Government of **Western Australia**
Department of **Justice**
Corrective Services

Response to OICS Draft Report:

Review into Access to Religious and Faith Services

February 2025

Version 0.1

Response Overview

Introduction

On 7 September 2023, the Office of the Inspector of Custodial Services (OICS) announced the commencement of the *Snapshot Series Review into Access to Chaplaincy and Faith Services* (the Review).

To assist with the Review, the Department of Justice (the Department) provided a range of documentation as well as access to systems, custodial facilities, staff and prisoners.

On 30 September 2024, the Department received the draft report on the Review which contained six recommendations. Following review of the draft report, the Department provided feedback to OICS surrounding the veracity of the Review findings as well as additional contextual information. As a result, OICS amended the draft report, and a revised version was provided to the Department on 28 January 2025.

The Department acknowledges and respects OICS' role to independently and impartially report on the performance of custodial services to Parliament. While the Department does not seek to influence these findings, **Appendix A** contains comments linked to sections in the draft Review for the Inspector's consideration when finalising the report.

Department Comments

In accordance with section 95E of the *Prisons Act 1981* (the Act), all people in custody have an equal opportunity to practise any form of religious or spiritual belief of their choosing.

The Department acknowledges the importance that religion and spirituality serves not only as a fundamental right but also as a protective factor for prisoners and has a number of operational policies in place to guide the provision of cultural, religious and spiritual services provided by the Department and its contractors, including:

- COPP 9.1 *Cultural, Religious and Spiritual Services* (Adult) (COPP 9.1);
- COPP 7.3 *Official, Religious, Spiritual and Other Visitors* (Adult) (COPP 7.3);
- COPP 2.2 *Cultural and Religious Requirements* (Youth) (COPP 2.2); and
- COPP 11.3 *Official Visitors* (Youth) (COPP 11.3).

Under these policies, access to religious representatives is facilitated through the following mechanisms:

1) The Religious and Spiritual Services Contract (the Contract) provided by the Council of Churches Western Australia (CCWA), who currently provide 48 qualified chaplains Statewide who deliver pastoral care at all public adult and youth custodial facilities to both people in custody and Department staff. These services are governed by COPPs 9.1 (Adult) and 2.2 (Youth); and
2) Non-contracted faith practitioners requested directly by a custodial facility or upon referral from CCWA, for example, when support for a chosen faith cannot be facilitated under the contract, or where a person in custody requests the attendance of their own religious representative. These services are governed by COPPs 7.3 (Adult) and 11.3 (Youth).

The current Contract is scheduled to expire in September 2025, after which it will undergo re-commissioning in accordance with Western Australia's State Commissioning Strategy. The re-commissioning of the Contract will provide an

opportunity to review and update the current chaplaincy model and give consideration to alternative models and methods of service delivery. The findings raised by OICS will be considered as part of the recommissioning process.

The Department is committed to addressing concerns of merit raised by OICS in collaboration with CCWA and since the review has undertaken and / or is in the process of initiating the following actions:

- Incorporated several improvements to the six-monthly reporting process including streamlining reporting templates. The Department is also investigating the development of an automated TOMS report for quantitative data on prison chaplain service provision in collaboration with the Department's technology branch.
- Establishment of a formal training register for monitoring internal mandatory training requirements, in addition to Clinical Pastoral Education qualifications for prison chaplains to provide greater oversight by the Department's Rehabilitation and Reintegration (R&R) Contract Management Team.
- A Deputy Commissioners' Broadcast was disseminated to remind staff of the roles and responsibilities of prison chaplains, the reporting lines and mechanisms for raising issues identified by chaplains.

Response to Recommendations

1 The Department and Serco Acacia review all contractual requirements for purpose, achievability, clarity, and alignment between service level requirements and on site processes.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

The current Contract[1] will expire in September 2025 and a complete review of the existing contractual requirements will be undertaken as part of the re-commissioning process that will be conducted in accordance with Western Australia's State Commissioning Strategy[2].

Any inconsistencies between the Department's operational policies and procedures and the Contract will be addressed as part of the re-commissioning process to ensure contractual requirements, service level requirements, and on-site processes are aligned.

In addition, the R&R Contract Management Team also conducts site visits to custodial facilities Statewide to discuss contractor performance with local management teams and identify improvements both at a local and system-wide level.

With respect to OICS' findings pertaining to reporting expectations, to clarify and reinforce the role of prison chaplains to all staff working within custodial facilities, a Deputy Commissioner's Broadcast has been issued as a reminder of the roles and responsibilities of prison chaplains, including reporting lines and mechanisms for raising issues identified while performing their duties.

2 The Department and Serco Acacia review current recruitment, training, and development practices and progress to ensure all meet with agreed contractual requirements and on-site role requirements.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

Whilst under the Contract, a Clinical Pastoral Education (CPE) is the minimum qualification required by prison chaplains, and the recruitment, training and professional development opportunities for prison chaplains remains the responsibility of CCWA, the Department provides additional internal training opportunities to help chaplains better understand the needs of the dynamic prisoner population and in turn better support prisoners.

Training provided internally includes, but is not limited to, cultural capability, mental health awareness, suicide prevention and Prisoner Risk Assessment Group (PRAG).

[1] Religious and Spiritual Services Contract ROI201903529
[2] State Commissioning Strategy for Community Services

The Department will work with CCWA to resolve access issues reported by OICS to ensure CCWA staff can access Department issued online training.

To ensure greater oversight on training undertaken by prison Chaplains, the Department's R&R Contract Management team have established a formal training register for monitoring internal training requirements as well as Clinical Pastoral Education qualifications.

A copy of this training register has been provided to OICS which shows that as at February 2025, compliance against training requirements for prison chaplains was at approximately 90%.

3 The Department and Serco Acacia review alternative chaplaincy models that can inform new contractual requirements which meet the inter-faith needs of the custodial population.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

This recommendation, along with the alternative models outlined by OICS in the review report will be considered as part of the re-commissioning of the Contract following its expiry in September 2025.

4 The Department, Serco Acacia, and service providers utilise local communities and organisations to source both Aboriginal chaplains and Aboriginal Elders as part of an inter-faith chaplaincy model.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

CCWA makes all efforts to source Aboriginal chaplains to provide pastoral support to prisoners, noting Aboriginal chaplains are exceedingly rare and recruitment cannot be guaranteed.

While it is understood that religious and cultural beliefs are not mutually exclusive, it is important to ensure the service provision of the two remain distinct from one another, particularly given some Aboriginal prisoners may have suffered from past negative experiences associated with religious organisations and representatives.

This distinction is reinforced under section 2 of COPP 9.1 which states "*Aboriginal prisoners may have a strong spiritual connection to their culture that is not based on a religion. COPP 4.2 – Aboriginal Prisoners provides guidance for working with Aboriginal prisoners who may require support that is different and separate from services outlined in this COPP*".

In addition, section 3.10 of COPP 4.2 authorises Superintendents to approve the use of cultural consultants for the purpose of "*individual cultural interventions (ceremonies, translation, healing, counselling) for Aboriginal prisoners*".

5 The Department and Serco Acacia revise the chaplaincy model and contractual requirements to formally incorporate non-Christian and Aboriginal organisations into chaplaincy.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

This recommendation will be considered as part of the re-commissioning of the Contract following its expiry in September 2025.

However, it should be noted that while the Department may consider the inclusion of Aboriginal organisations into the chaplaincy model, this will be for the delivery of pastoral care only as the provision of cultural support under the Contract is not supported as per the response to recommendation 4.

A number of mechanisms for the provision of cultural support are already established, including the Aboriginal Visitors Scheme, Prison Support Officers, and the Aboriginal Services Committees at each custodial facility.

6 Serco Acacia formally adhere to current contractually stipulated monitoring requirements in full.

Level of Acceptance: N/A
Responsible Division: N/A
Responsible Directorate: N/A

Response:

This recommendation is not applicable to the Department.