

Australian Capital Territory

Corrections Management (Transitional Release Community-based Employment) Operating Procedure 2023

Notifiable instrument NI2023–88

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Transitional Release Community-based Employment) Operating Procedure 2023*.

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 corrections services.

Ray Johnson ^{APM}
Commissioner
ACT Corrective Services
15 February 2023



OPERATING PROCEDURE	Transitional Release Community-based Employment
OPERATING PROCEDURE NO.	D26.8
SCOPE	Transitional Release

STATEMENT OF PURPOSE

To provide instructions to staff working in Transitional Release, namely Offender Reintegration (OR) Employment Officers, on how to conduct a Workplace Assessment for an employer of a Transitional Release detainee and how to engage with an employer providing employment opportunities.

An OR Employment Officer is responsible for ensuring the processes within this Operating Procedure and *Transitional Release Policy* are undertaken for all community-based work providers identified to provide work placements for detainees, whether paid or work experience.

Only those detainees engaged in stage three of Transitional Release can engage in community-based work. Detainees engaged in stage one and stage two of Transitional Release must participate in AMC-based work or work crew (unless exempt as in receipt of an AMC pension). Refer to the [D26.5 Transitional Release Staged Approach to Reintegration Operating Procedure](#) for more information.

PROCEDURES

1. Prior to engaging in employment

- 1.1. Either a detainee or OR Employment Officer may identify a community-based work opportunity.
- 1.2. The potential employer must be contacted by an OR Employment Officer. to complete and submit a [D26.F6: Work provider application](#).
- 1.3. Once an employer receives the [D26.F6: Work provider application](#), an OR Employment Officer must confirm their ABN via the website <https://abr.business.gov.au/>. If the OR Employment Officer is unable to confirm the business is a compliant tax abiding business in Australia, the OR Employment Officer is unable to proceed with the workplace assessment or work provider agreement.
- 1.4. With the detainee's consent, an OR Employment Officer must engage with a job service provider to assist the detainee with employment related expenses and support them into employment.

2. Workplace Assessment

- 2.1. Once the [D26.F6: Work provider application](#) has been received and the ABN confirmed, an OR Employment Officer must complete [the D26.F10: Workplace Assessment](#) for potential community-based work providers. This assessment must be conducted at the site of employment at a mutually agreed time by an OR Employment Officer and the Workplace Provider.

2.2. The potential employer must also submit a copy of the following as part of the D26.F10: Workplace Assessment:

- a. current Workplace Health and Safety Policy
- b. Public Liability Insurance
- c. Workers Compensation Cover

3. Work provider agreement

- 3.1. If the Workplace Assessment is satisfactory, an OR Employment Officer must then provide the community-based work provider with a D26.F7: Work Provider Agreement for their review, agreement and signature. Work placements must not commence without the community-based work provider signing the D26.F7: Work Provider Agreement relevant to the specific detainee.
- 3.2. An OR Employment Officer must also provide the potential employer with the information sheet Employing a detainee or offender in your business which addresses the support provided to the employer and detainee during the period of employment, following the Australian Taxation Laws and other business considerations.
- 3.3. The community-based work provider must nominate a Workplace Sponsor/s who must complete all requirements as outlined in the D26.10 Transitional Release Sponsors (Community-based Employment) Operating Procedure. The proposed employer does not have to be a sponsor but must be the person to complete the Work Provider Agreement.

4. Recommendation and Outcome

- 4.1. An OR Employment Officer must make a recommendation and provide the following completed documents to the Director Reintegration to approve or refuse the community-based work provider:
 - a. D26.F7: Work Provider Agreement
 - b. D26.F10: Workplace Assessments
- 4.2. The OR Employment Officer must declare to the Director Reintegration if there are any known associations to criminal behaviour or past offenders that own or run the business.
- 4.3. The detainee must be advised of the outcome by an OR Employment Officer.
- 4.4. Where an employer has been rejected, reasons must not be provided to the detainee or the nominated sponsor, where doing so may jeopardise the safety of any person, or security or good order at the correctional centre.
- 4.5. If approved, an OR Employment Officer must liaise with the community-based work provider to determine whether an interview or work trial is appropriate and/or required to fill each identified position.
- 4.6. Where relevant, and with the detainee's consent as confirmed on an ACTCS Consent to Release Information form, an OR Employment Officer may provide an overview only of the detainee's criminal history to the community-based work provider. The OR Employment Officer is not to provide a copy of the detainee's criminal history record.

5. Work experience placement

- 5.1. Detainees may participate in unpaid work experience placements with community work providers if supported by an OR Employment Officer.
- 5.2. Unpaid work experience must be time limited to a maximum of 10 days and provide job-ready skills that will enhance a detainee's employment opportunities in the community.

6. Paid work placement

- 6.1. All detainees engaged in community-based work must be remunerated at the same rate as an employee who is not a detainee.
- 6.2. The community-based work provider must ensure the detainee's remuneration is deposited into the detainee's AMC Trust Fund account listed in the *D26.F7: Work Provider Agreement*
- 6.3. Detainees are required to meet the cost of any meals and travel to and from their community-based employment where applicable.

7. Management of income for detainees employed in paid work placements

- 7.1. Detainees engaged in paid community-based work must have board monies deducted from their income in accordance with the *Detainee Trust Fund Management Policy*

8. Records Management

- 8.1. All forms and documents relating to both the offender and the community-based work provider must be recorded on CORIS by an OR Employment Officer, in accordance with the *Case Notes Policy*.

RELATED DOCUMENTS

- Transitional Release Policy
- Transitional Release Staged Approach to Reintegration Operating Procedure
- Transitional Release Sponsors (Community-based Employment) Operating Procedure



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ACT Corrective Services
25 January 2023

Document details

Criteria	Details
Document title:	<i>Transitional Release Community-based Employment Operating Procedure 2023</i>
Document owner/approver:	Assistant Commissioner Offender Reintegration, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Offender Reintegration
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2022</i>

Version Control			
Version no.	Date	Description	Author
V1	November-22	First Issued	L Spulak