



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

# **Response to OICS Draft Report:**

**2021 Inspection of Court Custody Centres  
and Fiona Stanley Hospital Secure Facility**

**June 2022**

Version 1.0

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## Response Overview

### Introduction

On 23 October 2020, the Office of the Inspector of Custodial Services (OICS) announced the commencement of the inspection of court custody centres and the Fiona Stanley Hospital secure facility.

As per the standard process, the Department of Justice (the Department) facilitated the provision of a wide range of documentation and access to systems, policies, processes, facilities including staff, prisoners and contractors upon OICS' request for the purpose of the inspection.

On 5 May 2022, the Department received the draft inspection report from OICS for review and comment. The draft report has highlighted key findings and made two recommendations. The Department has reviewed the draft report and provides further context, comments, and responses to the recommendations as below.

Appendix A contains comments linked to sections in the report for the Inspector's attention and consideration when finalising the report.

### Review Comments

The Department notes the positive findings made in the report in relation to the Department's management of the CBD Courts Contract and the CS&CS Contract. Both contracts are clearly defined, and robust governance arrangements are in place, including multiple oversight mechanisms established to monitor service delivery and compliance with both contracts.

Following recommendations made by OICS in the 2018 CS&CS Inspection, the Department made several improvements in relation to contract management and service delivery under both contracts. This included the development of a Contract Management Plan that complies with government requirements, Service Review and Audit Plan to ensure regular audits are conducted against specific services, a data validation and invoicing processes for accuracy in payments, increased compliance monitoring and regular oversight through contract management boards.

The \$12 million information technology upgrades at the District Court Building and Central Law Courts have enabled the Department to continue certain court functions remotely during the COVID-19 pandemic with video links across the state.

In addition to the upgrades at the CBD court complexes, further upgrades to address security system vulnerabilities commenced in 2020 at various court complexes in WA, including Bunbury, Busselton, Fremantle, South Hedland, Karratha, Mandurah, Midland, and the Perth Children's Court. These upgrades, with an investment of \$2.74 million, includes new technologies for CCTV, access control, duress alarms, intruder detection, and integration of whole of site security systems.

Court volumes in the CBD complexes had increased since the last inspection. Staffing profile remained relatively stable at 90% permanently employed. Staff were found to be flexible in how they operated within the court, noting the significant changes to operations as a result of COVID-19 and other Government initiatives introduced to help offenders avoid court through an increase to pre-hearing service provisions. Where offenders did attend the courts, staff and contractor interactions with them were noted as being professional and respectful.

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As acknowledged in the report, the Department has oversight mechanisms to ensure service delivery requirements under both contracts are met and is continuously seeking to improve the oversight of these contracts.

Although the two contracts have separate oversight arrangements, namely by the Department's Operational Compliance Branch (OCB) and the Court Risk Assessment Directorate (CRAD), the two areas work in collaboration to close gaps and complement each other by focusing on the areas identified as having the greater risks. The two teams have been agile and flexible in deploying resourcing based on risk and need.

As per the Department's response to the 2018 inspection, compliance reviews at regional prisons are undertaken biennially which include regional court locations. The biennial frequency is based on a risk-based allocation of resources to undertake on-site compliance testing.

Compliance reviews in the regions on a biennial basis has continued, noting there have been gaps recently due to resourcing challenges caused by the impacts of COVID. The gaps however are compensated by the operations of the CRAD who evaluates potential threats to the secure operations of all courts and the development of mitigation strategies. The CRAD's oversight of regional court custody centres also compliments compliance reviews and attendance at those sites.

Regular independent audits of various aspects of the contracts are also conducted by the Department's internal audit function.

In addition, the contract management teams hold regular meetings with various stakeholders and the service providers to ensure all parties are aware of issues affecting service provision.

A comprehensive abatement regime also exists under both contracts for failure of the contractors to deliver the required services in accordance with specifications of the contract.

To further maximise operational compliance effectiveness, the Department has established an Operational Compliance Tasking Committee involving stakeholders that have operational and strategic objectives that can be supported by a focused compliance function. The aim of the Committee is to drive operational performance through effective use of resources, reduced cross-functional barriers and to achieve better service deliver outcomes.

The Department acknowledges that whilst the majority of prisoner movements are able to be facilitated without issues by the contractor, Ventia, there are known challenges in facilitating unscheduled hospital sits and, on occasion, the clearance of Police lockups. These challenges are largely limited to regional and remote locations and is often as a result of resourcing and operational priorities, infrequent flight schedules, or local conditions such as accommodation availability or weather restrictions. The Department will continue to work with the contractor to provide support and mitigate risks as required.

As noted by OICS, the 2020-2021 CS&CS Annual Report KPI dashboard shows the contractor had incurred 12 total failure incident points against KPI sub-category "*Provide PIC food water medication*". The Department has since identified this to be a coding error and should have been reported under sub-category "*Failure to manage the health and security of a PIC*". This error will be corrected in the upcoming 2021-2022 CS&CS Annual Report.

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The Department will continue to monitor and assess the performance of both contracts in a continual effort to identify and make contract management and service delivery improvements where necessary.

## Response to Recommendations

### **1 When re-tendering the CS&CS Contract, the Department must adhere to the detail of that process.**

<b>Level of Acceptance:</b>	Noted
<b>Responsible Division:</b>	Corrective Services
<b>Responsible Directorate:</b>	Operational Support
<b>Proposed Completion Date:</b>	N/A

#### **Response:**

The Department seeks to meet all of its obligations under the CS&CS Contract, including notices regarding contract extensions. The 12 month extension exercised included a number of contract variations which were subject to internal and external negotiations and agreement.

While the Department will strive to conduct renewals or extension to contracts within the required timeframe, however, the delays in this instance were unavoidable as it was prudent for the Department to ensure the contract variations were subject to a robust assessment and review process.

### **2 The Department should undertake a review of infrastructure and security at all court custody facilities across the state to ensure a consistent high standard level of service.**

<b>Level of Acceptance:</b>	Supported – Current Practice / Project
<b>Responsible Division:</b>	Court and Tribunal Services
<b>Responsible Directorate:</b>	Court Risk Assessment Directorate
<b>Proposed Completion Date:</b>	Completed

#### **Response:**

Security risk management within court complexes is conducted in accordance with the Courts Security Framework, which adopts a comprehensive, intelligence-led security risk management model. Under the Framework, bi-annual critical assessments are conducted at all court complexes which identify security and infrastructure improvements, resulting in the development of a focused treatment plan.

The retrofitting of complexes against contemporary standards is both complex and expensive. Treatment plans are implemented subject to funding and in collaboration with critical stakeholders such as WA Police and specialist units of Corrective Services.

Infrastructure designs at court complexes throughout Western Australia are guided by the Courts Standard Architectural Design Brief. Under the Brief, the design and integration of security fit outs and technologies are underpinned by the Courts Physical Security and Technical Specifications. Construction of all new court complexes or major upgrades to existing complexes must comply with the Brief.