

14 May 2019

C105035

Kasey Nihill
fyi-request-9625-cc1c7507@requests.fyi.org.nz

Tēnā koe Ms Nihill

Thank you for your email of 18 February 2019, requesting information about the Prisoner Incentive Framework and the Release to Work programme. Your request has been considered under the Official Information Act 1982 (OIA). As you are aware, we extended the timeframe for responding to your request by 40 working days, pursuant to section 15A(1)(b) of the OIA.

To achieve our goal of reducing re-offending, Corrections provides a comprehensive range of rehabilitation, education and employment opportunities to help prisoners prepare to maintain a crime free life outside prison.

The majority of prisoners have no formal qualifications and limited education or work experience prior to coming to prison. We know that helping prisoners gain education, qualification, or employment skills increases their likelihood of finding employment when they are released. It reduces their likelihood of re-offending and keeps our communities safe.

Prisoner employment programmes are run to improve the employment potential of people who pass through our prisons each year. In 2017/18, prisoners collectively participated in 10 million hours of industry, treatment, learning and constructive activities. This includes 1,025 prisoners taking part in trades training, 7,710 prisoners completing a rehabilitation programme, 1,469 prisoners receiving literacy and numeracy support, and 3,173 qualifications being achieved by prisoners while in prison. Types of qualifications include horticulture and agriculture National Certificates and forklift licences. We also placed over 1,360 prisoners into jobs in the 2017/18 financial year.

Employment and industry training, including our Release to Work programme, are hugely beneficial avenues for prisoners to gain real work experience and employment skills, making it easier for them to find work on release. Having a job means someone is able to provide for themselves and their family, connect with pro-social support and it gives them a sense of pride.

The Release to Work programme allows minimum security prisoners, who are assessed as suitable, to engage in paid employment in the community where they can gain experience, employment skills and job stability to support them into work and to live crime free on release. Prisoners employed on Release to Work are paid at a full market rate determined by their employer, and have previously taken part in unit and prison-based activities and education to ensure they are well-prepared for community-based employment and that the public are safe.

In addition to the training and employment opportunities in prison, we operate our own recruitment service where specialised recruitment consultants help place offenders into jobs in preparation for their release from prison, or while they are serving a community sentence. In the 2017/18 financial year, this recruitment service helped place 926 people with convictions into sustainable jobs.

We also have an employment support service, which includes a more intensive support package for prisoners due for release and for offenders on community sentences. This includes case management and six months of in-work support, in addition to job placement. During the 2017/18 financial year, the employment support service helped 356 offenders find jobs.

It is important to note that prisoners are not employed to work by Corrections and are therefore not subject to the same wage rates, rights and remedies as private sector workers. Prisoners do, however, have protections under the legislation and regulations that govern Corrections. Prisoners can be paid earnings at a rate set out in accordance with section 66(3) of the Corrections Act 2004 for employment in prison. Please note that prisoners employed under these provisions are outside the statutory framework for employment set out in the Employment Relations Act 2000.

Prisoners who undertake employment and training do so on a voluntary basis, and the allowance paid to prisoners through the Framework is not a salary or wage, but a small payment used to encourage prisoners to take part in activities that we know help with their rehabilitation and reintegration.

As you may be aware, the cost to the taxpayer to house a prisoner is approximately \$100,000 per year. This provides for the safe and secure operation of our prisons to ensure the approximately 9,000 staff we employ, as well as prisoners and the public, are kept safe. It also covers a prisoner's meals, electricity, clothing and other amenities, as well as GP, nursing and basic dental services, and mental health support. Prisoners receiving an allowance use this money to purchase items from the prison canteen (which can include snack food, phone cards and selected toiletries), and to rent a television.

We operate an incentive allowance framework that provides an opportunity for prisoners to earn up to 60 cents per hour, and most prisoners are encouraged to partake in 40 hours of engagement per week. The framework exists to incentivise prisoners to engage in programmes that address the causes of their offending and to improve their employment skills, training and formal qualifications while they are serving their sentence to help them secure sustainable employment on release.

All prisoners commencing work start at the initial rate of 20 cents per hour, with progression through the framework depending on their work ethic. Prisoners who attend a programme including vocational training, earn between 20 cents and 40 cents per hour. Prisoners who both work and attend programmes will receive the amount they earn from their employment.

More information regarding Corrections' employment and training programmes is available at: www.corrections.govt.nz/working_with_offenders/prison_sentences/employment_and_support_programmes/employment_activities.html.

You have asked:

- 1. Please provide me with the number and proportion (%) of prisoners on each level of the prisoner incentive framework, broken down by gender, ethnicity, prison location and offence type, for the period from 1 January 2018 – 1 January 2019.*
- 2. Please provide me with the number and proportion of prisoners who took part in release to work, broken down by gender, ethnicity, prison location and offence type, from 1 January 2018 – 1 January 2019.*
- 3. Please provide me with the number of employment opportunities (both release to work and work under the prisoner incentive framework) made available to prisoners at each prison facility in New Zealand from 1 January 2018 – 1 January 2019.*

The information you have requested is not collated in the format you require. We cannot readily extract the information to fulfil your above requests from our electronic records and we are therefore unable to provide the information for a 12 month period or by ethnicity, prison location or offence type.

However, we are able to provide you with a prisoner population snapshot of the information you have requested. Please see attached as Appendices One to Three the information you have requested for the week ending 21 October 2018.

4. *Please provide me with the number of employment opportunities (both release to work and work under the prisoner incentive framework) refused by prisoners at each prison facility in New Zealand from 1 January 2018 – 1 January 2019.*
5. *Under your prisoner incentive framework there are four different types of activities prisoners are put into; self-sufficiency activities, community service activities, commercial industries run by prisons, and commercial industries run in cooperation with the private sector. Could you please provide me with the number of job opportunities, and number of hours carried out under each type of activity.*

Prisoners who receive the Prisoner Incentive Allowance may be engaged in a variety of rehabilitation programmes and training, education or work-related activities. This work can include:

- Construction
- Engineering
- Farming (including dairy, cattle, sheep, piggeries, apiculture)
- Forestry
- Horticulture
- Manufacturing
- Arts and Crafts
- Cleaning

Kitchen work, café work, laundry work, grounds maintenance, distribution, asset/building maintenance and recycling/waste management also fall under this framework. More information regarding what training and industry opportunities are offered is available in our latest Annual Report, which is available at www.corrections.govt.nz/resources/strategic_reports/annual-reports.html. I refer you specifically to pages 66 and 67.

Alongside teaching prisoners practical skills that support them into employment, these activities teach prisoners self-responsibility and good work habits, while providing them with structure and routine.

We cannot readily extract the information to fulfil your request from our electronic records. To identify all information you have asked for, we would be required to manually review a large number of files, held at various sites and by multiple business units across Corrections.

In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Therefore, this part of your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

6. *Please provide me with any documentation concerning the prisoner incentive payment level for those prisoners that take part in any of the numerous rehabilitation programmes listed on your website. Please confirm whether or not those prisoners who take part in rehabilitation programmes are able to participate in either release to work, or the prisoner incentive framework.*

Please find the Prisoner Incentive Allowance Framework and Formative Assessment tool attached as Appendix Four. These documents outline the assessment criteria for allowances paid at each step of the Framework. A section of Offender Employment Policy and Procedures Manual relating to the Prisoner Incentive Framework is attached as Appendix Five. The Prisoner Incentive Framework was implemented in July 2002. Prisoner rates of earning are set in accordance with section 63 of the Corrections Act 2004 and as approved by the Minister of Corrections.

The Prisoner Incentive Framework exists to incentivise prisoners to engage in programmes that address the causes of their offending and to improve their employment skills, training and formal qualifications while they are serving their sentence to help them secure sustainable employment on release.

I can confirm that prisoners who take part in rehabilitation programmes are able to participate in Release to Work and the Prisoner Incentive Framework.

7. *Please provide me with the average duration for which a prisoner maintains an employment position in both the release to work scheme and the prisoner incentive framework.*

This information does not currently exist in a form that can be readily supplied to you. To provide it would instead require us to initiate a project to extract, analyse and present the data in the form requested.

Therefore, this part of your request is declined under section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

Please note that the Ombudsman has advised that information is not considered to be held by an agency in instances where a request necessitates research or analysis of source data in order to generate fresh information in a form different from that in which the base data is held.

8. *Please provide me with any updated documentation on your inmate employment policy, or confirm that no updates have been made to the current documentation available on the corrections website uploaded 1 July 2001.*

I can confirm that pay rates for the prisoner incentive framework have not changed, therefore, there has been no requirement to update the current documentation.

9. *Please provide me with any documentation clarifying what legislative provisions support the department of corrections position that prisoners taking part in the prisoner incentive framework are not employees.*

There is supporting legislation, legal commentary, case law, and Corrections' policies that uphold the position that prisoners are not employees in the usual sense of the word or in the usual legal definition.

The Employment Relations Act 2000 provides that the definition of an 'employee' lies in the nature of the relationship. It is our position that the nature of the relationship between prisoners and Corrections are that of providing opportunities to acquire skills and habits that will be of use in the community once they are no longer in prison. This is supported by Corrections' Prisoner Incentive Policy (2.3) attached that states "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." Therefore we do not consider the nature of the relationship to constitute one of employer and employee in the usual sense.

The Health and Safety at Work Act 2014 also expressly excludes the application of Part 3 of the Act to prisoners. Part 3 concerns worker engagement, participation and representation, and worker health and safety representatives and committees, and issuing of improvement notices. It is our understanding that if prisoners are not permitted to fully comply with the Health and Safety at Work Act by not having representatives who have the power to issue improvement notices to their work places, nor to direct the cessation of unsafe work, then they cannot have been intended to have the full status of an "employee" in the eyes of this legislation.

The case of *Morgan v Attorney General* [1965] NZLR 134 of the Supreme Court (equivalent to the present High Court) concerned a prisoner alleging that they were an employee whilst carrying out work within a prison. The Court held that the prisoner was not an employee of Corrections in respect of work done by him at the direction of prison authorities.

As such the Prisoner Incentive Framework is not intended to, nor does it, create an employer employee relationship for the purposes of Employment legislation. The purpose and intention of the Framework is to encourage rehabilitation and reintegration, education and training, and other constructive activities. The Framework provides offenders with skills and opportunities to take with them back into the community. This is supported by section 66 of the Corrections Act 2004 which state that 'work' undertaken by prisoners who are employed is intended to provide the prisoner with work experience to assist in their rehabilitation or reintegration into the community, or to reduce the costs of

keeping prisoners in custody (e.g. cooking, cleaning, and maintenance within the prison).

Prisoners who undertake employment and training do so on a voluntary basis. A national average of 30 hours per week per prisoner was initially adopted as a target when the Prisoner Incentive Framework was introduced in 2002, to ensure available work was spread across a maximum number of prisoners. Offender Employment policy has developed in recent years to encourage prisoners to engage in a 40 hour week, across the scope of rehabilitation and reintegration, education and training, employment, and other constructive activities.

Exemptions can include prisoners who are segregated, classified as Maximum or High Security, housed in an At Risk Unit, or those who are medically unfit. When a prisoner has particular skills, and is willing to work, the upper time limit they are able to work will be based on safe work practices. The requirements of specific industries (farming, for example) also mean that some prisoners routinely work more or less than a standard 40 hour week, or that hours of work vary with seasons or the business cycle.

Corrections is committed to ensuring all prisons engage prisoners in a range of areas, which are based on a structured environment where all prisoners take part in some form of work, education, or rehabilitation programme. This initiative will provide people with the skills and opportunities they need to take greater control of their life. Prisoners participate in offender employment or training activities on a voluntary basis and are generally enthusiastic about being provided with the opportunity and responsibility to gain experience, skills and qualifications.

I hope the information provided is useful. If you have any concerns with this response, I would encourage you to raise these with Corrections. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi nui



Rachel Leota
National Commissioner

Appendix One – Snapshot of prisoners on each level of the Prisoner Incentive Framework broken down by gender for the week ending 21 October 2018

| Pay level per hour | Female | Male |
|---------------------------|---------------|-------------|
| 20 cents | 381 | 3,352 |
| 30 cents | 29 | 126 |
| 40 cents | 215 | 4,108 |
| 50 cents | 0 | 17 |
| 60 cents | 100 | 709 |

Appendix Two – Snapshot of prisoners on Release to Work by prison for the week ending 21 October 2018

| Prison site | Prisoners on Release to Work |
|--|-------------------------------------|
| Auckland Region Women's Corrections Facility | 10 |
| Christchurch Men's Prison | 1 |
| Christchurch Women's Prison | 1 |
| Hawke's Bay Regional Prison | 21 |
| Otago Corrections Facility | 4 |
| Northland Region Corrections Facility | 3 |
| Rimutaka Prison | 12 |
| Rolleston Prison | 4 |
| Spring Hill Corrections Facility | 18 |
| Tongariro Prison | 8 |
| Waikeria Prison | 13 |
| Whanganui Prison | 6 |

Appendix Three – Snapshot of employment opportunities for prisoners under the Prisoner Incentive Framework and on Release to Work by prison for the week ending 21 October 2018

| Prison site | Prisoners under the Prisoner Incentive Framework | Prisoners on Release to Work |
|--|---|-------------------------------------|
| Arohata Prison | 129 | - |
| Auckland Region Women's Corrections Facility | 271 | 10 |
| Christchurch Men's Prison | 454 | 1 |
| Christchurch Women's Prison | 77 | 1 |
| Hawke's Bay Regional Prison | 506 | 21 |
| Invercargill Prison | 128 | - |
| Manawatu Prison | 125 | - |
| Mt Eden Corrections Facility | 144 | - |
| Northland Region Corrections Facility | 541 | 3 |
| Otago Corrections Facility | 239 | 4 |
| Rimutaka Prison | 450 | 12 |
| Rolleston Prison | 293 | 4 |
| Spring Hill Corrections Facility | 554 | 18 |
| Tongariro Prison | 283 | 8 |
| Waikeria Prison | 403 | 13 |
| Whanganui Prison | 299 | 6 |



Creating Lasting Change

- [Home](#)
- [Policies & guidance](#)
- [Rehabilitation & reintegration](#)
- [Offender Employment Policy and Procedures Manual](#)


PRISONER INCENTIVE ALLOWANCE FRAMEWORK

| Class | Zero | | One | Two | Three | Four | Five | Six |
|----------------------------|--|--|---|---|--|--|---|---|
| Category | Refused Work or Programmes (2) | Removed from Work or Programmes (3) | Sick (4) or Unemployed (5) | Initial (6) | Average | Senior (7) | Advanced (8) | Programme/Study Allowance (9) |
| Assessment Criteria | Prisoner is able to work but refuses to take position offered or Prisoner is requested to attend programmes but refuses to participate | Prisoner is removed from work or programmes because of poor behaviour or performance | Prisoner is available and willing to attend either work or programmes but due to poor health, or unavailability of work or programmes is unable to comply | Entry allowance for employed prisoners who are not assessed or who are assessed with one or more seldom's | Prisoners with assessed work habits as follows: "usually and/or always" ceeds 18 ticks | Prisoners with assessed work habits as follows: "always"= 22 ticks with high skill and/or responsibility | Prisoners working in CIE industries who demonstrate exemplary performance, work skill, behaviour, and qualification | Prisoners who attend programmes in accordance with their IOM Sentence Plan. Prisoners who are involved in fulltime study to further their educational or work skill qualifications |
| Allowance | 0.00 | | \$2.70 / wk or \$0.09 / hr to 30 hrs/wk (when only part week worked) | \$0.20 per hour | \$0.30 per hour | \$0.40 per hour | \$0.60 per hour | Rate applicable to employment status; if no employment, then rates between class 2 and 4 apply - dependent on meeting assessment criteria |

2. To be reviewed weekly to determine if prisoner still refuses work or programme
3. Prisoner removed from all work/programme opportunities for period of not less than two weeks. Other sanctions may be imposed as determined necessary by custodial staff
4. To be reviewed periodically by medical officer to see if prisoner condition improves to allow for employment. Re-skilling may be appropriate
5. To be reviewed weekly by regions to determine if a position becomes available. Re-skilling through study/courses may be appropriate
6. Using the Formative Assessment Tool
7. The allowance ceiling for most prisoners as they improve their work habits and skills
8. Prior approval of CIE Sector Manager required. Prisoner has skills crucial for the success of the industry.
9. Payable to prisoners whether programmes undertaken within work day, or "after work hours" if attendance is in accordance with sentence plan

[Back to CIE Manual contents page>>](#)

BACK TO 2.3 PRISONER INCENTIVE

 Reducing Re-Offending



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



Formative Assessment Prisoner Incentive Framework (1.6.1)

Prisoner: _____ **PRN:** _____

Instructor/Supervisor: _____ **Date:** _____

Focus and timeframe for assessment: prisoner's achievements and conduct since last review.

| Performance Criteria | Assessment | | | |
|---|--|--------------------------|--------------------------|--|
| The prisoner: | (Tick One) | | | |
| | Seldom /never | Occasio nally | Usually | Always |
| 1. Motivation for work: <ul style="list-style-type: none"> • Displays a positive work attitude. • Requests opportunities for work. • Complies with instructions to commence work each day. • Does not complain about requirement to work. • Works steadily throughout working day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Timekeeping: <ul style="list-style-type: none"> • Arrives at work within 5 minutes of start time. • Works steadily throughout the day. • Continues working until at least 5 minutes before 'knock off' time. • Starts and ends lunch/tea breaks within 5 mins. of prescribed time. • Displays time keeping and personal presentation, which meet expectations of the specific placement. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Work-place relationships (co-workers and supervisors): <ul style="list-style-type: none"> • Co-operates satisfactorily with others in the workplace. • Is courteous and respectful towards others in the work place. • Manages conflicts with others without becoming angry/aggressive. • Expresses opinions and feelings appropriately. • Takes due care with others' property. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Ability to listen and follows instructions: <ul style="list-style-type: none"> • Pays attention when receiving instructions. • Seeks to clarify issues of uncertainty. • Complies satisfactorily with supervisor's instructions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Adherence to health and safety: <ul style="list-style-type: none"> • Understands and complies with workplace health and safety rules. • Uses tools and equipment appropriately. • Adheres to general health and safety standards. • Complies with site smoking instructions and notices. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Overall rating of progress with objective: | All ticked "always and/or usually" One tick, per work habit in "occasionally" and the rest above Most ticks in "occasionally and none in "seldom" At least one tick in "seldom/never" | | | Good Acceptable Fair Unsatisfactory |
| General Comments: | | | | |
| Discussed with Prisoner: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> (Date) (Prisoner) (Instructor/Supervisor) </div> | | | | |
| Activity/Unit Manager Approval: _____ Date: _____ | | | | |
| Level 5 Sector Manager Approval: _____ Date: _____ | | | | |

RELEASED UNDER INFORMATION ACT 1982



Creating Lasting Change

- [Home](#)
- [Policies & guidance](#)
- [Rehabilitation & reintegration](#)
- [Offender Employment Policy and Procedures Manual](#)

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.

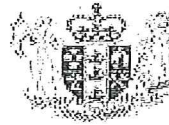
62. From 1 December 2005 CIE Sector Managers can issue approval for prisoners to advance from level 4 (senior) 40 cents to level 5 (advanced) 60 cents.

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](#)



DEPARTMENT OF
CORRECTIONS
KŌHĀ PŌUTAMA AOTEAROA

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982