

C95323 - Appendix Two



Creating Lasting Change

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2.3 PRISONER INCENTIVE

SUBJECT: Prisoner Incentive Framework

PURPOSE:

To provide a framework so that all prisoners (except remand prisoners imprisoned for less than 7 weeks and prisoners on release to work) have an incentive to improve their work habits, to attend vocational training and to attend criminogenic programmes as detailed in individual sentence management plans. The framework details the prisoner incentive payment rates and the progression through the rates.

Users: Department of Corrections CIE Staff and PPS Staff.

INTRODUCTION & BACKGROUND

1. The Inmate Employment Policy, released in July 2001, and updated May 2002 established the underlying philosophy and boundaries for prisoner incentives under the CIE structure. As a result, a nationally consistent Prisoner Incentive Framework that linked Sentence Planning and Sentence Management Employment Formative Assessment tools and offender security classification was developed by CIE and implemented in July 2002.
2. The framework focused on providing prisoners with incentives to improve their work habits, to work toward lowering their security classification, and to attend programmes as detailed in individual sentence management plans. It is intended to support the development of a structured day for prisoners.
3. In response to an issue raised by the office of the Ombudsman in May 2003, the Prisoner Incentive Framework has now been revised to a single standardised prisoner incentive payment rate. That revised Prisoner Incentive Framework was implemented from 1 July 2004.
4. In response to issues raised by the media in relation to prisoners been provided extra food as incentives and changes from the Corrections Act 2004 in relation to the word prisoner; the Prisoner Incentive Framework has now been amended. This amended Prisoner Incentive Framework is to be implemented from 1 December 2005
5. Due to the increased number of prisoners participating and scheduled to participate in Vocational Training, the Prisoner Incentive Framework has been updated to ensure this section of the prison population is acknowledged in regard to incentive payments.
6. This framework applies to remand prisoners from the seventh week in remand.
7. Release to Work activity is specifically excluded from the framework.

FRAMEWORK PRINCIPLES

8. The main objective of the Inmate Employment Policy (2001) is to provide work habits, experience, training and skills, thereby increasing prisoners' chances for sustainable, legitimate, post-release employment, and thus reducing re-offending.

9. Training is a critical component of providing prisoners with employment skills. The elements of training comprise basic work attendance skills, on the job training, and, to the maximum extent possible, nationally recognised certification of skill levels achieved.¹

10. The Prisoner Incentive Framework rewards improvement in work habits and work skills and attendance at programmes. The framework motivates prisoners to improve personal motivation, timekeeping, workplace relationships, ability to listen and follow instructions, and awareness of Health and Safety within the workplace. It is also linked with Sentence Planning and Sentence Management assessment requirements.

11. It is desirable that prisoners accept employment training and programme attendance on a voluntary basis; however refusal to work or attend a programme will result in receipt of no incentive.

12. So far as is possible, prisoner employment should emulate a normal working environment. This means that periods of absence, attendance, training performance, and health and safety should reflect a typical workplace as closely as possible.

SENTENCE MANAGEMENT

13. Many prisoners spend several years in custody. It is important that they have "career" progression, which utilises and builds on skills and experiences gained within prisoner employment. Prisoners are encouraged to aim for an employment-training goal; complementary with their release date that takes what they have learnt and gives them work in the external environment. The incentive framework provides for advancement regardless of the industry in which the prisoner is employed, in recognition that the focus is to develop prisoner skills and positive work behaviour regardless of the industry in which they are employed.

14. Prisoner employment labour requirements are to be assessed and positions created based on self-sufficiency and industry needs. Detailed job descriptions outlining tasks, skills and experience necessary are to be provided to enable sentence planning to match job skills with inmate needs. Prisoners waitlisted for employment training opportunities will be advised of work opportunities as they become available.

HOURS

15. The hours that a prisoner works will be determined by prison industry needs and operational parameters that apply at each prison site.

16. When a prisoner has particular skills, and is willing to work, the upper time limit s/he is able to work will be based on safe work practices. A national average of 30 hours per week per prisoner has been adopted as a target to ensure available work is spread over a maximum number of prisoners. The requirements of specific industries may mean some prisoners routinely work more or less than this, or that hours of work vary with seasons or the business cycle.

17. To ensure safe working practices are maintained, prisoners will normally not be asked to work for more than 6 consecutive days of each week. The only exception will be prisoners who are training for a specialist career (e.g. farming) who are required to work seven days a week from time to time in accordance with industry norms.

ALLOWANCES

18. The prisoner incentive allowance framework provides an allowance for prisoners ranging from \$0.00 to \$0.60 per hour.

19. The framework consists of six classes of payment:

- Class zero \$0.00
- Class one \$2.70 per week, or \$0.09 per hour
- Class two \$0.20 per hour
- Class three \$0.30 per hour
- Class four \$0.40 per hour
- Class five (CIE only) \$0.60 per hour
- Class six (programmes) \$0.20 to \$0.40 per hour, or employment rate if employed

20. All sentenced unemployed prisoners meeting the criteria under the class one category will receive payment at rates of \$2.70 per week, or if part of a week is worked, then \$0.09 for each hour unemployed.

21. Unemployed remand prisoners will be entitled to receive the unemployment rate of \$2.70 per week, or \$0.09 per hour commencing from the seventh week in remand. This entitlement must be assessed using the criteria set out within the class one category.

22. All prisoners commencing work will start on class two - at the initial rate of \$0.20 per hour and will progress through the framework based on their behaviour and performance.

23. Prisoners attending programmes, including vocational training, who also hold an employment training position, will receive the rate applicable to their employment status when attending programmes.

24. All prisoners who do not hold an employment position, but who are attending a programme, including vocational training (defined as the hours spent receiving formal delivery or tuition) will commence on the initial rate of \$0.20 per hour and will progress to a maximum of \$0.40 per hour (class four) based on their behaviour and performance.

25. Payment of the Class Five "Advanced Incentive Allowance" rate is not available for unit based internal self-sufficiency work or programmes.

26. Payment of Class Five "Advanced Incentive Allowance" is permitted in Corrections Inmate Employment (CIE) managed industries where an individual prisoner demonstrates exemplary prisoner performance, work skill, behaviour, and qualification. CIE Sector Managers must authorise the approval of the "Advanced Incentive Allowance" Class Five payments of \$0.60 per hour to a prisoner.

27. Payment of Class Five "Advanced Incentive Allowance" is permitted in Corrections Inmate Employment (CIE) managed vocational training programmes only where an individual prisoner has joined the programme from a CIE work party where he/she was receiving the advanced incentive allowance.

28. Incentives are a charge against the appropriate cost centre. Class one "Prisoners Sick or Unemployed" incentives, PPS managed self sufficiency and community service work is charged to the PPS unit while class six (programmes or study) are charged to the relevant programmes' or unit budget.

29. Other classes of incentives are to be charged to the unit cost centre or the CIE cost centre concerned. In this way the activity supervisor is accountable for the cost of labour, in relation to the value of work performed. The activity supervisor or PPS unit must maintain records that document the rates paid to individual prisoners and the Formative Assessment form, which can be used to explain to inmates why a particular rate has been paid.

30. Refer to Schedule 1 at the end of this document for further details on each category of allowance and the associated rate of payment.

PAYMENTS

31. Payments are made weekly. Payments above class one will only be made where work is available, excepting class six. The amount paid is obtained by multiplying total hours worked for the week by the

hourly rate payable for that inmate based on their work role, Employment Formative Assessments, and work experience.

32. All hours worked will be paid for.

33. Management of prisoners consistent with "Active Management" is required to ensure prisoners work constructively and that incentive payments are not simply seen as attendance money.

34. Temporary absences from work (e.g. temporary sickness, attendance at court, approved visits, temporary industry closures) are to be paid at the prisoner's usual employed rate. Temporary industry closures (includes CIE and PPS work parties) are generally identified as closures due to periods of annual leave, sick leave, and as a result of lack of activity demand for a maximum of 5 days. If an industry closes for a period greater than 5 days, payment may continue at the discretion of the CIE Activity Manager, or PPS Unit Manager in the case of internal unit based employment.

35. In the event that a prisoner is unable to work for longer than 5 days consecutively (e.g. due to longer term illnesses, injuries) then s/he will revert to the unemployment rate. If upon medical clearance to return to work, the prisoner resumes work in the same employment activity, (and if any injury sustained was the result of an accident where the prisoner concerned was not at fault), then s/he may be reassessed and may revert to the class of incentive being received at the time of the injury/illness if this was higher than the initial entry rate.

36. In the event that a prisoner works a normal week of less than 30 hours then the prisoner will receive an incentive payment for the period of time worked, and an unemployment allowance for 30 hours less the actual time worked for the week.

37. For example, a prisoner who works 10 hours per week will receive 10 hours allowance at their assessed rate, and 20 hours allowance at the unemployed rate.

38. In the event that an industry ceases operation, then affected prisoners will be given first option for available work that meets the individual's sentence plan objectives at the same incentive rate as was previously paid, or paid an unemployment allowance if no work is currently available; provided each prisoner remains willing to work.

39. Attendance records are to be maintained for all prisoner workers and for attendance at programmes to support incentive payment made.

PROGRESSION

40. Prisoners will commence on the initial allowance level, class two and progress to a higher allowance when Employment Formative Assessments permits. The incentive payment is an automatic entitlement, provided assessment requirements are met and timesheets indicate that work or attendance at programmes has occurred.

41. Prisoners are to remain on the initial allowance level for a minimum period of two weeks (10 working days) prior to being assessed for a higher allowance to allow for a considered judgement to be made on progress.

42. Prisoners, who move between one work party and another on individual sites, may continue to receive the same rate of incentive, dependent on performance. Prisoners who move from one prison site to another, are to start work at the new institution on the \$0.20 rate.

43. Completed Prisoner Incentive Framework Formative Assessments are to be countersigned by the Activity/Unit Manager or approved delegate (to hold financial delegations) prior to increasing or decreasing an inmate's allowance.

44. Prisoner Incentive Framework Formative Assessments for prisoners participating in vocational training are to be countersigned by the CIE Site Operations Manager or approved delegate (to hold financial delegations) prior to increasing or decreasing a prisoner's allowance.

45. Prisoners are expected to be actively managed in accordance with the Sentence Planning and Sentence Management framework, however if work habits and/or performance declines, then a formative assessment may be completed to drop the allowance to a lower category in the framework in line with demonstrated behaviour.

ADDITIONAL INCENTIVES

46. In accordance with the Inmate Employment policy, the Department may provide additional minor incentives. For example, prisoners can be motivated - subject to health, safety and security issues - with minor perquisites in the workplace such as coffee, and/or biscuits.

47. There will be occasions when staff requests to acknowledge an excellent effort by rewarding prisoners through the provision of additional rations/foodstuffs. The following guidelines are provided to ensure consistency of practice within the CIE.

- All requests to acknowledge an excellent effort by prisoners through the provision of additional rations/foodstuffs or incentives are to be approved in the first instance by the CIE Sector Managers.
- Such occasions are to be confined to acknowledging extraordinary efforts and are not to be used as additional incentives to undertake ordinary workloads.
- All rations/foodstuffs are to be procured and prepared through CIE Internal Services. This requirement would ensure that all food prepared for consumption by prisoners is prepared and cooked in hygienic conditions commensurate with Department of Health guidelines.
- The cost of additional rations/foodstuffs is not to exceed \$10 per person.
- On such occasions all foodstuffs are to be consumed at the work site. No foodstuffs are to be permitted to be taken back to residential units.
- On occasions when an external customer, client or contractor wishes to provide a reward to prisoners in recognising an excellent effort, approval is to be provided by the Sector Manager. As with paragraph 38 point 3, all rations/foodstuff are to be procured and prepared through CIE Internal Services. The cost of this reward is to be paid by the customer to Internal Services prior to the function being completed.

OTHER ISSUES

48. The provision of employment training opportunities for prisoners by the Department does not constitute an employment relationship. Prisoners do not become Departmental employees. Rather, the provision of employment training opportunities by the Department is an opportunity for the acquisition by prisoners of work skills and habits and is usefully regarded as a training initiative. As they are not employees of the Department, prisoners do not have the rights of employees under the Employment Relations Act 2000, the Holidays Act 2003 and other employment related legislation. Any concerns or complaints prisoners may have in regard to employment training opportunities provided by the Department need to be pursued with the Inspectorate or the Ombudsmen in the same way as other issues relating to their imprisonment.

49. While not employees of the Department, prisoners are subject to the Health and Safety in Employment Act 1992. The Department's obligations to comply with the provisions of that Act in respect of its activities include all prisoner employment training activities and the Department has the same basic responsibilities in health and safety terms towards prisoners as it has towards its employees.

50. Although the incentive payments are minimal in quantum and thus not subject to income tax through the PAYE system, the payment is still considered to be "income" to the prisoners. It must therefore be declared if a prisoner's total earnings require them to provide an income tax return. Regions will therefore advise prisoners the total incentives paid during any given tax year upon request.

FUNDING

51. The incentive allowance structure shown in Schedule 1 provides for prisoner incentives at a level broadly comparable to previous incentive payments costs, as the revised incentive payment scheme cannot create additional costs to the Department.

TRANSITION STRATEGIES

52. The revised Prisoner Incentive Framework was implemented from 1 July 2004. For ease of transition the following strategies are to occur:

53. From 1 July 2004, all "new" prisoners commenced on the revised rates per schedule one. This included any prisoner who is either:

- sick or unemployed as at 1 July 2004 onwards,
- a new entry worker to either PPS or CIE employment, or
- a new entry inmate to a programme.

54. All prisoners as at 30 June 2004 who were on the Class 2, initial allowance rate of \$0.20 will, when reassessed, move to the next class payable in line with schedule one of the revised Prisoner Incentive Framework.

55. All other prisoners as at 30 June 2004 who were receiving an allowance within classes three to five continued to receive that particular allowance rate (i.e. it will be grand parented) while employed or because of programme attendance, excepting in the following circumstances:

- If, because of poor behaviour a prisoner is required to have his or her incentive allowance reduced to a lower rate, then the schedule one rates under this revised framework shall apply.
- Prisoners transferred from one institution to another will commence any new employment on allowances consistent with the schedule one rates of this revised framework.

56. If a grand parented prisoner is assessed using the formative assessment tool for a higher incentive than they are currently receiving according to schedule one of the revised framework, they may progress upon approval, to the new rate consistent with the revised framework.

57. Grand parented prisoners who refuse work or programmes, or who are removed from work or programmes, who then at some point, re-gain another employment position, will commence work on the rates consistent with schedule one of this revised framework.

58. Grand parented prisoners who are unable to work because of illness or injury for a period longer than 5 working days will revert to the unemployment rate. However, if upon medical clearance the prisoner resumes work in the same position within the same employment activity, (and if any injury sustained was the result of an accident where the prisoner concerned was not at fault), then s/he may be reassessed and may revert to the grand parented rate being received prior to the injury/illness.

59. Grand parented prisoners will not be able to continue to progress through the "old" incentive framework according to security classification. Prisoners will remain on their particular grand parented rate until one of the above conditions within paragraphs 43 to 46 occurs, or upon release.

60. The amended Prisoner Incentive Framework is to be implemented from 1 December 2005. For ease of transition the following strategies are to occur:

61. The word inmate(s) will be replaced by the word prisoner(s), the only exemption to this change is where the word inmate is used in the Department's Corrections Inmate Employment service name and the already established Inmate Employment Policy 2001.

62. From 1 December 2005 CIE Sector Managers can issue approval for prisoners to advance from level 4 (senior) 40 cents to level 5 (advanced) 60 cents.

63. From 1 December 2005 CIE businesses will no longer need to provide a positive contribution before prisoners can advance from level 4 (40 cents) to level 5 (60 cents).

64. Effective immediately CIE Sector Managers can approve requests by staff to acknowledge an excellent effort by prisoners through the provision of additional rations/foodstuffs.

1. Inmate Employment Policy, July 2001, p5

View Schedule 1: Prisoner Incentive Allowance Framework



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982