



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2018 INSPECTION OF COURT CUSTODY CENTRES
AND FIONA STANLEY HOSPITAL SECURE FACILITY

122

MARCH 2019

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2018 Inspection of court custody centres and Fiona Stanley Hospital secure facility

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Inspector's Overview

CONTRACTORS ARE PERFORMING WELL, BUT CONTRACT MONITORING AND MANAGEMENT CAN BE IMPROVED

COURT CUSTODY AND COURT SECURITY SERVICES ARE OUTSOURCED

This report looks at the infrastructure, operations and management of court custody centres in Western Australia and the Fiona Stanley Hospital (FSH) secure facility. These are all 'day stay' facilities where people in custody (PICs) spend time either before appearing in court or obtaining medical care and attention. PICs can be a difficult group to manage. They are often unsettled, may be under the influence of legal or illegal substances, and can be anxious about the impact of the court process on themselves and their families.

With the exception of custody at the Perth Children's Court, Western Australia has outsourced court custody and security services. The District Court Building (DCB) and Central Law Courts (CLC) in Perth come under the Central Business District (CBD) Courts Contract. Most metropolitan and regional courts and the FSH secure facility come under the Court Security and Custodial Services (CSCS) contract.

Although the state is 'buying in' services under these two contracts, it retains the ultimate duty of care to PICs. It also has responsibility for ensuring that services are properly provided and that there is adequate contractual oversight.

Previously, the Department of the Attorney General (DoTAG) managed the CBD contract, and Corrective Services (DCS) managed the CSCS contract. The amalgamation of those two departments into the Department of Justice (the Department) means it has responsibility for both contracts.

The CBD contract has been in place since 2005, when Western Liberty Group (WLG) undertook to design, construct and manage the District Court Building (DCB), and refit the Central Law Courts (CLC).

The CSCS Contract has been in place since 2000, with a series of different contractors, the latest being Broadspectrum Australia (BRS), which was awarded the contract in 2017.

THE CBD CONTRACTOR WAS MEETING CONTRACTUAL REQUIREMENTS

The CBD courts contract has run for over ten years. WLG has sub-contracted G4S to manage the progression of PICs and persons on bail through court processes at both the DCB and the CLC.

CBD contract arrangements are clearly defined, settled and mature. We found that services were being delivered at the DCB and the CLC in accordance with the contract. Performance against Key Performance Indicators (KPIs) had declined slightly, but after contractual adjustments, abatements for quality failure were minor.

G4S staff at both DCB and CLC treated PICs with respect, and showed genuine concern for their wellbeing. Both buildings were examples of sound custodial design.

CONTRACTORS ARE PERFORMING WELL, BUT CONTRACT MONITORING AND MANAGEMENT CAN BE IMPROVED

AFTER A NUMBER OF ABATEMENTS IN ITS FIRST YEAR, BRS ARE MEETING CONTRACTUAL REQUIREMENTS

In our 2016 inspection report we commented on the government's plan to award the CSCS contract to a new provider. Because the contract is high risk and high value, we said the Department should ensure rigorous processes were in place to ensure a successful transition.

It is timely that this inspection commenced one year after BRS had been awarded the contract. The new contract was intended to deliver more services and operational improvements at a saving of 18 per cent or \$11 million per annum. BRS's performance is measured against KPIs and comprehensive service requirements. Financial penalties (an 'abatement regime') apply if services are not delivered as required.

BRS self-monitors and reports on service delivery, but the Department is required to review, monitor and audit the contractor's performance.

During the 'settling in period' of 2017–2018, there were a large number of performance failures and incidents subject to abatement. However, I am pleased to report that BRS was proactive in improving procedures, and the number of abatements and performance failures has declined.

Our inspection of courts across the state found that in 2018, BRS was providing adequate court custody and court security services at most sites. Relationships with court staff and police were professional. Despite some difficult working conditions, we also saw many examples of positive interaction between BRS staff and PICs.

The quality of court custodial infrastructure varied widely. Some outer metropolitan sites were below standard, particularly Armadale, due for replacement in 2021. Staff amenities at Fremantle, Mandurah and Midland Courts were cramped and not fit for purpose. By contrast, the Northbridge Police Complex and the FSH secure facility were good examples of modern custodial infrastructure.

THE DEPARTMENT NEEDS TO IMPROVE ASPECTS OF CONTRACT MONITORING AND MANAGEMENT

If the state is to uphold its duty of care, cover its risks, and ensure standards are maintained, it must adequately monitor contractor performance. As these are multi-million dollar contracts, the state must also ensure robust financial oversight.

In 2016 we noted differences between DotAG and DCS in their monitoring and management of both contracts, and concluded that there was scope to improve. This report expresses similar concerns. Even though the Department of Justice is now responsible for both contracts, there are still differences in the way it monitors the contractors and manages the contracts, and in its capacity to assess performance and validate expenditure.

CONTRACTORS ARE PERFORMING WELL, BUT CONTRACT MONITORING AND MANAGEMENT CAN BE IMPROVED

The Department has not supported our recommendations for improved on-site monitoring of regional courts and the CBD contract. We acknowledge that these recommendations have resource implications, and that the Department faces severe budgetary pressures, but we are not persuaded that current arrangements are adequate, especially in the regions.

CSCS contract management needs to be improved. The Department put a transition team in place to oversee the handover from Serco, the previous contractor, to BRS, but it was disbanded prematurely. This left the CSCS Contract Management Team (CMT) to finalise aspects of the Serco contract as well taking on the management of the new BRS contract. Under-resourced, and focused on daily oversight of BRS, CMT was unable to develop formal management tools.

Representatives from BRS and CMT met monthly to resolve issues, but CMT was not able to validate data provided by BRS in support of its monthly invoices. While there is no suggestion of impropriety, this is an unacceptable risk, and the Department needs to ensure that CMT can do its job effectively and that payment-based data is validated.

By contrast, a robust management plan was in place for the CBD contract. The contract manager was on site regularly to investigate and evaluate performance against KPIs. Treatment of PICs complied with Departmental standards. G4S sent daily and monthly performance reports through WLG to the Department, and an abatement regime was in place for performance failures. The contract was mature, and abatements were few, but the Department still relied to a considerable extent on self-reporting by the contractor.

THE DEPARTMENT SHOULD CONSIDER COMBINING MANAGEMENT OF THE TWO CONTRACTS

In this report we note that the two contracts deliver similar services but continue to be managed by two separate teams, much as before DotAG and DCS were merged. We have encouraged the Department to combine the two contract management teams, and create a single, streamlined process (Chapter 4).

The Department said, in response to our draft, that it is 'not for OICS to comment on the Department's structure.' We disagree. First, the *Inspector of Custodial Services Act 2003* gives us the authority to do so. It requires us to report on custodial services, and this includes any 'administrative arrangements'. Secondly, the primary aim of combining DotAG and DCS into one department was to improve efficiencies and effectiveness. In our view, the best way to achieve this in the context of the CBD and CSCS contracts would be to combine the knowledge and expertise of the two teams into one.

Neil Morgan
Inspector

28 March 2019

SUMMARY OF FINDINGS AND RECOMMENDATIONS

INTRODUCTION

Under the *Court Security and Custodial Services Act 1999* (WA) (the Act), all Western Australian court custody centres and the Fiona Stanley Hospital secure facility (FSH secure facility) are managed by private contractors.

Currently, the majority are managed by Broadspectrum Australia Pty Ltd (BRS) under the Court Security and Custodial Services Contract (the CSCS Contract). BRS subcontract security services at metropolitan courts to Wilson Security Pty Ltd (Wilson). The CSCS Contract has been in place since 2000, with a series of different contractors.

The exceptions are two large court complexes, co-located in the Perth Central Business District (CBD). Custody centres in the District Court Building (DCB) and the Central Law Courts (CLC), are managed by the Western Liberty Group Consortium (WLG), and subcontractor G4S Custodial Services Pty Ltd (G4S), under the CBD Courts Project Contract (the CBD Courts Contract). The CBD Courts Contract has been in place since 2005, when WLG undertook to design, construct and manage the DCB, and refit the CLC.

The Act defines a court custody centre as that part of the court's premises where people in custody are detained. Sentenced prisoners, people remanded in custody, or those arrested and charged with a crime are held in court custody centres before appearing in court.

Eleven of the metropolitan courts have a custody centre. Most regional courts do not have a custody centre, and detainees, or persons in custody (PICs) are held at the local police lock-up. They are given into the custody of the contractor only for the duration of their court appearance.

CONTRACTED COURT CUSTODY SERVICES

Under the CBD Courts Contract and the WLG subcontract, G4S is responsible for:

- managing all PICs
- managing persons received into custody from bail
- ensuring PICs are delivered to court on time
- preventing deaths in custody
- preventing escapes from custody.

The treatment of PICs must comply with standards that have been approved by the Department. A comprehensive abatement regime exists for failure to deliver the required services in accordance with specifications.

We found that G4S recorded all movements, observations and incidents affecting PICs, and regular performance reports are provided through the WLG Project Manager to the Department's CBD Contract Management Branch.

Under the CSCS Contract, BRS provides court custody and court security services. BRS also provides and maintains a secure vehicle fleet and other transportation for PIC

SUMMARY OF FINDINGS AND RECOMMENDATIONS

movements around the state. This inspection did not include the secure vehicle fleet or PIC movements outside court premises.

The CSCS Contract is complex, and had cost the state over \$50 million in 2017–2018. Of this the provision of services to metropolitan and regional courts cost almost \$23 million. BRS's performance is measured against Key Performance Indicators (KPIs) and comprehensive service requirements. An abatement regime applies if BRS fails to deliver services as required. The Department is required to regularly review, monitor and audit BRS's performance.

According to the CSCS Contract Annual Report to Parliament for 2017–2018 (DoJ, 2018b), 32 incidents were subject to abatement. During the first year of the contract, the contractor had taken steps to resolve many of the issues that had arisen, and the frequency of both performance failures and abatements had declined over the period.

CONTRACT MANAGEMENT

Contract management for both the CBD Contract and the CSCS Contract has developed since the commencement of each. Three oversight mechanisms have responsibility for both contracts.

The Monitoring and Compliance Branch (the Branch) at the Department's head office monitors custodial services across the state, including those provided by both contracted court service providers. The Branch conducts regular court monitoring visits, and specific site reviews.

Weekly Branch court monitoring activities included general observation and discussion with G4S and BRS staff, medical staff, and PICs. The Branch conducted compliance testing, examination of operational systems, and general observations to assess the adequacy and effectiveness of the service being provided by both contractors. We were disappointed to find that, other than a single compliance review of Albany Court in November 2017, the Branch had conducted no other monitoring visits to regional courts.

Recommendation 1

Ensure that regional courts receive on-site monitoring.

The Court Risk Assessment Directorate (CRAD) was established to assess risks to the secure operations of all courts, and recommend risk mitigation strategies. As well as conducting assessments of the physical and operational aspects of individual courts, CRAD analyses potential threats to court operations, and briefs court custody and security staff about upcoming risks and appropriate risk mitigation responses. We found that the process was thorough, and the briefings were detailed and timely, giving court staff adequate time to prepare for complex cases that might present risk.

The Senior Officers Group brings court users together to refine cross-agency service delivery. It provides a forum for interagency communication and collaboration on matters

SUMMARY OF FINDINGS AND RECOMMENDATIONS

relating to the provision of all CSCS services, with a focus on supporting operational efficiency and effectiveness. Agencies can raise issues with current arrangements, and address cross-agency service delivery issues.

Contract management of the CBD Courts Contract was thorough. A comprehensive contract management plan had been formally endorsed by the Department and was regularly updated. We found that the contractor's self-reporting of critical incidents was supported by comprehensive documentation, declarations from relevant personnel, and closed circuit television (CCTV) footage where relevant.

Before each monthly invoice was submitted for approval, the CBD contract management team independently verified the information supplied by the contractor. Those verification processes were well documented and were supported by relevant evidence.

The contract management plan also makes provision for the preparation of an annual plan for independent audits of aspects of the service agreement. At the time of our inspection an audit plan had not been developed and no audits had been conducted in the previous year. Annual audit plans and the audits they schedule would provide further assurance that the service agreement meets the contract requirements. They are examples of good practice, and should be developed and implemented.

Recommendation 2

Develop a CBD Courts Contract audit plan, and conduct regular audits of the service agreement.

Our assessment was that the contract management process in place for the CBD Courts custodial services was mature and effective. There was good evidence that the endorsed contract management plan was being adhered to and that it was functioning well. However, the plan remained heavily reliant upon self-reporting by the contractor. Potential areas for improvement include a more structured and systematic monitoring of contract compliance by independent monitors, and periodic independent audits of aspects of contract compliance.

Recommendation 3

Improve on-site monitoring of the CBD Courts Contract.

At the time of the inspection, the Department had developed a three-tiered oversight structure for the CSCS Contract. A CSCS Contract Management Board had been established to oversee and provide advice on strategic and policy issues that affect the services. The Board was chaired by the Commissioner and included representatives from the Western Australia Police (WAPOL) and courts. Board minutes indicated it was addressing issues, and was meeting objectives.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The contract anticipated that the Board would meet quarterly, but meetings had been less frequent. The most recent meetings had been held in December 2017 and August 2018. Regular meetings would update the Department on contractual issues, and inform budget processes.

Recommendation 4

The CSCS Contract Management Board should meet quarterly.

As required under the contract, a CSCS Contract Management Group had been established, to meet monthly to discuss and attempt to resolve issues. It was chaired by the Department's CSCS Contract Manager and included representatives from the Department and BRS.

The Department's CSCS Contract Management Team (CMT) was responsible for day to day management of the contract. That included validation of data supporting BRS invoices, the investigation of contract performance failures, and recommendations for abatements.

We found that the CMT struggled with ongoing oversight of the contract. Adequate contract management tools had not been developed. Despite that, the CMT had developed a comprehensive contract compliance register, but it was reactive.

A formal contract management plan should be developed for the CSCS Contract, adopting the framework used in the CBD Courts Contract management plan.

Recommendation 5

Establish a formal contract management plan for the CSCS Contract.

The CMT had experienced significant staffing shortages which had limited its ability to manage the contract. For example, the required six monthly reviews of the contractor's code of conduct and operational plans were not undertaken due to lack of staff. We were also concerned to find ongoing difficulties with validation of the data supporting invoices. Those arose in part from:

- mismatched data definitions and counting rules within the Department's Total Offender Management System (TOMS) and the BRS ePEMS recording system
- accessibility of relevant data from other sources such as WAPOL and courts
- lack of integration of various data recording systems resulting in labour intensive manual data matching
- inadequate resources to undertake manual data matching in a structured and systematic way.

The Department has a responsibility to ensure that the services listed had in fact been delivered.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 6

Improve the CSCS monthly service payment data validation process.

Our assessment was that the contract management process in place for the CSCS Contract was effective, but they needed further development. The heavy reliance the Department placed on self-reporting by the contractor was supplemented only by limited monitoring of standards by departmental monitors.

CONCLUSION

Our inspection found that WLG and its subcontractor G4S continued to provide court custody and court security services at the DCB and the CLC in accordance with the CBD Courts Contract. G4S staff treated PICs with respect, and showed real concern for their wellbeing. Both buildings were examples of sound custodial design.

The contract management process in place for the CBD Courts Contract for custodial services was mature and effective. The endorsed contract management plan was being adhered to and functioned well, but the plan remained heavily reliant upon self-reporting by the contractor.

We found that BRS was providing adequate court custody and court security services at most sites. Relationships with court staff and police were professional. Despite some difficult working conditions, we saw many examples of positive interaction between BRS staff and PICs.

The quality of court custodial infrastructure varied widely. Some outer metropolitan sites were clearly below standard. Armadale, one of the oldest metropolitan courts, had a tiny control room, and suffered frequent equipment failure. It was scheduled for replacement in 2021. Staff amenities at Fremantle, Mandurah and Midland Courts were cramped and decrepit.

By contrast, the Northbridge Police Complex and the FSH secure facility were good examples of modern custodial infrastructure, and the Joondalup and Rockingham court custody infrastructure was adequate.

We believe the Department could streamline its management of the CBD Courts and CSCS Contracts. The Machinery of Government reforms were aimed at combining departments to focus on whole of Government objectives and deliver services in the most efficient way. With the amalgamation of the former DCS and DotAG, the Director General is now the principal of both court security and custodial services contracts. The two contracts deliver very similar services yet continue to be managed by two separate teams. We were surprised to see that the Department has not sought to gain efficiencies by combining the management of these two contracts into one team.

Chapter 1

INTRODUCTION

This is the report of an inspection of court custody centres in Western Australia and the Fiona Stanley Hospital secure facility, undertaken by the Office of the Inspector of Custodial Services (the Office). Section 19 of the *Inspector of Custodial Services Act 2003* (WA) requires that the Office inspect each court custody centre and prescribed lock-up at least once every three years.

1.1 BACKGROUND

Under the *Court Security and Custodial Services Act 1999* (WA) (the Act), all Western Australian court custody centres and the Fiona Stanley Hospital secure facility (FSH secure facility) are managed by private contractors. Currently, the majority are managed by Broadspectrum Australia Pty Ltd (BRS) under the Court Security and Custodial Services Contract (the CSCS Contract). BRS subcontract security services at metropolitan courts to Wilson Security Pty Ltd (Wilson).

The exceptions are two large court complexes, co-located in the Perth Central Business District (CBD). Custody centres in the District Court Building (DCB) and the Central Law Courts (CLC), are managed by the Western Liberty Group Consortium (WLG), and subcontractor G4S Custodial Services Pty Ltd (G4S), under the CBD Courts Project Contract (the CBD Courts Contract).

Previously, the CSCS Contract was managed by the Department of Corrective Services (DCS), and the CBD Courts Contract was managed by the Department of the Attorney General (DotAG). These two departments were merged in June 2017 to form the Department of Justice (the Department) which is now responsible for both contracts. The Director General of the Department is responsible for the administration of the Act, and is the principal of both contracts.

The Act defines a court custody centre as that part of the court's premises where people in custody are detained. Sentenced prisoners, people remanded in custody, or those arrested and charged with a crime are held in court custody centres before appearing in court. Depending on the outcome of the court appearance, they are released to freedom, or transferred to a prison, or a police lock-up.

Eleven of the metropolitan courts have a custody centre. Most regional courts do not have a custody centre, and detainees, or persons in custody (PICs) are held at the local police lock-up. They are given into the custody of the contractor only for the duration of their court appearance.

At three regional courts, the local police lock-ups have been prescribed under regulation 5 of the *Court Security and Custodial Services Act 1999* (WA) (the Regulations), which allows those prescribed lock-ups to be managed by the contractor during court sitting hours. When court rises, management of the lock-up reverts to police.

INTRODUCTION

1.2 CONTRACT HISTORY

The CBD Courts Contract has been in place since 2005, when WLG undertook to design, construct and manage the DCB, and refit the CLC.

The CSCS Contract has been in place since 2000, with a series of different contractors:

2000–2007	Corrections Corporation of Australia / Australian Integration Management Services
2007–2011	Global Solutions Limited / G4S Custodial Services
2011–2017	Serco Australia
2017–	Broadspectrum Australia

1.3 PREVIOUS INSPECTION

Fieldwork for the 2016 inspection (OICS 2016) was conducted between September 2015 and January 2016. It found that:

- G4S delivered a high-quality service at the District Court and Central Law Courts
- Serco delivered a high-quality service at other court custody centres
- Serco delivered a high-quality service at the FSH secure facility
- DotAG and DCS had not provided adequate on-site monitoring of the CBD Courts Contract
- DCS had not provided adequate on-site monitoring of the CSCS Contract
- the Northbridge Magistrates Court was not being used as intended.

1.4 METHODOLOGY

Between March and June 2018, members of the inspection team visited all 11 metropolitan courts, eight of the nine regional court custody centres, and the FSH secure facility. The inspection team was joined by a contract management expert.

Before the site visits, BRS and G4S staff were invited to complete a confidential online survey asking about the terms of their employment and their working conditions.

At each site, we spoke with contractor staff, court staff, people in custody and their legal representatives, and members of the public. At most sites, we also spoke with those members of Western Australian Police (WAPOL) who had dealings with the court.

In Perth, members of the team met with corporate managers of BRS and G4S, and Department contract managers and their supervisors. We met with the Chief Judge of the District Court and the Chief Stipendiary Magistrate at the CLC. The retiring Chief Justice of Western Australia provided written comment.

Chapter 2

CONTRACTED COURT CUSTODY SERVICES

2.1 CBD COURTS CONTRACT: BACKGROUND AND FUNCTION

The CBD Courts Contract with WLG had run for over ten years

In June 2005, under the CBD Courts Project, WLG took on a 27-year contract comprising two separate agreements. The facilities agreement was to design, build and maintain the DCB, and refurbish custodial areas and security systems at the CLC. The services agreement was to provide custody services at the DCB and the CLC, court security services in both complexes, all court recording and transcription services at the DCB, and facility management services (including security systems) at both sites. WLG subcontracted G4S to provide court security and custodial services at both sites.

The CBD Courts Contract was clearly defined

Under the CBD Courts Contract and the WLG subcontract, G4S is responsible for:

- managing all PICs
- managing persons received into custody from bail
- ensuring PICs are delivered to court on time
- preventing deaths in custody
- preventing escapes from custody.

The treatment of PICs must comply with standards that have been approved by the Department.

G4S responsibility commences with receipt of a PIC from bail, or receipt of a PIC in the secure sally port usually from the separately contracted custodial transport service but sometimes from WAPOL. Services include:

- security checks of the person received
- escort of PICs within the court complex to holding cells
- regular monitoring of PICs within those cells
- escort of persons to and from the relevant court
- provision of dock guards while the person is in court
- return of persons to the holding cells where required after court proceedings
- escorted return of persons to the custodial transport service.

We found that all movements, observations and incidents affecting PICs were recorded in the Department's Custodial Services Support System (C3S) electronic recording system. Daily and monthly performance reports were provided through the WLG Project Manager to the Department's CBD Contract Management Branch. In addition, any incidents affecting PICs should be self-reported by the contractor within specified time frames.

A comprehensive abatement regime exists for failure to deliver the required services in accordance with specifications. For custodial services, abatements may be applied for a failure in:

CONTRACTED COURT CUSTODY SERVICES

- preventing deaths in custody resulting from negligence, the use of excessive force or failure to take reasonable care
- preventing serious injury to a person in custody due to negligence, use of excessive force, or failure to take reasonable care
- preventing completed escape from custody by PICs that are bailees that have surrendered to the custodial area, and all other persons in custody
- preventing unlawful releases from custody
- preventing assault upon a court user by a PIC due to a failure to take reasonable care
- ensuring that PICs are delivered to court on schedule
- reporting custodial incidents within specified times
- complying with the requirements stipulated within the custodial services operating plan and service specifications.

2.2 CSCS CONTRACT: BACKGROUND AND FUNCTION

The CSCS Contract with BRS had only run for a year

BRS took over the CSCS Contract from Serco in March 2017, just over 12 months before our site visits began. The new contract was intended to deliver an expanded scope of services and operational improvements at a saving of 18 per cent, or \$11 million per annum.

Under the CSCS Contract, BRS provides court custody and court security services. BRS has subcontracted court security services at most metropolitan courts to Wilson. BRS also provides and maintains a secure vehicle fleet and other transportation for PIC movements around the state. This inspection did not include the secure vehicle fleet or PIC movements outside court premises.

The CSCS Contract is complex, and had cost the state over \$50 million in 2017–2018. Of this the provision of services to metropolitan and regional courts cost almost \$23 million.

The CSCS Contract defined services and Key Performance Indicators clearly

Under the CSCS Contract BRS is responsible for court security services, court custody services, and PIC movement services.

Court custody services are provided at seven metropolitan courts; the Supreme Court (Stirling Gardens); selected regional centres; and lock-up management services at Albany and Kalgoorlie Courts. Services include:

- security services within the court custody centre and the secure circulation paths leading to and from courtrooms
- dock guards in courtrooms for the management of PICs
- management of custody centres where one forms part of a court complex

CONTRACTED COURT CUSTODY SERVICES

- custody officers
- custody control centres.

Court security services are provided at seven metropolitan courts; the Supreme Court (Stirling Gardens and Cathedral precinct); the Family Court; State Administrative Tribunal and 16 regional centres around the State. Services include:

- primary security checkpoints
- concierge desk
- roving guards
- gallery guards
- court orderlies
- security control room.

Other obligations imposed on the contractor include:

- developing and regularly updating an operating manual, approved by the principal
- ensuring staff have appropriate qualifications and ongoing training
- extensive reporting requirements including self-reporting of performance failures within specified time frames as well as regular monthly and annual reporting
- extensive record keeping requirements including both paper-based records and electronic records maintained through the BRS electronic Prisoner Escort Management System (ePEMS)
- developing and implementing a process for gathering intelligence about PICs to inform the Department.

The Key Performance Indicators (KPIs) specified in the contract were detailed and comprehensive

The contractor's performance is measured against KPIs and comprehensive service requirements. An abatement regime applies if the contractor fails to deliver services as required.

The contractor is expected to self-monitor and report on performance against 36 KPIs covering all aspects of the services provided and other contractual obligations. However, the Department is also required to regularly review, monitor and audit the contractor's performance.

The KPIs which specifically apply to the management of persons in court custody centres and/or hospital custody include:

- preventing death of a PIC
- preventing a PIC from inflicting self-harm
- preventing a PIC from physically or verbally assaulting other persons
- ensuring restraint use is authorised and PICs are correctly restrained

CONTRACTED COURT CUSTODY SERVICES

- preventing unauthorised release of a PIC
- preventing loss of control of a PIC
- ensuring services achieve quality outcomes in terms of standards and level of care, safety, duty of care, and fair treatment of PICs giving due consideration to differing individual and cultural needs
- ensuring PICs are delivered to court by their warrant time
- effectively managing court custody centre keys
- ensuring all security and custody facility break downs are reported.

A monthly service payment is payable to the contractor through two invoices applicable to each operating month:

- invoice Part A (related to the fixed component of prices)
- invoice Part B (variable reconciliation of volume of services provided).

The pricing tables are very complex, having differing regional fixed components and variable components relating to volumes, and various volume bands.

In addition, the variable component of invoices took account of:

- performance incentive payments
- mitigation events relating to performance failures
- specified event abatements.

Performance failures and abatements declined during 2017-2018

The contract applies an abatement regime for specified events and KPIs. Fixed abatement amounts are provided for specified events referred to in the contract. The contract also provides for a performance incentive payment which is calculated as a percentage of the monthly service fee. The payment is reduced based on the total performance assessment points the contractor accumulated for failing to meet a KPI. The contract also provides for increased penalties for repeated occurrences of the same specified event or KPI failures.

According to the CSCS Contract Annual Report to Parliament for 2017–2018 (DoJ, 2018b), 32 incidents were subject to abatement during the reporting period with a total abatement amount of \$409,432, and 424 performance failures were abated for a total of \$854,194. Abatements for the period 1 July 2017 to 30 June 2018 totalled \$1,263,626.

During the first year of the contract, the contractor had taken steps to resolve many of the issues that had arisen, and the frequency of both performance failures and abatements had declined over the period.

In addition to abatements, the contract empowers the Department to issue a Performance Improvement Notice (PIN) in the event the contractor has breached an obligation specified in the contract. That mechanism allows BRS to address specific performance issues promptly.

Chapter 3

CONTRACT MANAGEMENT

3.1 OVERALL MANAGEMENT OF CONTRACTED COURT SERVICES

Contract management for both the CBD Contract and the CSCS Contract has developed since the commencement of each. Three oversight mechanisms have responsibility for both contracts.

The Monitoring and Compliance Branch visited all metropolitan courts regularly

The Monitoring and Compliance Branch (the Branch) at the Department's head office monitors custodial services across the state, including those provided by both contracted court service providers. The Branch conducts regular court monitoring visits, and specific site reviews.

We found that weekly Branch court monitoring activities comprised general observation and discussion with G4S and BRS staff, medical staff, and PICs. It also conducted compliance testing, examination of operational systems, and general observations to assess the adequacy and effectiveness of the service being provided by both contractors. Any noncompliance was reported weekly to the G4S and BRS management teams, and to both departmental contract management teams.

The Branch aimed to monitor courts at a minimum of two locations each day at staggered start and finish times, to ensure coverage across the day. The Branch also aimed to monitor medical escort and hospital sits a minimum of two days each week, but with staffing shortages, they had not always been able to conduct timely reviews of all aspects of contractual obligations.

Nonetheless, as detailed in the 2017–2018 Annual CSCS Contract Report to Parliament (DoJ, 2018b), the Branch had increased its overall monitoring of the contractor's performance. It had completed 119 monitoring visits to the CBD Courts, 289 visits to other metropolitan courts where custodial services were provided, and 293 visits to metropolitan hospitals.

We were disappointed to find that, other than a single compliance review of Albany Court in November 2017, the Branch had conducted no other monitoring visits to regional courts. The Department has a responsibility to ensure that BRS complies with its contractual obligations at regional courts, and that PICs and members of the public are treated appropriately.

Recommendation 1

Ensure that regional courts receive on-site monitoring.

The Branch had recently developed quarterly monitoring plans, focusing on specific issues and risk mitigation. The monitoring plans were aligned with those principles underpinning the *Healthy Prisons Framework* that were applicable to services provided under both contracts. The plans were thematic, targeting issues and risks identified through the findings from previous monitoring activities.

CONTRACT MANAGEMENT

The Branch assessed compliance against contractual obligations and procedures specified within the BRS operating manual. They also considered feedback from consultation with contract managers, intelligence services, and the Department's Performance Assurance and Risk Directorate.

Court Risk Assessment Directorate briefings were thorough and timely

The Court Risk Assessment Directorate (CRAD) was established by the former DotAG to assess risks to the secure operations of all courts, and recommend risk mitigation strategies. In addition to conducting assessments of the physical and operational aspects of individual courts, CRAD gathers and analyses intelligence concerning potential threats to court operations, and provides regular briefings to court custody and security staff about identified upcoming risks and appropriate risk mitigation responses. We found that the process was thorough, and the briefings were detailed and timely, giving court staff adequate time to prepare for complex cases that might present risk.

To perform effectively, CRAD relies in part on intelligence gathered from G4S and BRS staff. The Department had issued a formal Performance Improvement Notice (PIN) to BRS over its failure to report intelligence information as required in the CSCS Contract, and in the BRS Standards operating procedures. BRS responded appropriately to the PIN within the specified time, but the Department was continuing to monitor the contractor's performance against that issue.

The Senior Officers Group brought court users together to refine cross-agency service delivery

During 2014, representatives of DCS, DotAG, WAPOL and Treasury formed a governance working group to improve the governance arrangements as outlined in both contracts. That group recommended the formation of a Senior Officers Group (SOG).

The terms of reference for the SOG were finalised in May 2018. It provides a forum for interagency communication and collaboration on matters relating to the provision of all CSCS services, with a focus on supporting operational efficiency and effectiveness. Agencies can raise issues with current arrangements and address cross-agency service delivery issues. The SOG is responsible for:

- information sharing of issues, concerns and opportunities
- advising on interagency operational matters which impacted on the contracts
- considering the implications of individual agency proposals for contract variations, prior to agency submission to Government
- preparing advice to the principal on those proposals.

Our site inspections, particularly at regional courts, suggested that SOG meetings could address operational responsibilities at the interface between the Department, BRS and WAPOL, including:

- the need for a formal up-to-date memorandum of understanding between WAPOL

CONTRACT MANAGEMENT

- and the Department negotiated in accordance with Section 19 of the CSCS Act
- the lack of clarity around responsibility for PICs at certain prescribed regional courts and police lock-ups
 - difficulties in obtaining data from WAPOL in a form that would be helpful for data validation.

The SOG met quarterly. The first meeting was held in May 2018, chaired by the Department's Acting Deputy Commissioner Regulation and Operational Services, joined by the Directors of CRAD and Operational Standards and Procedures, and the Department's Chief Financial Officer. Other members included WAPOL's Assistant Commissioner Judicial Services and Treasury's Director, Performance and Evaluation.

The second meeting in August 2018 addressed variations to the CSCS Contract, a new Monitoring and Compliance Report process, and a joint meeting process between WAPOL, courts, and BRS to discuss operational matters at regional courts. Although the meetings were brief, they were effective.

3.2 CBD COURTS CONTRACT: CONTRACT MANAGEMENT

The specific contract management structure for the CBD Courts Contract had been established by the former DotAG, and has continued following the merger with DCS. The CBD Courts Contract Manager now reports to the Department's Executive Director, Court and Tribunal Services.

Management of the CBD Courts Contract was thorough

A comprehensive contract management plan had been formally endorsed by the Department and was regularly updated. The plan clearly identified:

- the purpose of the plan
- the contract objectives, structure, conditions and pricing
- governance and consultative committee structures used to identify and resolve issues arising under the contract
- contract management delegations, roles, responsibilities, obligations, and contract management resource requirements
- contract performance reporting and monitoring procedures and recognised principles for relationship management, dispute resolution and issue management
- contract management administrative procedures including procedures for invoice verification, data sources for verification, counting rules and standards for routine payments, any payment adjustments, and any abatements
- procedures to be followed for monitoring and verifying the KPIs including those specific to the provision of custodial services.

The plan assigns specific roles and responsibilities to CRAD, which include risk assessment and planning; auditing the court and custodial premises; development of the operational

CONTRACT MANAGEMENT

review of the contract's security and custodial services against contracted KPIs; and the identification of any underlying threats to the security of operations of the court.

We found that the contractor's self-reporting of critical incidents was supported by comprehensive documentation, declarations from relevant personnel, and closed circuit television (CCTV) footage where relevant.

Before each monthly invoice was submitted for approval, the CBD contract management team independently verified the information supplied by the contractor, noted any variances, and recommended the extent of any proposed abatements. Those verification processes were well documented and were supported by relevant evidence.

The Contract Manager attended on-site regularly to monitor, investigate and evaluate performance against the KPIs. The Contract Manager focused on ensuring compliance with custody procedures and policies, and detection of nonreporting by the contractor of any performance failures. In addition, the Contract Manager investigated any complaints received from the help desk. Assessments made by CRAD and from separate monitoring visits undertaken by the Department's Monitoring and Compliance Branch were also passed on to the Contract Manager.

The contract management plan also makes provision for the preparation of an annual plan for independent audits of aspects of the service agreement to be commissioned by the Contract Administrator. At the time of our inspection an audit plan had not been developed and no audits had been conducted in the previous year. Annual audit plans and the audits they schedule would provide further assurance that the service agreement meets the contract requirements. They are examples of good practice, and should be developed and implemented.

Recommendation 2

Develop a CBD Courts Contract audit plan, and conduct regular audits of the service agreement.

3.3 ASSESSMENT OF CBD COURTS CONTRACT MANAGEMENT

CBD Courts Contract management was mature and effective, but relied on self-reporting by the contractor

The formal Annual Report to Parliament in accordance with section 45 (1) of the Act covers the operation of the CBD Courts Contract as it related to court custody and court security. The 2017–2018 report (DoJ, 2018a) showed that the contractor had performed well overall, although performance against KPIs declined slightly during the reporting period. The actual abatements applied were \$59,048 against an overall cost of service of \$11,200,554.

CONTRACT MANAGEMENT

Our assessment was that the contract management process in place for the CBD Courts custodial services was mature and effective. There was good evidence that the endorsed contract management plan was being adhered to and that it was functioning well.

However, the plan remained heavily reliant upon self-reporting by the contractor. Potential areas for improvement include a more structured and systematic monitoring of contract compliance by independent monitors, and periodic independent audits of aspects of contract compliance.

Recommendation 3

Improve on-site monitoring of the CBD Courts Contract.

3.4 CSCS CONTRACT: CONTRACT MANAGEMENT

At the time of the inspection, the Department had developed a three-tiered oversight structure for the CSCS Contract.

A Contract Management Board oversaw the CSCS Contract, but met rarely

The CSCS Contract requires the principal to establish a CSCS Contract Management Board to oversee and provide advice on strategic and policy issues that affect the services. The Board was chaired by the Commissioner and included representatives from WAPOL and courts.

The objectives of the Board were to:

- examine and resolve strategic issues that affected the contract
- ensure compliance requirements were met
- facilitate improvements in the performance of the contract
- review the ongoing relevance of aspects of the contract
- provide a forum for coordination of relevant budget processes
- ensure that planning priorities informed the budget process.

The Board had been established, and our examination of available board minutes indicated it was addressing issues, and was meeting those objectives. The contract anticipated that the Board would meet quarterly, but meetings had been less frequent. The most recent meetings had been held in December 2017 and August 2018. Regular meetings would update the Department on contractual issues, and inform budget processes.

Recommendation 4

The CSCS Contract Management Board should meet quarterly.

CONTRACT MANAGEMENT

Contract Management Group meetings were effective

As required under the contract, a CSCS Contract Management Group has been established, with the expectation that it meet monthly to discuss and attempt to resolve issues. It is chaired by the Department's CSCS Contract Manager and includes representatives from the Department and BRS. Those meetings have been ongoing.

The CSCS Contract Management Team struggled with ongoing oversight of the contract

The Department's CSCS Contract Management Team (CMT) is responsible for day to day management of the contract. That includes validation of data supporting BRS invoices, the investigation of contract performance failures (self-reported or otherwise), and recommendations for abatements.

The transition from Serco to BRS had been managed by a transition team, responsible for addressing the complex handover from one provider to another. The transition team was disbanded prematurely, leaving the CMT to finalise aspects of the Serco contract in addition to taking over management of the new contract with BRS. Under-resourced and focused on daily oversight of BRS, the CMT was unable to develop formal management tools.

The CMT lacked formal management tools

Contract management tools had not been developed for the new and more complex CSCS Contract. Missing tools included:

- formal contract management plan
- specified event calculator
- KPI calculator
- performance incentive payment calculator
- compliance calendar
- financial spreadsheets to support invoice processing
- clear and agreed counting rules
- identified data sources for validating each of the complex contractual pricing tables
- defined methodology for determining volume band changes and tipping points for each pricing table to determine a volume band change.

Nonetheless the CMT were actively managing the contract. A detailed and comprehensive contract compliance register had been developed. It logged all contractual obligations, referencing the relevant clauses in the contract, their scheduled and/or due dates, status of actions taken, responsible persons, and relevant documentation.

In addition to providing a framework for managing the contract, the register provided an audit trail of all actions taken and supporting evidence. However, the register was largely reactive. It lacked the proactive strategic approach to managing the contract that would be expected in a formal contract management plan.

CONTRACT MANAGEMENT

Recommendation 5

Establish a formal contract management plan for the CSCS Contract.

The CMT was under-resourced, and data validation suffered

The CMT had experienced significant staffing shortages which had constrained its ability to manage the contract. For example, the required six monthly reviews of the contractor's code of conduct and operational plans were not undertaken due to lack of staff. The team had focused on transitioning the new contractor in, closing out actions requiring completion for the previous contractor, and managing ongoing issues with data validation and invoice payments.

We were concerned to find ongoing difficulties with validation of the data supporting invoices. Those arose in part from:

- mismatched data definitions and counting rules within the Department's Total Offender Management System (TOMS) and the BRS ePEMS recording system
- accessibility of relevant data from other sources such as WAPOL and courts
- lack of integration of various data recording systems resulting in labour intensive manual data matching
- inadequate resources to undertake manual data matching in a structured and systematic way.

At the time of the inspection, the Department had difficulty validating the data underpinning many aspects of the BRS monthly invoices, which were typically in excess of \$4,000,000. The Department has a responsibility to ensure that the services listed had in fact been delivered.

Recommendation 6

Improve the CSCS monthly service payment data validation process.

3.5 ASSESSMENT OF CSCS CONTRACT MANAGEMENT

CSCS Contract management was effective, but needed further development

Our assessment was that the contract management process in place for the CSCS Contract was effective, but that it was also in need of further development.

The heavy reliance the Department placed on self-reporting by the contractor was supplemented only by limited monitoring of standards by departmental monitors.

A formal contract management plan should be developed for the CSCS Contract, adopting the framework used in the CBD Courts Contract management plan. That formal contract management plan should include additional components to address the more complex geographical, functional and pricing elements of the CSCS Contract.

CONTRACT MANAGEMENT

The CSCS Contract management plan should clarify the roles and responsibilities of the:

- Contract Management Board
- Contract Management Group
- Contract Management Team
- Monitoring and Compliance Branch
- Court Risk Assessments Directorate
- Senior Officers Group..

The plan should also ensure that:

- any ongoing issues with data definitions, counting rules and reporting mechanisms are identified and resolved
- the obstacles to establishing effective and efficient means of independently validating the data underpinning contract Invoices are identified and overcome
- a comprehensive risk based audit program is developed and implemented to enable the Department to gain assurance that data provided by the contractor is in accordance with agreed terms
- Departmental systems are integrated to facilitate contract management, and that incompatibilities between departmental and BRS information systems are addressed
- necessary interdepartmental information sharing is formalised through clear memorandums of understanding negotiated through the SOG.

In the longer term, aspects of the plan should be systematically subjected to internal audit to provide senior management at the Department with assurance that the plan is being effectively and efficiently implemented.

Chapter 4

CONCLUSION

4.1 WLG AND G4S CONTINUED TO FULFIL SERVICE DELIVERY UNDER THE CBD COURTS CONTRACT

Our inspection found that WLG and its subcontractor G4S continued to provide court custody and court security services at the DCB and the CLC in accordance with the CBD Courts Contract. The CBD Courts Project Contract Annual Report 2017–2018 (DoJ, 2018a) found that performance against KPIs had declined slightly, but after contractual adjustments, abatements for quality failure were just 0.5 per cent of the overall cost of service.

G4S staff at both DCB and CLC treated PICs with respect, and showed real concern for their wellbeing. Both buildings were examples of sound custodial design.

The contract management process in place for the CBD Courts Contract for custodial services was mature and effective. The endorsed contract management plan was being adhered to and functioned well, but the plan remained heavily reliant upon self-reporting by the contractor.

Potential areas for improvement include a more structured and systematic monitoring of contract compliance by independent monitors, and periodic independent audits of contract compliance.

BRS was complying with the new CSCS Contract, and staff had accepted their conditions of employment

After visiting courts across the state one year into the contract, we found that BRS was providing adequate court custody and court security services at most sites. Relationships with court staff and police were professional. Despite some difficult working conditions, we saw many examples of positive interaction between BRS staff and PICs. It seemed that BRS had established PIC welfare as an important element in staff training.

Early in our inspection we found evidence of staff dissatisfaction with a new BRS Enterprise Bargaining Agreement (EBA) that continued to place ex-Serco staff on a higher award than other BRS staff. Later the EBA was the subject of industrial dispute by the Transport Workers Union (TWU) representing BRS staff.

To minimise disruption to courts across the state, BRS management, CRAD and WAPOL worked together to develop contingency plans. Protected action by the TWU in support of equivalent pay scales was later suspended on three occasions by the Fair Work Commission, on the grounds of public safety. Negotiations between BRS and the TWU continued into 2019, when members voted to accept the BRS offer, and the TWU ceased further dispute.

The quality of court custodial infrastructure varied widely. Some outer metropolitan sites were clearly below standard. Armadale, one of the oldest metropolitan courts, had a tiny control room, and suffered frequent equipment failure. It was scheduled for replacement in 2021. Staff amenities at Fremantle, Mandurah and Midland Courts were cramped and decrepit.

CONCLUSION

By contrast, the Northbridge Police Complex and the Fiona Stanley Secure Facility were good examples of modern custodial infrastructure, and the Joondalup and Rockingham court custody infrastructure was adequate.

Overall, contract management processes in place for the CSCS Contract were effective, but needed further development. The Department relied heavily on self-reporting by BRS, supplemented only by limited monitoring of standards by departmental monitors.

We questioned the Department's CSCS Contract management structure. The Contract Management Board, with high-level oversight of the Contract, met rarely. Although a Contract Management Group met monthly with BRS, daily detailed management of the contract was left to the CSCS Contract Management Team. They had developed effective processes, including a detailed compliance register, but they lacked essential tools, including a formal management plan. Since the BRS contract began, the CSCS Contract Management Team had been under-resourced, and data validation had suffered.

The Department could streamline its management of the CBD Courts and CSCS Contracts

The Machinery of Government reforms were aimed at combining departments to focus on whole of Government objectives and deliver services in the most efficient way. With the amalgamation of the former DCS and DotAG, the Director General is now the principal of both court security and custodial services contracts. The two contracts deliver very similar services yet continue to be managed by two separate teams, much as happened under the previous two departments.

We were surprised to see that the Department has not sought to gain efficiencies by combining the management of these two contracts into one team. While we are not making any recommendations in relation to this matter, we would encourage the Department to expand its CBD Courts Contract management expertise, combine the two contract management teams, and create a single, streamlined process.

Two recommendations refer to the CBD Courts Contract

Recommendation 2

Develop a CBD Courts Contract audit plan, and conduct regular audits of the service agreement.

Recommendation 3

Improve on-site monitoring of the CBD Courts Contract.

CONCLUSION

Four recommendations refer to the CSCS Contract

Recommendation 1

Ensure that regional courts receive on-site monitoring.

Recommendation 4

The CSCS Contract Management Board should meet quarterly.

Recommendation 5

Establish a formal contract management plan for the CSCS Contract.

Recommendation 6

Improve the CSCS monthly service payment data validation process.

Appendix 1

CBD COURTS

The DCB and the CLC are co-located on opposite sides of Hay Street in Perth, joined by a secure tunnel. G4S employed 124 staff across both sites. Officers were rostered weekly as security officers, custody officers, court orderlies, and dock guards. Staff were satisfied with their conditions of employment.

THE DISTRICT COURT BUILDING

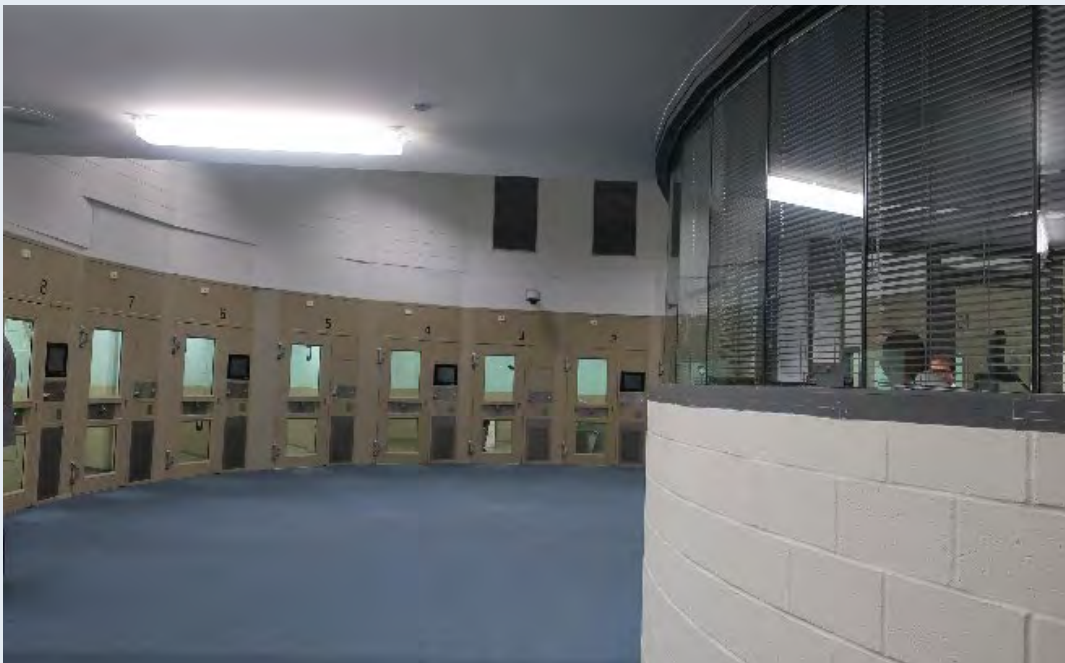


Photo 1. DCB court custody centre

Court Infrastructure and staffing	
Courts	24 on 7 levels
Holding Cells	26 plus 4 outside courts
Interview Rooms	4
Bail Reception Rooms	2, for up to 12 PICs
G4S Staff	62
Court / G4S relationship	Positive
WAPOL / G4S relationship	Positive

In 2018, the DCB continued to provide high-quality built infrastructure and state-of-the-art technology to support court processes. Video link through CCTV was available in all courts, and matters could be heard with defendants in custody at the DCB, or at a prison. There were two secure courts on Level 7, with folding glass walls that could close off the gallery, the dock, or both.

CBD COURTS



Photo 2. DCB holding cell

The DCB court custody centre showed good design, sound construction and had excellent security systems. Holding cells 1 to 15 were for general use. Holding cells 16 to 22 were for females or PICs requiring protection. Those seven cells had two doors, so PICs could be moved discreetly. There were no padded cells.

Each cell had a TV, toilet and water fountain. PICs were not given blankets, as cells were air-conditioned like the rest of the building. PICs were offered a meal at lunch time, and if the court was in recess, another meal was offered at 6.00 pm.

Interview rooms were used when PICs first arrived. G4S officers asked about health, medications, and mental state. Information was logged to C3S, the Department's database, using touch screens.

Master Control was operational 24/7. Staff worked 12 hour shifts. Two officers monitored three large CCTV monitors, and logged PIC incidents in hard-copy. The monitors had vision from 600 cameras across both buildings (CLC and DCB). Master Control was also responsible for opening all secure doors in both buildings, and had its own generator should power go down.

Because DCB court lists were prepared weeks in advance, careful preparation for complex trials was possible. The Department's Higher Courts Directorate, CRAD, WAPOL and WLG all contributed to security in DCB courts. Unlike in lower courts, defendants at the DCB were likely to be settled, well prepared for their hearing, and deferential towards the more formal District Court procedure.

CBD COURTS

THE CENTRAL LAW COURTS



Photo 3. CLC sally port



Photo 4. CLC custody centre

CBD COURTS

Court Infrastructure and staffing	
Courts	31 on 6 levels
Holding Cells	9 plus 2 auxiliary
Interview Rooms	11
Bail Reception Rooms	1
G4S Staff	62
Court / G4S relationship	Positive
WAPOL / G4S relationship	Positive

CLC was a complex mix of courts, with up to 1000 persons passed through the main entrance security checkpoint each day. Increasingly, as Supreme Court matters overflowed to the DCB, District Court matters overflowed to the CLC. The two courts on the fourth floor were very busy, often running multiple lists (remand, video, traffic etc.). Being mostly magistrate courts, matters often involved lower socioeconomic offenders. Drug and domestic violence matters predominated.

Courts started at 10.00 am, and went into lunch recess between 1.00 pm and 2.15 pm. PIC transport vehicles usually left between 4.00 pm and 5.00 pm. When CLC courts ran late, PICs were taken through the tunnel to the DCB to wait for secure transport. All PICs arriving from prison came to the CLC from the DCB through the interconnecting tunnel.

PICs held overnight at the Perth Watch House in Northbridge were brought directly to the CLC. At the sally port, PICs were removed from a BRS secure transport vehicle. G4S officers worked through an interview checklist, covering health, mental health, dietary or medical requirements, and preference for legal advice. Warrants were checked, and data was entered to C3S on the sally port touch screen. Once interviewed and searched, PICs were taken to the custody centre in pairs, by four G4S officers.

At the custody centre, nine cells were clustered around a small control room. Cells had TVs, toilets and water fountains. Lunch rolls were available between 11.00 am and noon. Hot drinks and blankets were not provided. The Salvation Army brought in clothing for PICs in need. A custody control officer conducted welfare checks every 15 minutes.

The master control for opening doors and monitoring CCTV cameras at both CLC and DCB was in the DCB. In a smaller control room at the CLC custody centre, we saw one officer observing two large monitors, each showing nine camera views. A second officer input data to C3S.

Appendix 2

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

ARMADALE COURT



Photo 5. Armadale Court holding cell



Photo 6. Armadale Court sally port

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	3
Holding Cells	5
Interview Rooms	3
Bail Reception Rooms	1
BRS Staff	6
Wilson Security Staff	2
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

Armadale is one of the oldest courthouses in the metropolitan area. Security upgrades have included a new sally port with secure parking at the back, a full suite of CCTVs including 60 cameras, and a walk-through metal detector. Work on a new courthouse begins soon. It will begin operation in 2021.

The contracted court custody service had not altered other than a change of uniform. Court security was subcontracted to Wilson, in BRS uniforms. Wilson staff stated there was a need for a third officer to run security screening for longer.

The control room was very small. The procedure used by BRS for logging and monitoring PIC information was less efficient than the tablets used previously by Serco. Other technology was not reliable. TOMS and other systems often failed. At times, the orderly's court custody lists and the court appearances check-in did not match.

Two issues concerned staff. Ex-Serco employees were paid more than BRS staff for the same job. There continued to be staff shortages on busy court days.

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

FREMANTLE COURT



Photo 7. Fremantle Court holding cell



Photo 8. Fremantle Court BRS staff room

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	3
Holding Cells	5
Interview Rooms	4
BRS Staff	9
Wilson Security Staff	2
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

The Fremantle court custody centre was managed as a Public Private Partnership (PPP). BRS ran the custody centre. Honeywell was contracted to manage building maintenance, and was responsible for daily centre cleaning. The cells were free from graffiti and remarkably clean.

The site was very small and not fit for purpose. The five cells were not enough when the centre was busy. Only one of the cells had a camera, and the rest were monitored by line of sight. The staff amenities were old, cramped and decrepit, with nowhere for custody staff to take breaks or eat a meal.

Two Wilson officers were dedicated to court security, which freed up BRS staff to focus on custody. Court staff were pleased to have the full-time Wilson court security presence, with no risk of redeployment into custody positions.

The culture among BRS staff had improved since the last inspection, when the previous supplier operated the contract. All stakeholders had positive relationships and communicated regularly with one another. As a result, the service to the court had improved.

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

JOONDALUP COURT



Photo 9. Joondalup Court holding cell



Photo 10. Joondalup Court internal stairs

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	4
Holding Cells	4
Interview Rooms	2
BRS Staff	10
Wilson Security Staff	3
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

In 2016, a visitor entered the Joondalup Courthouse and killed his ex-partner in the waiting area. Since the incident, security had increased. Three Wilson staff watched members of the public move through the metal detector. All bags were checked. Court staff felt a lot safer with the additional security presence.

We found one security weakness. The courthouse had two entrances, and only one was manned by Wilson. The public entrance to the court administration area was not manned by security. We were told there were plans to change security arrangements in the future.

The custody centre ran well, but staff morale was low. That seemed to be driven by pay discrepancies between new BRS staff and ex-Serco staff.

The custody cells were reasonably tidy with little graffiti. All cells had cameras, but custody staff still regularly checked on the welfare of PICs face-to-face.

The Joondalup Court complex relied on a steep internal staircase to move PICs between the custody centre and the courts. There was no disabled access or lift to escort PICs in wheelchairs to court.

MANDURAH COURT



Photo 11. Mandurah Court custody centre



Photo 12. Mandurah Court BRS staff room

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	2
Holding Cells	4
Interview Rooms	3
BRS Staff	9
Wilson Security Staff	2
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

The custody centre was clean and newly painted, with dedicated cleaners assigned to clean the site. However, the site was not fit for purpose. There was no staff room for custody staff to take their breaks and the sally port was not large enough. The secure vehicles had to park outside the custody centre. PICs were escorted inside, handcuffed and one at a time.

Blankets were available to PICs upon request, and extra clothes if required. PICs were also provided with tea and coffee on request.

The custody staff working at Mandurah were dedicated and worked well together. However, morale seemed low. Staff were unhappy with their conditions, and were frustrated by the slow progress of their complaints at BRS head office.

Although court staff were happy with the additional security provided by the two Wilson officers, they wanted an additional security officer during busy periods.

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

MIDLAND COURT



Photo 13. Midland Court custody centre



Photo 14. Midland Court interview room

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	3
Holding Cells	4
Interview Rooms	3
BRS Staff	10
Wilson Security Staff	2
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

The cells of the custody centre had recently been painted, but we still found graffiti scratched on windows. The centre was not comfortable for staff to work in. The control room was small and often cramped. The kitchenette area was also small, with insufficient space for staff to eat their lunch. CCTV was limited and the control room monitors were too small.

Staff spoke to PICs respectfully and kindly. Hot drinks were provided but blankets were not. We were told there had been confusion over responsibility for washing blankets.

Staff were happy with the local BRS Care and Security Manager (CSM), but were disappointed with the level of communication they received from head office. Court staff were satisfied with the level of service that they were receiving from BRS, and approved of having Wilson officers permanently stationed to work court security.

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

NORTHBRIDGE POLICE COMPLEX



Photo 15. Northbridge bag scan



Photo 16. Northbridge sally port

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	1
Holding Cells	Police
BRS Staff	6
Wilson Security Staff	2
WAPOL / BRS relationship	Mixed

Key Findings

The Northbridge Police Complex (Northbridge) replaced the East Perth Watch House, which closed in 2013. Northbridge included a new Magistrate's Court, sitting on weekends, dealing with overnight arrests and first appearances. BRS provided court security services on Saturdays and Sundays, which included dock guard services. Police provided custody services.

BRS staff rostered to Northbridge on weekends worked permanently at other sites. There was no BRS CSM on-site, which made communication with the police difficult at times.

Two Wilson officers provided security in the public waiting room upstairs, and scanned people entering the courtroom using a handheld metal detector. A bag x-ray machine and a walk-through metal detector had been set up in the court lobby, but they had never been used, as they took three staff to operate.

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

PERTH CHILDREN'S COURT



Photo 17. Perth Children's Court holding cell



Photo 18. Perth Children's Court sally port

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	9
Holding Cells	6
Interview Rooms	4
Department Staff (Custody)	9
BRS Staff (Security)	11
Wilson Security Staff (Security)	2

Key Findings

The management of Perth Children’s Court custody centre had recently returned to the Department, after a period being managed by private contractors. Some staff rotated between the court custody centre and Banksia Hill, the juvenile detention centre. Morale among the staff was high.

Court security was provided by BRS and Wilson.

The holding cells had televisions, cell calls, toilets, water fountains and benches. They were reasonably clean. One cell had been freshly painted, but the others were covered in extensive graffiti and scratches. Two cells were used for segregation.

We saw staff interacting well with boys in detention. Staff kept the children informed about what was going on, and engaged in general conversation. CCTVs monitored the cells and an officer was stationed to regularly check on the welfare of the detainees.

Morning tea and lunch was provided to the detainees. If they were still at the court in the afternoon, they were given fruit for afternoon tea.

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

ROCKINGHAM COURT



Photo 19. Rockingham Court custody centre



Photo 20. Rockingham Court holding cell

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	2
Holding Cells	5
Interview Rooms	2
BRS Staff	10
Wilson Security Staff	3
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

The CCTV system at Rockingham was very sophisticated and covered all areas of the court, the external grounds and the custody centre. The site had more than 100 cameras, leaving very few blind spots. The custody centre was clean. PICs did not have many opportunities to graffiti the cells because they were constantly observed on the cell cameras.

There were sufficient cells to segregate PICs. When females were being held in custody, they were placed into a cell where they could not be seen by male PICs.

BRS staff appeared reasonably happy, but asked for training in areas other than custody, such as hospital sits and court orderly services.

SUPREME COURT



Photo 21. Supreme Court water damage

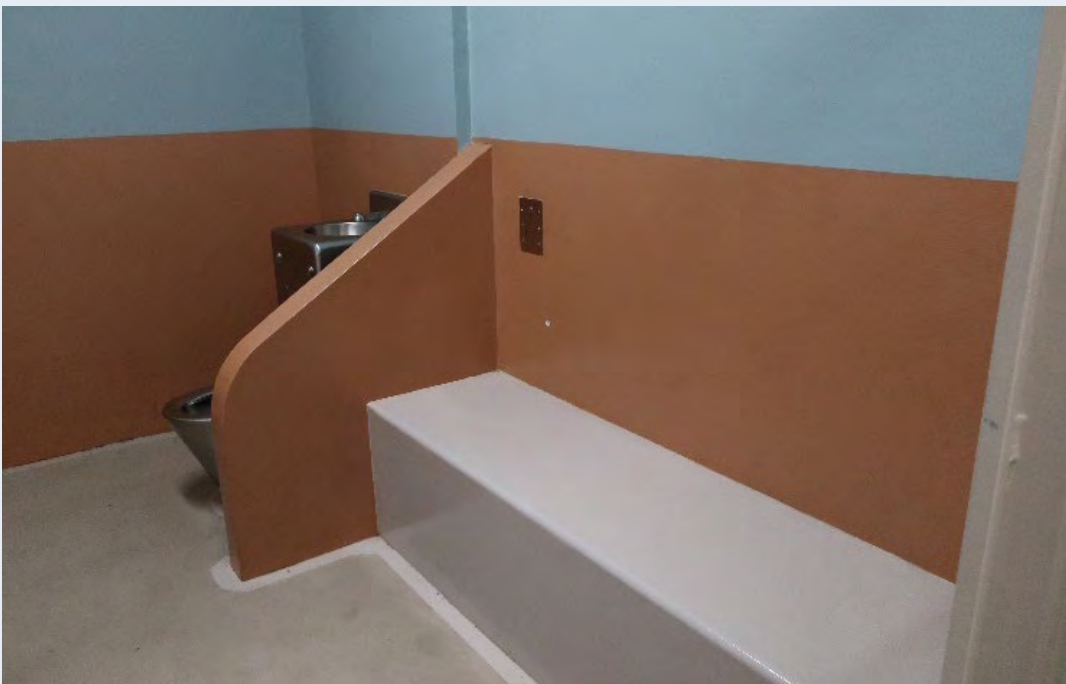


Photo 22. Supreme Court holding cell

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Courts	11
Holding Cells	4
Interview Rooms	2
BRS Staff	7
Wilson Security Staff	9 (24-hour coverage)
Court / BRS relationship	Mixed
WAPOL / BRS relationship	N/A

Key Findings

The Supreme Court was an old building, and mould has long been a problem at the site. We saw one cell in the centre showing extensive mould contamination, and peeling plaster.

The sally port was too small for most of the trucks, and PICs were often handcuffed and escorted through the Supreme Court gardens to the custody centre. At that time, PICs were in full view of the public and any waiting media.

The control room was spacious and PICs were monitored via CCTV. Because staff relied on CCTV monitoring, regular face-to-face checks were not always conducted. The site had a soft cell and a shower room, but both were being used for storage.

Most of the BRS staff were on part-time contracts. This was causing some stress as their weekly hours were not guaranteed.

Wilson staff provided 24-hour security coverage of the site. They undertook roving patrols at night to ensure the premises remained secure. That service was unique to the Supreme Court.

FIONA STANLEY HOSPITAL



Photo 23. Fiona Stanley ambulance toilet



Photo 24. Fiona Stanley consulting room

METROPOLITAN COURTS AND FIONA STANLEY HOSPITAL

Court Infrastructure and staffing	
Holding Cells	5
Consulting Rooms	2
Treatment Rooms	1 (not used)
BRS Staff	10
Health / BRS relationship	Positive

Key Findings

The CSCS Contract required BRS to operate the FSH secure facility. It opened in March 2015, replacing the secure facility at Royal Perth Hospital. The new facility was purpose-built to a very high standard, and provided prisoner access to in-patient and outpatient services.

PICs attending hospital appointments entered the facility in BRS vehicles through a large sally port, where they were met by four BRS officers and the CSM. Searches and initial interviews were thorough yet respectful.

PICs waited for their appointment in the holding facility, and were then escorted, restrained in wheelchairs, into the hospital. Movements were through staff corridors and lifts, not through public areas. Hospital security were notified when PIC movements took place.

Custodial monitoring was similar to that at court custody centres. Cells had audio and video monitoring, cell calls, TVs, and toilet facilities. Food was supplied by the hospital. Two BRS officers worked the control room. One monitored all CCTV cameras on five monitors, and the other logged events on ePEMS. Because BRS staff in the control room could not see directly into cells, PIC welfare checks were conducted in person every 15 minutes. Cell 1 was reserved for high-risk PICs, and cell 2 was usually for females.

Appendix 3

REGIONAL COURTS

ALBANY COURT



Photo 25. Albany Court holding cell

Court Infrastructure and staffing	
Courts	3
Holding Cells	6
Interview Rooms	3
BRS Staff	13
Court / BRS relationship	Positive
WAPOL / BRS relationship	Mixed

Key Findings

The Albany court custody centre was part of Albany police station. Under the Regulations, Albany Court was a prescribed lock-up, allowing the police lock-up to be managed by BRS during court sitting hours. BRS took control of the lock-up each weekday morning, and managed PICs throughout the day, freeing police to do other duties. Half an hour after the

REGIONAL COURTS



Photo 26. Albany Court sally port

court closed in the afternoon, BRS handed back control of the centre to police, who managed PICs overnight if needed.

The conditions in the lock-up were very good and the cells were cleaned thoroughly every week. With six custody cells, there was rarely need to hold more than three PICs in one cell. As the site was a police lock-up, it had a padded cell for use if PICs were at-risk of self-harm. The padded cell was equipped with two cameras and one infrared camera, but BRS had not used that cell for over a year. Showers were also available.

The officers were kind, respectful and courteous when speaking with PICs. Officers checked the welfare of PICs through cell windows every 15 minutes. PICs were offered food and warm drinks and blankets were available on request.

BRS staff worked well together, and demonstrated good ethos and work ethic. Their main concern was that ex-Serco staff were paid more than the newly recruited BRS staff.

Court staff were satisfied with the service that BRS was providing.

REGIONAL COURTS

BROOME COURT



Photo 27. Broome Court sally port



Photo 28. New Broome Court custody building

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	2
Holding Cells	3
Interview Rooms	1
BRS Staff	15
Court / BRS relationship	Positive
WAPOL / BRS relationship	Unknown

Key Findings

Broome court had two groups of custody cells. There were two old cells downstairs, and an old control room that was not used. Three new transportable cells had been brought across from Kununurra. The new centre had its own control room with CCTV coverage, an interview room, and a storeroom. As the search room was being used as a storeroom, searches were conducted in a toilet room. The cells were air-conditioned, so blankets were provided. Contracted cleaners came in daily, but there were some concerns about the quality of their work.

There was a secure passage from the new cells to Court 2, but if a PIC had to attend Court 1, they were escorted handcuffed through the public gardens. The Chief Justice had frequently raised security concerns about this practice.

Court staff had a good relationship with BRS. Communication between the two was positive. Despite that, court staff were a little frustrated with some of the BRS procedures, particularly the double-handling of information. All movements and events were being recorded both on paper and in the electronic system.

The court custody management team felt well supported by BRS head office.

REGIONAL COURTS

BUNBURY COURT



Photo 29. Bunbury Court holding cell



Photo 30. Vehicle in Bunbury Court sally port

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	4
Holding Cells	4
Interview Rooms	2
BRS Staff	16
Court / BRS relationship	Positive
WAPOL / BRS relationship	Unknown

Key Findings

Court custody infrastructure at Bunbury was poor. In two cells, the televisions were not working, and the cells were stark, offering no stimulation for PICs waiting to attend court. The steps leading from custody to the court room were also very steep, and put both the PIC and custody officers at risk. We were told that cells were cleaned daily.

Men appearing in court over multiple days could stay overnight at Bunbury Regional Prison (Bunbury), but female PICs or juveniles could not. Because Bunbury had no appropriate holding cells, and police did not provide overnight custody, women and children returned to Perth each evening. That entailed a 360 kilometre round trip.

Morale among BRS staff appeared low. They felt unsupported and confused about some policies and procedures. Many were feeling fatigued because they worked long day shifts and were also undertaking hospital shifts at night without adequate rest breaks in between.

The courts were happy with the court custody service that BRS was delivering. Court staff felt safe with the security presence that BRS offered, and the new Magistrate was happy that the courts ran smoothly and without disruptions.

REGIONAL COURTS

CARNARVON COURT



Photo 31. Carnarvon Court custody centre



Photo 32. Carnarvon Court holding cell

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	2
Holding Cells	3 BRS 7 WAPOL
Interview Rooms	5
BRS Staff	7
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

Under the Regulations, Carnarvon police lock-up was a prescribed lock-up. But in practice, WAPOL operated a seven-cell police lock-up, and BRS had responsibility for three holding cells at the back of the court. The holding cells had a toilet, a separate drinking fountain, and moulded seats. PICs were seldom held for longer than 30 minutes, so food was not served.

The BRS CSM was supported by BRS head office, and had a good relationship with local police. As well as providing court custody, BRS rovers checked inside and outside the courthouse every 30 minutes, and operated a search station for members of the public. Staff training was up-to-date.

The Carnarvon Court manager had met with staff from BRS head office, and spoke regularly with the CSM. The change from Serco to BRS had been smooth, and operationally there had been no change to the standard of service.

Some BRS staff were not happy with the conditions of their employment. BRS staffing was adequate. The Department's monitors had not been to Carnarvon for 14 months, but CRAD visited annually to audit the courthouse and provide court staff with training in court security.

Carnarvon police had a good relationship with BRS and court staff on-site, but some procedures were irritating. It was inconvenient to hold PICs before BRS moved them into court. After court, BRS staff left the site at 4.00 pm, and PICs waiting to complete bail formalities were returned to police custody. That required the presence of two WAPOL officers. Responsibility for PIC property was also not clear.

REGIONAL COURTS

GERALDTON COURT



Photo 33. Geraldton Court holding cell



Photo 34. Geraldton Court custody centre

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	3
Holding Cells	Police cells
Interview Rooms	4
BRS Staff	15
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

The Geraldton lock-up was managed by police. Police Auxiliary Officers were responsible for managing the PICs while in custody. BRS provided court security services, including escorting the PICs from the holding cells to court, and to meet with their lawyers.

There were frequent PIC handovers between BRS and the police throughout the day, as PICs came and went to court. There was no x-ray machine or metal scanning station set-up for visitors entering the court. There were no suitable staff amenities for BRS staff to take lunch.

There was considerable conflict among BRS staff. The team had suffered from unstable leadership, with four different managers over 12 months. A permanent manager had not been appointed to Geraldton since BRS took over.

Overall, BRS had a positive relationship with the police and the courts.

REGIONAL COURTS

KALGOORLIE COURT



Photo 35. Kalgoorlie Court holding cell



Photo 36. Kalgoorlie Court custody centre

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	3
Holding Cells	3
Interview Rooms	4
BRS Staff	17
Court / BRS relationship	Positive
WAPOL / BRS relationship	Positive

Key Findings

The Kalgoorlie lock-up was the third prescribed under the Regulations. The Kalgoorlie court cells were part of the police lock-up. PICs were managed overnight and weekends by WAPOL. Custody was handed over to BRS during the day while court was sitting. Police were responsible for the maintenance of the cells, which were dirty and unkempt. There was no regular cleaning schedule, and BRS staff sometimes cleaned the cells when the centre was quiet.

Recruitment in Kalgoorlie was particularly challenging across all industries. To ensure the site remained fully staffed, BRS posted officers to the site on long-term secondments from Perth. The secondees were offered good conditions, but found separation from family for such long periods difficult. Staff got along well with one another, and had respect for the CSM. Morale appeared high.

In August 2016, before the Department changed the CSCS contractor, a 14-year-old Aboriginal boy was killed in a traffic accident. A non-Aboriginal man was arrested over the incident. Racial tensions flared. There was a riot in the main street of Kalgoorlie, which flowed over to the courthouse. Bottles and rocks were thrown at local police, and courthouse windows were smashed. Serco evacuated the court and PICs were moved to safety.

During the incident, police, court staff and Serco worked together to bring the situation under control. After the event, all stakeholders reviewed the 'lessons learned'. Strategies are in place should a similar situation occur in the future. At the time of this inspection, BRS staff at Kalgoorlie felt well supported by BRS management, and relationships with court staff and police remained strong.

REGIONAL COURTS

KUNUNURRA COURT



Photo 37. Kununurra Court holding cell



Photo 38. Kununurra Court police lock-up

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	2
Holding Cells	5
Interview Rooms	10
BRS Staff	7
Court / BRS relationship	Positive
WAPOL /BRS relationship	Positive

Key Findings

At the Kununurra Courthouse, interaction between the Department and BRS staff was cordial and professional. BRS PIC management was thorough, but some aspects of the contract caused tension among BRS staff. Negotiations for a new BRS EBA had begun.

Performance was mixed. There had been only one incident of self-harm in the 12 months of the BRS Contract, but the air charter service to Kununurra had deteriorated. Department monitors had not visited Kununurra Courthouse since 2015.

Kununurra was not a prescribed lock-up. WAPOL operated the police lock-up facility, and BRS operated the court custody section adjacent to the police station. The five court custody cells run by BRS each had a toilet with tap on the cistern. Although they were monitored by CCTV, the system needed repair. None of the 180 cameras were recording. An electronic module in the IT room had failed, and Singapore ants were eating the wiring.

The relationship between BRS and senior police at Kununurra was strained. Police believed the Act lacked clarity around responsibility for PICs. Section 19 of the Act required a Memorandum of Understanding between the Department and WAPOL. The BRS Contract simply allowed the contractor to do certain things.

The Department relied on an interpretation that 'if a function was not mentioned in the contract, then the responsibility passed to WAPOL'. There was, however, a semantic disagreement about the status of the PIC after court, and which agency took responsibility for custody of the PIC after court. With no formal agreement in place, WAPOL had adopted local station protocols. The police lock-up was for holding PICs before court. The court custody centre was for holding PICs after court. Police believed that if a death in custody occurred after court had finished, then the Department must bear the responsibility. Despite that dispute, we were told that the relationship between police and BRS had improved.

REGIONAL COURTS

SOUTH HEDLAND COURT



Photo 39. South Hedland holding cell



Photo 40. South Hedland holding cell

REGIONAL COURTS

Court Infrastructure and staffing	
Courts	2
Holding Cells	2
Interview Rooms	1
BRS Staff	6
Court / BRS relationship	Positive
WAPOL / BRS relationship	Mixed

Key Findings

BRS managed two holding cells at the South Hedland Courthouse, and escorted PICs to and from court and legal interviews.

There were only six permanent staff at South Hedland. They were exhausted. On top of court security, they were often driving to and from Roebourne Prison, 190 kilometres from South Hedland. On some days, the truck did not depart South Hedland until 4.30 pm, resulting in very late returns. Staff morale was low.

The site had three escort vehicles, but they were frequently breaking down. BRS staff were using hire cars as substitutes.

Communication between BRS and the court staff was good, but communication with the police could improve.

Appendix 4

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Appendix 5

TABLE OF ABBREVIATIONS

BRS	Broadspectrum Australia Pty Ltd
C3S	Custodial Services Support System, the Department's data management system
CBD	Central Business District
CCTV	closed circuit television
CLC	Central Law Courts
CRAD	Court Risk Assessment Directorate
CSCS	Court Security and Custodial Services
CMT	Department's CSCS Contract Management Team
CSM	Care and Security Manager, BRS on-site manager
DCB	District Court Building
DCS	Department of Corrective Services
DoJ	Department of Justice
DotAG	Department of the Attorney General
ePEMS	electronic Prisoner Escort Management System, the BRS data management system
FSH	Fiona Stanley Hospital
G4S	G4S Custodial Services Pty Ltd
KPI	Key Performance Indicators
PIC	Person in custody
PIN	Performance Improvement Notice
PPP	Public Private Partnership
SOG	Senior Officers Group
TOMS	Total Offender Management Solution
WAPOL	Western Australian Police
WLG	Western Liberty Group

Appendix 6

RESPONSES TO RECOMMENDATIONS



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

Response to the announced inspection:

Court Custody Centres and Fiona Stanley Hospital Secure Facility

February 2019

Page 1 of 4

RESPONSES TO RECOMMENDATIONS

Response to the announced inspection:
Court Custody Centres and Fiona Stanley Hospital Secure Facility

The Department of Justice welcomes the inspection of Court Custody Centres and the Fiona Stanley Hospital Secure Facility as part of the Inspector's announced scheduled of inspections 2018-19.

The Department has reviewed the report and noted a level of acceptance against the six recommendations.

Appendix A contains comments for your attention and consideration.

RESPONSES TO RECOMMENDATIONS

Response to the announced inspection:
Court Custody Centres and Fiona Stanley Hospital Secure Facility

Response to Recommendations

1 Ensure that regional courts receive on-site monitoring.

Response:

Compliance Reviews at regional prisons and regional court locations are undertaken biennially. Additional resources would be required for additional monitoring.

Level of Acceptance: Not Supported
Responsible Business Area: Operating Standards and Procedures
Proposed Completion Date: N/A

2 Develop a CBD Courts Contract audit plan, and conduct regular audits of the service agreement.

Response:

Regular audits of various aspects of the contract are already conducted. However, an audit plan will be developed.

Level of Acceptance: Supported
Responsible Business Area: Higher Courts Directorate
Proposed Completion Date: 30 April 2019

3 Improve on-site monitoring of the CBD Courts Contract.

Response:

The contract manager and contractor currently meet weekly to resolve any contractual issues that arise. Western Liberty Group and their sub-contractors are very consultative when dealing with matters affecting service delivery. Contract management also hold regular meetings with various stakeholders and the service providers to ensure both parties are aware of issues affecting service provision. The contract manager not only relies on self-reporting, but receives reports of service failures from various stakeholders (i.e. the Judiciary and court staff are not backward in advising contract management of service delivery/performance issues).

Random on-site monitoring of services other than custodial are conducted on an ad-hoc basis by contract management. Additional resources would be required for additional monitoring.

Level of Acceptance: Not Supported
Responsible Business Area: Higher Courts Directorate
Proposed Completion Date: N/A

RESPONSES TO RECOMMENDATIONS

Response to the announced inspection:
Court Custody Centres and Fiona Stanley Hospital Secure Facility

4 The CSCS Contract Management Board should meet quarterly.

Response:

The Department acknowledges that contract meetings should occur quarterly and while these were scheduled in 2018, two did not occur due to the unavailability of attendees. In future, proxies will be nominated to ensure the meetings occur as scheduled.

Quarterly meetings have been scheduled for 2019 and will continue to be scheduled quarterly at the commencement of each calendar year.

Level of Acceptance:	Supported
Responsible Business Area:	Operating Standards and Procedures
Proposed Completion Date:	Completed

5 Establish a formal contract management plan for the CSCS Contract.

Response:

The CSCS team have a compliance calendar and other mechanisms for managing the contract. However, the Department agrees to establish a formal contract management plan for the CSCS contract and will consider the existing plan for the CBD Courts Contract as a guide.

Level of Acceptance:	Supported
Responsible Business Area:	Operating Standards and Procedures
Proposed Completion Date:	June 2019

6 Improve the CSCS monthly service payment data validation process.

Response:

This recommendation is already an existing departmental identified initiative and action had already been undertaken prior to the inspection.

The CSCS contract management team is working with Knowledge, Information and Technology (KIT), Courts, and Finance to develop an appropriate data validation process to verify monthly service payments.

A Business Needs Assessment (BNA) was submitted by the contract management team in December 2017 to consider a more effective system that can deliver better data and reporting capability to facilitate data validation. The BNA is scheduled for completion in April 2019. Implementation of the resulting data integrity recommendations from the BNA are expected to be finalised by August 2019.

Level of Acceptance:	Supported
Responsible Business Area:	Operating Standards and Procedures
Proposed Completion Date:	August 2019

RESPONSES TO RECOMMENDATIONS

The Office provided a draft report to the Department and to both contractors, inviting responses to recommendations, or comment on the accuracy of our analysis. As none of our recommendations concerned Western Liberty Group or Broadspectrum, their responses to the draft report are not included here.

Appendix 7

INSPECTION TEAM

Neil Morgan	Inspector of Custodial Services
Lauren Netto	Principal Inspections and Research Officer
Stephanie McFarlane	Principal Inspections and Research Officer
Amanda Byers	Inspections and Research Officer
Charlie Staples	Inspections and Research Officer
Cliff Holdom	Inspections and Research Officer
Grazia Pagano	Inspections and Research Officer
Jim Bryden	Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
Dr Gordon Robertson	Contract Management Consultant

Appendix 8

KEY DATES

Formal notification of announced inspection	8 February 2018
Start of on-site phase	19 March 2018
Completion of on-site phase	28 September 2018
Draft report sent to the Department of Justice, Western Liberty Group and Broadspectrum	4 February 2019
Final response received from Western Liberty Group	18 February 2019
Final response received from Broadspectrum	26 February 2019
Final response received from the Department of Justice	13 March 2019
Declaration of prepared report	28 March 2019

*Inspection of prisons, court custody centres, prescribed lock-ups,
juvenile detention centres, and review of custodial services in Western Australia*



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