

M.04.07 Release to work

Related Links

Legislation

- [Corrections Act 2004, section 62-68](#)
- [Corrections Regulations 2005, regulations 26-29](#)
- [Victims' Rights Act 2002, section 35](#)

Forms

- [M.04.06.Form.06 Application for temporary release \(including guided release and release to work\)](#)
- [M.04.07.Form.02 Employer security checklist](#)
- [M.04.07.Form.03 Advice from work brokers to prison management of suitable employment](#)
- [M.04.07.Form.04 Authority for release to work](#)
- [M.04.07.Form.05 Agreed employer responsibilities](#)
- [RTW with GPS changes to work schedule form](#)
- [RTW with GPS disconnection form](#)
- [RTW with GPS enrolment form](#)
- [RTW with GPS service request](#)
- [Suitability Assessment](#)

Resources

- [M.04.06.Res.03 Temporary release decision making framework](#)
- [M.04.07.Res.03 Specified serious violent \(sexual\) offence schedule](#)
- [Terms of Reference for Advisory Panel](#)

Other Links

- [POM M.04.06 Temporary release](#)
- [POM M.06 Advisory panels for activities outside the prison perimeter](#)
- [Use of GPS technology with prisoners on temporary release](#)

Release to work is a type of temporary release. However, its own set of procedures apply as per below.

The purpose of release to work is to assist prisoners in their reintegration by maintaining, developing or re-establishing work skills and habits, providing contact with the wider community, and providing the opportunity to save money for re-establishment on release.

M.04.07.01 Prisoners eligible for release to work

1. Only prisoners who are specified in regulation 26 of the Corrections Regulations 2005 can be released on release to work. Release to work is a form of temporary release.
2. These prisoners are:
 - a. minimum security prisoners who:
 - i. are serving a sentence of 24 months or less; or
 - ii. are serving a sentence of more than 24 months and have reached their parole eligibility date; or
 - iii. were sentenced to a determinate sentence of imprisonment prior to 1 July 2002 for a "serious violence offence", [1] are not eligible for parole, and are within 12 months of their sentence end date.
 - b. low and low-medium security prisoners who have a release date set by the New Zealand Parole Board.

[1] A "serious violent offence" for these purposes is sexual violation (Crimes Act 1961, s 128), manslaughter (s 171), attempted murder (s 173), wounding with intent to cause grievous bodily harm (s 188(1)), wounding with intent to injure (s 188(2)), injuring with intent to cause grievous bodily harm (s 189(1)), injuring with intent to injure (s 189(2)), using a firearm against law enforcement officer, etc (s 198A), commission of crime with firearm (s 189B), robbery (s 234), aggravated robbery (s 235).

Commented Outside 30721 Email delete link to "M.04.06.Form.06 Application for temporary release (including guided release and release to work)" effective 260721

Formatted: Space After: Auto, Tab stops: Not at 1.27 cm
Commented Outside 30721 Email add link to "Suitability Assessment" effective 260721

M.04.07.02 Initiation of an application for release to work

1. An eligible prisoner can apply to be considered for release to work at any time.
2. Despite eligible prisoners being able to apply for consideration at any time, release to work should form part of a prisoner's planned reintegration. When planning for a prisoner's reintegration into the community, the prisoner's case manager and case officer should consider whether, and how, the prisoner would benefit from a reintegration plan which utilised release to work.
3. If the prisoner's case officer and/or case manager consider that a prisoner would benefit from release to work forming part of their reintegration plan, they should raise it at a Right Track meeting for discussion.

M.04.07.03 Application for release to work

1. An application for release to work should be initiated because it forms part of the prisoner's planned reintegration. When planning for a prisoner's reintegration into the community, prisoner's case managers and case officers should consider how the prisoner would benefit from a reintegration plan which utilised release to work. This should be discussed with key staff involved in planning for the prisoner, and with the prisoner, before an application is made.
2. At all times while completing an application for release to work, staff should raise any concerns or issues they have about the prisoner applying for release to work with their senior custodial or case management staff.
3. Staff must complete the [M.04.06.Form.06 Application for temporary release \(including guided release and release to work\) Suitability Assessment form](#) including attaching the necessary documentation specified in the form. To complete this form consult with the prisoner's case officer and case manager to ensure that they can contribute to the application.
4. Staff must also complete the temporary release application section in IOMS and maintain the checklist in IOMS throughout the application process.
5. Staff must ensure that the prisoner's IOMS photo is no more than 3 months old prior to submitting the application.
6. All documentation relating to an application for release to work should be placed on the prisoner's penal file.

M.04.07.04 Decision about pre-approval for release to work

1. The decision about whether to pre-approve a prisoner for release to work is for the prison director. The pre-approval suitability assessment is made prior to the work broker finding an appropriate job for the prisoner.
2. The prison director will receive advice on the application from the advisory panel.
3. Upon receipt of the documentation, the prison director will assess whether the prisoner should be pre-approved for release to work using M04.06.Res.03 Temporary release decision making framework.
4. The prison director will also assess what conditions the prisoner should be subject to while on release to work, including whether they should be subject to GPS. The prison director will use M04.06.Res.03 Temporary release decision making framework when considering what conditions to impose.

M.04.07.05 Decline of application

1. If the application is declined by the decision maker, the prisoner must be advised of the decision and the reasons for it in writing.
2. Complaints by prisoners about a decision on a release to work application may be made through the usual prisoner complaints process.
3. If the application is refused, the prisoner's case officer or case manager should have a discussion with the prisoner about why the application was declined and what their next steps should be.

Released under the Official Information Act 1982

Outs
de of
Scope

Commented 30721 Email Delete
"M.04.06.Form.06 Application for temporary release (including
guided release and release to work)" effective 260721

Comments 30721 Email Add "Suitability
Assessment form" effective 260721

M.04.07.06 Referral to work brokers of approved applications

1. If the prison director has pre-approved the prisoner for release to work, the work broker must be immediately advised and provided a completed copy of [M.04.06.Form.06 Application for temporary release \(including guided release and release to work\) Suitability Assessment form](#).
 - a. The work broker is responsible for:
 - i. finding an appropriate employer for the prisoner
 - ii. ensuring any potential employment is consistent with the conditions specified by the prison director
 - iii. providing details to unit staff advising of any job interviews (unit staff are responsible for managing the temporary release or temporary removal, and any escorts)
 - iv. completing M.04.07.Form.02 Employer security checklist.
2. When the work broker has arranged a suitable job, they are to complete M.04.07.Form.03 Advice from work brokers to prison management of suitable employment and forward along with the completed M.04.07.Form.02 Employer security checklist to the prison director.

M.04.07.07 Notification of suitable job to the prison director for a decision

1. On receipt of the completed M.04.07.Form.02 Employer security checklist and M.04.07.Form.03 Advice from work brokers to prison management of suitable employment, the prison director should determine whether the proposed job is suitable for the prisoner.
2. The prison director should use M.04.06.Res.03 Temporary release decision making framework to assist in determining whether the proposed job is suitable for the prisoner.
3. If the employment will require the prisoner to be temporarily released from the prison for more than 12 hours, the application must be referred to the regional commissioner for a decision. The regional commissioner must notify the National Commissioner as per M.04.06.08 The decision on a temporary release application.
4. If the prison director determines that the job is not suitable they should decline that job and refer the matter back to the work broker to locate a more suitable job.
5. In approving the proposed job, the prison director must:
 - a. determine the duration and frequency of the release to work (multiple periods of release to work may be approved with the same or different employers). If the work hours have a regular pattern, the authority can show a single entry for continuous periods; and
 - b. specify the return of a prisoner in between working periods or shifts; and
 - c. set additional conditions identified as necessary.

M.04.07.08 Recording the decision

1. The prison director and regional commissioner must keep a record of their decisions made relating to all applications for release to work. This record should include, but is not limited to:
 - a. the result of the application; and
 - b. the rationale for the decision including the factors considered and the people consulted during the decision making process.

M.04.07.09 Actions to be undertaken when an application is approved

Surrendering passports, up to date photographs and GPS monitoring

1. Prior to the prisoner's release on release to work, staff must:
 - a. take steps to inquire whether the prisoner has surrendered any current New Zealand passport or foreign passport, and any other travel documentation, to the prison.
 - b. ensure that the prisoner's IOMS photograph is no more than 3 months old.
 - c. ensure that the necessary processes is in place for the prisoner to be subject to GPS monitoring while on release to work (if that is a condition of the release).

Outsi
de of
Scop

Commented 130721 Email Delete
"M.04.06.Form.06 Application for temporary release (including
guided release to work)" effective 260721

Comments 130721 Email Add "Suitability
Assessment form" effective 260721

M.04.07.10 Issuing authority for release to work

1. The case officer is to meet with the prisoner and discuss their placement on release to work. This discussion should include consideration of the prisoner's responsibilities, the conditions imposed on them and the consequences if they are breached.
2. The case officer must also explain to the prisoner (where relevant):
 - a. that immediately before leaving the prison and on return to the prison they may be scanned and/or rubbed-down or, if necessary in the circumstances, strip-searched for the purpose of detecting any unauthorised item.
 - b. they will be subject to the temporary release and removal random drug testing programme.
 - c. that their earnings can be used to pay:
 - i. any expenses incidental to the prisoner's employment or self-employment outside the prison
 - ii. the cost of the prisoner's detention for each week during which he or she is allowed to engage in release to work (must not exceed the weekly rate fixed by the Minister) - prisoners who are on Release to Work pay board for prison accommodation; board payments are charged on the basis of 30% of the take home pay to a maximum of \$273 per week.
 - iii. payments to maintain any of the prisoner's dependants, including to Inland Revenue for Child Support
 - iv. the prisoner's requirements on his or her release from the sentence under which the prisoner is detained
 - v. any fine or reparation or other sum of money that the prisoner was ordered to pay on his or her conviction for any offence
 - vi. any judgment debt owing, in whole or in part, by the prisoner or of any other debt acknowledged in writing by the prisoner as owing by him or her
 - vii. the purchase by the prisoner of any article of a type approved for the time being by the Chief Executive.
 - viii. any payments made to the prisoner's partner who is on a benefit from Work and Income will be treated as chargeable income and may affect the partner's benefit, regardless of whether the payments go into the partner's personal or joint (i.e. with the prisoner) bank account.
 - ix. prisoner earnings from release to work paid into the prisoner's individual trust account are not treated as chargeable income for the partner in the community. However, on release from prison, any income held by the prisoner would be treated as a cash asset for benefit purposes.
 - x. If they have a child they are not financially supporting, and the child's caregiver ("custodial" parent) is on a benefit from Work and Income, the prisoner, because of their release to work earnings, may be assessed by Inland Revenue Department as to their child support liability. If the prisoner is absent (not supporting the child) because they are imprisoned and is expected to reconcile with child and custodial parent, the child support will be waived.
3. Once the case officer is satisfied that the prisoner understands, the prisoner must sign three copies of the M.04.07.Form.04 Authority for release to work (IOMS). One copy is handed to the prisoner; one copy is placed on the prisoner's file and the third copy is sent to the Gate-House / Control-Room.
4. While prisoners are on release to work:
 - a. A new Temporary Release application on IOMS must be generated every 4 weeks; and
 - b. if there is a variation to the sponsor's details or change to conditions a new Authority for Release to Work must be generated on IOMS.
5. Sites must have procedures in place to record the departure, return and any incidents relating to a prisoner on release to work.

M.04.07.11 Supervision and checks of the prisoner on release to work

1. When prisoners are on release to work, work brokers are responsible for:
 - a. maintaining ongoing contact with the employer
 - b. monitoring the prisoner to ensure that conditions are complied with
 - c. undertaking random visits to work places where practicable or necessary
 - d. contacting the prisoner by telephone at the place of work on a regular basis
 - e. developing monitoring systems to ensure that the supervision is being carried out effectively; and
 - f. providing regular feedback on release to work placements to the respective custodial systems manager (or other authorised delegate) and unit staff.
2. The prison director is responsible for the supervision of the prisoner on release to work and if they have any concerns about a prisoner's behaviour the prison director will determine whether to direct the prisoner to return to prison. To make this determination the appropriate delegated authority should refer to M.04.06.Res.06 Decision making guide to instigate emergency response or to direct prisoner returns to prison.

3. Staff must ensure that prisoners who are on release to work have an IOMS photo which is no more than 3 months old for as long as they remain on release to work.

M.04.07.12 Suspected breach of release to work conditions or suspected escape from custody

1. If a staff member has any reason to believe that a prisoner on release to work has breached their release to work conditions or is unlawfully at large they should:
 - a. refer to the emergency procedure for "Release to work – fail to return".
 - b. notify the prison director or on-call manager and discuss the reason the staff member believes the prisoner is unlawfully at large. They will assume responsibility for the management of the incident and advise the staff member on the appropriate next steps.
2. The prison director or on-call manager should do the following, or instruct a staff member to do so:
 - a. notify the police and provide them with all relevant information; and
 - b. notify the Incident Line (0800 555 500).
 - c. Contact the VNR co-ordinator who will manage the most appropriate and timely notification to registered victims. The VNR co-ordinator should liaise with the Police during this process.
3. A prisoner is deemed to be unlawfully at large under section 63(3) of the Corrections Act 2004 during the period of their temporary release if:
 - a. the prisoner has breached any of their release conditions requiring them to stay at any place or within any geographical area, to stay with a particular person or group, or to attend a particular programme or course; or
 - b. they have not returned to the prison after the expiry of their release period; or
 - c. they have not returned to the prison after being directed to return.
4. The custodial systems manager, assistant prison director or prison director may direct the return of the prisoner to the prison at any time.
5. The appropriate delegated authority should consider whether to direct the return of the prisoner when any issues arise during the period of the release to work. They should refer to the guidance contained in M.04.06.Res.06 Decision making guide to instigate emergency response or to direct prisoner returns to prison.

Released under the Official Information Act 1982