COPP 1.3 Standing Orders

Prison

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| Principles As referenced in the[Guiding Principles for Corrections in Australia, 2018](http://justus/intranet/department/standards/Pages/ops-standards.aspx):  1.1.4 Management systems, policies and procedures are evidence based and are informed by human rights principles and operational practice.  1.2.3 Staff have access to and are informed of current policies and procedures including those which set performance and behavioural expectations.  1.3.1 Effective systems provide prisoners/offenders with opportunities to make requests or complaints and access appropriate information.  2.3.4 Policies and procedures establish clear expectations for service delivery and are readily available to relevant staff, prisoners/offenders and the public, unless security is compromised. |

# Contents

[1 Scope 3](#_Toc136342491)

[2 Policy 3](#_Toc136342492)

[3 Responsibilities 3](#_Toc136342493)

[3.1 Superintendent responsibilities 3](#_Toc136342494)

[4 Developing and Amending Standing Orders 4](#_Toc136342495)

[4.2 Developing a new Standing Order 4](#_Toc136342496)

[4.3 Amending an existing standing order 4](#_Toc136342497)

[5 Review by Operational Policy 4](#_Toc136342498)

[6 Approval 5](#_Toc136342499)

[6.1 Superintendent endorsement 5](#_Toc136342500)

[6.2 Deputy Commissioner approval 5](#_Toc136342501)

[7 Document Control and Publishing 5](#_Toc136342502)

[8 Annexures 6](#_Toc136342503)

[8.1 Definitions 6](#_Toc136342504)

[8.2 Related legislation 7](#_Toc136342505)

[9 Assurance 7](#_Toc136342506)

[Appendix A: Deputy Commissioner (DC) Approval 9](#_Toc136342507)

# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

The Superintendent of a prison may, with the approval of the Chief Executive Officer (CEO), or delegate[[1]](#footnote-2), make and issue written Standing Orders with respect to the management and routine of that prison[[2]](#footnote-3).

Furthermore, the Superintendent may issue such orders to officers and prisoners as are necessary for the good government, good order, and security of the prison of which they are Superintendent[[3]](#footnote-4).

The [Operating Policy and Procedures Framework – Prisons](http://justus/intranet/department/standards/Documents/opp-framework-prisons.docx), provides the mechanism for the Superintendent to issue Standing Orders. A Standing Order should assist staff to understand the job they have to do, and how they need to do it at the respective prison.

### Standing Orders may not confer a discretionary power, and as such, are largely limited to giving directions. In this sense, a Standing Order may direct action and shall leave no scope for independent decision making.

### The issuing of printed paper copies of Standing Orders shall be minimised due to the likelihood of out-dated or revoked Standing Orders remaining in circulation.

All Standing Orders shall be developed and amended in accordance with this COPP.

# Responsibilities

## Superintendent responsibilities

### The Superintendent of each prison is responsible for:

1. the development, amendment, review and revocation of all Standing Orders at their prison
2. ensuring the Standing Order is updated, compliant and aligns to the relevant COPPs and legislative requirements
3. ensuring the Standing Order clearly explains what needs to be done, who will do it, how often and when
4. endorsing finalised Standing Orders
5. taking such steps as they consider necessary to bring relevant Standing Orders made by them to the attention of officers, persons visiting the prison, and prisoners confined in the prison[[4]](#footnote-5), this shall include other prison staff.
6. taking reasonable steps to have Standing Orders made known to every prisoner who is illiterate and, for every prisoner who does not understand English, in a language that the prisoner understands[[5]](#footnote-6).

# Developing and Amending Standing Orders

### The Superintendent shall identify, where applicable, the appropriate officer to assist in the development or amendment of a Standing Order.

### The numbering and the title of a Standing Order shall reflect the numbering and title of the related COPP and include the name of the prison.

### Where a COPP is ‘Restricted Staff Only’ the Standing Order shall also be ‘Restricted Staff Only’.

### The Standing Order shall:

1. be compliant with the COPP, including the relevant COPP definitions
2. include a hyperlink to the relevant COPP and forms
3. limit the amount of duplication and repetition of the content of the COPP
4. not reference obsolete policy instruments and/or forms.

## Developing a new Standing Order

### The [Standing Order Template](https://justus/intranet/prison-operations/COPPSAMP/Standing%20Order%20Template.docx) shall be used to develop a new Standing Order.

### Following completion of the new draft Standing Order, the Superintendent or appropriate officer shall complete an [online feedback form](https://justus/applications/OPFeedback/Lists/OPFeedback/NewForm.aspx) and attach the draft.

## Amending an existing standing order

### The Superintendent or appropriate officer shall request an editable word version of the Standing Order which requires amending by emailing [op@justice.wa.gov.au](mailto:op@justice.wa.gov.au).

### The Superintendent or appropriate officer shall track the changes on the Standing Order as required.

### On completion of the Standing Order, the Superintendent or appropriate officer shall complete an [online feedback form](https://justus/applications/OPFeedback/Lists/OPFeedback/NewForm.aspx) and attach the draft.

# Review by Operational Policy

### On receipt of a Standing Order via the online feedback form, Operational Policy shall review Standing Orders in accordance with the following:

### content and readability

### grammar and comprehension

### formatting

### compliance with the COPP and legislation.

### Further consultation may occur with the Superintendent and the appropriate officer as required.

# Approval

## Superintendent endorsement

### Following review and consultation, Operational Policy shall mark the draft ‘final’ and forward to the Superintendent to seek endorsement of the Standing Order.

### The Superintendent shall review the final draft and where appropriate endorse the finalised Standing Order.

### The Superintendent shall complete the front page of the Standing Order by inserting their name and the date the Standing Order was endorsed.

### The endorsed final draft and email confirmation of the Superintendent’s endorsement shall be returned to [op@justice.wa.gov.au](mailto:op@justice.wa.gov.au)

### Operational Policy shall update the reference number on the front page of the Standing Order.

## Deputy Commissioner approval

### Operational Policy shall escalate the endorsed final draft to the relevant Deputy Commissioner (DC) for approval in accordance with [Appendix A](#_Appendix_A_Deputy), document the changes to the Standing Order in the email and update the relevant feedback form.

### Following DC approval, the relevant business area shall return the record of approval to [op@justice.wa.gov.au](file:///C:\Users\margettm\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\9D2Q0RXC\op@justice.wa.gov.au), a word copy of the approved Standing Order must be attached to the email.

# Document Control and Publishing

### Operational Policy, on receipt of the approved Standing Order, shall:

* update the front sheet of the Standing Order
* update the version control and effective date on the Standing Order
* publish the Standing Order on SharePoint
* notify the Superintendent via email that the Standing Order has been published.

# Annexures

## Definitions

| Term | Definition |
| --- | --- |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Prisoner | Any person in as defined in s.3 of the *Prisons Act 1981*; also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the *Court Security and Custodial Services Act 1999* |
| Prison Officer | A person engaged or deemed to have been engaged to be a prison officer under section 13 of the *Prisons Act 1981* or deemed to have been appointed under s 6 to an office designated. |
| Senior Officer (SO) | A prison officer under Section 13 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) and a person appointed or deemed to have been appointed under Section 6 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) to an office designated by rules for the purposes only of this definition, who has successfully completed the ELTP and the Department’s Senior Officer promotional process. |
| SharePoint | SharePoint is a web-based collaborative platform that integrates with Microsoft Office. SharePoint is primarily content, document management and storage system which enables the creation, review and approval of documents to be published. It also allows co-authoring of document. |
| Staff | Any person in the paid or unpaid employment of the Department of Justice, Corrective Services, including contractors, subcontractors and volunteers. |
| Standing Order | Legislated Operational Instruments where the Superintendent of a prison may, with the approval of the Chief Executive Officer, make and issue written standing orders with respect to the management and routine of that prison (s37 of the *Prisons Act 1981*) |
| Superintendent | The Superintendent as defined in section 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). Does not extend to the Officer in Charge of a prison. |

## Related legislation

* *Prisons Act 1981*
* Prisons Regulations 1982

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](http://justus/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner within Head Office will undertake management oversight as required.
* Operational Compliance Branch 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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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 0.1 | Operational Policy | Initial draft | 18 July 2019 | N/A |
| 1.0 | Operational Policy | Approved by the Director Operational Policy Compliance and Contracts | 6 January 2021 | 15 February 2021 |
| 1.1 | Operational Policy | Review by Operational Policy | 10 March 2022 | N/A |
| \*2.0 | Operational Policy | Approved by the Commissioner  \*Amended with DC Brampton’s feedback | 29 March 2022 | 31 March 2022 |
| 2.1 | Operational Policy | Unscheduled review by Operational Policy  Feedback Number 475 | 30 May 2023 | N/A |
| 3.0 | Operational Policy | Approved by the Commissioner | 14 June 2023 | 15 June 2023 |

Appendix A: Deputy Commissioner (DC) Approval

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| --- | --- |
| DC Adult Male Prisons | Prison |
|  | * Albany Regional Prison * Broome Regional Prison * Bunbury Regional Prison * Casuarina Prison * Eastern Goldfields Regional Prison * Greenough Regional Prison * Hakea Prison * Karnet Prison Farm * Pardelup Prison Farm * Roebourne Regional Prison * Wooroloo Prison Farm * West Kimberley Regional Prison. |

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| --- | --- |
| **DC Women and Young People** | **Prison** |

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| --- | --- |
|  | * Bandyup Women’s Prison * Boronia Pre-Release Centre for Women * Melaleuca Women’s Prison * Wandoo Rehabilitation Prison. |
| **Assistant Director, Private Prisons Contract (as delegated by the Chief Executive Officer).** | Prisons Operated by a Private Contractor:   * Acacia Prison |

1. The Director General (CEO) has delegated this power to the position of Deputy Commissioner Adult Male Prisons (AMP)/Women and Young People (WYP). [↑](#footnote-ref-2)
2. s 37 *Prisons Act 1981* [↑](#footnote-ref-3)
3. s 36(3) *Prisons Act 1981* [↑](#footnote-ref-4)
4. s 37(3) *Prisons Act 1981* [↑](#footnote-ref-5)
5. s 37(3) *Prisons Act 1981* [↑](#footnote-ref-6)