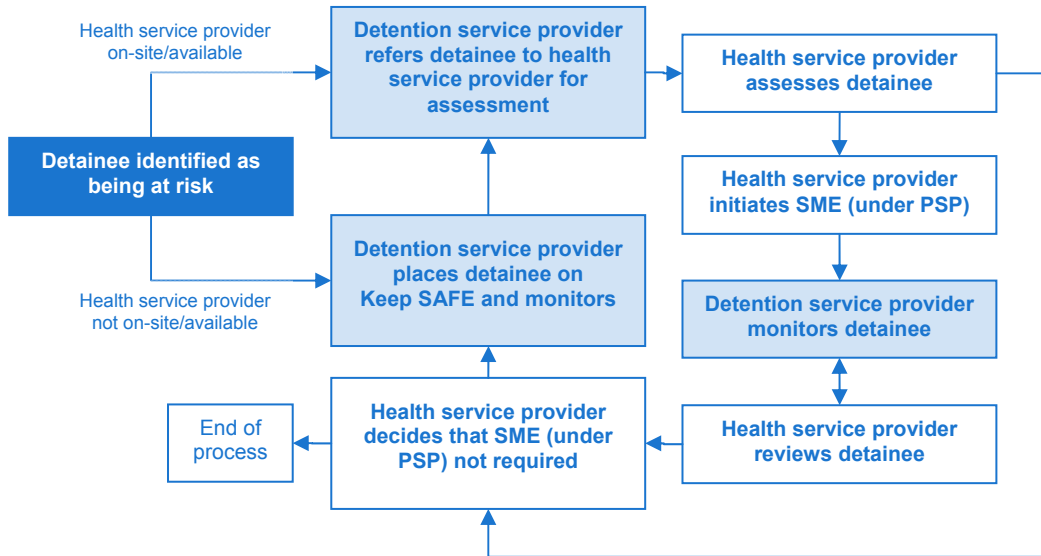
⁵¹ This is a requirement of the APOD/IDC contract; the IRH/ITA contract does not contain similar clauses. However, the same processes for identifying and managing detainees at risk of self-harm or harm to others are used across the different types of facilities.

⁵² SAFE stands for support, action, follow-up and evaluation.

assessment by staff, monitoring and observation at a level that is deemed appropriate, placement in more appropriate accommodation (which may be within the IDF, a hospital or a mental health facility) and referral to other health service providers. Keep SAFE operates within the framework of the PSP.⁵³ The process for managing detainees identified as being at risk are summarised in Figure 3.3.

Figure 3.3

Overview of PSP and Keep SAFE process



Source: ANAO analysis DIAC and service provider data.

Note: This is an overview only and does not include all steps in the process.

3.40 A detainee on PSP or Keep SAFE SME is monitored according to their assessed level of risk, which is generally based on the risk of self-harm and their previous behaviours. There are three levels of risk—ongoing, moderate and high imminent. Each level corresponds with a particular level of monitoring, as outlined in Table 3.4.

⁵³ Keep SAFE was implemented in the latter part of 2011; prior to the launch of Keep SAFE detainees at risk were monitored under a system generally referred to as the 'officer's watch'.

Table 3.4

PSP and Keep SAFE monitoring

Risk Level	Assessment guidelines	Monitoring & engagement (by detention service provider)	Clinical review (by health service provider)
High imminent	<p>For use where an individual has expressed clear plans to attempt serious self-harm or suicide, there is a high level of expressed intent, or the person’s level of psychological distress is so severe that clinicians believe there is a high risk of the same.</p> <p>A clinician considers that constant 1:1 monitoring and engagement is necessary to prevent serious self-harm or suicide.</p>	Constant (referred to as arm’s length eye sight)	Every 12 hours, with assessment by an external mental health professional after 24 hours
Moderate	<p>For use where a person may have threatened self-harm or expressed ideas of hopelessness, but has not engaged in serious self-harming behaviour.</p> <p>A clinician believes that an increased level of scrutiny is warranted but that constant 1:1 monitoring would contribute to the level of distress.</p>	30 Minute	Every 24 hours
Ongoing	<p>A person may have previously engaged in self-harming behaviour or has a pattern of threatening self-harm but is highly unlikely to have serious suicidal intent.</p> <p>May be used for persons who engage in non-lethal self-harming behaviour in the absence of known suicidal intent.</p> <p>A clinician believes that some level of observation is warranted but that intrusive monitoring and engagement would contribute to the level of disturbance.</p>	General non-intrusive	Every seven days

Source: *Detention Services Manual Chapter 6 – Detention Health, Psychological Support Program (PSP)*, Department of Immigration and Citizenship, p.15.

3.41 DIAC does not collect data on the number of times Keep SAFE has been initiated, and informed the ANAO that this data could not be provided without considerable manual effort. In 2011–12, a total of 3577 PSPs were initiated at IDFs, as shown in Table 3.5

Table 3.5**PSPs initiated, 1 July 2011 to 30 June 2012**

PSP level	Number of PSPs initiated	Percentage of total initiated
High imminent	546	15.3%
Moderate	962	26.9%
Ongoing	2 069	57.8%
Total	3 577	

Source: ANAO analysis of DIAC data.

3.42 Generally, PSP and Keep SAFE were seen as separate programs at the time of the ANAO's fieldwork. However, the roles of the respective service providers was well understood by detention and health service provider personnel. Only minor differences were noted in the way Keep SAFE was implemented in the facilities visited by the ANAO. In response to concerns raised by the Joint Select Committee on Australia's Immigration Detention⁵⁴, DIAC has been working with the service providers to clarify operational requirements about the programs, improve relevant communication and documentation, and better align the programs.⁵⁵

Engaging detainees in service design and provision

3.43 By its very nature, immigration detention restricts freedom and limits the control detainees have over most aspects of their lives. To empower detainees and encourage a sense of independence, detainees are given opportunities to provide input into the design and delivery of the services they receive. Allowing detainees to provide input into service provision also assists in maintaining the good order of facilities, which, as previously discussed, may be disrupted as a result of detainees' dissatisfaction with services. Detainees are able to provide feedback about services through requests and complaints,

⁵⁴ The Joint Select Committee on Australia's Immigration Detention reported that it was concerned that implementation of PSP through Keep SAFE may not achieve the outcomes intended and that implementation of the policy may be harmful to detainees. The Committee made three recommendations aimed at improving the detention health provider's implementation of the policies. (Recommendations six, seven and eight. *Joint Select Committee on Australia's Immigration Detention Network, Final Report*, March 2012, p.67.)

⁵⁵ In September 2012, DIAC and the service providers issued a joint Policy and Procedure Implementation Advice to all staff working in the immigration detention network. The advice covers PSP, Keep SAFE and BMPs. However, DIAC considers that it is flawed in some areas and has drafted a revised advice document for distribution to the network.

and by participating in consultative committee meetings with DIAC and the service providers.

Requests, complaints and compliments

3.44 Detainees can make requests or lodge complaints about any matter relevant to their detention. Requests and complaints cover anything from the services they receive (for example, catering and food, the facility shop, programs and activities), to access to DIAC case managers, to the length of time they have been held in detention and their immigration outcome. Generally, requests and complaints are made to DIAC, the detention service provider or the health service provider. Complaints may also be made to external stakeholders, such as the Commonwealth Ombudsman, Australian Human Rights Commission and Australian Red Cross.

3.45 To make a request or complaint, detainees complete the relevant form and place it in the appropriate box located in accommodation and communal areas within an IDF. They are recorded on the IDF's request log or the detention service provider's complaints management system.⁵⁶ If complaints are not resolved within three days at an IDC or APOD, or seven days at an IRH or ITA, the complaint is expected to be recorded as an incident on the incident register and is managed according to the standard incident management processes. Requests are not required to be acknowledged upon receipt or recorded as incidents if they remain unresolved after a period.



Requests and complaints box, Northern IDC



Requests and complaints boxes, Wickham Point IDC

Requests

3.46 All facilities visited had implemented appropriate processes to manage requests. An analysis of the 2751 requests received at one large IDC in the first three months of 2012 showed that the requests most frequently related to:

- property (67.5 per cent)—generally clothing, as well as a small number of requests relating to room keys, identity cards, and computer memory cards;

⁵⁶ Complaints that must be resolved by DIAC or other stakeholders are distributed to the relevant stakeholder and 'closed' on the detention service provider's complaints management system.

- activities (10.1 per cent)—to participate in particular activities, such as swimming, or an excursion, such as a tour of the local area or a visit to a place of worship; and
- DIAC (15.0 per cent)—generally to see the case manager, and a small number regarding a visitor or requesting a transfer.

3.47 The vast majority of requests received were resolved in the same month, as shown in Table 3.6.

Table 3.6

Requests received at one IDC

	January 2012	February 2012	March 2012
Requests received	1 023	1 033	695
Requests completed	973	1 011	601
Completion rate	95.1%	97.9%	86.5%

Source: ANAO analysis of service provider data.

3.48 However, there was variability in the way IDFs recorded requests. Some IDFs have an electronic system and others have paper-based request logs. Requests are not collated and the use of paper-based logs does not facilitate analysis of requests, such as the type and frequency of requests and trends over time. The results of such analysis would assist DIAC and the detention service provider to identify opportunities to improve the services provided to detainees, and the way those services are delivered.

Complaints

3.49 All the IDFs visited had established an electronic complaints management system, but the approach to categorising and recording complaints varied.⁵⁷ Differences included:

- eight IDFs had defined categories for complaints, recorded complaints by those categories and, in most cases, provided a brief description of the complaint;
- five IDFs had not categorised complaints, explaining the nature of the complaint using free text fields in the electronic system;

⁵⁷ The ANAO analysed the complaints management systems for 13 IDFs for January to March 2012.

- where complaints had been categorised, some categories described what the complaint was about (for example, staff related, catering, bullying); the stakeholder responsible for, or the subject of, the complaint (for example, Serco, DIAC, community); or a combination of these two approaches;
- eleven of the thirteen systems included the Global Feedback Unit (GFU) reference number⁵⁸; and
- eleven of the systems did not include a detailed description of action taken and the outcome of an investigation into the complaint.

3.50 There were also inaccuracies in the way complaints were categorised at one IDF. For example, three complaints categorised as bullying or harassment between detainees should have been categorised as bullying or harassment by detention service provider staff.

3.51 The most common complaints for which the detention service provider was responsible related to:

- the detention service provider, including staff behaviour (23 per cent of total complaints);
- property, including in-trust, lost and stolen property (12 per cent);
- bullying within the IDF (seven per cent).

3.52 The ANAO Survey asked whether comments or complaints were appropriately dealt with. The results are shown in Table 3.7.

Table 3.7

Dealing with comments and complaints

ANAO Survey question: My comments or complaints are appropriately dealt with.	
Response	Percentage of respondents
Agreed or strongly agreed	58.5
Neither agreed nor disagreed	12.6
Disagreed or strongly disagreed	24.6
No answer	4.3

Source: ANAO Survey of people in immigration detention.

⁵⁸ The Global Feedback Unit is DIAC's centralised feedback handling unit.

3.53 The majority of ANAO Survey respondents agreed or strongly agreed that their complaints were appropriately dealt with. However, one quarter disagreed or strongly disagreed, and four detainees also provided specific comments on their survey forms that at times the detention service provider was not responsive to complaints. This view was also expressed to the ANAO by detainees during discussion groups. Detainees in IDFs across the network expressed a concern that talking to visitors, including other government bodies and advocacy groups, making requests or submitting formal complaints to DIAC or the detention service provider would adversely affect their visa cases.

Any matter we wanna talk or discuss they (Serco) say just put in a Complaint form, but we never get any answer if we do. So, then what is the point. If there is a complaint box then where is the suggestion box.

Nobody cares about our opinions. We can freely talk to [illegible] and other personnel but they don't pay attention to our comments; they are just listening - as if we are talking to a wall!

Source: Respondents to the ANAO Survey of people in immigration detention.

3.54 From January to March 2012, the 13 facilities visited by the ANAO received a total of 826 complaints.⁵⁹ The number of complaints received by each facility varied from two to 160. The ANAO's analysis found that approximately 29 per cent of complaints were not resolved within three days and, as such, were registered as incidents. By way of example, the ANAO analysed the complaints management system of one IDF where detainees raised the length of time taken for complaint resolution as an issue. This analysis showed that on average complaints were resolved within 10 days (see Table 3.8). The greatest length of time to resolve a complaint was 48 days.

⁵⁹ The ANAO analysed the complaints management systems and incidents registered in the CCMDS Portal for January to March 2012 for the 13 facilities visited during the audit. The ANAO excluded complaints relating to DIAC, the health service provider and other stakeholders (these complaints are recorded as 'closed' on the complaints management system once they have been distributed to the relevant party). The complaints management systems' data is not reliable, largely due to variability in the way data is categorised and recorded. As these results are based on an analysis of the data, the reported results can only be taken as a guide.

Table 3.8**Time taken to resolve complaints at one IDF, January to March 2012**

Time taken to resolve complaint ¹	Number of complaints	Percentage of total
0–3 days	15	34
4–7 days	9	20
8–14 days	9	20
Greater than 14 days	11	25
Total	44	100

Source: ANAO analysis of service provider data.

Note 1: Classified as 'closed' in the complaints management systems.

Note 2: Percentages do not add to 100 due to rounding.

Role of the Global Feedback Unit

3.55 The GFU is DIAC's centralised feedback handling unit. It captures complaints; requests do not need to be reported to the GFU and are not escalated by the detention service provider if they remain unresolved. DIAC's DSM does not specify which detainees' complaints should be reported to the GFU. However, the DSP PPM states that all complaints should be reported to the GFU. Of the 13 facilities' complaints management systems analysed:

- five facilities submitted all complaints to the GFU;
- five facilities submitted some complaints to the GFU, but not all;
- one facility did not submit any complaints to the GFU; and
- two systems did not mention the GFU.

3.56 Data received by the GFU is collated into a monthly report containing basic statistics (number of complaints lodged with the GFU by IDF) and a list of the complaints for distribution within DIAC. No other analysis of complaints data is undertaken. Like request data, undertaking such analysis would assist DIAC and the service provider to identify opportunities to improve the services provided to detainees and the way those services are delivered. However, given the variation in reporting of complaints to the GFU, at present this data cannot be relied upon. The data would be more useful to DIAC if the department clarified its expectations about the lodging of complaints with the GFU and considered whether it is necessary for all

complaints to be reported to the GFU, particularly complaints that can be solved at the local facility level within a short timeframe.⁶⁰

Compliments

3.57 The ANAO noted that detainees did not have an avenue for providing general comments or compliments about the services they receive, although one complaints system analysed recorded six compliments that had been lodged on complaint forms. Detainees also observed that there were no suggestions boxes or opportunities to provide positive comments and say ‘thank you’.

I appreciate the efforts of the ladies and the gentlemen who are taking care of us 24 hours a day, and wish all the best for them and their respectable families and hope they have a good and warm life. Thank you!

With thanks and gratitude to teams who are in service for immigrants and are supporting them. We the immigrants are very much thankful for your humanitarian assistance. With Respects.

Source: Respondents to the ANAO Survey of people in immigration detention.

3.58 While it is necessary to capture requests and complaints, providing a mechanism for detainees to offer compliments is also important. It allows detainees to express appreciation for specific incidents or for services or treatment in general, encourages and reinforces positive messages for IDF staff, and provides a balance to negative feedback and commentary.

Client Consultative Committees

3.59 Client Consultative Committees (CCC) provide a forum for detainees to raise issues and make suggestions about services and conditions within an IDF. The contracts imply that APODs, IDCs and IRHs should have a CCC.⁶¹

3.60 CCCs had been established at the IDC, APOD and IRH facilities visited by the ANAO.⁶² Detainee representation on the committees was largely a

⁶⁰ In January 2013, DIAC informed the ANAO that it has commenced analysis of complaint trends and has been raising the findings with service providers to drive improvements to service delivery.

⁶¹ The contracts do not state that each facility should have a CCC; they require that the detention service provider provides secretariat services for the committee and for senior detention service provider staff to attend each CCC meeting at IDC, APOD and IRH facilities. The IRH/ITA contract is silent on this requirement for ITAs.

⁶² The ANAO analysed the minutes of 100 CCC meetings held at the 13 IDFs visited. Those meetings were held in late 2011 and during the period of fieldwork.

function of the size of the population at the IDF—CCC meetings were either open to any detainee who wished to attend; or attended by detainees acting as representatives for different cohorts, for example accommodation block or language group. Common issues raised at CCC meetings included: catering; broken appliances; canteen item requests; length of time spent in detention; and requests for more programs and activities, excursions, and internet time. At some of the larger IDFs separate meetings were held to discuss particular topics. For example, Wickham Point IDC held separate meetings to discuss catering issues and Christmas Island IDC had established a separate committee focusing on programs and activities.

3.61 The frequency and approach to the meetings, issues discussed and level of documentation varied between facilities. Meetings were held either weekly, fortnightly or monthly, but the staff attending the meetings were generally consistent. The level of detainee attendance at CCC meetings was often poor. Staff at the IDFs stated that this was largely due to the mood of the detainees, the detainees' frustration at the need for too many interpreters, and a perception that action items are not followed up. During discussion groups, detainees advised the ANAO that they felt that the CCC was not effective—that their views were not listened to or their concerns resolved.

3.62 Nevertheless, the concept of providing an avenue for detainees to have input into the services they receive is sound. The effectiveness of the meetings is, to some extent, a product of the participation of detainees as well as open communication from DIAC and the service providers about their capacity to respond to requests and suggestions. When reviewing the meeting minutes, the ANAO observed that some issues were ongoing as the result of the remote location of the IDF, for example ordering items for the canteen and access to a hairdresser, rather than inaction on the part of DIAC or the detention service provider.

Conclusion

3.63 The service provider has established mechanisms to interact with detainees, including the Personal Officer Scheme. The majority of respondents to the ANAO Survey also felt that they were treated respectfully, fairly and reasonably by the detention service provider and DIAC staff. However, until late 2012 there was limited guidance available to staff at IDFs about the implementation and management of the Personal Officer Scheme, resulting in its inconsistent operation across the immigration detention network. The approach adopted by individual IDFs has meant that there are differences in

locally developed IMP templates and the information captured. Generally, the quality of IMPs was poor and IMPs were not dynamic or meaningful documents that could be used to effectively meet the needs of detainees.

3.64 The detention service provider has implemented adequate procedures to manage detainees' behaviour using BMPs. DIAC and the service providers have also put in place sound mechanisms to manage detainees identified as being at risk. The PSP and Keep SAFE processes were understood by service provider personnel and generally adopted across the network. Detainees were engaged in the design and delivery of the services they receive through requests and complaints processes and CCC meetings. These mechanisms assist to empower detainees and encourage a sense of control over aspects of their lives and contribute to maintaining the good order of each facility.

Recommendation No.1

3.65 To better manage the provision of services to people in immigration detention, the ANAO recommends that DIAC, in consultation with the service providers, review the appropriateness and effectiveness of Individual Management Plans, which are currently used by the detention service provider to identify and tailor the ongoing care and services required by individual detainees.

DIAC's response: Agreed.

3.66 The Department agrees to Recommendation No.1, noting that the findings are already being progressed. To improve the management of people in detention, the department has clarified its expectations surrounding interactions with clients. All lead service providers in immigration detention facilities have agreed to work together to connect service provision with a focus on delivering improvements in client wellbeing outcomes.

4. Services Provided to Detainees

This chapter examines the services provided under the detention service provider contracts to detainees in 'held' detention that are designed to meet their basic needs.

Introduction

4.1 The services that are directly provided to detainees are intended to meet their basic needs, such as clothing and food, as well as address some of the elements of their IMPs. These elements may include food allergies or religious restrictions on types of food the detainee is able to consume, and skills and preferences as they relate to programs and activities. The services provided to detainees are important as they contribute to the detainees' personal experiences while in detention and to the good order of each facility and the immigration detention network as a whole.

4.2 The ANAO examined the following services provided to detainees:

- catering at IDFs;
- the supply of basic clothing and toiletries;
- the programs and activities offered to detainees;
- the Individual Allowance Program; and
- access to the internet.

Catering at IDFs

4.3 Food is, naturally, an important issue for many people. This is particularly true in a detention environment where detainees have very little control over many aspects of their lives, including the food they are served. Meals at IDFs may be provided by a service provider or prepared by the detainee (self-catered).

4.4 Where the detention service provider is responsible for catering⁶³, the contractual requirements are extensive and detailed. They include that the detention service provider will comply with all applicable legislation; be responsive to the cultural and religious needs of detainees, including that food prepared for detainees of Islamic faith is Halal; engage the services of a dietician; and develop recipe cards and menu plans. Menu plans are to be developed on a rolling basis of at least 21 days duration. Self-service snacks should also be available to detainees at all times.⁶⁴



Dining marquee, Villawood IDC

4.5 At facilities that are self-catered, detainees are allocated points under a 'Household Allowance Scheme' (HAS) to use for purchasing food and, where relevant, household items. One HAS point is equivalent to one dollar. HAS points are credited on a weekly basis, cannot be exchanged for cash, and are not transferable between detainees. The number of HAS points allocated is set by the relevant DIAC regional manager and, as such, can vary across facilities. At Sydney IRH, for example, detainees are allocated 70 HAS points for adults; 50 HAS points for minors; and 30 HAS points for babies.

4.6 All but one of the IDFs visited adhered to the requirements of the contracts.⁶⁵ However, catering arrangements differed between the same types of facility.⁶⁶ For example, Inverbrackie and Darwin are both APODs. However, because of the infrastructure available at these facilities, the former is self-catered and the latter is not. Families at Inverbrackie APOD are accommodated in individual houses with kitchens, giving them the flexibility to plan and prepare meals of their choosing and schedule their meal times according to their requirements. Families at Darwin APOD, including children, are accommodated in rooms with meals provided in a central dining room at a

⁶³ The detention service provider is responsible for providing meals to detainees, or providing access to facilities and food to allow self-catering, at all IDFs except Leonora APOD and Darwin APOD where there are separate contracts for catering services.

⁶⁴ Snack items include drinking water; tea and coffee; a variety of breads, jams and spreads; fresh fruit; cereal; rice; and noodles.

⁶⁵ The one IDF that diverged from the contract was a small facility that did not provide two meat dishes at lunch and dinner.

⁶⁶ The contracts and DIAC's DSM discuss self-catering in the context of IRHs. While there is mention of self-catering areas in the APOD/IDC contract, it is not clear whether this relates to the area in which self-serve snacks are provided and to barbecue facilities or more broadly to full self-catering facilities.

specified time. In addition, at two compounds within Villawood IDC, detainees can self cater, but this option is not available at other compounds in the facility.

4.7 Catering was a topic often raised by detainees during discussion groups. Negative comments from detainees related to the perceived poor quality of the food provided, repetitive menus, and menus that did not cater to their cultural backgrounds. Some groups felt that their requests for certain foods (such as pork, for detainees who did not require Halal diets) were denied because they were a minority group within the IDF population. However, positive comments were also received about the food, including a recognition that vegetarian and Halal options were available. The majority (60.8 per cent) of respondents to the ANAO Survey agreed or strongly agreed that their dietary requirements were being met; while a minority (23.3 per cent) disagreed or strongly disagreed.

Variation in catering contacts

4.8 Leonora and Darwin APODs are leased from private sector owners and catering is separately contracted. The contractual requirements at these facilities are not as rigorous and extensive as those at other facilities. The contract for catering provided at Leonora APOD sets out the types of food required to be provided for breakfast, lunch and dinner and, in this respect, is similar to that required by the detention service provider. The contract for catering at the Darwin APODs notes that daily meals must be provided according to menus or dietary guidelines as provided by the department. The Leonora APOD contract does not provide for access to self-service items and fewer self-service items are required at the Darwin APODs (only tea, coffee, milk and fruit). Neither contract requires menu plans, incorporation of feedback from detainees, or that menus be approved by a dietician.⁶⁷

4.9 DIAC was not able to provide the ANAO with an explanation for the differences in the catering requirements at Leonora and Darwin APODs. The department agreed that, while it would be preferable for catering options to be consistent across all facilities, the infrastructure of the facilities does not always allow this. However, it is important that the same standards of catering apply across all facilities irrespective of the contractual arrangements.

⁶⁷ A dietary analysis report was prepared for the Leonora APOD in May 2012.

Clothing and toiletries

4.10 When detainees first arrive in detention, the detention service provider assesses whether they have adequate clothing. If they do not, the service provider is required to offer detainees clothing that is clean, suited to the local climate and appropriate given the detainee's cultural needs. The service provider is also required to ensure that each person is provided with basic toiletries on arrival in detention.

4.11 The contracts, the DSM and the DSP PPM are silent on the type and quantity of clothing that detainees should possess or with which they should be provided. Generally, facilities had developed lists of clothing that would meet the minimum requirements.⁶⁸ Clothing was provided as necessary, both on arrival and throughout the detainees' time in detention, with clothing replaced as a result of wear and tear. Detainees were able to request a change to or replacement of an item of clothing, or additional warmer or cooler weather clothing, via a request form. Facilities kept a record of what clothing had been issued to each detainee to ensure that clothing was provided only as required and distributed equitably to detainees.

4.12 Toiletries were also issued as per the contracts and some facilities provided additional items. For example, Inverbrackie APOD provides baby packs to parents. Detainees could replenish toiletries as required. In practice, most facilities exchange toiletries on a one-for-one basis. Additional items could be purchased at the facility shop.

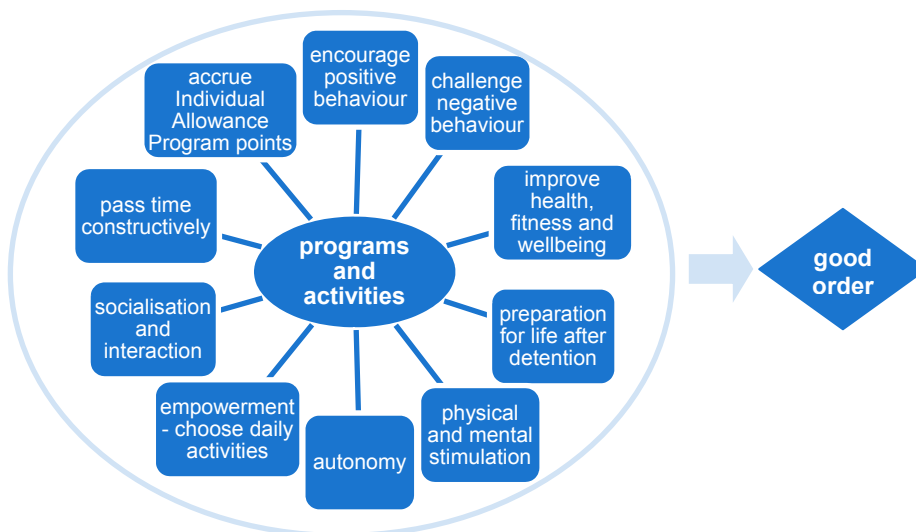
Programs and activities

4.13 While in immigration detention, detainees may participate in a variety of programs and activities. The DSM states that participation in programs and activities helps detainees in various ways, as illustrated in Figure 4.1.

⁶⁸ These lists varied only slightly between facilities and included socks and underwear, shirts and long sleeved t-shirts, shorts and pants, shoes and thongs, and a warm jumper.

Figure 4.1

Benefits of programs and activities



Source: ANAO representation of DIAC guidance.

4.14 The detention service provider is contracted to develop, manage and deliver programs and activities for detainees. The contracts detail the requirements as they relate to programs and activities, including excursions, and include that:

- the programs and activities schedule must include both structured and unstructured programs and activities⁶⁹;
- at least one program or activity must be scheduled in the morning and afternoon every day at an APOD or IDC, and at least one program or activity per day at an IRH or ITA;
- at least three off-site excursions per week for detainees accommodated in IRHs to locations such as the library, video/DVD outlets, local community groups and sporting facilities (not provided for under the contracts for detainees in APODs, IDCs or ITAs);

⁶⁹ The DSM states that structured programs and activities are those organised by the detention service provider and involve several participants. Structured programs and activities must deliver a sense of purpose and achievement and produce a meaningful outcome for detainees. Unstructured programs and activities refer to leisure and general recreational activities such as billiards, television, board games and unscheduled sports.

- the detention service provider should develop strategies to encourage detainees to participate in programs and activities, while noting that participation is voluntary; and
- the detention service provider must provide recreation equipment at IRHs and ITAs, including for families with children, such as balls, bats, playing cards, blackboards and chalk (not required under the APOD/IDC contract, despite APODs accommodating children).⁷⁰



Sports area, Perth IDC



Classroom, Christmas Island APOD



Craft made by detainees, Wickham Point IDC

4.15 As would be expected, the types of programs and activities offered varies depending on the cohort at the IDF, the size of the facility, available infrastructure, risk and location. Programs and activities offered included:

- English as a second language classes;
- ‘About Australia’ classes;
- ‘Health and Wellbeing’ classes;
- arts and crafts;
- physical activity (including use of a gymnasium);
- music;
- library; and
- off-site excursions.

⁷⁰ The detention service provider advised the ANAO that it provides recreation equipment at all facilities in order to accommodate a range of programs and activities.

4.16 The type of excursions and individual detainee’s ability to participate depends on the site risk (that is, risk associated with the venue), the population and location of the IDF, and the escape risk of the detainee. Excursions that detainees have participated in included:

- visits to swimming pools and sporting facilities, cinemas, botanical gardens and parks, art galleries and museums;
- bus tours of the local city or surrounds;
- fishing; and
- bowling.

4.17 The contracts require that detainees be free to practice the religion of their choice while detained. To facilitate this, the programs and activities schedules included opportunities for regular worship, celebration of religious events and excursions to a local church, mosque or temple. During discussion groups with the ANAO, a small number of detainees raised concerns with respect to religion, including that there was a lack of religious materials in their language, detainees of other faiths had greater religious freedom, and limited access to religious excursions. However, the majority of detainees stated that they were free to practice their chosen religion. This is consistent with the ANAO Survey results, in which 79 per cent of respondents agreed (22 per cent) or strongly agreed (58 per cent) that they were free to practice their religion. Only 10 per cent disagreed (four per cent) or strongly disagreed (six per cent).⁷¹



Multi-faith room,
Christmas Island IDC



Multi-faith room,
Curtin IDC

⁷¹ Does not add to 100 per cent due to rounding of the agreed and strongly agreed responses. Five per cent of respondents did not answer this question.

4.18 Detainees are also able to facilitate programs or activities. For example, during May 2012, 12 IDFs ran detainee-led programs and activities, including English classes, cooking classes, karate, dance, information technology classes and sporting activities. During the same month, 10 facilities provided detainees with the opportunity to participate in volunteer programs both within and outside the IDF in the local community. For example, at the time of the ANAO’s visit, detainees had the opportunity to volunteer at the Gwalia Museum near Leonora restoring some of the items at the museum; help at Wharfinger’s House Museum in Derby; and assist with gardening and beach projects on Christmas Island. Other volunteer opportunities within the IDFs included planting and maintaining gardens; assisting in the dining room, kitchen, or facility shop; volunteering in the library; and participating in Egg Central at the Christmas Island APOD (Phosphate Hill) or Aqualand at Curtin IDC.



Detainees collect eggs and attend to the chicken coop at Egg Central, Christmas Island APOD (Phosphate Hill).

Aqualand at Curtin IDC is an aquaculture and hydroponics program in which detainees draw on previous experience or learn new skills, while contributing to the local community. Fish raised at Aqualand are donated to disadvantaged families in the community. Detainees have also planted vegetable and flower gardens in their accommodation areas using Aqualand seedlings.



Number and quality of programs and activities

4.19 During the audit, some respondents to the ANAO Survey and detainees in discussion groups stated that there were not enough programs and activities for them to participate in. Classes were also overcrowded, particularly English classes, which are the most attended activity. Detainees reflected a desire to engage in more meaningful activities, such as vocational training.

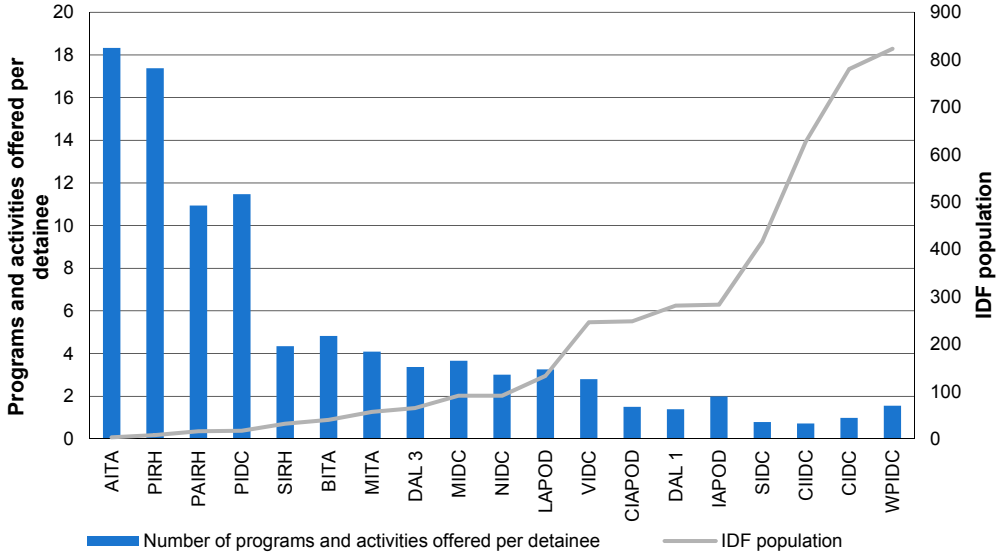
4.20 The ANAO analysed the number of programs and activities provided to detainees during the period of its fieldwork and found that the detention service provider is providing programs and activities at a level above the minimum required under the contracts. For example, in May 2012 IDFs ran a total of 7259 programs and activities, which is significantly above the minimum total of 992 activities required by the terms of the contracts. However, the contracts are expressed in terms of activities per facility, not per detainee, and, as previously noted, only require one activity in the morning and afternoon for an APOD or IDC and one activity per day at IRH and ITA facilities. At a large facility, providing only one activity in the morning and one in the afternoon may not be sufficient to allow interested members of the detainee population to participate.

4.21 The number of programs and activities varied significantly, largely due to the population and the available infrastructure at each IDF.⁷² As shown in Figure 4.2, the number of programs and activities varied from less than one to around 18 for each detainee for the month of May 2012.

⁷² Data for May 2012 is presented here as it was the most recent available at the time of the ANAO's analysis.

Figure 4.2

Number of programs and activities offered per detainee, May 2012



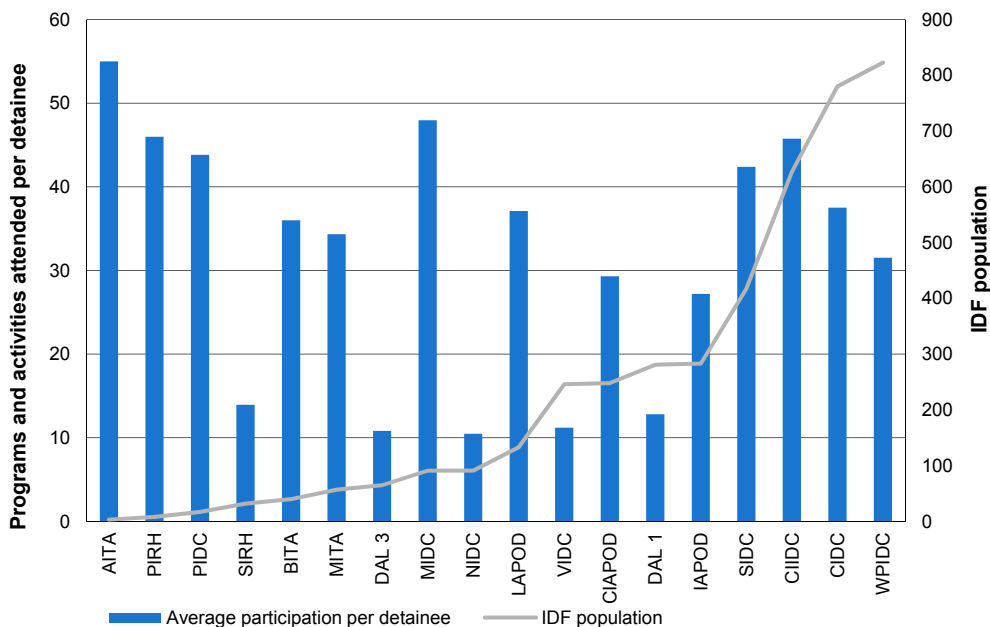
Source: ANAO analysis of DIAC and service provider data.

Note: The IDFs are displayed in ascending order by average population in May 2012. The graphs show on-site programs and activities; excursions and religious activities are not included.

4.22 Participation in programs and activities also varied across the IDFs, as shown in Figure 4.3, and is not necessarily linked to the number of programs and activities offered.

Figure 4.3

Average participation in programs and activities per detainee, May 2012



Source: ANAO analysis of DIAC and service provider data.

Note 1: The IDFs are displayed in ascending order by average population in May 2012. The graphs show on-site programs and activities; excursions and religious activities are not included.

Note 2: Port Augusta IRH is not shown due to errors in the data provided.

4.23 In discussion groups, detainees described some of the factors that influence their participation in, and indifference to, programs and activities. These included:

- length of time spent in detention—detainees felt that being detained for prolonged periods decreased their desire to engage in programs and activities;
- mental health issues—if detainees suffered from mental health issues they were not inclined to engage in programs and activities; and
- anxiety and stress relating to immigration cases.

4.24 While encouraging participation by advertising (for example, by placing schedules around the IDF) and talking to detainees about programs and activities, the detention service provider did not monitor detainees’ participation in programs or activities or follow-up with individual detainees to ascertain why they were not participating.

4.25 The quality of some programs and the way in which they were delivered also varied between IDFs. For example, while English teachers at most facilities are qualified English as a second language professionals, at one IDF visited the English classes were taught by volunteers who were not necessarily qualified as English as a second language teachers. In discussion groups, detainees also reported variability in the quality of English classes. Some detainees reported satisfaction with the classes, others noted that there were not enough classes, and that classes were over-crowded or too short.

We don't have a good English class in this camp. We can improve our English language during our residence in this camp.

I whole heartedly inform you that many different activities are happening here in a much good [way].

Source: Respondents to the ANAO Survey of people in immigration detention

4.26 There were also differences between the programs and activities allowed at different IDFs. For example, at one APOD visited the detention service provider advised that detainees were not allowed to undertake martial arts classes as the activity was deemed to be too high risk; at another IDF in the same region, detainees led martial arts classes.

4.27 In addition, detainees have not been able to access vocational or educational programs provided by external bodies. Examples of such programs would include secondary and tertiary courses and opportunities to develop new skills or build on existing skills through employment training schemes. DIAC advised that it is considering the introduction of vocational programs and is working to resolve certain logistical issues (such as security and insurance).

Tailoring programs for detainees

4.28 Under the APOD/IDC contract, the detention service provider should maintain a tailor-made individual program of activities for all detainees who will be in an IDF for longer than ten days.⁷³ However, the detention service provider generally did not tailor programs for individual detainees—programs and activities schedules were developed for the population of an IDF or a compound within an IDF.⁷⁴ When tailoring programs, the detention service provider should have regard to the outcomes or needs identified in the detainee’s IMP. As mentioned previously, the extent to which programs and activities officers referred to IMPs when developing programs and activities schedules varied; from not at all to using information collected on the IMPs to inform the schedule.

4.29 Given the number of detainees in detention at present, developing and maintaining tailored programs for each detainee would be resource intensive, particularly at facilities with large numbers of detainees. As such, there would be merit in DIAC reviewing this requirement of the APOD/IDC contract and exploring options that appropriately address the needs of detainees but are achievable in the current detention environment. One option may be for the detention service provider to seek input from detainees about the programs and activities offered at a facility and to use this feedback to tailor and amend the programs and activities schedule as necessary.⁷⁵

A new framework for programs and activities

4.30 In May 2012, DIAC finalised a new framework for programs and activities. The purpose of the framework is to provide a foundation for the development of a new Programs and Activities Operating Model, which is intended to provide programs and activities that are focused on people in detention, targeted and flexible, and contribute to broader program outcomes.

4.31 The commitment to improving the programs and activities for detainees is positive. However, it is unclear from the framework how the goal of delivering a new framework for programs and activities in immigration

⁷³ Not required under the IRH/ITA contract.

⁷⁴ Differentiated activities may be provided for detainees with special needs.

⁷⁵ As discussed in Chapter 3, detainees are engaged in the design and delivery of the services they receive, including programs and activities, through the requests and complaints processes and at CCC meetings.

detention facilities will be achieved, including how the operating model will be progressed and which party will be responsible for developing the model. In addition, the framework describes the key interactions between programs and activities and other services and administrative processes, such as IMPs and the Personal Officer Scheme. However, it does not take into account the shortcomings of the existing processes, for example inconsistencies in the quality of IMPs and implementation of the Personal Officer Scheme. Improving the operations of the IMP process and Personal Officer Scheme, as described earlier in this report, would assist DIAC to effectively implement the new programs and activities framework.

Individual Allowance Program

4.32 Under the Individual Allowance Program (IAP), detainees are allocated points that can be exchanged for items at the IDF shop. The IAP was designed to allow detainees a level of control over their daily lives through access to incidental items, such as chocolates and cigarettes, and to act as an incentive for detainees to participate in meaningful programs and activities.

4.33 Detainees are able to receive up to a total of 50 IAP points per week. At the beginning of each week detainees are allocated 25 points and they can accrue a further 25 points through participation in structured programs and activities.⁷⁶ IAP points expire at the end of each week and cannot be exchanged for cash or transferred between detainees.

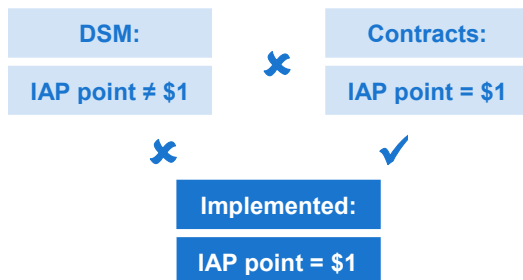
4.34 The DSM states that the point value of incidental items should be consistent across all IDFs and that points should not carry a dollar equivalent. This is to prevent fluctuations in the price of incidentals and comparative inconsistencies between IDFs. The contracts state that the detention service provider must trade items at IAP points equivalent to the purchase cost of the items, that is, at the cost the detention service provider has incurred for the item. Essentially, the IAP has been implemented such that one IAP point was

⁷⁶ The IAP points provided depend on the age of the detainee. Adults are allocated 25 points each week with a further 25 able to be accrued through participation in programs and activities. Minors aged between 12 and 17 are allocated 25 points each week, with 15 points able to be gained through participation in programs and activities. Minors under the age of 12 are allocated 20 points each week and are not able to accrue points through participation in programs and activities. If a detainee is unable to participate in programs and activities or if the detention service provider is unable to provide sufficient programs and activities, points may be awarded at the discretion of the detention service provider in consultation with DIAC.

equivalent to one dollar. As such, IAP points are valued in a manner consistent with the requirements of the contract, but inconsistent with the DSM.

Figure 4.4

Valuing IAP points



Source: ANAO analysis of the service provider contracts and DIAC guidance.

4.35 The number of points required to purchase the same item at different facility shops varied. While the variation was immaterial for most items (for example, the cost for phone cards was consistent at 6.5 or 7 points), the price differential for some items was significant. For example, on Christmas Island the average cost of a packet of 25 cigarettes was 2.75 points, significantly less than the average of 14.3 points at mainland IDFs.

4.36 IAP points have no real dollar value (they cannot be exchanged for cash or used outside the facility shop) and the actual cost incurred by the detention service provider, and ultimately DIAC, is not changed by the number of points a detainee uses to ‘purchase’ an item. Therefore, pending further review of the IAP model (see paragraph 4.40), the ANAO suggests that the value of items be consistent across the immigration detention network, as provided for in the DSM.

4.37 In addition, the IAP was not operating consistently across the immigration detention network at the time of the ANAO’s visits (see Table 4.1).⁷⁷ At facilities where the IAP had not been implemented, staff advised that this was because of a lack of suitable infrastructure for programs and activities, unrest within the facility, or the large number of detainees at the IDF.

⁷⁷ In November 2012, the detention service provider advised the ANAO that the IAP has now been implemented at all facilities.

Table 4.1

Allocating IAP points at eight of the facilities visited by the ANAO

Five IDFs	25 points allocated + 25 points accrued through participation in programs and activities
Three IDFs	50 points allocated (regardless of participation in programs and activities)

Source: ANAO analysis DIAC and service provider data.

4.38 Dissatisfaction and unrest among detainees can arise as detainees are moved around the network and find different approaches to the way the IAP operates, particularly that the purchasing power of their points may decrease.⁷⁸ In discussion groups detainees highlighted the differences in the way the IAP operated and, at facilities where the IAP had recently been fully implemented⁷⁹, detainees reported that they felt disadvantaged by having to earn points through participation rather than having the points allocated automatically. Issues raised included that without participating in activities detainees have only half the points to purchase important items from the shop, such as the phone cards they use to contact their families.

4.39 Detainees also felt that the IAP created pressure to participate in programs and activities when they did not want to, due to lack of interest and/or mental health concerns. A further issue was that detainees, who were not serious about learning, attended classes only to earn IAP points, which resulted in over-crowded classes and reduced the number of places in the classes at the expense of detainees with a genuine desire to attend.

4.40 As part of its new program and activities framework, DIAC is considering changes to the IAP in order to encourage greater participation in programs and activities. The framework proposes that the allocation of IAP points be weighted for certain programs and activities. In reviewing the IAP points system, it will be important for the department to consider the impact weighting activities may have on participation rates, class size and each IDF’s capacity to offer programs and activities, particularly for those programs that will attract a higher number of points.

⁷⁸ Using the example of cigarettes referred to in paragraph 4.35, detainees moved from Christmas Island to the mainland will find that the value of one packet of cigarettes will increase from six per cent to around 29 per cent of their maximum of 50 IAP points allowed for a week.

⁷⁹ From a system whereby the full 50 points were awarded to one in which detainees were given 25 points and had to earn the additional 25 points.

Facility shops

4.41 Each facility is required to have a shop at which detainees may exchange IAP points for desired items.⁸⁰ The IDF shops are to be open for a minimum of four hours, seven days a week, with a morning and afternoon session unless otherwise agreed with DIAC. Items available include cigarettes, phone cards, confectionery and toiletries.



Shop, Northern IDC

4.42 Opening hours at the IDF shops differed but were generally in accordance with the contract. However, there was considerable variation in the items available for trade in the shops. While such matters may not appear important, they can be significant in the day-to-day experience of detainees. The movement of detainees between facilities can also heighten the impact of the lack of availability of items, particularly where preferred items were available in one location but not in another.



Shop, Inverbrackie APOD

Internet

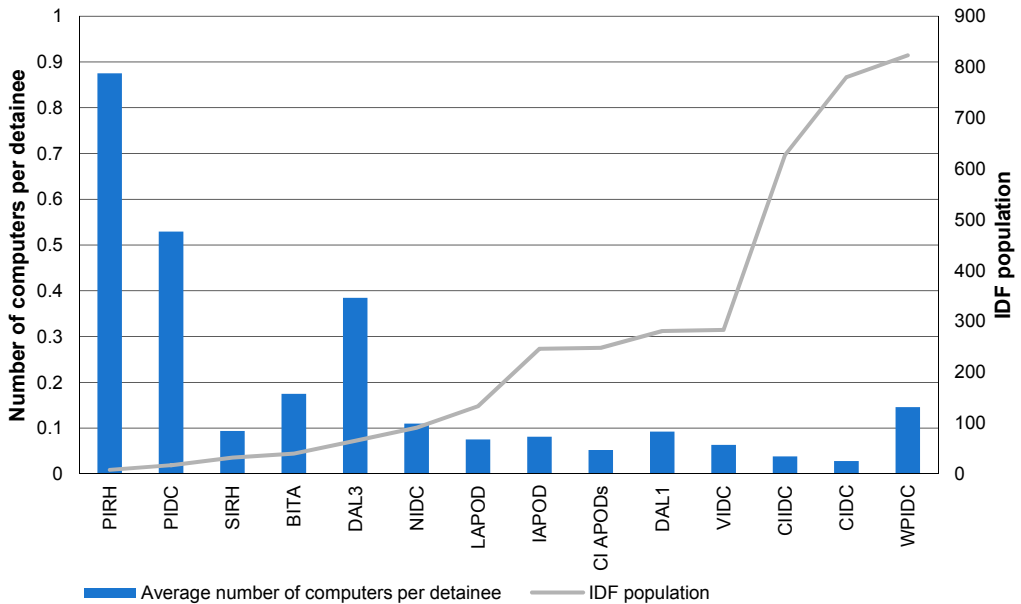
4.43 Computers and internet access are provided at each IDF for detainees' use. Internet access is very important to detainees; it allows them to maintain contact with their families, access legal information, and work on their immigration cases.

4.44 DIAC has not prescribed the number of computers that should be provided at each facility or the minimum amount of time detainees should be permitted access to computers and the internet. The number of computers available compared to the population in a facility varied considerably between the IDFs (see Figure 4.5). Generally, fewer computers are available per detainee in larger IDFs.

⁸⁰ IRH's are not required to have facility shops. Detainees at an IRH can use IAP points to purchase items from local community shops.

Figure 4.5

Average number of computers per detainee



Source: ANAO analysis of service provider data.

Note: Includes only IDFs visited by the ANAO.

4.45 The detention service provider advised that, as a general guide, the number of computers provided is based on one hour per detainee per day.⁸¹ Some facilities applied this guide, while at others the number of computers was limited by the internet bandwidth available or determined by the size of the internet room. The way in which detainees accessed computer rooms and the hours computer rooms were open also varied between the facilities visited by the ANAO. For example, 11 facilities had implemented a booking or rostering system whereby detainees accessed the computer room for a specified period of time. The four IDFs with the smallest populations offered access on a drop-in basis; an approach that would not be practical at some of the larger facilities.

4.46 Access to the internet is important for detainees, allowing them to pursue matters pertaining to their detention and allowing for social and family interaction. The contracts recognise this, appropriately expressing the principle

⁸¹ DIAC provides access to computers and the internet on Christmas Island; the detention service provider provides access to computers and the internet at mainland IDFs.

that provision of these services be fair and equitable to detainees. However, to monitor the service provider's performance in this area, there would be benefit in DIAC clarifying its expectations about internet access, including articulating clear and measurable minimum access standards that take into account the practical difficulties posed by the infrastructure and location of facilities, and the number of detainees.

Conclusion

4.47 The service provider generally provides the individual management services as required by the contracts. Detainees are provided with clothing and toiletries and their basic catering needs are being met with a variety of meals and snack food options, or self-catering facilities where appropriate. Detainees could purchase additional items at the IDF shop. A range of programs and activities, including excursions, are provided above the minimum level required by the contracts. Internet access is also provided at all facilities to allow detainees to maintain contact with their families and work on their immigration cases.

4.48 However, there are shortcomings in a number of these services and the provision of services was inconsistent across the immigration detention network. Catering at Leonora and Darwin APODs is separately contracted and the contractual requirements are not as rigorous and extensive as the requirements at other facilities.⁸² The type and quality of programs and activities offered to detainees also varied. The number of programs provided for the month of May 2012 ranged from less than one to around 18 per detainee.

4.49 Further, the contractual requirements for programs and activities are not expressed in terms of the level of activities offered to detainees, but rather are expressed in terms of activities per facility (for example, the IDC/APOD contract requires one activity in the morning and afternoon for the whole facility). At a large facility, providing only one activity in the morning and one in the afternoon may not be sufficient to allow interested members of the detainee population to participate.

⁸² For example, the catering provider at Leonora and Darwin APODs is not required to provide menu plans or have menus approved by a dietician.

4.50 In addition, the Individual Allowance Program (IAP), under which detainees are allocated points that can be exchanged for items at the IDF shop, was not operating consistently, resulting in variations in the purchasing power of IAP points at different facilities. There were also variations in the items available for trade in the shops.

4.51 As a result, a person's experience during their period of detention depends on where they are accommodated. Variations in service provision impact on a detainee's experience during their period of detention, which can lead to tensions within the detainee population. This may, in turn, increase the risk that good order is jeopardised and disturbances occur. Inconsistencies continue to exist three years into the contract period.

5. Placement of Detainees

This chapter examines DIAC's approach to the placement and movement of detainees within the immigration detention network and the potential impact of placement decisions on detainees.

Introduction

5.1 Once a person enters immigration detention, they may be transferred around different facilities within the immigration detention network. As discussed in the previous chapters, the facility within which a person is placed impacts on the services they receive. The ANAO reviewed the factors considered when placing and moving detainees, the mechanisms employed to make placement decisions, and the impact placement decisions have on detainees. DIAC's (draft) placement model, which is intended to guide future placement decisions, was also reviewed.

The placement process

5.2 DIAC's PAM3, which includes the Case Management Handbook, provides direction and guidance about the placement and movement of people within the immigration detention network. The guidance reiterates the IDVs and the guiding principle for immigration detention—that people in immigration detention will be treated fairly and reasonably within the law. Placement decisions are to be fair, reasonable, risk-based and apply the least restrictive immigration detention option for the individual. Instructions about placement options, how decisions about placement should be made, and how these decisions should be reviewed is included in DIAC's guidance.

5.3 When a person first enters detention, or is subsequently moved around the immigration detention network, DIAC staff within its national office or locally based case officers, as appropriate, are required to consider a number of factors (outlined in Figure 5.1) when making a decision about where that person is placed.

Figure 5.1**Factors to be considered when assessing the placement of detainees**

- Reason for detention, that is, whether they were detained after arriving in Australia unauthorised by boat (an IMA) or by air, because their visa had expired or been cancelled, or they had breached the visa conditions.
- Family structure and relationships.
- Age.
- Physical and mental health and wellbeing.
- Fitness to travel.
- Behaviour and demeanour.
- Immigration and detention history and current immigration pathway.
- Security risk assessment, including the risk that the person may attempt to escape from immigration detention.
- Availability of appropriate accommodation and services.
- Local environment.
- Network capacity and operational needs.

Source: Department of Immigration and Citizenship, Procedures Advice Manual, Case Management Handbook, paragraph 4.

5.4 In practice, when people are first detained, their placement is primarily a product of the reason they are in detention. Generally, IMAs are initially placed in facilities on Christmas Island, while people who have breached the conditions of their visa or whose visas have expired are placed in an IDF in the state in which they are detained. Once detained, there are several mechanisms for determining the ongoing placement and transfer of detainees within the detention network, including bulk transfers, emergency transfers, and placement reviews.

Bulk transfers

5.5 Bulk transfers are the movement of a large group of detainees at one time from one facility to another. These transfers are usually undertaken for capacity reasons, allowing DIAC to manage the detainee population and potential overcrowding in some facilities, particularly in times of high IMA arrivals. For example, a group of detainees may be transferred to a mainland facility when Christmas Island IDC nears capacity and DIAC anticipates further arrivals. Bulk transfers are initiated and approved by DIAC's national office.

Emergency transfers

5.6 Emergency transfers are the transfer of one or more individuals at very short notice in response to an emergency situation. Such situations usually occur for medical reasons (for example, transfer to a hospital for emergency medical care) or security reasons (for example, moving detainees out of an IDF during a riot or a fire). An emergency transfer can be initiated by DIAC, the detention service provider or the health service provider. Verbal approval must be sought from the relevant DIAC regional manager prior to the transfer.

Placement review and placement committees

5.7 Placement reviews, whereby DIAC's case managers consider the appropriateness of a detainee's placement in consultation with relevant stakeholders, are required at periodic intervals and when a trigger occurs.⁸³ Relevant stakeholders include other DIAC personnel (such as staff from detention operations), the detention service provider, which is required as a condition of the contracts to participate in the committee meetings, and other service providers if appropriate.⁸⁴ A detainee's current placement is considered to be no longer appropriate if that detainee cannot access the services, support and care arrangements necessary to mitigate or reduce identified risks or vulnerabilities or if their placement does not support the timely resolution of the person's immigration status.

5.8 The usual forum for case managers to consult with relevant stakeholders to inform a placement decision is a placement committee.⁸⁵ Stakeholders advised the ANAO during interviews that DIAC was generally receptive to their input into discussions about detainee placements.

⁸³ At periodic intervals means within five days and 28 days of the time that DIAC's case managers become involved with the detainee, then at least 30 days thereafter. Case managers become involved with the detainee when that person enters detention, unless they have been identified as on a rapid removal pathway (for example, people refused entry to Australia at an airport and who will be removed as soon as practicable). A trigger may be a change in the detainee's circumstances and/or demeanour or, in the case of an emergency transfer, if the detainee cannot be returned to the originating IDF.

⁸⁴ Along with the detention service provider, this might include the health service provider, MSA, the Indian Ocean Territories Health Service (which provides health services on Christmas Island) and the Association for Services to Torture and Trauma Survivors Inc (which provides torture and trauma support services to some detainees).

⁸⁵ Case managers may undertake placement reviews outside the placement committee, but must seek written advice from relevant stakeholders to inform a placement decision.

5.9 Placement committees had been established at each IDF visited by the ANAO and met regularly, usually weekly.⁸⁶ The approach to the meetings, and the documentation of those meetings varied between IDFs. For example, the agenda papers at seven IDFs included demographic and immigration history information about the detainees to be discussed, although the amount of information included also varied between these facilities. At some facilities, certain categories of detainees (such as pregnant women and younger unaccompanied minors) were included as a permanent agenda item. Nevertheless, the meeting minutes noted constructive discussions between stakeholders that included consideration of the best interests of detainees, while taking into account security and operational imperatives.

5.10 Whether placements are considered at placement committees or as the result of consultation with stakeholders outside this forum, the outcome is a recommendation about the most appropriate placement for each detainee, given all the factors. Based on this recommendation, DIAC's case managers make a decision about the placement of the detainee under review. Placements are then negotiated between DIAC's case managers at the transferring and receiving facilities, usually without input from DIAC's national office. As such, while national office is involved in bulk transfers, it has limited oversight of the movement of detainees around the immigration network that occur as a result of an emergency transfer or negotiation between case managers following a placement review.

Impact of placement decisions on detainees

5.11 Movements naturally impact on people in detention, in terms of disruption and uncertainty, and the facility in which they are placed will dictate the services they receive. Certain cohorts of detainees are generally moved between specific types of facilities and, as such, would expect some similarities across the facilities and within facility types.

5.12 However, as discussed in Chapters 3 and 4, this is not always the case; the level and quality of services provided to detainees varied between facilities, including between the same type of facility. In addition, while DIAC has defined four types of IDF, the classification of some facilities may not be a

⁸⁶ The ANAO observed placement committee meetings at two facilities, reviewed a selection of placement committee documents (agenda papers and meeting minutes) from 10 of the IDFs visited and interviewed key stakeholders at each of these facilities.

good indicator of the infrastructure available at a facility or the way in which it operates. Conversely, while some facilities share a classification, and may accommodate a similar population, the infrastructure means that they operate in very different ways. The differences between the Inverbrackie and Darwin APODs illustrate this point—at Inverbrackie APOD detainees are accommodated in individual houses with bedrooms, living areas and kitchens, similar to an IRH, and can shop for themselves in an on-site supermarket. In contrast, detainees at Darwin APOD are accommodated in small rooms and prepared meals are provided in a shared dining area, similar to an IDC.



Kitchen, Inverbrackie APOD



Dining room, Darwin APOD

5.13 Therefore, detainee expectations formed by the services provided at one facility may not be met following a move to another facility. The services provided to that detainee, and their experience during their detention, will differ depending on the facilities within which they are accommodated. The ANAO recognises that the available detention infrastructure dictates, in part, the services that can be provided to detainees. However, greater consistency in the provision of services may help to reduce the potential for dissatisfaction and unrest among detainees, particularly when detainees are moved a number of times around the detention network.⁸⁷

Number of placements

5.14 Detainees may be moved between facilities several times during their time in immigration detention. In the sample of files pertaining to 20 detainees reviewed in detail by the ANAO, the detainees were accommodated in an average of 2.5 facilities.

⁸⁷ The new Detention Facility Client Placement Model is expected to provide more predictability around detainee pathways. That is, detainees will be moved around the network in a more consistent way and will be required to move between IDFs less often, which would lessen the impact on detainees of the variability in service provision across the network (see paragraphs 5.16 to 5.20).

Table 5.1

Number of placements for 20 detainees

Number of detainees	3	9	4	3	1
Number of facilities	1	2	3	4	5

Source: ANAO analysis of DIAC data.

5.15 DIAC, however, does not collate data on the number of times individuals in the broader detainee population are moved around the network and, when requested, was unable to provide client placement data, including the average number of times a detainee is moved. During the audit, DIAC informed the ANAO that raw data on individual client placements is recorded in its information systems (for example, each detainee’s file includes a record of the facilities in which they have been placed), but it would take considerable time to extract and consolidate this data into a usable format.⁸⁸

Draft placement model

5.16 In June 2012 DIAC advised that it had drafted a new Detention Facility Client Placement Model. The new model is expected to provide a more planned and predictive approach to placements within the immigration detention network. The model is currently in draft form and does not take into account recent government policy changes regarding processing of IMAs in regional processing countries (Nauru and Papua New Guinea).

5.17 The model proposes a framework for the way in which the various facilities within the detention network will be used, including that:

- on arrival, IMAs will be accommodated at Christmas Island IDC or APOD for two to three weeks for induction, initial immigration processing and health screening;
- following initial processing, detainees will be transferred to processing hubs on the Australian mainland for two to three months while their applications for protection are considered—generally, Wickham Point IDC for single adult males, Darwin APOD for families and Leonora APOD for unaccompanied minors;

⁸⁸ In January 2013, DIAC informed the ANAO that, on average, a detainee is transferred between facilities 2.4 times during their detainment in immigration detention.

- after initial mainland processing is complete, detainees will be transferred to long-term accommodation depending on their demographic and security risk assessment; and
- some facilities will accommodate detainees who require access to particular health services and courts of law.

5.18 The model also notes that placement decisions should be taken after considering the individual needs of the detainee as well as operational and security considerations. The factors that should be considered are the same as those considered currently, as outlined in Figure 5.1.

5.19 While this model will not resolve the differences in infrastructure at the facilities, it is expected to provide a strategic framework for the way in which individual facilities will be used and the population that will be accommodated within them. It is anticipated that the model will also provide more predictability around detainee pathways. That is, detainees will be moved around the network in a more consistent way and will be required to move between IDFs less often, which would lessen the impact on detainees of the variability in service provision across the network.

5.20 To assess the effectiveness of the model and its impact on detainees, there would be benefit in DIAC having greater visibility of client movement data, including collecting baseline data on the number of times detainees are currently moved and establishing mechanisms to collect and analyse this data on an ongoing basis. Currently, DIAC's system is unable to readily produce this information. Improved national oversight of all placement decisions would also support a better understanding of the implications of designating various facilities to accommodate specific cohorts, particularly where the numbers involved are significant.

Conclusion

5.21 A detainee's placement is important to their wellbeing and, given the variability in service provision across the immigration detention network, impacts on the services they receive.

5.22 Placement decisions are the result of complex considerations and factors. Participants in placement committees cooperate to achieve the best outcome for the detainee given operational and security concerns. However, other than bulk transfers, placements are initiated and arranged by and between DIAC's case managers at individual IDFs. The success of these

processes rely on the relationships between DIAC personnel in the various facilities. National office has limited oversight of or involvement in these placement decisions. In addition, there is an absence of data on the number of times detainees are moved within the network.

5.23 DIAC's new placement model has the potential to provide a more strategic approach to placements within the immigration detention network. It should also provide detainees with more predictability and certainty about future moves. However, assessing the effectiveness and impact of the model will require DIAC to improve procedures to collect and analyse data about detainee placements and movements around the immigration detention network.

6. Managing Service Delivery Performance

This chapter examines DIAC's administrative arrangements for managing the detention service provider contracts and how it assesses and manages the detention service provider's performance when providing services to detainees.

Introduction

6.1 Contracts should be effectively managed to make sure that contractor performance is satisfactory and all contractual requirements are being met—that is, that deliverables are provided to the required standard and within the agreed timeframes. Performance management involves monitoring a contractor's performance, assessing whether that performance meets contractual requirements and taking appropriate action where it does not.⁸⁹

6.2 The ANAO examined DIAC's contract management arrangements and its approach to assessing and managing the detention service provider's performance when providing individual management services, which is primarily monitored through:

- an initial program of acceptance testing by facility; and
- subsequent ongoing monitoring and assessment in accordance with the performance management framework set out in the contracts.

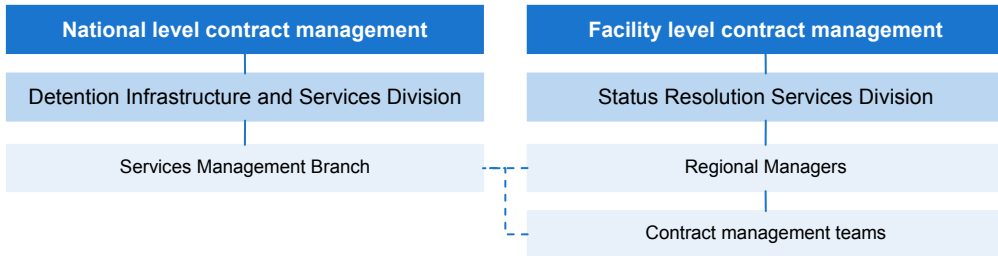
Contract management arrangements

6.3 Two divisions within the Immigration Status Resolution Group are responsible for managing the contract and the detention service provider's performance, as illustrated in Figure 6.1. The Services Management Branch supports facility level contract management staff by providing advice about policy and the interpretation of the contracts.

⁸⁹ ANAO Better Practice Guide, *Developing and Managing Contracts—Getting the right outcome, achieving value for money*, February 2012, pp.84 and 95.

Figure 6.1

National and facility level contract management



Source: ANAO analysis of DIAC data.

6.4 From mid to late 2011, there were significant changes in DIAC’s senior level staff at national office, including the introduction of new heads of the Immigration Status Resolution Group and both divisions. The head of the Services Management Branch and all team leaders (five) also changed. The new management has commenced a number of initiatives to improve its administration of the detention service provider contracts. These initiatives are discussed throughout this report.⁹⁰

6.5 Until 2012, DIAC provided very limited contract management guidance to its staff working in the facilities. Staff sought advice on an ad hoc basis from DIAC’s national office about contract management matters that were not well articulated in the contract or for which there is no other written guidance. This resulted in differences in the way contract management staff interpreted the contract and, consequently, measured the effectiveness of the service provider’s performance inconsistently.

6.6 Service provider staff at IDFs confirmed to the ANAO that they had noted a lack of consistency, in terms of contract interpretation and the approach to measuring performance against the contract requirements. They also advised that changes in local DIAC staff often resulted in a change to the contract management approach. New staff brought their own interpretation to the contract and how the detention service provider should be delivering services and demonstrating this service provision for contract management purposes. DIAC national office acknowledged that there has been a lack of

⁹⁰ Examples of these initiatives include: the Stakeholder Collaborative Pilot (Chapter 3); reviewing IMP procedures and guidance (Chapter 3); a new framework for programs and activities (Chapter 4); revision of local agreements (Chapter 6); Detention Risk Assessment Toolkit (Chapter 6); new governance arrangements (Chapter 7).

consistent contract management and decision-making. As a result, expectations about the detention service provider’s performance and the way services are being provided to detainees varied across the network.

Managing performance

Acceptance testing

6.7 As each facility becomes operational it is subjected to acceptance testing. Generally, the purpose of acceptance testing is to reassure DIAC that the service provider is able to provide the services in accordance with the contracts. However, in different parts within the contracts, the purpose of acceptance testing is described differently, as shown in Table 6.1.

Table 6.1

Purpose of acceptance testing

Purpose of acceptance testing:	That is, whether the provider:
To determine whether the service provider will be able to meet the minimum performance requirement for each detailed indicator metric following the expiry of the base period.	⇒ <u>is able</u> to provide the services covered by the <u>indicator metrics</u>
The mechanism by which the department assures itself that the service provider is providing the full range of services in accordance with the contract.	⇒ <u>is actually</u> proving the <u>full range of services</u>
To ensure the service provider's readiness to provide the full range of services, including the functionality of all systems required for the provision of the services.	⇒ <u>has the ability</u> to provide the <u>full range of services</u>

Source: ANAO analysis of the detention service provider contracts.

6.8 Therefore, the purpose variously relates to the detention service provider’s ability or actual service delivery, and the indicator metrics or the full range of services. It should be noted that the indicator metrics are limited to services in 12 categories in the APOD/IDC contract and nine in the IRH/ITA contract and do not cover the full range of services described in the contract.⁹¹ As discussed in Chapter 2, the timing of acceptance tests is also inconsistently described in the contracts.

6.9 DIAC has developed an acceptance testing tool that is primarily based on the statements of work. When a site successfully completes an acceptance

⁹¹ The indicator metrics are shown in Table 6.4.

test, the department issues an acceptance certificate. If a site does not pass acceptance testing, the service provider may be required to take corrective action and undergo another round of testing. In such cases, the acceptance testing regime is conducted in parallel with the ongoing performance management scheme, which assesses performance against the indicator metrics.

6.10 Between early 2010 and the end of 2011, 17 IDFs were tested. The results are summarised in Table 6.2.

Table 6.2

Acceptance testing results

Immigration detention facility	Round one	Round two	Round three
Maribyrnong IDC	Fail	Pass	
Perth IDC	Fail	Pass	
Perth IRH	Fail	Pass	
Scherger IDC		Pass	
Sydney IRH	Fail	Pass	
Villawood IDC	Fail	Pass	
Brisbane ITA	Fail	Fail	Pass
Christmas Island IDC	Fail	Fail	Pass
Christmas Island APODs		Fail	Pass
Curtin IDC		Fail	Pass
Leonora APOD		Fail	Pass
Melbourne ITA	Fail	Fail	Pass
Adelaide ITA			Fail
Darwin APODs		Fail	Fail
Inverbrackie APOD		Fail	Fail
Northern IDC	Fail	Fail	Fail
Port Augusta IRH		Fail	Fail

Source: ANAO analysis of DIAC and service provider data.

6.11 The most common areas in which facilities failed round two of acceptance testing were: security (nine of 16 facilities); business services (nine); catering (eight); reception (eight); induction and discharge (eight); maintenance (eight); information sharing (eight); interaction and wellbeing

(seven); and incident reporting (seven). In round three, the most commonly failed areas were: business services (11 of 11 facilities); security (six); personnel and human resources (six); and transport and escort (five).

6.12 DIAC and the service provider consider that the acceptance testing regime, as implemented, does not always measure the right things, nor does it adequately account for factors outside the detention service provider's control. The testing also focuses on a previous point in time, which may not reflect current conditions. In March 2012, in response to the findings of the third round of acceptance testing, DIAC hosted a workshop, attended by representatives from DIAC and the detention service provider, to discuss the acceptance testing process. One of the results of the workshop was an agreed approach by which acceptance certificates could be issued for the IDFs that had not successfully completed the third round of acceptance testing. The approach will involve a desktop review of action items and priorities for each IDF and endorsement of the results by both DIAC and the service provider.

6.13 A consistent and transparent acceptance testing regime provides service providers with certainty regarding the effective discharge of contractual responsibilities, and improves the level of assurance to the purchaser and other stakeholders. To increase the effectiveness of future rounds of acceptance testing, there would be merit in DIAC:

- clearly defining the objectives of acceptance testing;
- clarifying the timeframes within which acceptance testing will take place;
- clarifying the relationship between acceptance testing and ongoing performance management; and
- reviewing the current approach to acceptance testing, particularly the focus of the tests and the way they are measured.

Ongoing performance management

6.14 The contracts set out the framework for measuring the service provider's performance. The key elements of the performance management framework are an incentive regime that was intended to recognise and reward the detention service provider for superior performance in the delivery of services and an abatement regime through which DIAC can identify and manage underperformance. Three years into the contract period, the incentive

regime has not been developed or implemented, although the abatement regime has.

The abatement regime

6.15 The service provider’s performance is assessed against a set of abatement indicator metrics. The APOD/IDC contract contains 12 metric categories with 32 detailed weighted metrics.⁹² The IRH/ITA contract contains nine metric categories, with 22 detailed metrics. Table 6.3 lists the metric categories under each contract; Appendix 8 provides more detail about the metrics.

Table 6.3

Metric categories

Key performance indicators	APOD/IDC indicator metrics	IRH/ITA indicator metrics
Duty of Care	1. Catering 2. Programs, activities and amenities 3. Transport	1. Catering 2. Programs and activities
Appropriate amenities	4. Security 5. Reception induction and discharge 6. Maintenance	3. Safety and security 4. Maintenance and presentation
Healthy environment	7. Facility presentation 8. Incident reporting 9. Interaction and wellbeing	5. Interaction and care management 6. Incident reporting
Supportive culture	10. Complaints 11. Information sharing 12. Issues management	7. Complaint processing 8. Information sharing 9. Issues management

Source: ANAO analysis of the detention service provider contracts.

6.16 The metrics relevant to the services examined in Chapters 3 and 4 are shown in Table 6.4. The metrics do not address some elements of the contracts. For example, there are no metrics covering behavioural management and identifying detainees at risk, and the only metric relevant to the IAP is restricted to the quantity of items stocked in each facility shop.

⁹² The weightings reflect the relative importance of each metric to DIAC.

Table 6.4

Abatement indicator metrics for services

Service	APOD/IDC detailed abatement indicator metrics	IRH/ITA detailed abatement indicator metrics
Interaction with detainees	No relevant metric	No relevant metric
Individual Management Plans	9.4. Creating Individual Management Plans 9.5. Updating Individual Management Plans 9.6. Implementing Individual Management Plans	5.3. Creating Individual Management Plans 5.4. Implementing Individual Management Plans
Behavioural management	No relevant metric	No relevant metric
Identifying detainees at risk	No relevant metric	No relevant metric
Engaging detainees in service design and provisions	9.1. Feedback from people in detention 10.1. Timely response to complaints 10.2. Complaints management system 12.1. Timely resolution of issues	5.1. Feedback from people in detention 7.1. Timely response to complaints 7.2. Complaints management system 9.1. Timely resolution of issues
Catering	1.1. Compliance with health and food safety regulations 1.2. Responsiveness to Consultative Committee	1.1. Compliance with health and food safety regulations
Clothing	No relevant metric	No relevant metric
Programs and activities	2.1. Access to programs, activities and amenities 2.2. Availability of programs, activities and facility amenities 9.1. Feedback from people in detention	2.1. Access to programs and activities 2.2. Availability of programs, activities and site amenities 5.1. Feedback from people in detention
Individual Allowance Program	2.2. Availability of programs, activities and facility amenities (includes quantity of items in the facility shop)	2.2. Availability of programs, activities and facility amenities (includes quantity of items in the facility shop)
Internet	2.2. Availability of programs, activities and facility amenities	2.2. Availability of programs, activities and facility amenities

Source: ANAO analysis of the service provider contracts.

6.17 The metrics framework was developed at a time of relatively low numbers of detainees in fewer facilities. They have not been adjusted to account for the considerable changes that have occurred in the immigration environment. There are opportunities for DIAC to adjust the metrics framework to improve administrative efficiency and allow for improved oversight of service provider performance. For instance, the framework focuses on process, such as data entry and record-keeping, with an emphasis on timeliness. There is little emphasis on the quality of services provided or detainee outcomes, in terms of services received. For example, the programs and activities indicator metric does not address such matters as the quality and appropriateness of programs and activities offered or detainees' participation or satisfaction. The IMP metrics do not assess the quality of the information in the IMP or the utility of the IMP to the service provider in providing services to the detainee, and do not clearly describe how implementation of the IMP will be measured. For many of the metrics, minor or a limited number of breaches would be considered a performance 'failure'.

6.18 DIAC's requirements for meeting some of the metrics are also very detailed. For example, the catering metric assesses compliance with health and food safety regulations and includes an additional 24 sub-indicators. Also, some metrics require an onerous administrative commitment and could also be simplified. For instance, to evidence compliance with the metric that covers accuracy of people in detention records, operational logs and registers, it is necessary to review a large amount of documentation. Examples include logs for requests, complaints, visitors, staff movement in and out of the facility, and attendance at program and activities. For example, in only one month (January 2012), Christmas Island IDC received around 1000 requests, all of which the detention service provider must review when verifying its compliance with the metrics for this one area.

Abatements

6.19 The contracts include a pricing model that prescribes how payments to the detention service provider, referred to as the detention services fee, are to be determined. The model is complex and includes:

- fees for the delivery of services required under the statements of work, which includes fixed and variable components;
- pass through costs, that is, costs initially met by the detention service provider that will be reimbursed by DIAC;

- agreed rates for additional personnel required to provide any additional services requested by DIAC;
- costs associated with varying the status of a facility, which are based on the maximum capacity of the facility and accounts for nominal and surge capacity;
- a national corporate overhead fee, for costs associated with national contract management; and
- transition in and transition out payments.

6.20 DIAC pays the detention service provider monthly on receipt of an invoice. Between June 2009 and October 2012 a total of \$1.23 billion has been paid to the detention service provider. The detention services fee is adjusted, as per the abatement regime specified in the contract, if the service provider does not meet the required minimum performance levels. Abatements are calculated according to a formula set out in the contract, which is outlined in Figure 6.2.

Figure 6.2

Calculation of abatements

Most abatements are calculated monthly. The standard abatement is the sum of the individual abatements calculated with reference to the abatement metric indicators. The framework provides for a maximum abatement of five per cent of the detention services fee for each facility.

However, greater than five per cent may be abated for each facility if the service provider's level of performance constitutes any of the following:

- significant failure—performance failure in one third or more of the abatement indicator metrics at a facility;
- continuous failure—significant failure occurring for three or more consecutive months;
- continuous metric failure—a performance failure on a single metric for three consecutive months at a facility; or
- continuous network metric failure—a performance failure for an abatement indicator metric at more than two facilities for more than two consecutive months.

Source: ANAO analysis of the detention service provider contracts.

6.21 Continuous metric failures account for the majority of the dollar value of abatements and the areas abated varies between facilities and reporting periods. Generally, the number of metrics failed and, consequently, the amount abated, is a small portion of the total number of metrics tested. A total of \$77 875 has been abated under the IRH/ITA contract and \$17.55 million under the APOD/IDC contract. This represents just over one per cent of the total amount paid to the detention service provider. Over time, contractor

performance has improved and the number of metrics failed has decreased, as shown in Table 6.5.

Table 6.5

APOD/IDC metric failures and abatements

	2010	2011	2012 (to Aug)
Metrics failed	289	223	80
Abatement	\$7 044 611.00	\$8 496 192.00	\$2 010 519.81

Source: ANAO analysis of DIAC data.

6.22 The contract recognises that the detention service provider should not be penalised for breaches of performance standards outside its control and in such circumstances may allow an excusable performance failure. These circumstances include:

- events beyond the reasonable control of the service provider;
- a force majeure event⁹³; and
- events directly caused by the interference or action/inaction of the department, or its personnel or another service provider.⁹⁴

6.23 Excusable performance failures are not uncommon. For example, Christmas Island IDC was granted excusable performance failures in eight areas in January 2012. The failures related to metrics 4.3 Safety and security systems and processes, 8.1 Incident reporting, 10.1 Timely response to complaints, and 11.1 Timely entry of data. Excusable performance failures were negotiated at the IDF level and were not reported in detail to DIAC’s national office.

Assessing performance

6.24 The mechanism by which DIAC assesses the service provider’s performance and determines whether to apply an abatement is referred to as the Joint Facility Audit Team (JFAT) or Joint Site Audit Team (JSAT) process. The former applies to APODs and IDCs and is a monthly process; the latter

⁹³ An unexpected and disruptive event operating to excuse a party from a contract. (Macquarie Dictionary) A force majeure event is one that is not able to be controlled by the party to the contract, such as a strike or a riot.

⁹⁴ The contracts do not more specifically define these circumstances or provide examples of the type of events that may allow an excusable performance failure under these circumstances.

applies to IRHs and ITAs quarterly. The teams operate at a facility level, are led by the relevant DIAC Regional Manager and the detention service provider is a member.

6.25 Generally, each month or quarter as appropriate, the service provider reports its performance against each of the indicators metrics for each facility. The teams then meet to consider the respective monthly JFAT and quarterly JSAT reports. Once the report is agreed locally, it is provided to DIAC's national office. If the report includes performance failures, these are detailed in the report, together with the proposed abatement calculation. If the report cannot be agreed at facility level, it is escalated to DIAC's national office for negotiation with the detention service provider's senior management.

6.26 The assessment process is operating as required under the contracts—that is, JFAT and JSAT reports are negotiated at a local level and submitted to national office as required. However, as discussed earlier, the limited contract management information available to guide local level staff allowed for individual interpretation of the requirements of the contract, and variations in the approach to measuring performance against the metrics. Local level negotiation also allowed considerable scope for local understandings and agreements, which have the potential to alter the conditions of the contract and introduce inconsistency across the network.

Local agreements

6.27 The differing interpretations applied to the contracts and the local focus of contract administration has contributed to the proliferation of local agreements. As at May 2012, DIAC's national office had identified 83 local agreements across the immigration detention network. Examples include:

- when a detainee moves rooms within the IDF, extending the deadline for recording the new room allocation from one hour to 24 hours; and
- substituting a scheduled program or activity that cannot go ahead without penalty, provided approval is sought prior to the scheduled time.

6.28 Local agreements were negotiated between DIAC's contract managers and detention service provider personnel located in the individual facilities, without input from DIAC's national office. IDFs were not required to advise DIAC's national office of the existence of local agreements or seek their approval prior to entering into the agreements. As a result, national office, which has responsibility for overall management of the contract, did not have

oversight of local agreements that potentially altered the requirements of the original contracts and created variations in service delivery across the immigration detention network.

6.29 During the audit (in early 2012) this process changed. DIAC's national office informed facilities that they could no longer enter into local agreements. In situations where national office agrees that a local agreement is appropriate, the contract is to be varied accordingly. DIAC is currently reviewing all the local agreements in place to assess their impact and legality.

Detention Risk Assessment Toolkit

6.30 In addition to the ongoing monitoring undertaken against the performance management framework outlined in the contract, DIAC has developed a Detention Risk Assessment Toolkit. This toolkit outlines a method for contract management staff at facility level to assess the detention service provider's level of compliance with the relevant statements of work.

6.31 The toolkit was released in July 2011, and then revised and re-released in July 2012. Awareness of the toolkit among DIAC staff in the facilities visited by the ANAO was limited. At some facilities, elements of the toolkit had been used, primarily the risk assessment tool, but staff generally displayed only limited understanding of how that element could be used or the toolkit's relationship to ongoing performance monitoring and management. At only two facilities did staff speak of the toolkit with a degree of confidence.

6.32 The Detention Risk Assessment Toolkit is a useful resource for DIAC staff, but would provide greater support for effective contract and risk management if DIAC:

- clarified the role and purpose of the Risk Assessment Toolkit and the relationship between the toolkit and the JFAT/JSAT process; and
- provided training to all contract management staff at IDFs in its use.

Improving performance management and the performance framework

Performance management

6.33 With the changes in senior level staff and a recognition of the scope to improve its management of service provider performance, DIAC is undertaking several initiatives designed to provide better strategic management and oversight of contract management arrangements. The key initiatives are listed in Figure 6.3.

Figure 6.3

Key initiatives

- The Detention Risk Assessment Toolkit.
- Bringing together relevant DIAC staff from around the network in a two-day contract managers conference in June 2012.
- Developing a protocol to provide guidance about when and how to contact national office for policy and contractual advice.
- Developing a decisions register and an information and advice database to capture requests and responses and assist staff in the network on specific contract matters.
- Identifying all local agreements to determine how many agreements exist and the impact and legality of those agreements, and deciding if they will be retained.
- Considering options for better communicating across the network and instituting a new governance framework.
- Placing staff who are about to be deployed to IDFs with the Services Management Branch for one week to help familiarise them with the work of the contract management area and how the branch can be of assistance once they are working in facilities.

Source: ANAO analysis of DIAC data.

6.34 These initiatives are a promising move towards standardising performance management across the network. However, contract managers working in IDFs would also benefit from access to contract management guidance, such as a contract management procedures manual. Such guidance would help to promote a consistent approach to interpreting and managing the contract. The proposed decisions register and an information and advice database would appropriately form part of this guidance. There would also be benefit in DIAC developing a quality assurance process to confirm that contract management procedures are being effectively implemented and would assist DIAC to monitor the effectiveness of support provided to contract managers.

6.35 Furthermore, DIAC has initiated a number of other major reviews and projects in the areas subject to audit, some of which have been completed recently and others that are in progress. Areas under review include: governance arrangements, performance framework, use of local agreements, complaints management, risk management framework, and programs and activities. All of these reviews relate to DIAC's management of the immigration detention network and the service providers, and many of them are reviewing issues that are the same or overlap to some extent. Therefore, it would be helpful to DIAC to identify a central point responsible for coordinating these reviews and providing strategic oversight of the many projects currently underway. Assigning responsibility for overseeing these projects to an appropriate area within DIAC would help to promote a coordinated approach and reduce the chance of duplication or gaps in the projects and proposed outcomes.

Performance framework

6.36 The contract provides for the annual review of the contract, including the performance management framework. While annual performance review meetings have occurred and there have been a number of variations to the contracts, the performance management regime, including the metrics framework, remain unchanged. However, DIAC and the detention service provider recognise that the current performance management framework could be improved. Limitations of the current framework include that:

- metrics do not accurately reflect areas of risk;
- metrics focus on the process used for the operation of the contract as opposed to the outcome required by DIAC;
- once the upper abatement cap for a metric is reached, further measurement of that metric is virtually impossible;
- metrics require higher levels of compliance than was envisaged at the time the regime was developed;
- the minimum service standard is not defined in the contract;
- the calculation of abatements affects larger centres disproportionately; and
- metrics disproportionately emphasise compliance with health and food safety regulations.

6.37 Also, there is little relationship between the risk assessment of particular breaches, in terms of impact on detainees, and the associated financial penalties. For example, delayed entry of information into the information system does not bear the same potential consequences as, for example, an escape from a facility. However, when calculating abatements the former is weighted at a higher level (at three per cent) than the latter (two per cent).

Conclusion

6.38 Managing the contracts for the provision of services to detainees is a complex and challenging task. However, DIAC has not exercised sufficient strategic direction and national office oversight of the detention service provider contracts or provided adequate guidance to staff to manage the contracts in a consistent way. As a result, contract management staff at individual facilities have developed localised approaches to managing the contracts and assessing service provider performance.

6.39 DIAC has established a process for assessing performance at the facility level that accords with the contractual requirements and allows for the calculation of fee abatements. However, the abatement indicator metrics, which DIAC uses to assess the service provider's performance, could be better balanced to increase the focus on the quality of services provided to detainees and address some key elements of the contract, such as behavioural management and identifying detainees at risk. While there is scope in the contract to make changes to the performance management framework, to date the metrics remain unchanged.

6.40 The lack of effective contract management guidance and limited national oversight has resulted in multiple local agreements and an inconsistent approach to assessing performance across the immigration detention network. DIAC has recently introduced changes to address some of these issues and promote a more consistent approach to managing the contracts across the network. These initiatives include a Detention Risk Assessment Toolkit, a protocol for providing policy and contractual advice, and a database to capture that advice. However, many of the initiatives are in their early stages and it may be some time before improvements are noticeable. It will be important for DIAC to closely monitor the initiatives and review the effectiveness of the outcomes in the short, and longer, term and make adjustments as necessary. Assigning responsibility to one area within the department to coordinate and oversee the many reviews and projects currently

underway would also improve the management of these projects and reduce the chance of duplication or gaps in the projects and proposed outcomes.

Recommendation No.2

6.41 To promote consistency in the interpretation and management of the detention services contracts and the provider's performance, the ANAO recommends that DIAC:

- develop clear and suitably targeted contract management guidance and disseminate the guidance to contract management staff; and
- implement quality assurance processes to provide the department with assurance that contract management staff are appropriately applying the guidance.

DIAC's response: Agreed.

6.42 The Department agrees to Recommendation No.2, noting that the findings are already being progressed. The department has built significant contract and performance management capacity nationally and will continue to focus efforts on building and assessing that capacity.

Recommendation No.3

6.43 To better assess the quality and effectiveness of services provided to detainees, the ANAO recommends that DIAC strengthens the performance management framework provided for under the contracts, and in particular the metrics used to evaluate the service provider's performance.

DIAC's response: Agreed.

6.44 The Department agrees to Recommendation No.3, noting that the findings are already being progressed. The development of a new performance management framework for all immigration detention facilities is expected to be completed by mid-2013. It will be implemented at all facilities in a staged approach.

7. Information Sharing Arrangements

This chapter examines how DIAC manages its relationships with internal and external stakeholders, particularly how it shares information with its staff at IDFs and with service providers.

Introduction

7.1 The effective management of stakeholder relationships is an important factor in successful program and contract administration. Sharing information and communicating with internal and external stakeholders is a key part of this process. This is particularly so when administering a significant and complex policy area that involves several service providers providing services to people in a detention environment across a range of facilities in multiple locations.

7.2 Issues with effective communication within the immigration detention network have previously been highlighted. The New South Wales State Coroner's report into the deaths of three detainees at Villawood IDC in 2010 found failures to record or share information between DIAC and the detention and health service providers and that 'in all three deaths ... communications were sadly lacking' between these stakeholders.⁹⁵ While outcomes such as these are rare, they highlight the impact of ineffective communication. More commonly, ineffective communication can result in a lack of consistency in administration and services of varying levels and quality, which can potentially have an adverse impact on the behaviour of detainees and the good order of a facility.

⁹⁵ *Findings in the inquests into the deaths of: Josefa Rauluni, Ahmed Obeid Al-Akabi and David Saunders, at Villawood Detention Centre, New South Wales, in 2010*, NSW State Coroner, 19 December 2011, p.11.

7.3 The ANAO examined how DIAC communicates with relevant stakeholders, including within the department, to coordinate the provision of services to people in immigration detention.⁹⁶ Particular emphasis was given to DIAC's:

- internal communications and information sharing arrangements; and
- relationships with the service providers.

Communications and information sharing—within DIAC

7.4 As previously discussed, DIAC's organisational arrangements for administering immigration detention are complex and involve several administrative areas within the department in a variety of locations. Effective administration relies, in part, on established, clear and understood channels of communication between the various areas. Of particular importance is establishing and maintaining effective communication and information sharing between DIAC's national office and staff working in IDFs.

7.5 In June 2012, DIAC established a protocol for communicating between national office and departmental staff working in IDFs. Prior to this, communications generally occurred on an ad hoc basis. Further, record-keeping in national office has been poor and records of past communications from and to the immigration detention network have not been maintained. For example, DIAC had not established procedures or single point of contact in national office for staff to request advice on various aspects and interpretations of the contract. Advice was principally sought informally by telephone and was generally not documented by national office or disseminated to staff across the network. As a consequence, DIAC's national office does not have a record of contractual advice provided to individual staff at IDFs prior to June 2012. This would have made it very difficult for DIAC staff, including those managing the contracts, to be aware of, and to implement, the latest policy, operational advice or contract interpretations. As a consequence, a range of practices have been implemented across the detention network.

⁹⁶ The ANAO focused on communications and information sharing with respect to the detention service provider contract management and service provision; it did not examine elements of DIAC's external and internal communications as they related to other areas, such as immigration detention infrastructure issues.

7.6 As part of its efforts to improve communications between staff in its national office and at facilities, in June 2012, DIAC established a Detention Services mailbox for internal email correspondence with the Services Management Branch. A draft protocol was also developed to coordinate requests for information relating to the delivery of services under the detention service provider contracts. This protocol includes implementing:

- a Detention Services Information and Advice Database, which will provide a record of requests and advice and be available for viewing by staff in national office and across the immigration detention network;
- a priority system for requests; and
- standards for response times.

7.7 As previously mentioned, DIAC also held a contract management conference in June 2012, which was attended by DIAC staff from national office and each of the facilities. The objective of the conference was to focus on national consistency, build a network of shared practice, develop an agreed understanding of and approaches to service delivery, and discuss new initiatives. The conference was the first time contract management representatives from each of the facilities had met together with national office personnel.

7.8 These initiatives are sound first steps toward implementing a more effective framework for internal communications. However, this is a complex and dispersed area of administration. To improve communications and information sharing arrangements between and within the relevant areas at national office and with the IDFs, there would be merit in DIAC developing and implementing a communications and information sharing strategy. The strategy could be stand-alone, or a subset of a wider relationship management strategy that addressed communication and information sharing with all internal and external stakeholders, including service providers.

Communications and information sharing—with service providers

7.9 The service provider contracts emphasise the importance of communication and information sharing. The contracts also contain a Partnering Charter that requires that service providers cooperate and share information, subject to any limitations in the contracts, in order to achieve the objectives of the contracts and provide services to detainees in a seamless manner.

7.10 Ordinarily, when managing relationships with contractors, it is good practice to adopt a structured approach, which may consist of:

- informal, day-to-day discussions and interactions between the contractor, the contract manager and relevant departmental staff; and
- formal meetings at pre-determined intervals with nominated personnel from both the department and the contractor.⁹⁷

7.11 DIAC's approach is generally consistent with this model. There are regular communications between DIAC and service providers at a national level and local level, and reporting by service providers. The department has also nominated an information technology system for recording detainee information.

Communications between DIAC and service providers

National level

7.12 At the national level, senior DIAC and service provider officers regularly communicate informally via telephone, email and in face-to-face meetings to discuss specific issues related to the contract and the provision of services to detainees. In addition, DIAC has established, in accordance with the contracts, a series of formal committee and reporting requirements. The key points of interaction are those necessary to meet the performance management requirements, primarily the performance management meetings (JFAT and JSAT meetings discussed in Chapter 6), as well as detention service conferences and National Service Provider Contract Management meetings.

⁹⁷ ANAO Better Practice Guide, *Developing and Managing Contracts—Getting the right outcome, achieving value for money*, February 2012, p.86.

7.13 The purpose of the annual detention service conference is to disseminate information, share departmental strategies and objectives, discuss policies, reports and trends that affect the whole detention services environment, and provide a forum for service providers to discuss best practice and process improvements. The conference is attended by senior representatives from DIAC and the service providers. Since signing the current detention service provider contracts, DIAC has convened two conferences—in December 2010 and December 2011. The 2011 conference was held after significant personnel changes at DIAC and the detention service provider and the conference minutes reflect a commitment to enhancing relationships between the key stakeholders and to improving outcomes for detainees.

7.14 Until April 2012, DIAC held monthly National Service Provider Contract Management meetings with the key service providers. These meetings have been one of the key fora that assisted in the development of the long-term relationship between DIAC and the service provider, and between service providers. However, in late 2011 DIAC recognised that the meetings were no longer effective, largely due to:

- the growth in size and complexity of the detention network and changes to the policy environment;
- the structure of the meetings, whereby all providers attended the same meeting, restricting the opportunity to discuss issues that may be specific to individual providers, contracts and/or services; and
- limited documentation produced in preparation for or following the meeting, including a lack of follow-up action.

7.15 Consequently, DIAC initiated a review of its approach to managing its relationships with the service providers and has developed a new detention services governance framework. The new framework includes a new committee structure that will supersede the National Service Provider Contract Management meetings. The review and the new arrangements are discussed later in this chapter (see paragraphs 7.36 to 7.39).

Facility level

7.16 At the regional and IDF level, communication and coordination of services and the sharing of information about detainees and services is effected through a range of informal and formal mechanisms. These include regular and ad hoc discussions between DIAC and detention service provider staff at

facilities. Various facility level committees (outlined in Table 7.1) are also prescribed in the contract.

Table 7.1

Facility level committees

Committee	Description
Weekly Department Review	Relevant DIAC and service provider personnel meet weekly to discuss a wide range of IDF issues.
Morning meeting	Relevant DIAC and service provider personnel meet daily to discuss events overnight, the plan for that day and any other issues that might arise.
Placement Committee	Relevant DIAC and service provider personnel meet regularly to review the detainees' assigned accommodation.
Consultative Committee	Relevant DIAC, service provider personnel and detainees meet monthly to discuss the services provided to detainees.

Source: ANAO analysis of the detention service provider contracts.

7.17 The ANAO observed, during visits to the IDFs as well as subsequent analysis of meeting minutes, that these meetings were held as required, minuted where appropriate, and attended by suitable DIAC and service provider personnel. DIAC officers and service providers were supportive of these meetings and considered them to be valuable information sharing and management mechanisms.

7.18 Communications also occur between facilities, for example at the annual national detention services conference and via meetings and teleconferences between counterparts in different facilities. One of the valuable aspects of these communications is that they provide an opportunity to share experiences and lessons learnt. The ANAO noted examples of productive networks between some facilities and/or staff providing certain types of services at the facilities. Regular separate teleconferences were held for centre managers, programs and activities managers, and catering managers.

7.19 Furthermore, the ANAO observed generally positive and open relationships between DIAC and service provider staff at the facilities and a willingness from all parties to negotiate in good faith to settle potential issues and disputes. However, these relationships were largely reliant on individual relationships. The nature of immigration detention means that the turnover of DIAC and/or service provider staff at some facilities is high, particularly at

remote facilities where staff may be seconded for short periods of time.⁹⁸ The number of staff at each facility also fluctuates in response to the changes in the size of the detainee population. For example, the number of staff on Christmas Island increases following the arrival of boats carrying asylum seekers. Staff changes adversely impact on relationships. A more structured approach would assist to preserve networks that may otherwise collapse and would promote a shared understanding of contract management and interpretations.

Sharing confidential information

7.20 Privacy considerations and the confidentiality of information can impact on the extent to which information is shared between the key participants, particularly in the areas of medical information, and visa status and decisions.

Medical information

7.21 The health service provider has a professional and legal responsibility to respect a detainee's right to privacy and to treat medical information as confidential, while also providing sufficient information to DIAC and detention service provider staff to manage that detainee. For example, the detention service provider should be informed if a detainee has a medical condition that requires them to be accommodated in a particular way (for example, be assigned to a bottom bunk bed) or a detainee's behaviour is the result of a psychological condition, but it would not be appropriate to reveal details about that medical condition. Therefore, the health service provider applies professional judgement to determine what and how information should be shared with the relevant stakeholders. If DIAC or detention service provider staff at an IDF require specific medical details that the on-site health services manager is not prepared to reveal, the information can be requested via DIAC's national office (Detention Health Services Branch) and the health service provider's head office.

7.22 There is scope to improve the sharing of medical information between DIAC and the service providers. While the majority of IDF staff reported that sufficient information was shared between the parties, several advised the ANAO of their frustrations regarding the difficulty in accessing medical information. DIAC's national office has been working with the health service

⁹⁸ DIAC does not maintain staff turnover statistics.

provider to enhance the sharing of medical information, as necessary. Recent initiatives include:

- developing medical-in-confidence files that will be referenced in the CCMDS Portal and accessible to staff that require the information; and
- the introduction of four Health Liaison Officers who report to the Detention Health Services Branch within national office and provide support to the relevant Regional Manager on detention health related matters.

Information about visa status and decisions

7.23 PAM3 provides only very limited guidance to DIAC's case managers about sharing information about a detainee's visa pathway with stakeholders in an immigration detention setting. It states that:

Case managers should ensure the communication is directed and relevant to the goal of supporting the client through status resolution and towards an immigration outcome.⁹⁹

7.24 In the absence of more detailed guidance, DIAC's case managers have traditionally regarded information about a detainee's claim for a visa and the ongoing progress of that claim as confidential. However, in order to plan how to manage a detainee's potential response to information about their case, for example a negative decision regarding a claim for asylum, the detention and health service providers require sufficient information to manage the detainee and ensure they receive appropriate services and support.

7.25 Similar to the case with medical information, a small number of staff working in IDFs advised that their access to this information was too limited, but most reported that they worked well together to share sufficient levels of information. Since mid-2012, DIAC's national office has been encouraging case managers locally to openly share information with DIAC colleagues and service provider staff as required. In addition, DIAC's national office is piloting a Stakeholder Collaborative Project that aims to, among other things, improve the working relationship between case managers and key stakeholders at the facilities.

⁹⁹ Department of Immigration and Citizenship, *Procedures Advice Manual, Case Management Handbook*, July 2012, paragraph 14.5.

Reporting by the detention service provider

7.26 The contracts outline the detention service provider’s responsibilities with respect to reporting to DIAC. Table 7.2 lists some of the reports that the detention service provider should provide to DIAC.

Table 7.2

Examples of detention service provider reporting requirements

Report	Description
Annual Report	Report containing a summary of key events and lessons learnt during the year and establishing targeted goals for the next year, including an updated business services plan.
Subcontractors	Annual report detailing subcontractors used by the service provider.
Qualifications of service provider personnel	Six-monthly report on the qualifications of service provider personnel providing security services (for IDCs and APODs only). ¹⁰⁰
Joint Executive Report	Monthly Joint Executive Report, prepared jointly by DIAC and the detention service provider for each site and contains a summary of key issues, contractual management issues, issues in relation to detainees, and significant activities that occurred during the month.
JFAT/JSAT	Monthly performance reporting and assessment (JFAT and JSAT reports).
Damage to facilities	Monthly report detailing all cases of damage to facilities by detainees.
Excluded, controlled and illegal items	Monthly report detailing all excluded, controlled and illegal items detected during the reporting period.
Incidents	Incident Management Log and Incident Report for all incidents that occur in the facility and Post Incident Review for all major or critical incidents that have occurred and been resolved.
Reception	Reception process reports, within 24 hours of a detainees arrival at a facility.
Use of restraints	Report detailing incidents which involved the use of restraints, by the end of the staff member’s shift.

Source: ANAO analysis of the detention service provider contracts.

7.27 Due to poor record-keeping prior to 2012 and the loss of corporate knowledge due to staff turnover, DIAC advised that there is a lack of clarity about both the purpose of some of the reports and the detention service provider’s compliance with the reporting requirements. As a result, in May 2012 DIAC commenced a review of the detention service provider’s

¹⁰⁰ The IRH/ITA contract does not require the service provider to report every six months on the qualifications of personnel providing security services.

reporting requirements. The review will assess the validity and usefulness of the current reports and propose improvements including, if necessary, a rationalisation of the current requirements.

7.28 By the end of May 2012 the review, which was ongoing at the time of the ANAO's audit, had identified a list of 44 reports, plans, records and protocols required from the detention service provider. Of these, 16 of the requirements had been met and 12 had not. DIAC was investigating the status of the remaining 16 requirements.¹⁰¹ Further, DIAC is liaising with its staff in IDFs and with the detention service provider about the reporting regime to seek their input into the current status and value of the required reports, and potential changes to the requirements.

Using information technology to facilitate information sharing

7.29 All detainee information is to be recorded on DIAC's nominated information system—the CCMDS Portal. The detention service provider has been granted limited access to the areas of the CCMDS Portal that DIAC considers are relevant to the provider's role. The provider does not have access to, or visibility of, areas related to visa considerations, decisions and resolution, case management or returns and removals.

7.30 Detention service provider staff advised the ANAO that their restricted access to the CCMDS Portal limits their visibility of important information about detainees. For example, managers at one centre stated that their lack of access to intelligence information collected by other agencies (such as the Australian Customs and Border Protection Service and the Australian Federal Police) limits their ability to develop complete and meaningful risk assessments of detainees.

7.31 Notwithstanding the requirements that all detainee information be recorded on the CCMDS Portal, the ANAO's detailed analysis of the records relating to 20 detainees showed variability in the way the same information was recorded and/or attached to the CCMDS Portal. For example, detainee records were incomplete, documents were duplicated, and documents relating to one detainee were held on another detainee's CCMDS Portal record. In addition, the naming (description) of documents was generally poor—for

¹⁰¹ In November 2012, the detention service provider advised the ANAO that many of these reports were completed at an IDF level and that it is working with DIAC to clarify the reporting requirements.

example, document names did not relate to the contents and were often incorrectly dated. Furthermore, staff at some IDFs, most notably the more remote facilities, reported that the CCMDS Portal is slow and not available at times due to a lack of internet access.

7.32 Consequently, accessing case notes on the CCMDS Portal to build a complete history of a detainee is difficult and time consuming and may not be complete in each case. Overall, the CCMDS Portal is not:

- easy to navigate and use;
- useful for management information purposes due to the inaccuracy and incompleteness of the data it contains;
- an effective or reliable tool for storing or sharing information related to detainees or the services they receive; and
- useful to the detention service provider for administrative or reporting purposes.

7.33 Therefore, although the CCMDS Portal is comparatively new (implemented as part of DIAC's Systems for People project in 2007) the difficulty in using the system and its restricted data analysis and reporting functionality limits its usefulness as an effective management tool for the detention service provider. As a result, the detention service provider maintains its own systems in which data and information about detainees and services is also recorded. DIAC's capacity to effectively use the data captured in the CCMDS Portal is also limited in some key areas, such as data on the number of detainee placements (as mentioned in Chapter 5).

7.34 DIAC has reviewed various aspects of the CCMDS Portal as part of its internal audit program and reviews of the Systems for People project. The reviews have also raised concerns about the integrity of data captured in the CCMDS Portal and have made recommendations with respect to this issue. For example, an internal audit report in June 2011, recommended that the department addresses the data integrity and quality assurance issues related to IMA performance information and reporting. Another report recommended, in August 2011, that management develop and document procedures to assist staff in the consistent and accurate entry of client data in the CCMDS Portal and associated information systems.

7.35 DIAC has made some progress in implementing the recommendations, including distributing data entry guidelines to staff at immigration detention facilities. However, the issues identified in these reviews were ongoing at the

time of the ANAO's fieldwork. It would assist officers working in immigration detention, including detention service provider staff, if DIAC addressed the issues relating to the CCMDS Portal, and the information it contains, by reviewing progress against the recommendations outlined in its internal audit reports and considering the integrity, usability and usefulness of CCMDS Portal in future upgrades to its IT systems.

New detention services governance framework

7.36 In December 2011, DIAC initiated a review of the governance arrangements for overseeing the detention services contract. Following a discussion paper in February 2012, DIAC developed and is implementing a new detention services governance framework.

7.37 The envisaged benefits of the framework, as described in the Detention Services Governance Framework Project Implementation Plan, outlined in Figure 7.1, are ambitious.

Figure 7.1

Benefits of the Detention Services Governance Framework

- Sound communications and knowledge sharing between the department and the detention service provider and internally to the department on issues and decisions at the policy, process and operational levels.
- Consistent and consolidated reporting frameworks based on outcomes aligned to key performance indicators.
- Transparency of decision making and risk management in the delivery of services by the detention service provider to the department under the applicable contracts.
- Management of risk in the provision of detention services.
- Partnership between the department and the detention service provider in the delivery of services to individuals with the detention centres operated by the department.
- Clarity of roles and authorities in the overall governance framework associated with the contracts.
- Continuous improvement of the delivery of services (as contemplated under the respective contracts) to individuals with the detention centres operated by the department.

Source: Detention Services Governance Framework Project Implementation Plan, pp.4-5.

7.38 Applying the framework involves implementing a new organisational and accountability structure and assessing current procedures. The framework is based on a three-tiered organisational and accountability structure—strategic, tactical and delivery—which will be mirrored and supported by a three tiered committee arrangement. The assessment and, where necessary, redesign of procedures, business systems and reporting will involve reviewing all immigration detention materials and systems to assess the gaps, and

develop and implement revised arrangements where necessary.¹⁰² It includes assessment of materials and systems at all levels, from high-level policy to operational matters and communications within individual IDFs.

7.39 The development of the framework is a positive response to the increasing complexity of immigration detention and DIAC national office's lack of visibility over processes, procedures and documentation. Effectively implemented, the new governance arrangements are expected to provide a framework within which DIAC can administer immigration detention policy and manage its relationships with service providers, and could result in:

- a more strategic and coordinated approach to the many reviews DIAC is undertaking of aspects of immigration detention;
- greater oversight of facility level operations by DIAC's national office; and
- improved management of the service provider contracts.

7.40 It will be important for DIAC to objectively assess the effectiveness of the framework and supporting structures, as envisaged in the final stage of the implementation plan, and make any necessary changes.

Conclusion

7.41 DIAC uses a variety of mechanisms to communicate with and facilitate the sharing of information between its staff and the service providers. Some of these mechanisms are driven by the requirements of the service provider contract, and others are informal and ad hoc. The ANAO noted the generally constructive relationships between DIAC and service provider staff and a willingness to achieve appropriate service delivery outcomes for detainees. However, DIAC has not established a strategy for communicating and sharing information between DIAC staff at national and local levels and with key service providers. Inconsistent practices and decisions across the detention network have been, in part, a consequence of poor communication networks and contract management. In addition, DIAC's nominated information system, the CCMDS Portal, is not an effective tool for storing or sharing information about detainees or the services they receive.

¹⁰² Immigration detention materials and systems include: policies, plans, frameworks, procedures, business processes, legal requirements, systems, reporting and resources.

7.42 DIAC's development of a new detention services governance framework is a positive response to some of the shortcomings in its management arrangements. If implemented effectively, regularly reviewed and revised as appropriate, the framework has the potential to improve DIAC's management of the service provider contracts and its relationships with service providers. The implementation of a communications strategy would build on the framework and enhance DIAC's management of immigration detention services by providing greater clarity about performance management and reporting requirements, and improve communication networks and information sharing protocols and systems.

Recommendation No.4

7.43 The ANAO recommends that DIAC develops and implements a communications strategy that provides a framework for communicating and sharing information between DIAC staff at national office and across the immigration detention network and with the key providers of immigration detention services.

DIAC's response: Agreed.

7.44 The Department agrees to Recommendation No.4, noting that the findings are already being progressed. Significant effort has been made to address connectivity within and between the Service Delivery Network, National Office and key stakeholders. The Department has commenced implementing mechanisms that support equitable and timely information sharing.



Ian McPhee
Auditor-General

Canberra ACT
11 February 2013

Appendices

Appendix 1: DIAC's response



Australian Government
Department of Immigration and Citizenship

ACTING SECRETARY

22 January 2013

Ms Barbara Cass
Group Executive Director
Performance Audit Services Group
Australian National Audit Office
GPO Box 707
CANBERRA ACT 2601

Barbara

Dear Ms Cass

ANAO Proposed Audit Report
'Individual Management Services to People in Immigration Detention'

Thank you for providing the Department with an opportunity to comment on the ANAO's proposed audit report on Individual Management Services to People in Immigration Detention.

The ANAO's detailed examination of the detention service provider contracts, provision of services to detainees, and management of the performance of the service provider is a valuable contribution to the Department's ongoing continual improvement processes in immigration detention.

The Department agrees to Recommendations No. 1, noting that the findings are already being progressed. To improve the management of people in detention, the department has clarified its expectations surrounding interactions with clients. All lead service providers in immigration detention facilities have agreed to work together to connect service provision with a focus on delivering improvements in client wellbeing outcomes.

The Department agrees to Recommendations No. 2, noting that the findings are already being progressed. The department has built significant contract and performance management capacity nationally and will continue to focus efforts on building and assessing that capacity.

The Department agrees to Recommendations No. 3, noting that the findings are already being progressed. The development of a new performance management framework for all immigration detention facilities is expected to be completed by mid-2013. It will be implemented at all facilities in a staged approach.

people our business

- 2 -

The Department agrees to Recommendations No. 4, noting that the findings are already being progressed. Significant effort has been made to address connectivity within and between the Service Delivery Network, National Office and key stakeholders. The Department has commenced implementing mechanisms that support equitable and timely information sharing.

The Department would also like to acknowledge the positive and constructive engagement by the ANAO audit team with officers of the Department and key service providers.

Yours sincerely



Martin Bowles PSM

Appendix 2: Photographs of immigration detention facilities



Accommodation (internal)



Christmas Island IDC



Darwin APOD

Inverbrackie APOD



Wickham Point IDC



Perth IDC

General



Detainee's sign, Northern IDC



Recreation area, Northern IDC



SIEV 221 memorial, Christmas Island



Classroom, Darwin APOD



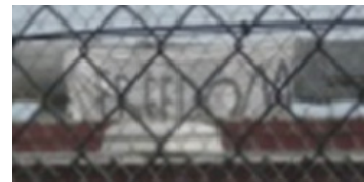
Dining room, Leonora APOD



Fountain designed and built by detainees, Curtin IDC



Medical centre, Leonora APOD



'Freedom' rooftop protest, Northern IDC

Appendix 3: IDF capacity, as at 25 July 2012

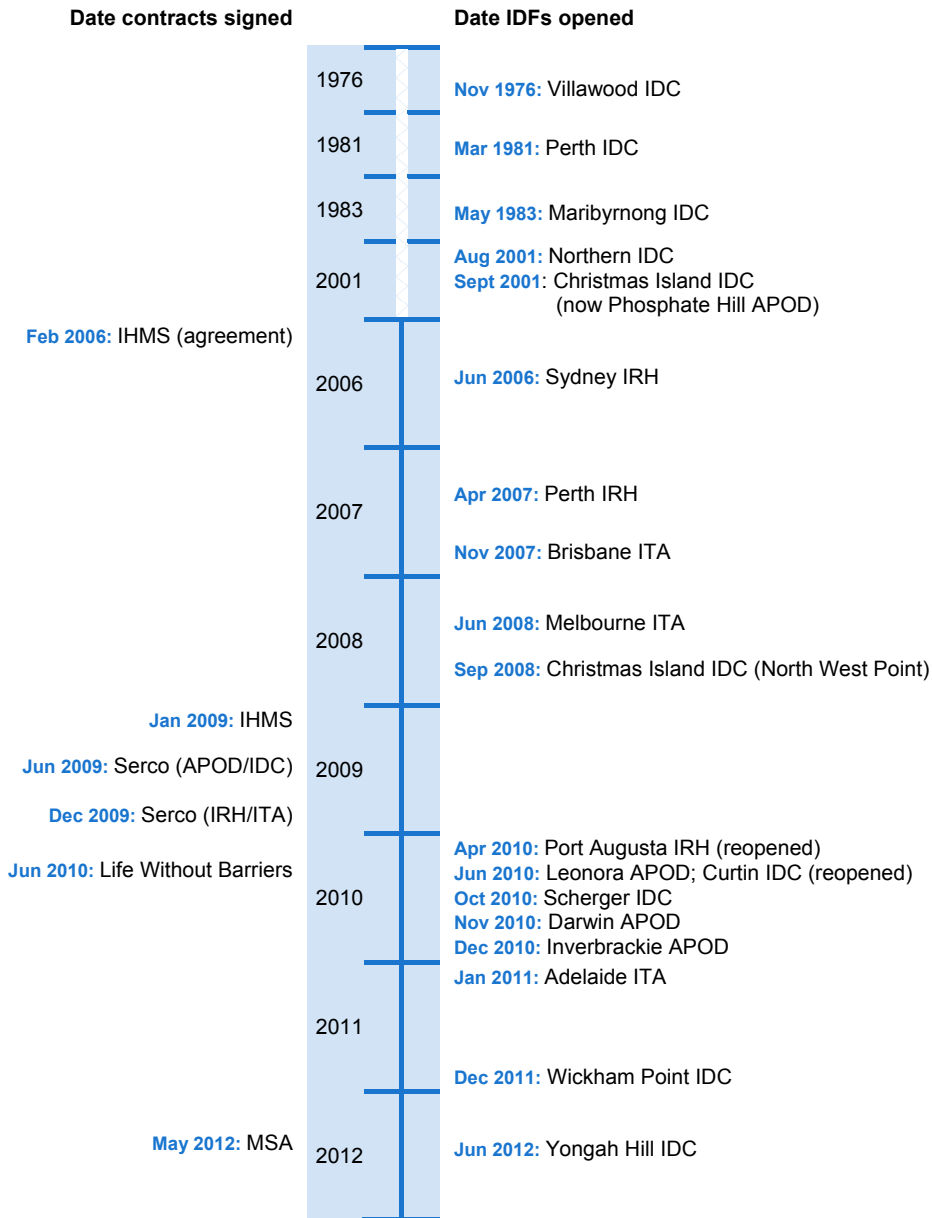
Immigration Detention Facility	Regular operational capacity (persons)	Contingency capacity (persons)
Adelaide ITA	13	25
Brisbane ITA	29	72
Christmas Island APODs	296	628
Christmas Island IDC:		
North West Point	304	850
Aqua and Lilac	350	530
Curtin IDC	1200	1500
Darwin APODs:		
Darwin Airport Lodge APOD	435	585
Berrimah House APOD	16	16
Inverbrackie APOD	380	400
Leonora APOD	210	210
Maribyrnong IDC	56	99
Melbourne ITA	130	144
Northern IDC ¹	446	504
Perth IDC	27	42
Perth IRH	11	16
Port Augusta IRH	36	36
Scherger IDC	300	596
Sydney IRH	24	48
Villawood IDC ²	379	480
Wickham Point IDC	500	1500
Yongah Hill IDC	300	600

Source: ANAO analysis of DIAC data.

Note 1: Capacity reduced due to disturbance in August 2011.

Note 2: Contingency capacity reduced due to the disturbance in April 2011.

Appendix 4: Timeline of key events



Source: ANAO analysis.

Appendix 5: People in detention services philosophy

The People in Detention Services philosophy is to make Facilities pleasant places for everyone to live and work. The aim of service delivery to People in Detention is to ensure that the only change to an individual's wellbeing as a result of being in Immigration Detention is the restriction of freedom of movement. Immigration Detention is mandatory "administrative detention"; it is not indefinite or correctional detention. Arrangements and principles that underpin the requirements of Immigration Detention are detailed in the Immigration Detention Values.

The Department and the Service Provider will work together to ensure that every individual in the detention environment is treated with dignity, equality, respect and fairness, in accordance with the Immigration Detention Values. The Department and the Service Provider will facilitate a positive, safe and healthy detention environment by providing Services to maintain the physical, emotional, social and spiritual wellbeing of the individual Person in Detention.

People in Detention Services will be managed cooperatively by the Service Provider with the Department Regional Management and the Health Services Manager to provide integrated and effective service delivery. The Service Provider will facilitate access by People in Detention to family, legal services and support networks, information and communication technologies, education Programs and Activities, and religious activities and practitioners.

The Service Provider will promote social interaction between People in Detention, Service Provider Personnel, and visitors.

The Service Provider will have primary responsibility for day to day interaction with People in Detention. For each Person in Detention, the Service Provider will need to be fully aware of their state of wellbeing and be pro-active in managing their amenity needs.

In delivering People in Detention Services, the Service Provider will not act in a manner contrary to the principles set out in the Immigration Detention Values.

Source: Detention Services Contract between Department of Immigration and Citizenship and Serco Australia Pty Limited, June 2009, Schedule 2, Section 2.2.1.

Note: A similar statement of philosophy is included in the IRH/ITA contract.

Appendix 6: Reviews

The following are examples of reviews specific to detention or relevant to DIAC's operations more generally.

The Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau, July 2005 (the Palmer report), reported serious flaws in DIAC's administration and made 49 recommendations covering, among other things: training for DIAC and detention service provider personnel; the placement of immigration detainees in correctional facilities; identification and review of detainees; case management and record management; consultation and communication with detainees and visitors; and clinical pathways and mental health services.

The Commonwealth Ombudsman's *Inquiry into the Circumstances of the Vivian Alvarez Matter*, September 2005 (the Comrie report), also reported flaws in DIAC's administration and made 12 recommendations covering, among other things: administrative arrangements regarding the removal of people from Australia; DIAC's information systems; and training for DIAC personnel.

The Independent *Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre* examined the incidents at Christmas Island in March 2011 and Villawood in April 2011, reported in 31 August 2011 and made 48 recommendations. The recommendations addressed, among other things: the roles and responsibilities of DIAC and detention service provider personnel; staffing, training and supervision of personnel; security and facility access/egress and infrastructure; the Personal Officer Scheme; case management; programs and activities; record management; incident reporting and management.

The Joint Select Committee on Australia's Immigration Detention Network was established on 16 June 2011 with very broad terms of reference. The final report of the committee was released in March 2012 and included 31 recommendations. The recommendations covered, among other things: qualifications and support for detention service provider personnel; mental health services and the Psychological Support Program; programs and activities; visits to IDFs; guardianship and protection of unaccompanied minors; location of IDFs; length of time in detention; processing of protection claims and security assessments; staff ratios and training; and incident reporting.

Christmas Island Immigration Detention Facilities—Report on the Commonwealth and Immigration Ombudsman's oversight of immigration processes on Christmas Island October 2008 to September 2010, February 2011 made six recommendations about: timeliness of IMA processing; releasing of detainees into community detention on Christmas Island; the number of interpreters; processing of UMAs on the mainland; the transfer of detainees to the mainland; and health services on the island.

Appendix 7: ANAO Survey of people in immigration detention

The ANAO Survey of people in immigration detention was made available to all detainees in the facilities visited during the audit. It was provided in 11 languages, including English. A total of 301 responses were received from detainees at 12 IDFs¹⁰³, as follows:

IDF	Number of Responses	IDF	Number of Responses
Christmas Island IDC (North West Point, including Aqua and Lilac APODs)	143	Christmas Island APOD (Construction Camp and Phosphate Hill)	18
Curtin IDC	9	Inverbrackie APOD	27
Northern IDC	4	Darwin APODs (Darwin Airport Lodge 1 and 3)	18
Perth IDC	1	Leonora APOD	6
Villawood IDC	61	Perth IRH	3
Wickham Point IDC	7	Sydney IRH	4

The ANAO Survey asked the following demographic questions relating to the respondents:

Are you male or female?
What is your age?
How many places of immigration detention have you lived in since arriving in Australia?
When did you first arrive in immigration detention?

¹⁰³ The survey was not conducted at Maribyrnong IDC or Melbourne ITA, which were visited during the planning phase of the audit. No responses were received from detainees at Brisbane ITA.

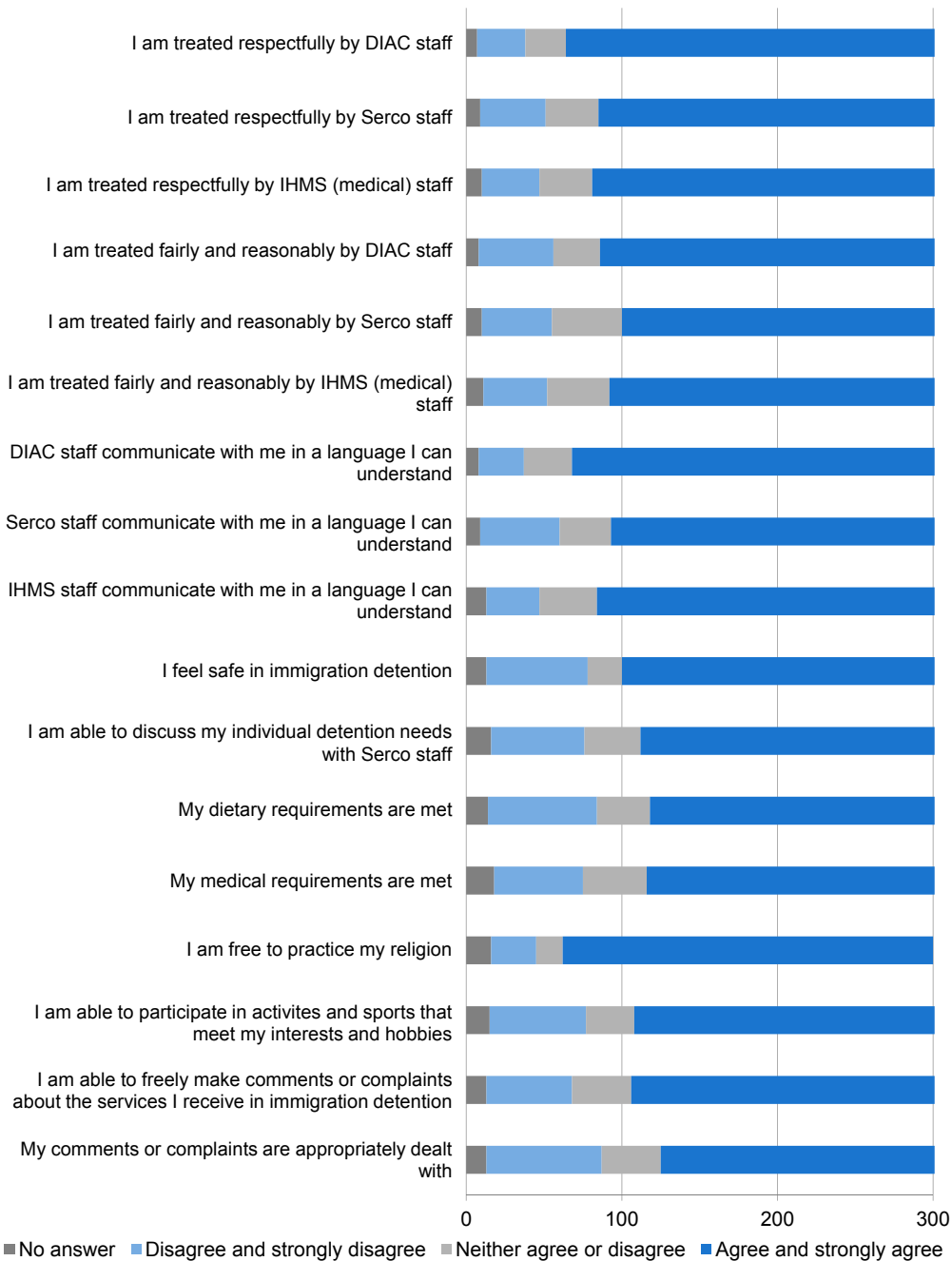
The ANAO Survey presented respondents with a series of statements and asked them to indicate the extent of their agreement according to the following scale:

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
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The statements were:

<p>I am treated respectfully by DIAC staff.</p> <p>I am treated respectfully by Serco staff.</p> <p>I am treated respectfully by IHMS (medical) staff.</p>
<p>I am treated fairly and reasonably by DIAC staff.</p> <p>I am treated fairly and reasonably by Serco staff.</p> <p>I am treated fairly and reasonably by IHMS (medical) staff.</p>
<p>DIAC staff communicate with me in a language I can understand.</p> <p>Serco staff communicate with me in a language I can understand.</p> <p>IHMS staff communicate with me in a language I can understand.</p>
<p>I feel safe in immigration detention. (For example, from tensions and conflicts in immigration detention, or threats of harm or actual harm from staff and/or other people in detention.)</p>
<p>I am able to discuss my individual detention needs with Serco staff. (Examples of individual needs are dietary requirements, clothing, medical appointments and activities.)</p> <p>My dietary requirements are being met.</p> <p>My medical requirements are being met.</p> <p>I am free to practice my religion.</p> <p>I am able to participate in activities and sports that meet my interests and hobbies.</p>
<p>I am able to freely make comments or complaints about the services I receive in immigration detention.</p> <p>My comments or complaints are appropriately dealt with.</p>

The ANAO received 301 responses to the ANAO Survey. An overview of the results is presented below:



Source: ANAO analysis.

Appendix 8: Abatement indicator metrics

APOD/IDC abatement indicator metrics

Key performance indicators	Indicator Metrics	Detailed Abatement Indicator Metric	Weight
Duty of Care	1. Catering	1.1. Compliance with health and food safety regulations 1.2. Responsiveness to Consultative Committee	4.00% 4.00%
	2. Programs, Activities and Amenities	2.1. Access to programs, activities and amenities 2.2. Availability of programs, activities and facility amenities	4.00% 4.00%
	3. Transport	3.1. Timely transport 3.2. Escapes during transport and escort 3.3. Transport and escort complaints	2.00% 4.00% 3.50%
Appropriate amenities	4. Security	4.1. Escapes from the facility 4.2. Security risk assessments 4.3. Safety and security systems and processes	2.00% 5.00% 5.00%
	5. Reception Induction and Discharge	5.1. Reception induction and discharge 5.2. Property of people in detention	5.00% 3.00%
	6. Maintenance	6.1. Timely response to service defects 6.2. Timely Completion of maintenance tasks 6.3. Building condition	2.00% 2.00% 3.00%
Healthy environment	7. Facility presentation	7.1. Facility cleanliness	2.00%
	8. Incident Reporting	8.1. Incident reporting 8.2. Incident management 8.3. Post incident review 8.4. Implementation of recommendations from post incident review	4.00% 3.00% 2.00% 3.00%
	9. Interaction and Wellbeing	9.1. Feedback from people in detention 9.2. Visitor access 9.3. Fair and reasonable dealings 9.4. Creating Individual Management Plans 9.5. Updating Individual Management Plans 9.6. Implementing Individual Management Plans	3.50% 2.00% 5.00% 2.00% 2.00% 2.00%
Supportive culture	10. Complaints	10.1. Timely response to complaints 10.2. Complaints management system	5.00% 2.00%
	11. Information sharing	11.1. Timely data entry 11.2. Accuracy of people in detention records, operational logs and registers 11.3. Transfer of people in detention records	3.00% 2.00% 2.00%
	12. Issues Management	12.1. Timely resolution of issues	3.00%

Source: Detention Services Contract between Department of Immigration and Citizenship and Serco Australia Pty Limited, June 2009, Schedule 4.1, Clause 4.3.

IRH/ITA abatement indicator metrics

Key performance indicators	Indicator metrics	Detailed abatement indicator metric	Weight
Duty of care	1. Catering	1.1. Compliance with health and food safety regulations	5.25%
	2. Programs and Activities	2.1. Access to programs and activities 2.2. Availability of programs, activities and site amenities	5.25% 5.25%
Appropriate amenities	3. Safety and security	3.1. Safety and security systems and processes	5.40%
		3.2. Security risk assessments	5.35%
	4. Maintenance And Presentation	4.1. Timely response to service defects	3.15%
		4.2. Timely completion of maintenance tasks 4.3. Building condition 4.4. Site cleanliness	3.15% 3.15% 3.15%
Healthy environment	5. Interaction and care management	5.1. Feedback from people in detention	5.25%
		5.2. Fair and reasonable dealings	5.25%
		5.3. Creating Individual Management Plans	3.15%
		5.4. Implementing Individual Management Plans	3.15%
	6. Incident Reporting	6.1. Incident Reporting	5.25%
		6.2. Post Incident Review Implementation From Post Incident Review	5.25%
Supportive culture	7. Complaint processing	7.1. Timely response to complaints	5.25%
		7.2. Complaints management system	5.25%
	8. Information Sharing	11.1. Timely data entry and reporting	5.25%
		11.2. Completeness of people in detention records, operational logs and registers	5.25%
		11.3. Transfer of people in detention records	2.10%
9. Issues Management	9.1. Timely resolution of issues	5.25%	
	9.2. Compliance with incident management protocols	5.25%	

Source: Services Contract between Department of Immigration and Citizenship and Serco Australia Pty Limited, December 2009, Schedule 4.1, Clause 4.3.

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