



**Prisoner Employment Program (PEP) – Procedures**

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**1. Introduction**

- 1.1 Participation in the Prisoner Employment Program (PEP) provides minimum security prisoners with the opportunity to engage in employment related activities in the community prior to release, as detailed in [Policy Directive 68 – Prisoner Employment Program](#). Absence permits allow prisoners’ access to the PEP for purposes of rehabilitation and reintegration. This document operationalises the intent of [Policy Directive 68 – Prisoner Employment Program](#).
- 1.2 The Prisoner Employment Program is intended to enhance a prisoner’s prospects of gaining paid employment following release from prison and includes work experience, vocational training, university attendance, activities relating to seeking employment and paid employment.

**2. Definitions and acronyms**

**absence permit**      The document authorising a prisoner to be absent from a prison. A prisoner with a valid absence permit is deemed to be in lawful custody while absent from the prison.

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| <b>ACRS</b>                                | Assistant Commissioner Re-Entry and Services   |
| <b>Authorised Assistant Superintendent</b> | The Assistant Superintendent/Assistant Director/Manager Assessment Centre of the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Designated Superintendent to undertake the responsibilities in line with these Procedures. |
| <b>Approving Authority</b>                 | The person or group of persons to whom the Commissioner has delegated the authority to grant an absence permit.  |
| <b>Case Conference</b>                     | A formal meeting convened to discuss a prisoner's assessment documentation including PEP applications. Special Case Conferences can also be called when there are particular concerns about a prisoner's behaviour or circumstances.   |
| <b>Centrelink</b>                          | A statutory authority which delivers financial assistance and services to individuals. A Memorandum of Understanding exists between the Department of Corrective Services and Centrelink to enable effective delivery of services to prisoners prior to release.   |
| <b>CSID</b>                                | Corrective Services Intelligence Directorate   |
| <b>Designated Superintendent</b>           | The Superintendent as defined in s 36 of the <a href="#">Prisons Act 1981</a> and includes any reference to the position responsible for the management of a private prison under Part IIIA of the <a href="#">Prisons Act 1981</a> .  |
| <b>EDR</b>                                 | Earliest Date of Release   |
| <b>EED</b>                                 | Earliest Eligibility Date for parole   |
| <b>Employment Coordinator</b>              | The prison-based position responsible for assessing prisoners' educational and employment requirements and suitability to participate in the PEP, and is responsible for case managing individual prisoners and employers who are approved to participate in the program.  |
| <b>employment related activity</b>         | Any external activity that enhances a prisoner's prospects of gaining paid employment following release from prison. This includes work experience, vocational training, university attendance, activities relating to seeking employment and paid employment.   |
| <b>full-time</b>                           | Employment which involves more than 20 hours of work per week.   |
| <b>generally</b>                           | Where the word 'generally' is used in any provision in these Procedures, it is taken to mean that what is stated in that provision is the intention, and may only be varied in exceptional circumstances.  |

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| <b>Individual Management Plan (IMP)</b>          | The approved plan developed in consultation with treatment, education and assessment staff and the prisoner. The IMP spans the prisoner's sentence through to release. It identifies prisoner needs and contains recommendations for prison placements, security classification and interventions that will assist the prisoner to live a pro-social life on release to the community. |
| <b>Job Services Australia Provider (JSAP)</b>    | An external service provider which provides assistance to prisoners on issues such as personal circumstances and barriers to employment.   |
| <b>Medical Practitioner</b>                      | A medical doctor who is registered as a medical practitioner under the <a href="#">Health Practitioner Regulation National Law (WA) Act 2010</a> .   |
| <b>part time</b>                                 | Employment which involves 20 hours (or less) of work per week.   |
| <b>PEP</b>                                       | Prisoner Employment Program  |
| <b>prison officer</b>                            | For the purposes of these Procedures, 'prison officer' includes any prison officer tasked with conducting assessments of prisoners for inclusion in the PEP, including Prison Assessments Officers.  |
| <b>Sentence Management</b>                       | The directorate within the Department responsible for sentence calculation, release planning, compassionate leave and monitoring of assessments and placement of prisoners in custody in Western Australia.  |
| <b>superintendent</b>                            | The Designated Superintendent or Officer in Charge (OIC) of a public prison, the Director or Officer in Charge of a private prison.  |
| <b>Supervising Officer</b>                       | A prison officer, contract worker as defined in the <i>Court Security and Custodial Services Act 1999</i> or any other person who the chief executive officer thinks fit to be appointed to supervise the prisoner's participation in the PEP (r 54I, <a href="#">Prisons Regulations 1982</a> ).  |
| <b>Total Offender Management Solution (TOMS)</b> | An electronic database used by the Department to record and manage comprehensive information relating to prisoners in custody.   |
| <b>VMU</b>                                       | Victim Mediation Unit  |
| <b>VNR</b>                                       | Victim Notification Registry   |
| <b>work experience</b>                           | Any unpaid position with an employer to enable a prisoner to gain skills, with the intention that it will lead to paid employment, a traineeship, career choices or the development of new skills.   |

### 3. Prisoners' eligibility to apply

- 3.1 Generally, in order to be eligible to participate in the PEP a prisoner must be within the 12 month period prior to the date they become eligible for discharge from prison; namely, the 12 month period prior to the prisoner's earliest eligibility date (EED) (if a parole term), earliest date of release (EDR) (if a finite term or parole has been denied), parole review date (if parole has been deferred), or release date of a recognisance order, or any date that is considered to be their earliest release date.
- 3.2 Generally, paid employment may only occur in the last six months prior to a prisoner's potential release date or the last 6 months of a re-socialisation programme in the case of a life/indefinite sentenced prisoner. Prisoners may apply for consideration three months prior to their eligibility to commence paid employment,
- 3.3 If a prisoner is a life/indefinite sentenced prisoner, their participation in the PEP should initially be a component of an approved re-socialisation programme (refer to [Policy Directive 79 – Re-Socialisation Programmes](#)). Upon completion of the re-socialisation programme, a review of the prisoners' suitability to continue participating in the PEP should be undertaken by the prison, in consultation with Sentence Management. If it is determined the prisoner remains suitable, the prisoner may continue participating in the PEP. Sentence Management will complete a Decision Slip authorising the ongoing participation in the PEP.
- 3.4 A prisoner must be a sentenced prisoner and have achieved a current minimum security rating to be eligible to apply to participate in the PEP in accordance with [Policy Directive 68 - Prisoner Employment Program \(PEP\)](#) and be held in a minimum security facility unless otherwise determined in accordance with section 3.5.6 below.
- 3.5 The following prisoners are ineligible to apply for the PEP:
  - 3.5.1 Any prisoner who has been assessed as requiring inclusion in any intensive treatment intervention or any medium intensity violent or sex offending treatment intervention, until the prisoner has completed the treatment intervention(s).
  - 3.5.2 Any prisoner who is subject to the [Criminal Law \(Mentally Impaired Accused\) Act 1996](#) or who is not confined in a prison or external facility as defined in ss 3 or 23 respectively of the [Prisons Act 1981](#).
  - 3.5.3 Any prisoner who is under consideration for or subject to an order under the [Dangerous Sexual Offenders Act 2006](#).
  - 3.5.4 Any prisoner who may be liable for, or has confirmed deportation or removal from Australia.
  - 3.5.5 Any prisoner where written advice has been received from Western Australia Police of the intention to seek extradition or when a warrant relating to extradition has been issued by the court.
  - 3.5.6 Any prisoner at Acacia Prison, Albany Regional Prison, Bandyup Women's Prison, Casuarina Prison or Hakea Prison, except where the Designated Superintendent and the Director Sentence Management determine otherwise.
  - 3.5.7 Generally, any prisoner who has a pending s 69 charge, or has been convicted of any s 69 offence within the three months prior to his/her application.

- 3.5.8 Any prisoner who has been convicted of one or more s 70 offence, in his or her current sentence only, within the last three years, as follows:
- One offence – Any prisoner is not eligible to apply until 3 months has elapsed from the date of the offence
  - Two offences – Any prisoner is not eligible to apply until 6 months has elapsed from the date of the most recent offence
  - Three offences – Any prisoner is not eligible to apply until 9 months has elapsed from the date of the most recent offence.

## **4. Application and assessment – Prisoner’s application**

- 4.1 Participation in the PEP is a privilege and applications will be assessed in relation to the achievement of reintegration, the good conduct of the prisoner and the merits of the application. The safety and interests of the community are considered paramount, therefore when recommending/approving an application, the prisoner shall be required to be assessed as posing a minimal risk to the safety and security of the community.
- 4.2 Prisoners may nominate a particular employer/education facility or employment or education activity on their application or may apply to be assessed for suitability for the PEP with an employer/education facility to be determined later by the Employment Coordinator.
- 4.3 Eligible prisoners should make written application to participate in the PEP by completing [Appendix 8 - Application to participate in the Prisoner Employment Program](#) up to 3 months prior to the expected date of commencement on the PEP. Prison staff or the Employment Coordinator will assist the prisoner with the application process, including writing the application if necessary. Staff should be proactive in approaching and assisting eligible prisoners to apply. Prisoners should attach any details of a proposed employer/education facility or employment or education activity and submit the request to the Case Management Coordinator, an Authorised Assistant Superintendent or the Employment Coordinator.
- 4.4 Generally, where prisoners apply to participate in the PEP without a potential employer/education facility or activity proposed, the application will not proceed until an employer/education facility or activity has been identified by the Employment Coordinator.
- 4.5 Further information in relation to the PEP application and assessment process is detailed in [Appendix 5 - Prisoner Employment Program Process](#).

## **5. EVTU assessment – Prisoner’s application**

- 5.1 Following the prisoner’s initial application in accordance with section 4 above, the Employment Coordinator shall interview and assess the prisoner’s educational and employment requirements and suitability to participate on the program and shall complete the ‘Prisoner Employment Program - EVT Assessment – Prisoner’ checklist in TOMS.
- 5.2 Areas to be considered will include, but are not limited to:
- The prisoner’s career needs, life skills and employability skills
  - The prisoner’s employment history, both prior to and whilst in custody

- Job preparedness
  - Linking the prisoner to relevant and appropriate employment or education programs or industry employment.
- 5.3 The Employment Coordinator shall ascertain if a prior relationship exists between the potential employer/education facility or activity and the prisoner by reviewing the prisoner's records.
- 5.4 The Employment Coordinator shall make comment in relation to the mode of transport the prisoner is to use to attend the employment, education or training activity. Refer to [section 11](#) for further information.
- 5.5 The Employment Coordinator will ensure that the prisoner completes [Appendix 2 - Authority to Disclose Convictions and Medical Assessment](#) indicating the prisoner's willingness to share information about his/her convictions to potential employers, educators and trainers.
- 5.6 The Employment Coordinator will ensure that the prisoner completes [Appendix 3 - Authority to Share Confidential Information](#) authorising the Department to obtain confidential information about his/her participation in the program for sharing with government and non-government agencies and employers during his/her participation in the program and up to a period of three years post release.
- 5.7 Generally, all prisoners will be required to undergo a medical assessment by the prison's Medical Practitioner prior to the prisoner's commencement in employment, work experience or any other activity which involves some form of physical activity.
- 5.8 The Employment Coordinator shall complete the 'Prisoner Employment Program - Health Services - Fitness for Work/Activity Referral' checklist in TOMS once the EVT assessment and recommendation of the prisoner has been completed. Upon completion of the checklist, a referral will be sent to the prison's Health Services to enable an assessment of the prisoner's medical fitness to perform the duties within the scope of the proposed activity. Health Services shall record the outcome of the assessment on the prisoner's medical file.
- 5.9 Health Services, on behalf of the prison's Medical Practitioner, shall forward a completed Fitness for Work/Activity Medical Assessment to Sentence Management. Sentence Management shall record the outcome in 'Notes' on TOMS.

## 6. Officer assessment – Prisoner's application

- 6.1 On completion of [Appendix 8 - Application to participate in the Prisoner Employment Program](#), the Designated Superintendent shall instruct a prison officer to assess the application through the 'Prisoner Employment Program – Other Activities Application' checklist or where the prisoner has requested participation in paid employment, the 'Prisoner Employment Program – Paid Employment Application' checklist is to be utilised. The following information shall be provided:
- Current offence details and outstanding court matters
  - Victim issues, including whether a referral has been made to the Victim – Offender Mediation Unit (VMU), whether the prisoner has a Victim Notification Register (VNR) Alert or is subject to a Violence Restraining Order (VRO) or any related outstanding orders (refer also section 6.2 below)

- Risk to the safety and security of the public including public perception, the nature of the prisoner's offences, successful completion of programs to address offending behaviour, and psychiatric history and mental health issues.
  - Likelihood of successfully completing the PEP including previous performance on community supervision, absence permits or bail, evidence of family and community support, provisions for the prisoner's medical or health needs, education and vocational training history and career plan, prison employment history and job preparedness.
  - The prisoner's behaviour whilst in custody including prisoner management reports, including incidents and loss of privileges, industry reports, the prisoner's participation in other external activity programs, alerts, outstanding charges, history of alcohol/drug/violent offences, and history of attempted and actual escapes.
  - Whether the prisoner is known to the employer, educator or training provider.
- 6.2 Where a referral has been made to the VMU and irrespective of whether a VMU report has been finalised, the Designated Superintendent shall ensure that the VMU is informed of the prisoner's application.
- 6.3 The VNR is automatically notified of PEP applications through TOMS and therefore notification of the application is not necessary.
- 6.4 The Employment Coordinator will provide any relevant information to the prison officer completing the prisoner's assessment in accordance with this section.
- 6.5 The prison officer assessing the prisoner's application shall make a comment as to whether the prisoner should be approved to participate in the PEP.

## **7. EVTU assessment - Employer, educator or trainer**

- 7.1 The Employment Coordinator shall assess the employment, education or training activity to ensure that it will provide meaningful and sustainable employment, education or training prospects for the prisoner.
- 7.2 The Employment Coordinator shall attend the proposed activity site (work site or education or training facility) to ensure the validity of the activity and gauge that it will meet the Department's expectations and provides a positive activity for prisoners.
- 7.3 The Employment Coordinator shall carry out an assessment on the potential employer, educator or trainer and shall record findings by completing [Appendix 9 - Education and Vocational Training \(EVT\) Assessment of Employer/Training Provider](#). The completed document is to be collated with the prisoner's initial application and subsequent assessments and shall be further managed in accordance with [section 8](#) below.
- 7.4 The Employment Coordinator shall ensure that the employer, educator or trainer is compliant with workplace legislative requirements and that the employer, educator or trainer can produce a certificate of currency for Public Liability Insurance.
- 7.5 The potential employer, educator or trainer will be required to indicate a willingness for the Department of Corrective Services to undertake a Police Check and Security Clearance by completing [Appendix 1 – Authority to Conduct Criminal History Check](#). The completion of Appendix 1 authorises the Corrective Services Intelligence Directorate (CSID) to provide a report on their suitability including,

where relevant, any previous relationship history between the proposed employer and the prisoner.

- 7.6 Following the employer, educator or trainer completing Appendix 1 in accordance with section 7.5 above, the Employment Coordinator shall request CSID to prepare a report on the suitability of the proposed employer (including work site), education facility or activity, and where relevant and possible, any previous relationship history between the proposed employer, educator or trainer and the prisoner. CSID shall provide the completed report to Sentence Management.
- 7.7 The Employment Coordinator shall ensure that the potential employer, educator or trainer has read, understands and signs [Appendix 4 - Prisoner Employment Program Conditions and Declaration by Employer/Training Provider](#), once a prisoner has been identified to engage with that potential employer, educator or trainer. The employer, educator or trainer shall be provided with a copy for their reference.
- 7.8 The Employment Coordinator shall provide the prison officer completing the prisoner's initial assessment for participation in an employment or education program with all relevant information about the potential employer, educator or trainer.
- 7.9 The Employment Coordinator shall encourage the potential employer, educator or trainer to meet with the prisoner through an interview process. The Employment Coordinator may attend the interview process.
- 7.10 The Employment Coordinator shall ensure that the potential employer, educator or trainer agrees to provide the prisoner in his/her initial placement approved training in all occupational health and safety requirements to the workplace industry standard. This is to ensure the safety and welfare of prisoners.
- 7.11 Generally an employer, educator or trainer will not be considered by the approving authority in the first instance unless linked to a prisoner application. An exception to this is Job Services Australia Providers (JSAPs).

## **8. Application approval process**

- 8.1 The Employment Coordinator will obtain all reports produced in accordance with [section 5](#), [section 6](#) and [section 7](#) and shall make recommendations to Case Conference for both the prisoner, and the proposed employer, educator or trainer.
- 8.2 The Chair of the Case Conference will record the Case Conference recommendation in the checklist and Decision Slip on TOMS.
- 8.3 Recommendations from the Case Conference will be recorded by way of the checklist and forwarded to the Designated Superintendent for his/her recommendation.
- 8.4 If the Designated Superintendent (or Authorised Assistant Superintendent or officer authorised by the Designated Superintendent) via Case Conference) determines at any stage that the prisoner's application shall not proceed, they shall record the decision using a Decision Slip, including the reason for not recommending the application to proceed. The Decision Slip will then be forwarded to Sentence Management for consideration. The Designated Superintendent shall ensure that the prisoner is advised of the recommendation and the reasons for the recommendation.

- 8.5 The Authorised Assistant Superintendent (or officer authorised by the Designated Superintendent) shall then forward the PEP application with any supporting documentation (not available on TOMS) with a recommendation to the Director Sentence Management.
- 8.6 The Director Sentence Management shall assess the application in accordance with these Procedures and may defer making a decision or deny the application. If the Director Sentence Management recommends the application progresses, details of the application shall be provided to the Assistant Commissioner Re-Entry and Services (ACRS) for final approval.
- 8.7 Upon the Director Sentence Management's recommendation, the ACRS shall assess the application in accordance with these Procedures and may approve a prisoner to be absent from prison for the purpose of participating in the PEP.
- 8.8 Approval for a prisoner's participation in the PEP for reasons of work experience or paid employment will not be given unless the ACRS is satisfied that suitable employment is available as per s 83(6) of the [Prisons Act 1981](#).
- 8.9 Sentence Management shall record the decision regarding the application on the Decision Slip and notify the Education and Vocational Training Unit, the relevant Employment Coordinator and the relevant Authorised Assistant Superintendent as soon as practicable of the decision.
- 8.10 The Designated Superintendent shall instruct an officer to notify the prisoner of the decision as soon as practicable.
- 8.11 Where the prisoner has a current VNR alert on TOMS, the Designated Superintendent shall instruct an officer to notify the VNR of the outcome of the application.
- 8.12 The relevant Employment Coordinator shall notify the employer, educator or trainer of the decision and register the details of the employer, educator or trainer on the Education and Vocational Training Community portal.
- 8.13 The suitability of the approved current employer, educator or trainer shall be reviewed at a minimum of a quarterly basis by the Employment Coordinator.
- 8.14 The relevant Employment Coordinator shall notify Case Conference in writing of any changes in the circumstances of an approved prisoner, employer, educator or training provider and make a recommendation to Case Conference on any further action that may be required.
- 8.15 Case Conference shall review the change in circumstances of an approved prisoner, employer, educator or trainer and forward a recommendation to the Director Sentence Management for a decision.
- 8.16 Changes in the circumstances of an approved prisoner, employer, educator, or trainer shall be considered by the Director Sentence Management who may revoke the approval, defer making a decision, or approve a temporary or minor change in circumstances. The Director Sentence Management may also choose to refer the request to the ACRS for approval.
- 8.17 Where an alternative activity is proposed for a prisoner, new assessments shall be carried out.

## 9. Conditions of the program

9.1 The following standard conditions shall be imposed on a prisoner's participation in the PEP unless otherwise determined as part of the approval process:

- not to handle money as part of their employment activities
- not to attend any private residence without the company of the supervising person and without the resident being made aware of the status of the person as a prisoner
- not to access mobile phones or the internet
- not to consume poppy seeds in any form
- not to accept visits from family members, partners, friends and associates at external locations, unless the visit has been approved by the prison and the employer and meets all the requirements of [Adult Custodial Rule 7 – Communications - Visits](#), including the requirement to have the visit recorded on TOMS
- not to be in the possession of, or to consume or take in any alcohol
- not to be in the possession of, or to consume or otherwise take in any drugs unless prescribed by a Medical Practitioner
- not to enter casinos, TAB outlets, bars, nightclubs or racetracks unless it is part of an approved PEP activity
- any other additional conditions may be imposed, as required.

## 10. Prohibited employment options and activities

10.1 Employment that could potentially increase a prisoner's risk of reoffending and/or directly or indirectly relate to their offending behaviour will not be approved. The Department of Corrective Services reserves the right to deem the employment unsuitable on any other reasonable grounds.

10.2 Prohibited employment options include the following:

- the selling or handling of intoxicating liquor, where the only duty is to serve alcohol to patrons. This does not preclude employment in the hospitality industry where the selling or handling of intoxicating liquor forms part of a general list of duties
- any work linked to the sex industry
- any work associated with gambling activities including, but not limited to casinos, hotel gaming venues and TAB outlets
- working as security personnel, including, but not limited to, employment at nightclubs, bars or gambling venues
- self-employment, including employment under sub-contracting arrangements
- any work which involves potential or actual unsupervised contact with children under the age of 16 years
- any other work which, in the opinion of any recommending or approving authority, may cause negative media or public scrutiny of staff, policies, procedures, business units or stakeholders.

## **11. Transport/use of motor vehicle while on the program**

- 11.1 The prisoner may utilise public transport if available, or the prison or employer may provide transport. The prisoner is to include proposed transport options in their initial application on [Appendix 8 - Application to participate in the Prisoner Employment Program](#).
- 11.2 The Education Coordinator shall make comment in regards to the prisoner's proposed mode of transport in their assessment of the prisoner in accordance with [section 5](#).
- 11.3 Generally, transport arrangements shall be finalised prior to the approval of a prisoner to participate in the PEP activity.
- 11.4 Generally, prisoners will not be permitted to be transported in a vehicle driven by friends, family members or partners of prisoners, unless the person is also the approved employer for the PEP.
- 11.5 A prisoner, if in possession of a valid and current Western Australian Motor Vehicle driver's licence of an appropriate class and the vehicle is registered in the prisoner's name, may drive their own vehicle whilst on the PEP, subject to certain conditions. A photocopy of the driver's licence, vehicle's registration papers and comprehensive insurance papers must be provided by the prisoner. The vehicle may be housed on site, externally to the prison facility and is the sole responsibility of the prisoner.
- 11.6 The Designated Superintendent is the approving authority for prisoners to use their own motor vehicle whilst on the PEP.
- 11.7 If the Designated Superintendent approves a prisoner to use their own vehicle whilst on the PEP in accordance with section 11.6 above, the prisoner must pass the driver's appraisal test run by the Department of Corrective Services.
- 11.8 If a prisoner applies to drive their own vehicle but does not own a suitable vehicle prior to the assessment of their PEP application, the Designated Superintendent shall indicate in the recommendation to the Director Sentence Management the likelihood of approval being given if/when the prisoner has obtained a suitable vehicle.
- 11.9 The prisoner's vehicle will be issued a log book and the prisoner will record details of each journey, including the date, time, distance travelled and destination. The prisoner may only travel to approved locations as recorded in his/her [Movement Sheet](#).
- 11.10 The Employment Coordinator shall ensure that the prisoner's log book is audited on a regular basis to ensure that the vehicle's odometer corresponds with the distance travelled recorded in the log book. Such audits shall be recorded by the Employment Coordinator on the prisoner's 'Notes' on TOMS. Any discrepancies shall be immediately reported by the Employment Coordinator to the Security Manager who shall inform the Designated Superintendent, who shall ensure that the approval for the prisoner to drive whilst on the PEP and his/her ongoing participation in the PEP are reviewed.
- 11.11 Prisoners may drive an employer, educator or trainer's vehicle during the PEP only if approved as part of the application process. Confirmation shall be obtained by the prison that the prisoner has valid Western Australian Motor Vehicle driver's licence for the appropriate class of vehicle, and has passed the driver's appraisal

test run by the Department of Corrective Services prior to being permitted to drive a vehicle.

## 12. Commencement of the program

- 12.1 Following the approval of a prisoner to participate in the PEP, the Designated Superintendent shall instruct an officer to take responsibility for the management of the prisoner's movements in accordance with this section.
- 12.2 On commencement of the PEP the Authorised Assistant Superintendent shall complete an absence permit on TOMS.
- 12.3 Generally, an absence permit for the purpose of participating in the PEP will not exceed 12 hours plus travelling time to and from the prison and will not include an overnight stay.
- 12.4 Prior to commencement of prisoner's absence for the purposes of PEP, the Designated Superintendent shall ensure that the prisoner has read and understands his/her obligations and the conditions listed on the absence permit. The form is to be signed by the prisoner and the prisoner provided with a copy.
- 12.5 Prior to the commencement of the prisoner's absence for the purposes of the PEP, the approved employer, educator or trainer shall be required to read and sign the [Appendix 4 - Prisoner Employment Program Conditions and Declaration by Employer/Training Provider](#) document. The employer, educator or training providers shall be provided with a copy for their reference (refer [section 7.7](#)).
- 12.6 With assistance from the Employment Coordinator, the prisoner shall complete [Appendix 6 - Movement Sheet](#) in duplicate for approval of the Designated Superintendent for the period of leave required.
- 12.7 Officers shall ensure at the conclusion of each daily PEP absence that the employer, educator or trainer signs the [Appendix 6 - Movement Sheet](#) to confirm adherence to the detail on the sheet.
- 12.8 The Officer designated in section 12.1 above shall verify the [Appendix 6 - Movement Sheet](#) with the employer, educator or trainer and shall ensure the employer, educator or trainer countersigns the [Appendix 6 - Movement Sheet](#) at the commencement of the absence period.
- 12.9 The Officer designated in section 12.1 above shall provide the employer, educator or trainer with a copy of the prisoner's [Appendix 6 - Movement Sheet](#) and provide copies to the Employment Coordinator and the Supervising Officer instructed to carry out security checks on the prisoner whilst absent from prison for the purposes of PEP.
- 12.10 The Employment Coordinator shall ensure that the Supervising Officer knows the whereabouts of the prisoner and the name of the approved person who can vouch for the whereabouts of a prisoner at any given time. The Employment Coordinator shall provide the Supervising Officer the following information:
  - A telephone number and the address at which the Supervising Officer can contact the prisoner.
  - The name and address of the employer, educator or trainer, who is responsible for supervising the prisoner during the period of leave

### **13. Appeals**

- 13.1 A prisoner shall have the right of one (1) appeal against their participation in the PEP and/or the conditions as stipulated in the Decision Slip.
- 13.2 An appeal by a prisoner against any decision regarding the PEP must be lodged with the Chairperson, Case Conference in writing within 21 days of the date of decision. An appeal by a prisoner lodged with the Chairperson must be forwarded to the Manager, Release Planning to progress in accordance with section 13.3.
- 13.3 An appeal against a decision is to be considered by the next delegated level of authority. The Commissioner's decision is considered final.

### **14. Monitoring, recording and evaluation of prisoner during the program**

- 14.1 The Employment Coordinator will make regular contact with employers, educators and trainers for progress reports on each prisoner and to arrange regular site visits. Information obtained will be recorded.
- 14.2 The Employment Coordinator may arrange mentoring services to support the prisoner while on the PEP.
- 14.3 The Supervising Officer shall conduct telephone and/or physical security checks on each prisoner undertaking the PEP. The frequency and times of checks will be at the discretion of the Designated Superintendent. Information obtained will be recorded.
- 14.4 At each prison, prisoners participating on the PEP will be reviewed at a minimum of once a month by Case Conference with input from the Employment Coordinator for the purpose of assessing the progress of the prisoner.

### **15. Searching, drug and alcohol testing**

- 15.1 Prisoners, and vehicles used to transport prisoners, will be searched as directed by the Designated Superintendent.
- 15.2 Prisoners will be tested for the use of alcohol, illicit and non-prescribed drugs whilst participating on the PEP, as directed by the Designated Superintendent.

### **16. Suspension or cancellation of a program**

- 16.1 A prisoner shall have their participation in the PEP suspended for the following reasons, pending the outcome of a review in accordance with section 16.2 below:
- any breach of standard or special conditions applied to the prisoner's absence from prison, including any forming part of the prisoner's absence permit
  - any actions of a prisoner which jeopardises the good order, management and security of the prison
  - any actions of a prisoner which breaches the condition of a VRO or any condition imposed by the VMU
  - any new charge for a criminal offence or a prison offence
  - any new conviction for a criminal offence or a prison offence (refer also to section 16.4 below)

- any new charge or conviction for a traffic offence committed (or alleged to have been committed) when using a motor vehicle in accordance with [section 11](#)
  - the employer, educator or trainer has advised that the prisoner is unsuitable to continue or is dismissed from their employment.
- 16.2 The Designated Superintendent shall ensure that where a prisoner's circumstances alter (refer [Adult Custodial Rule 18 – Assessments and Sentence Management](#) for considerations as to changes in circumstances) a review is undertaken of the prisoner's suitability to participate in the PEP.
- 16.3 The Designated Superintendent shall ensure that where the circumstances of the activity or employer change (including changes to the original approval conditions, days/hours of work or work location) a review is undertaken of the prisoner's suitability to participate in the PEP. In the event that an employer, educator or trainer advises the prison that a prisoner is no longer suitable for inclusion in the employment, education or training (or is dismissed or made redundant by an employer), the Employment Coordinator shall interview the prisoner and make a recommendation to be considered by Case Conference for the purposes of determining continuation or cancellation of the prisoner's PEP.
- 16.4 Upon receiving information that one of the incidents specified in section 16.1 to 16.3 above has occurred or is alleged to have occurred, the Designated Superintendent shall instruct an officer to conduct a review for the purpose of determining continuation or cancellation of the PEP. The Designated Superintendent shall make a recommendation via a Decision Slip to the Director Sentence Management as soon as practicable.
- 16.5 A conviction under s 70 of the [Prisons Act 1981](#) shall result in the cancellation of a prisoner's participation in the PEP by the Director Sentence Management.
- 16.6 Generally, a prisoner who has their participation in the PEP cancelled for the reasons noted in section 16.1 or section 16.5 above shall not receive consideration for re-inclusion on the program for the remainder of their sentence. Life/Indefinite prisoners shall not receive consideration for re-inclusion in the PEP for the remainder of the current approved re-socialisation programme.
- 16.7 A prisoner is not to be advised of a Prisoners Review Board decision whilst absent from prison, but shall be provided with the information by an officer when the prisoner returns to the prison.

## **17. Paid employment or work experience - Working conditions and wages**

- 17.1 A prisoner who is engaged in paid employment will be employed under the award or agreement that applies to the employment as per the [Industrial Relations Act 1979](#) or the [Workplace Relations Act 1996](#) (Cth) as noted in r 54H of the [Prisons Regulations 1982](#) and shall be entitled to wages, conditions and entitlements as specified in those instruments.
- 17.2 The Employment Coordinator will liaise with the employer on behalf of the prisoner, to achieve fair and equitable working conditions which are not below the Australian Minimum Wage and do not exploit the prisoner.
- 17.3 To facilitate payments for employment or work experience, prisoners must open a savings bank account (referred to as the prisoner's Employment Savings Account in this section). Cheque and Credit accounts are not acceptable.

- 17.4 The savings account should be in the prisoner's name only, and the prisoner should be the only cardholder. Generally, the prisoner will need to collect the debit card and select a PIN at the local branch.
- 17.5 The debit card is to be held within the prison in a secure location, accessible only by the Cashier (or officer authorised by the Designated Superintendent) for the transfer of monies, as required.
- 17.6 Pay slips from the employer, detailing the monetary amount paid, will be forwarded to the Employment Coordinator and the prisoner on each pay day within the pay period as per the industry award/Enterprise Bargaining Agreement.
- 17.7 The Designated Superintendent shall keep for each prisoner a record showing the amount of all monies held or received on behalf of a prisoner and the details of all transactions involving such monies, as instructed by r 46(b) of the [Prisons Regulations 1982](#).
- 17.8 A prisoner whose dependent family receives Centrelink payments is required to advise Centrelink of any wages received by the prisoner for the purpose of an income assessment by that agency.

## 18. Deductions

### General

- 18.1 The Designated Superintendent may order deductions from the prisoner's employment savings account, in accordance with r 54L (1) of the [Prisons Regulations 1982](#). Prisoners shall be required to pay board and any incidentals associated with their employment.
- 18.2 The prisoner may request funds for canteen purchases and incidentals incurred through participation in the PEP. The amount shall be determined by the Designated Superintendent.
- 18.3 In accordance with [Prisons Regulations 1982](#), r 54L(2), when money is deducted for purchases, expenses or board, the balance remaining in the prisoner's Employment Savings Account shall not be less than one week's gratuities payable for work classified under r 44(1) as Level 1.
- 18.4 All prisons with prisoners participating in paid employment or work experience must have an EFTPOS terminal installed on site.
- 18.5 Following the prisoner's receipt of wages into their Employment Savings Account, the following should occur on a weekly or fortnightly basis.
- With assistance if required, the prisoner is to complete a 'Request to Transfer Funds' form.
  - The total from the 'Request to Transfer Funds' form is to be transferred from the prisoner's Employment Bank Account via EFTPOS into the prisoner's Personal Private Cash Account (PPCA). The prisoner's debit card is to be used - the value of the transaction is to be entered by a member of staff and the PIN is to be entered by the prisoner.
  - Upon approval of the EFTPOS transaction the total transaction amount is credited to the prisoner's PPCA in TOMS. The EFTPOS receipt should be treated as a financial document for reconciliation.

- The prisoner's board payments, incidentals and all other debits outlined in the 'Request to Transfer Funds' form are then debited from the prisoner's PPCA using the process outlined in [Policy Directive 69 – Management of Prisoners Money](#).

## **Board**

- 18.6 The Department of Corrective Services shall deduct monies paid to a prisoner who is employed and receives a wage for expenses relating to the payment of board.
- 18.7 A prisoner who engages in paid employment will be required to pay board to the Department of Corrective Services.
- 18.8 The current rate of board is \$120 per week for a prisoner participating in full-time paid employment and \$60 per week for a prisoner participating in part-time paid employment.
- 18.9 The hours for which the prisoner is paid by an employer is used to determine the hours they have worked in any given week. Any prisoner who is paid for more than 20 hours in one week is considered to be employed on a full time basis, whereas a prisoner paid for 20 hours or less per week is considered to be employed on a part-time basis.
- 18.10 Board will be calculated on the basis of a seven (7) day week, commencing on Monday and concluding on Sunday. Where a prisoner commences on or is discharged from the program during the seven (7) day period, a daily pro-rata rate of board is to be paid.
- 18.11 Prisoners must pay board monies weekly if paid weekly, fortnightly if paid fortnightly, and monthly if paid monthly.
- 18.12 The ACRS shall ensure an annual review of the board stated at section 18.8 is conducted and prisons advised, if required.

## **Incidentals**

- 18.13 Incidental expenses include, but are not limited to petrol, public transport, meals, work clothing and equipment.
- 18.14 The Designated Superintendent may authorise prisoners attending work experience, vocational training or education to be provided with the necessary funds to cover the above incidental expenses. This may be recouped from the prisoner following any subsequent engagement in paid employment.
- 18.15 The employer of a prisoner participating in activities other than paid employment may reimburse prisoners' travel expenses if they wish to do so. Reimbursement shall only be made through the prison.
- 18.16 Prisoners engaged in paid employment generally shall pay for incidental costs as defined in this section from their Employment Savings Account. This may be deducted on an instalment basis in line with the prisoner's pay period.

## **Family payments**

- 18.17 As determined by the Designated Superintendent, a prisoner who is in receipt of wages may forward to their family a nominated amount for financial support.

## **Child Support obligations**

- 18.18 A prisoner who is in receipt of wages will be liable to meet any child support obligations in accordance with [Child Support \(Registration and Collection\) Act](#)

[1988](#) (Cth) and shall make the necessary arrangements for payment with the Child Support Agency.

### **Restitution and compensation payments**

- 18.19 A prisoner who has a conviction by a court or a determination under Part VII of the [Prisons Act 1981](#) may be required to pay an amount of money towards fines, compensation and/or restitution. Payments must be deducted and remitted to the appropriate authority on a regular basis.

### **Pre-release preparation**

- 18.20 As determined by the Designated Superintendent, a prisoner may make payments to prepare for their release and assist in their transition to the community. Such payments may include but are not limited to payments for rental bond, rent in advance, outstanding debts and the purchase of liberty clothing.

## **19. Gratuities**

- 19.1 Prisoners engaged in full time PEP paid employment should have their gratuity level changed to Level 6 on TOMS and the reason entered as 'Prisoner Employment Program'. They are not to receive gratuities.
- 19.2 Prisoners engaged in part time PEP paid employment may receive gratuities for days on which they are not undertaking PEP employment. Gratuities should only be paid on the days the prisoner is engaged in prison employment.
- 19.3 Prisoners engaged in PEP other than paid employment are to receive gratuities.
- 19.4 The level of gratuities is to be determined by the Designated Superintendent.

## **20. Injury - Workplace accidents and injuries**

- 20.1 A prisoner who is injured at the approved location, during the course of carrying out tasks while engaged in education, work experience, vocational training, or paid employment will be covered by the insurance of the employer, educator or trainer.
- 20.2 In the case of a work place accident or injury, the prisoner must advise their employer and attend their employer's Medical Practitioner/clinic for treatment. It is the responsibility of the prisoner's employer to ensure treatment under the 'Work Cover' insurance scheme.
- 20.3 The employer or prisoner must notify the prison (superintendent or Supervising Officer) as soon as practicable of the details of the incident and the current location and status of the prisoner.
- 20.4 The prisoner must report to the Supervising Officer on returning to the prison. The Supervising Officer shall complete an Incident Report on TOMS in accordance with the [Hazard and Incident Reporting Procedure](#).
- 20.5 The Supervising Officer is to inform Health Services staff of the prisoner's accident or injury and whether any treatment was received externally to the prison.
- 20.6 Other than in an emergency, prisoners are not to take any medication, including prescribed medication issued by an external clinic/doctor, without obtaining approval from the respective prison Health Centre.
- 20.7 Any prescriptions or documentation received must be handed to the Health Centre of the prison upon the prisoner's return to prison.

## 21. Recordkeeping

Any paperwork or forms not available electronically such as Movement Sheets or signed application forms are to be stored on the prisoner's Prisoner Management File for on-forwarding to the Corporate Records Branch upon the prisoner's release.

## 22. Approval

Commissioner or delegated authority as per PD 68:

Signature:

Date:

## 23. Policy sponsor

Assistant Commissioner Re-Entry and Services

## 24. Contact person

The following person may be approached on a routine basis in relation to these Procedures:

Manager Release Planning

Principal Operational Policy Officer

## 25. Amendment history

|    | <b>Version</b>                    | <b>Approved</b>  | <b>Effective from</b> |
|----|-----------------------------------|------------------|-----------------------|
| 1. | First published as part of Policy | 1 September 2008 | 1 September 2008      |
| 2. | Amended                           | 18 August 2011   | 1 September 2011      |
| 3. | Amended                           | 20 November 2012 | 6 December 2012       |
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