COPP 3.3 Voluntary Starvation

Banksia Hill Detention Centre

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| Principles In context of the following:  [Australasian Youth Justice Administrators Standards, 2009](http://justus/intranet/department/standards/Pages/ops-standards.aspx)  Staff complete induction and mandatory training.  Custodial environments are safe and secure.  [Australian Human Rights Commission National Principles for Child Safe Organisations, 2019](http://justus/intranet/department/standards/Pages/ops-standards.aspx)  Risk management strategies focus on preventing, identifying and mitigating risks to children and young people. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Banksia Hill Detention Centre (BHDC) Custodial Officers and staff.

# Policy

Voluntary starvation is where a detainee makes a conscious decision to refuse to eat or drink.

Voluntary starvation may be utilised as a way of expressing emotions or a way of protest. The significance of voluntary starvation may result from a single act, omission or an accumulation of factors. Voluntary starvation may also be utilised by the detainee as a form of self-harm and may have a detrimental effect on a detainee’s physical, psychological or emotional well-being.

The Youth Custodial Entry Level Training Program provides Custodial Officers with programs and competencies for protecting the safety and welfare of detainees which enables the Custodial Officer to assess detainees to organise their care and protection. However, detainees may not always verbalise their intent to voluntarily starve themselves which results in difficulties for staff to assess and determine the detainee intent to starve.

Staff are to be aware of changes in meal times, fasting and eating habits due to cultural and religious requirements which are not deemed as ‘voluntary starvation.’ For example, fasting during day light hours during Ramadan as part of the 5 pillars of Islam is a religious choice not ‘voluntary starvation’.

This COPP provides the policy and procedure for escalation of concerns, observation or confirmation where staff believe or have been informed that a detainee is or intends to voluntarily starve themselves.

Voluntary starvation is primarily a health issue and requires medical management. Health and medical management of a detainee who has been identified as voluntarily starving themselves shall be medically managed in accordance with [Health Services Policy and Procedures.](http://justus/communities/health-services/Pages/Policy-and-Procedure.aspx)

# Observation or Concerns

## Identification

### Observation and indication of a detainee who may be voluntarily starving themselves may include the following (but is not limited to):

1. not eating food offered
2. excessive storage or hiding of food in cell
3. avoiding meal times
4. changes in behaviour.

### Where a detainee is observed as missing 3 consecutive meals or refuses food or fluids for more than 2 consecutive shifts (including night shift) they are deemed as voluntarily starving.

### The Custodial Officer shall report immediately to the Unit Manager (or authorised Custodial Officer) where they have observed or have concerns a detainee is voluntarily starving themselves.

### The Custodial Officer shall report immediately to the Unit Manager (or authorised Custodial Officer) where a detainee has informed the Custodial Officer that they are voluntarily starving themselves.

### An incident report shall be completed in accordance with [COPP 8.1 Incident Reporting](http://justus/intranet/prison-operations/Pages/bhdc-copps.aspx).

## Initial management

### The Unit Manager (or authorised Custodial Officer) shall discuss with the detainee to determine the following:

1. the reasons for voluntary starvation
2. according to the detainee, when they commenced voluntary starvation
3. other risks.

### The Unit Manager (or authorised Custodial Officer) shall where possible, attempt to resolve any issues related to the reasons why the detainee has been observed or declared they are voluntarily starving.

## Escalations and notifications

### The Unit Manager (or authorised Custodial Officer) shall notify the Superintendent where a detainee has been observed or has notified the Custodial Officer, they are voluntarily starving themselves. An incident report shall be submitted in accordance with COPP 8.1 Incident Reporting.

### The Unit Manager (or authorised Custodial Officer) shall immediately inform BHDC Health Services staff.

### The Superintendent (or authorised Custodial Officer) shall notify the detainee’s responsible adult as appropriate.

### The Superintendent (or authorised Custodial Officer) shall notify the Deputy Commissioner Women and Young People of a detainee who is voluntarily starving themselves.

### All notifications and actions shall be documented in TOMS.

## Management

### A detainee that is voluntarily starving themselves shall be managed in accordance with [Health Services Policy and Procedures.](http://justus/communities/health-services/Pages/Policy-and-Procedure.aspx)

### The Unit Manager (or authorised Custodial Officer) shall liaise with Health Services staff on a regular basis to determine ongoing care.

### A detainee may be considered for management on a Personal Support Plan (PSP) in accordance with [COPP 7.6 – Personal Support Plans.](http://justus/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Reporting

### The Custodial Officer shall report all voluntary starvation incidents on Total Offender Management Solution (TOMS) in accordance with [COPP 8.1 – Incident Reporting.](http://justus/intranet/prison-operations/Pages/bhdc-copps.aspx)

# Annexures

## Related COPPs and other documents

**Related COPPs**

* [COPP 7.6 – Personal Support Plans](http://justus/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 8.1 – Incident Reporting.](http://justus/intranet/prison-operations/Pages/bhdc-copps.aspx)

**Other documents**

* [Australasian Youth Justice Administrators Standards, 2009](http://justus/intranet/department/standards/Pages/ops-standards.aspx)
* [Australian Human Rights Commission National Principles for Child Safe Organisations, 2019](http://justus/intranet/department/standards/Pages/ops-standards.aspx)
* [Health Services Policy and Procedures.](http://justus/communities/health-services/Pages/Policy-and-Procedure.aspx)

## Definitions and acronyms

| Term | Definition |
| --- | --- |
| Banksia Hill Detention Centre (BHDC) | BHDC is the gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to s 13 of *Young Offenders Act 1994.* |
| Commissioner’s Operating Policy and Procedure (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994* |
| Staff | Any employee or officer of the Department of Justice, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any contractor who provides services to the Department of Justice. |
| Superintendent | In accordance with s 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’ |
| The Department | The department of the Public Service principally assisting the Minister in the administration of the *Young Offenders Act 1994* |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners and detainees. |
| Unit Manager | A Youth Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to s.11 of the *Young Offenders Act 1994*. |
| Custodial Officer | An officer with custodial functions, appointed under s 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under s 11(1a)(a) as a Custodial Officer. This includes but is not limited to Custodial Officers, Unit Managers and Senior Officers. |

## Related legislation

* *Public Sector Management Act 1994*
* *Young Offender Act* 1994
* *Young Offender Regulations 1995*

# Assurance

It is expected that:

* BHDC will undertake local compliance in accordance with the [Compliance Manual](http://justus/intranet/department/standards/Pages/monitoring.aspx).
* Women and Young People, Head Office will undertake management oversight as required.
* Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework](http://justus/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

Document version history

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