

Australian Capital Territory

Corrections Management (Detainee Work) Operating Procedure 2019

Notifiable instrument NI2019-862

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Detainee Work) Operating Procedure 2019*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating procedure

I make this operating procedure to facilitate the effective and efficient management of correctional services.



Jon Peach
Executive Director
ACT Corrective Services
20 December 2019



OPERATING PROCEDURE	Detainee Work
OPERATING PROCEDURE NO.	D35.1
SCOPE	Alexander Maconochie Centre

PURPOSE

To provide instruction on the process for workplace supervisors to assign work activities to detainees at the Alexander Maconochie Centre. Work activity placements will only be undertaken Monday to 12pm Friday to allow for payroll processing functions.

PROCEDURE

1. Access to work

- 1.1 All detainees will receive a vocational assessment on induction to identify work activity opportunities and any prior relevant training and/or trade skills and qualifications (Induction Policy).
- 1.2 To be assessed for work activity suitability, a detainee must submit a D35.F3: Detainee Application Form or D35.F1: Trusted Work Application via their Area Supervisor. The Area Supervisor will ensure that it is received by the Detainee Employment Unit.
- 1.3 A detainee may only be appointed to a work activity where a vacancy exists. If no vacancy exists, a register of applications will be maintained by the Detainee Employment Unit to ensure consistency and transparency.
- 1.4 Where there is any doubt about a detainee's fitness to participate in a work activity, the Detainee Employment Unit will make a request to Justice Health Services for the provision of a Fit for Work Certificate.
- 1.5 The Detainee Employment Unit will maintain a waiting list for each accommodation area and, as vacancies arise, provide Area Supervisors (for accommodation unit vacancies) and workplace supervisors (for trusted positions) with a list of suitable detainees to fill vacancies.
- 1.6 When assigning detainees to work activities, **preference** will be given to sentenced detainees taking into consideration:
 - a. past work performance;
 - b. the detainees desire to improve their knowledge and skills; and
 - c. any special needs.
- 1.7 The Area Supervisor/Workplace Supervisor must ensure that:
 - a. the detainee is provided with the relevant Duty Statement that outlines the expected duties to be performed, ensuring that it is read, dated, signed, and witnessed;
 - b. if there are any special needs, these will be documented on the Duty Statement and supervising staff will be made aware of the restrictions;
 - c. the completed Duty Statement is returned to the Detainee Employment Unit within one (1) business day of the detainee being allocated the work activity.

2. Mandatory training and work health safety

- 2.1 Detainees must satisfactorily complete all required training in their Duty Statement prior to commencing in the work. This will form part of the work activity assessment undertaken by the Detainee Employment Unit.
- 2.2 On commencement of a trusted activity, the Workplace Supervisor will deliver a site specific orientation to the detainee on:
 - a. identified risk and treatments related to the work activity;
 - b. appropriate use of Personal Protective Equipment (PPE) where required;
 - c. operating and safety procedures for use of each equipment item;
 - d. injury procedures and;
 - e. work health safety and responsible conduct in the work environment.
- 2.3 Following completion of orientation, the detainee and Workplace Supervisor will sign the relevant safety and equipment orientation form to verify the orientation has been completed and upload the form to the detainee electronic record.
- 2.4 Operating instructions **must** be clearly displayed alongside any static equipment and be readily available for dynamic equipment used by detainees.

3. Work performance

- 3.1 Workplace Supervisor are responsible for appropriately monitoring the standard and quality of work performance against the standards in the relevant duty statement, and ensuring all detainees:
 - a. engaged in a work activity are case noted at least weekly on their work performance and attendance;
 - b. are provided with strategies to improve their work performance (as appropriate); and
 - c. act in accordance with section 11 of the *Detainee Work Policy* where a detainee fails to complete their work to an adequate standard.

4. Resignations, dismissals and appeals

- 4.1 Detainees may resign from a work activity by informing the Accommodation Area Supervisor or Workplace Supervisor.
- 4.2 Detainees may be dismissed from a work activity for failing to meet the standard of work performance in the relevant duty statement. The following applies:
 - a. the Workplace Supervisor will provide the detainee with a *D35.F2: Work Dismissal* notice;
 - b. the Workplace Supervisor will provide the Detainee Employment Supervisor with the *D35.F2: Work Dismissal* notice within 1 business day; and
 - c. the Detainee Employment Officer will ensure that the detainee's remuneration is adjusted accordingly and a *D35.1.F1: Detainee Work Pay Alteration* form is forwarded to the detainee within one (1) business day of being notified.
- 4.3 Detainees can appeal a decision to dismiss them from a work activity by completing the relevant section of the *D32.F2: Work Dismissal* notice. The following applies:
 - The Employment Supervisor will review all appeals under section 11.4 of the *Detainee Work Policy* and confirm the decision or reinstate the detainee

- Where a detainee remains unsatisfied with a decision, they may make a complaint in accordance with the *Detainee Requests and Complaints Policy*
 - Where a detainee appeals the decision to dismiss them from work activity, the position **must** remain vacated until the process is concluded. The detainee will be suspended and eligible to receive the unoccupied rate of pay during the review period.
- 4.4 In all circumstances where a detainee’s work activity is ceased or varied, a *D35.1.F1: Detainee Work Pay Alteration* form must be provided to the detainee and uploaded to their electronic file as notification for the variation within one (1) business day of being notified.

5. Work activity remuneration procedure

- 5.1 Detainees will be provided with a pay sheet on commencement of a work activity for which they will take ownership of to ensure it is always completed and current.
- 5.2 Detainees must provide their pay sheet to the Accommodation Area Supervisor or Workplace Supervisor to sign at the completion of each day’s work duties.
- 5.3 The Accommodation Area Supervisor or Workplace Supervisor will collate detainee pay sheets and provide them to the Detainee Employment Unit by COB Sunday for payroll processing.
- 5.4 In the event a detainee leaves an accommodation unit, the Accommodation Area Supervisor or Workplace Supervisor must document the date the detainee exited the accommodation area on their attendance sheet and electronic file.
- 5.5 Where a detainee has not been remunerated correctly, the Accommodation Area Supervisor or Workplace Supervisor must notify the Detainee Employment Unit as soon as practical, setting out the discrepancy and document the same on the detainee’s electronic file for transparency.

6. Unoccupied detainees

- 6.1 An unoccupied detainee is a detainee who is not undertaking a remunerated work, fulltime program or educational activity. To remove any doubt, an unoccupied detainee was formerly classified as an unemployed detainee in receipt of unemployment benefits.

7. Accidents and Incidents

- 7.1. Accidents and other incidents must be reported in accordance with the *Incident Reporting, Notifications and Debriefs Policy*.

8. Record keeping

- 8.1 A copy of all records under this policy must be stored on a detainee’s electronic record system and custody file.
- 8.2 Appropriate records under the *Workplace Health Safety Act 2011* and associated Codes of Practice must be maintained and current at all times.
- 8.3 The Accommodation Area Supervisor or Workplace Supervisor must maintain the detainee’s electronic file with accurate case notes and information regarding a detainee’s work performance, history and compliance

RELATED DOCUMENTS AND FORMS

- Detainee Work Policy
- D35.1.F1: Detainee Work Pay Alteration
- D35.F1: Trusted Work Application
- D35.F2: Work Dismissal
- D35.F3: Detainee Work Application Form
- Incentives and Earned Privileges Policy
- Detainee Trust Fund Management Policy
- Discipline Policy
- Detainee Requests and Complaints Policy
- Incident Reporting, Notifications and Debriefs Policy
- Detainee Delegate Policy

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19 December 2019

Document details

Criteria	Details
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Document owner/approver:	Executive Director, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Head of Detainee Services
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2019</i>

Version Control			
Version no.	Date	Description	Author
V1	October-19	First Issued	M Bartlett