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**Re: Productivity Commission's Preliminary Findings Report – Corrective Services
Focus**

Dear Commissioner,

As representatives of the prisoner community, we were alarmed to discover that the Commission had not seriously considered our main concerns regarding an unresponsiveness to their vital services such as education, health and legal services. We are physically and socially excluded, whilst being central to the problems and the solutions. We are in desperate need of reform yet we have been ignored in the Preliminary Report. Some of the factors for identifying the 6 priority areas for this reform were: whether reforms to introduce competition, contestability or user choice (CCUC) are underway or already proposed (e.g. mental health services and vocational education and training (VET)), or whether improved outcomes could be better delivered by reforms other than CCUC.¹ We believe the prisoner community meet this criteria. We currently use services being reformed such as mental health and VET services and due to the restricted choices in prison, prisoner's outcome would significantly improve with reforms other than CCUC. Services for the prisoner community need urgent reform and need to be included as a priority area.

In response to the Preliminary Report, we propose a new concept of *communitization*, which gives the community of consumers control over the funding of the delivery of

¹ Productivity Commission. *Human Services: Identifying Sectors for Reform*, Productivity Commission Preliminary Findings Report (2016) 55.

their services, rather than private corporations, non-government organisations (NGOs), and non-for-profits (NFP). We propose a new model for allocation of funds to vulnerable people where funding is given directly to the community of consumers. Finally, we propose that a feedback directory should be implemented to assist with user choice, to maintain transparency and to allow a community of consumers to communicate openly about their experience with the service.

We agree with the Commission's findings on the importance of informed user choice, however, we believe correctional services should be included in this conversation as prisoner's access to information is minimal and will therefore, be excluded further from society.

'Communitization' of Services

JA has focused on the concept of consumer controlled funding (CFF) for many years.² Our analysis aimed to empower those most disadvantaged to make their own choices through self-directed funding.³ In an attempt to give CFF a fresh perspective, we coined the term '*communitization*'. We propose that communitization will reduce the influence third parties have over the consumer. Whilst they may present as having an interest in addressing inequality faced by vulnerable people within the community, they are driven by profit as a way to continue their business or charity. We are against privatisation being involved in this process. By giving the power to a community of consumers, it will remove the profit-oriented approach to funding allocation, and make it solely about the interests and needs of the consumers. The services are therefore more personal, they maintain quality and it gets the community involved in the decision making process. Essentially, communitization empowers vulnerable communities to make their own informed choices about the delivery of their services, rather than build a new market driven by competition and greed.

An example of a communitization of services is the NSW Women's Refuge Movement. They embody communitization, as they are a community of women, empowering women to live better lives away from abuse. As consumers, they have

² Justice Action, *Consumer Controlled Funding*, <http://www.justiceaction.org.au/index.php?option=com_content&view=article&id=251&Itemid=1050>.

³ Ibid.

achieved control over their funding so that they employ staff, get jobs and resume a life that benefits women and their children after their traumatic experiences.

Community of Consumers

The Human Services sector accommodates a vast community of consumers. As mentioned in the Preliminary Report, existing service delivery is being compromised by a lack of community consultation and inclusion.⁴ The Commission used Remote Indigenous Communities as an example of the failed attempt to provide services to the community, as there was a lack of communication and accommodation from the service providers.⁵ Rather than repeat old mistakes, it would be in the Government's best interest to focus their efforts to address a community of consumers rather than individuals. Ultimately this will benefit the needs of the community and avoid unnecessary economic wastage.

For the purpose of our submission, we will be focusing on the NSW Women's Refuge Movement and the prisoner community.

Women's Refuge Movement

The NSW Women's Refuge Movement exemplifies a service that meets consumer needs with adequate efficiency, fairness and advocacy for ending domestic violence (DV) in society. The Movement was established in 1995 to provide an essential human service to the community of consumers, and highlights the value in allocating funds to existing community groups. The community of those women are equally concerned about addressing DV issues. Their Movement is cohesive and internally consultative. When faced with the threat of defunding Women's Refuge, the 'Save our Services' (SOS) organisation was established to prevent the closure of refuges and succeeded with more than half a billion dollars being provided to women's and girls' services.⁶ With their organisational ability to attract funding and comply with accountability requirements, this community of women would benefit from direct funding. The movement highlights that through resilience, strong campaigning for

⁴ Productivity Commission. *Human Services: Identifying Sectors for Reform*, Productivity Commission Preliminary Findings Overview (2016) 10.

⁵ Productivity Commission. *Human Services: Identifying Sectors for Reform*, Productivity Commission Preliminary Findings Report (2016) 131.

⁶ Ibid.

Government support and advocating for change in funding, Women's Refuge has continued to empower the community of women today.

Prisoners

Individuals in prisons constitute one of the most vulnerable groups in society. As of March 2015, prison numbers in Australia reached a record high of almost 35,500 people.⁷ Each prisoner costs Australian taxpayers \$100,000 per year.⁸ In NSW, the State Government have budgeted \$3.8 billion for funding the expansion of state prisons.⁹ Therefore, it is concerning that despite the increases in prison population and funding, the corrective services were not included as a priority area for reform in the Preliminary Report. Considering the significant prison expenditure contributed by each State Government and the large amount of prisoners relying on these services, we believe corrective services meets the criteria to be a priority area.¹⁰

Currently, the Australian prison community has an ineffective delivery of education, health and legal services. All 3 of those services have federal government input in the public delivery yet they are not directed to benefit this vulnerable group who do not have a choice of the services. We propose that online services through computers in cells be coordinated through the federal government to offer efficiency and user informed choice.¹¹ The Senate inquiry on prisoner education alluded to such an intervention.¹² In reality, in all states, the prisoner education, health and legal services have become run down. For example, The NSW Government will be cutting more than 130 teachers from their current prisoner education programs as part of the 'Better Prisons' reform and replacing them with clerks.¹³ This change has been labelled as "appalling" by the NSW Teachers Federation.¹⁴ They believe their teachers have

⁷ Sarah Kimmorley, 'Australia Put More People in Jail than Ever Before in 2015 and it's Costing Taxpayers \$2.6 billion', *Business Insider* (Online), 11 June 2015 <<http://www.businessinsider.com.au/australia-put-more-people-in-jail-than-ever-before-in-2015-and-its-costing-taxpayers-2-6-billion-2015-6>>.

⁸ Ibid.

⁹ Sean Nicholls, 'NSW Budget 2016: \$3.8 billion for new jail capacity to cover surge in prison population', *Sydney Morning Herald* (Online), 16 June 2016 <<http://www.smh.com.au/nsw/nsw-budget-2016-38-billion-for-new-jail-capacity-to-cover-surge-in-prison-population-20160616-gpkhd5.html>>.

¹⁰ Productivity Commission. *Human Services: Identifying Sectors for Reform*, Productivity Commission Preliminary Findings Report (2016) 56.

¹¹ Community Justice Coalition, *Overview of Inspector of Custodial Services Report April 2015* <http://www.communityjusticecoalition.org/images/pdf_files/ForumInspLflt.pdf>.

¹² Ibid.

¹³ Regional Reporters, 'More than 70 Teaching Staff in NSW Prison to Go Under Education Shake-up', *ABC News* (Online), 11 May 2016 <<http://www.abc.net.au/news/2016-05-11/teachers-in-nsw-prisons-to-go-under-shakeup/7404596>>.

¹⁴ Ibid.

provided prisoners with the invaluable opportunity to learn to read, write, and better themselves through online university and vocational education and training (VET) courses.¹⁵ Without this opportunity, the likelihood of reducing recidivism rates and breaking the cycle of poverty will be significantly reduced. In fact, in Queensland, a study found that 32% of prisoners who did not participate in VET courses, reoffended within two years of their initial release compared to only 23% who did complete VET.¹⁶ How can prisoners make informed choices about their future after their release if they are not educated at the most basic level?

With prisoner health services, 43% of internal appointments and 50% of specialised appointments were cancelled due to a lack of transport officers, administrative errors or prisoners themselves missing appointments for fear of losing their bed.¹⁷ With an estimated 18,000 prison population increase by 2020, the urgent need for reform to improve prisoner health is well overdue.¹⁸

As a representative of the prison community, we believe that it would be in the Government's best interest to reform the current services available to prisoners, such as education, health and legal services to allow for direct funding. Direct funding would be more cost-effective and efficient if prisoners (consumers) were able to choose where their money could be spent regarding their own education and health needs. Allowing prisoners this choice would ultimately reduce the pressure imposed on corrective services due to the high rate of incarceration in Australia and would benefit the prisoner's lives after their release.

NDIS Principle for Prisoners

If the National Disability Insurance Scheme (NDIS) principles were to apply to prisoners, that would mean they would have a choice. We don't propose that is an efficient use of those services as their choices are already restricted. If the delivery of prison services in any state or territory were to be considered and decided by prisoners by interacting with the education department, health department, and legal

¹⁵ Ibid.

¹⁶ Australian Institute of Criminology, 'Reducing Recidivism through Vocational Education and Training Programs' (Research Paper No 65, January 2008) <<http://www.aic.gov.au/publications/current%20series/crm/61-80/crm065.html>>.

¹⁷ As above, n 11.

¹⁸ As above, n 9.

services commissions, it would be a monumental improvement to the current system. It would allow for a socially excluded group to have an informed choice.

An NDIS principle for all services would allow the community of consumers to make choices for themselves, it would increase healthy competition between the service providers and it would increase quality of service to meet the goals of the Commission. The Human Services sector would benefit significantly from this as it would alleviate pressure placed Government agencies such as Medicare. It would also empower the most vulnerable in society to make choices that affect their own life.

Informed User Choice: Feedback Directory

We were pleased to see that the Preliminary report recognised the importance of having informed choice as a core component in programs and initiatives such as the NDIS.¹⁹ Informed choice is essential for maintaining high quality services, empowering individuals and allowing easy access to information for the most vulnerable. Informed choice could be made more easily accessible through a feedback directory model. Incorporating a user feedback system will promote interaction between the community of consumers such as commenting and rating the quality of services. This directory could also be a platform for the community of consumers to advocate for the Government to make necessary changes that will improve the current system. Ultimately, it will ensure consumers are informed before allocating their funding to a particular service.

Currently, consumers of the NDIS can interact with a Facebook group called ‘NDIS Grassroots Discussion’ as a way to share information and give feedback on user experiences with the NDIS providers.²⁰ Whilst this site is an informal example of what the Human Services sector could implement, it is a perfect example of what the consumers need in order to make informed choices. It is in the best interest for the Commission to consider this recommendation as it will ensure transparency amongst the sector and it will generate healthy competition between the service providers in order to maintain high quality service.

¹⁹ Productivity Commission, *Human Services: Identifying Sectors for Reform*, Productivity Commission Preliminary Findings Report (2016) 40.

²⁰ Disability Loop, *Facebook- NDIS Grassroots Discussion Group*

<http://www.disabilityloop.org.au/resources/ndis_grassroots_discussion_group_facebook.html>.

Conclusion

Taxpayers and consumers are entitled to access their services in an uncorrupted form. We believe direct funding and feedback directories are fair examples of how a community of consumers can make informed user choices that will ensure that their needs are the first priority. These examples can be applied to all socially excluded groups, including the prisoner community, who are one of the most socially excluded groups affected within the community services sector.

We hope to see more attention directed on including correctional services in the Study Report.

Kind Regards,

Ashlee Taylor
Justice Action