

ACCESS TO CHAPLAINCY AND FAITH SERVICES

LESSONS TO BE LEARNT THAT MIGHT IMPROVE THE RANGE AND QUALITY OF CHAPLAINCY SERVICES AVAILABLE TO PEOPLE IN CUSTODY

People in custody have a well-established right, enshrined in international human rights instruments and standards, to freely practice their chosen religious and spiritual beliefs.

In Western Australia this is governed by relevant Department of Justice legislation and policy. In practice, people in custody rely on custodial facilities having an effective framework and adequate resources in place to facilitate their right to religious freedom.

The provision of chaplaincy and pastoral care is the centrepiece of the framework that provides religious and spiritual support to people in custody. This service is provided through two separate contracts for the provision of chaplaincy services in Western Australian prisons held by Serco Acacia and the Department of Justice with the Council of Churches Western Australia Inc.

Although these are separate contracts, as detailed later in this report, they essentially cover similar services involving the provision of pastoral care and chaplaincy to people in custody and staff. Both contracts are high value totalling over \$13 million over the term of the agreements. The Department's contract is currently up for renewal, while Serco has recently exercised an extension option for a further two years.

During our Review, we received positive feedback about the day-to-day provision of services under each contract. Accordingly, this review is not critical of the quality or genuineness of the services provided to prisoners and staff under both contracts. In fact, quite the opposite is true, most staff and prisoners we engaged with spoke highly of the pastoral care and support they received from individual chaplains who work in custodial facilities, but many also said that chaplains struggled to meet the demands and expectations on their services.

But the feedback was not all positive. We heard concerns from many non-Christian faith providers about the difficulties they faced in obtaining security approvals to attend prisons and gaining regular access to provide religious supports. People in custody of non-Christian beliefs also spoke of the difficulties they faced engaging with religious leaders from their faith group and practicing their religious beliefs while in custody.

The terms of both contracts create an obligation to provide chaplaincy services that are equitable for all religions and faiths, and those with no religious beliefs. Although the Council of Churches Western Australia Inc. is an ecumenical collaboration between several Christian churches, representatives advised us that they provided pastoral care and support to people in custody of all faiths and those who do not have a religious affiliation. We have no reason to doubt that this is the case, yet many people in custody said they wanted to have contact with a chaplain from their own faith group. Likewise, most non-Christian faith providers we

spoke to expressed concerns about their ability to access prisons and provide support to people in custody. This inequity needs to be addressed.

It is accepted that chaplains engage with, and provide support to, all people in custody regardless of their beliefs. But the core of the problem seems to be that, either by design or default, the current contractual arrangements in effect limit the role of prison chaplains to individuals of Christian faith.

What is clear from this Review is that non-Christian faith providers are viewed entirely in the context of them providing religious ministry to individuals of their own faith, rather than the broader definition of chaplaincy, providing welfare and support to whomever needs it or asks for it.

The role of a prison chaplain should be open to people of different beliefs other than Christianity.

Both contracts include various oversight and governance mechanisms, requiring regular performance reporting and monitoring. This is consistent with what ought to be expected in contracts of this value. We did not undertake a detailed review of the adequacy of these performance measures, instead we looked at whether they were being met by the contract monitoring processes in place within the Department and Serco. We established that some of these oversight requirements were not being met, or even could not be met, because the systems and procedures were not in place or were ineffective. That is not to say there was no contract monitoring, just that the agreed measures were often not in place or were not being implemented. Again, the identified deficiencies need to be addressed.

The key takeaway from our Review is that the Department's religious and faith services contract is now due for renewal, and the Serco contract is due to be renewed in the next year or so. This provides an opportunity to address many of the governance issues identified in our Review, and, in doing so, ensure that adequate and measurable performance monitoring mechanisms are in place and followed. Likewise, it is an opportunity to address the challenges and inequities faced by non-Christian faith providers and people in custody, by way of considering possible means by which they could be included under the umbrella of contracts for the provision of a broad range of chaplaincy services for all custodial facilities across Western Australia.

A final note. In accordance with our usual practice, in October 2024 we sent the first draft of this report to the Department of Justice, Serco Acacia, and the Council of Churches Western Australia Inc. for consideration and comment. After considering each of the responses received, we undertook further work, including having several meetings with key representatives, and updated the contents of our report. A second draft was provided to the parties on 28 January 2025 for consideration, (responses received are attached at Appendix C, D, and E). This report reflects our consideration of all these submissions and the additional work undertaken by us.

ACKNOWLEDGMENTS

We are grateful for the support and cooperation received throughout the Review from key personnel at the Department of Justice, Serco (the private operator of Acacia Prison), and the Council of Churches Western Australia Inc.

I acknowledge the contribution and hard work of the team in our office who were involved in undertaking this Review. I would particularly acknowledge and thank Kelly Jackson for her hard work in leading this Review and as principal analyst and drafter of this report.

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Inspector of Custodial Services

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