

Tasmania Prison Service

Director's Standing Order

DSO – 2.16 Refusal to Eat / Hunger Strike

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1. Statement of Purpose

The purpose of this Director's Standing Order is to establish procedures which ensure that prisoners receive appropriate monitoring, care and referral to Correctional Primary Health Services during any period of refusing to eat / hunger strike.

The Tasmania Prison Service is responsible for the safe, secure custody and general wellbeing of prisoners. This includes providing prisoners with food that is adequate to maintain their health and wellbeing.

This Director's Standing Order provides guidelines and procedures for responding to, and the management of, a prisoner who refuses to eat or commences a 'hunger strike'.

2. Desired Outcome

The prisoner returns to a normal eating pattern as soon as possible. Appropriate medical services are provided to assess the prisoner's mental and physical health. Risks to the prisoner's health are minimised.

3. Scope

This Director's Standing Order applies to all prisoners, detainees and any other person in the custody of the Tasmania Prison Service.

4. References (including Legislation, Policy, Forms and Other Documents)

[Corrections Act 1997, sections 6\(3\) and 29\(1\)\(b\)\(c\)\(f\)](#)

[Corrections Regulations 2008, regulation 9](#)

[Director's Standing Order 1.05 - Incident Reporting](#)

[Director's Standing Order 4.07 - Food Services](#)

[Director's Standing Order 4.08 - Health Services](#)

[Refusal To Eat Form \[Form 6AE\]](#)

[Incident Report \[Form 5L\]](#)

5. Definitions and Abbreviations

CIS – means Custodial Information System

CM – means Content Manager, the Department of Justice records management system

CPHS – means Correctional Primary Health Services

DSO - means Director's Standing Order

Hunger strike – means a prolonged refusal to eat or drink carried out as a protest by a prisoner. A prisoner is considered to have commenced a hunger strike if he / she has not eaten three consecutively supplied meals and has indicated (either verbally or non-verbally) their intention to further refuse to eat.

Medical Officer – means a registered medical practitioner who is engaged to examine, treat or care for a prisoner

Prisoner – means a prisoner or detainee as defined by the *Corrections Act 1997*

Refusal to eat – means a prisoner has refused to eat meals or liquids supplied, either verbally or through their actions (e.g. leaving supplied meals and liquids un-opened or disposing of un-eaten or un-opened supplied meals). A prisoner is considered to have commenced a refusal to eat if he / she has not eaten three consecutively supplied meals and has indicated (either verbally or non-verbally) their intention to further refuse to eat.

TPS – means Tasmania Prison Service

TSU – means Therapeutic Services Unit

6. Mandatory Policy

- 6.1. Prisoners who refuse to eat or engage in a hunger strike must be provided with appropriate support, care and medical attention.
- 6.2. The Director of Prisons, CPHS and TSU must be notified when a prisoner has refused to eat for more than 24 hours.

7. Responsibilities

7.1. All Staff

- 7.1.1. All staff are responsible for reporting to a Superintendent a refusal to eat / hunger strike as soon as they become aware that a prisoner has refused to eat three consecutive meals supplied by the TPS and / or has communicated verbally or through their actions that they are refusing to eat or have commenced a hunger strike.

7.2. Superintendents and Correctional Supervisors

- 7.2.1. Superintendents and Correctional Supervisors are responsible for ensuring prisoners who refuse to eat or undertake a hunger strike receive encouragement and support to return to a normal eating pattern, and are referred for medical assessment / treatment within a reasonable timeframe.
- 7.2.2. Superintendents are responsible for reporting to the Director of Prisons, via the operational chain of command, when a prisoner has not consumed food or drink for more than 24 hours.
- 7.2.3. Correctional Supervisors are responsible for notifying CPHS and making relevant referrals as soon as is practically possible after the first 24 hours when a prisoner has been observed as refusing to eat and / or has communicated verbally or through their actions that they are refusing to eat / on a hunger strike.

7.3. Correctional Primary Health Services

- 7.3.1. CPHS is responsible for the provision of medical care to a prisoner who has refused to eat or is on a hunger strike.
- 7.3.2. CPHS is responsible for conducting a medical / capacity and competency assessment as soon as is practically possible after being notified that a prisoner has refused to eat or been on a hunger strike for more than 24 hours.

8. General Provisions

8.1. Procedure if a prisoner refuses to eat /commences hunger strike

- 8.1.1. A refusal to eat / hunger strike is a Category 2 Notifiable Incident (refer to [Director's Standing Order 1.05 - Incident Reporting](#)).
- 8.1.2. A Correctional Officer must advise a Correctional Supervisor or Superintendent and TSU as soon as they become aware that a prisoner has refused to eat three consecutive meals supplied by the TPS and / or has communicated (verbally or through their actions) that they have commenced a hunger strike.
- 8.1.3. The Correctional Supervisor and a staff member from TSU must interview the prisoner as soon as possible after being notified of their refusal to eat. The interviewers should aim to establish reasons for the refusal and to resolve issues if possible. The prisoner must be advised during the interview of the following:
 - food and drink will continue to be offered and made available
 - no negotiation will be entered into with the prisoner on any matter regarding placement or regime while the prisoner refuses to eat
 - access to programs, education and visits will still be granted if deemed appropriate by CPHS and the TPS

- an extended period of refusal to eat may result in medical treatment if deemed necessary by a Medical Officer and authorised by the Director of Prisons for preservation of life and health.
- 8.1.4. If after interviewing, the prisoner maintains their refusal to eat, advice must be sought by the Correctional Supervisor from a Medical Officer at CPHS as soon as is practically possible and the prisoner must be reviewed daily by CPHS and TSU.
 - 8.1.5. Decisions regarding the accommodation and services provided to the prisoner must be made following consultation between the relevant Superintendent and the Medical Officer.
 - 8.1.6. The prisoner must not be permitted to engage in any intensive physical activity, if advice received from CPHS indicates that it may be detrimental to the prisoner's health when coupled with a refusal to eat.
 - 8.1.7. The Director of Prisons must be notified if the prisoner refuses to eat food for a period exceeding 24 hours, in accordance with [Director's Standing Order 1.05 - Incident Reporting](#).
 - 8.1.8. A prisoner refusing to eat / on a hunger strike becomes a medical patient only when CPHS confirm significant medical effects are occurring following a medical / capacity and competency assessment (see 7.3.2).
 - 8.1.9. A prisoner refusing to eat / on a hunger strike will not be admitted to hospital unless physical intervention is necessary because the prisoner can no longer receive the required medical care at the Risdon Prison site.
 - 8.1.10. The Director of Prisons under regulation 9 of the *Corrections Regulations 2008* may 'cause food to be fed' to a prisoner if a Medical Officer certifies in writing that the prisoner's health is endangered by his / her refusal to eat / hunger strike.

8.2. Record keeping

- 8.2.1. Staff must record on the Refusal to Eat Form, the time and date that the refusal to eat / hunger strike commenced, and every time, date and specific food offered but refused by the prisoner for the duration of the period of their refusal to eat / hunger strike.
- 8.2.2. Staff must make, at a minimum, daily case notes in the prisoner's CIS file regarding the prisoner's demeanour and behaviour, and persist with encouraging the prisoner to eat.
- 8.2.3. When staff become aware that a prisoner has ceased refusing to eat / hunger strike and has commenced eating and / or drinking, the Correctional Supervisor and Superintendent must be notified and the Director of Prisons must be briefed via the operational chain of command (if the period of hunger strike or refusal to eat has exceeded 24 hours).
- 8.2.4. An incident report is to be completed by the Superintendent summarising in detail the period of the prisoner's refusal to eat. The incident report must be provided to the Director of Prisons and a copy of the completed Refusal to Eat Form should accompany the report.
- 8.2.5. The original Refusal to Eat Form (completed) and the incident report must be forwarded to Central Records for filing on CM.

8.3. Disciplinary action

- 8.3.1. Disciplinary action will not normally be taken against a prisoner who is engaging in a refusal to eat / hunger strike. If such action is being considered, it should be delayed until the prisoner agrees to resume eating and is restored to normal health. TSU must be consulted for advice.

9. Document History and Access

Implementation Date	16/10/2018
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Date of Further Amendments	14/11/2014 16/10/2018 – Changes of titles to reflect organisational restructure
Additional Information	
Next Review Date	Five years from date of implementation
Access to this DSO	Routine Disclosure

Approved by:

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Director of Prisons