

21 November 2016

C81021

Jeremy Roundill
fyi-request-4786-da37c203@requests.fyi.org.nz

Dear Mr Roundill

Thank you for your email of 18 October 2016, requesting information about the Working Prisons policy and prisoner employment. Your request has been considered under the Official Information Act 1982 (OIA).

The Department manages approximately 9,800 prisoners at any one time, the majority of whom have limited education or work experience. We know that prisoners who find sustainable employment on release from prison are less likely to re-offend. Research has found that longer periods in Offender Employment initiatives were associated with lower rates of reconviction. For this reason, we offer a wide range of programmes to improve prisoner employment opportunities on release from prison, thereby reducing re-offending and improving public safety.

We operate over 140 Offender Employment operations in prisons across the country. These industries aim to provide prisoners with work environments that are, as closely as possible, comparable to industry environments. Examples include farming, nurseries, organics, forestry, timber processing, furniture making, textiles, catering, engineering, concrete product manufacturing and printing. These activities allow prisoners to gain experience and skills to enable them to obtain sustainable employment on release from prison. Prisoners are overwhelmingly enthusiastic about being provided with the opportunity and responsibility of learning new skills.

In addition to Offender Employment operations, we also offer other activities such as classroom based qualifications and prison-based work in kitchens, laundries and grounds maintenance. For more information on *Offender Employment*, please refer to the *Education, Training and Employment* section of the Department's external website via the link below:

<http://www.corrections.govt.nz/about-us/fact-sheets/managing-offenders.html>

You have stated that *"Prior to the 2014 election, the National Party announced it would introduce a system of universal working prisons. I would like some information on the progress of the implementation of that policy."*

Offenders often lead unstructured and unstable lifestyles in the community, which can contribute to their offending and anti-social behavior. The Industry, Treatment and Learning framework has been designed to engage prisoners in a 40-hour week with a particular focus on activities related to rehabilitation and reintegration, education and training, employment, and other constructive activities. These activities help prisoners develop skills, experiences and behaviours that assist them to manage the inevitable challenges that will confront them when reintegrating. The activities also help them find employment to assist in maintaining a stable lifestyle on release from prison.

Corrections originally piloted the concept as "Working Prisons" at three sites in late 2012. A working group then developed an overarching framework for the concept. By 2015 we had implemented the framework and we are committed to achieving 100 percent engagement of working prisons by 2017 across publically managed prisons. The concept has been renamed to reflect the range of activities prisoners engage in under the framework. Over the coming years, we will continue work to ensure all sites are fully engaged as centres of Industry, Treatment and Learning.

2.1) How many prisoners are currently working?

As of 31 September 2016, 5,553 prisoners are engaged in some form of employment managed by the Department inside and outside the prison grounds. An additional 119 offenders were on Release to Work (RtW).

2.2) How many prisoners are engaged in study programmes?

Corrections introduced a number of changes to how offender training and education is understood and delivered. In particular, Corrections has worked to develop each prison's capability and capacity to better understand and address each offender's education and training needs. This includes working more closely with prisoners to develop a learning pathway that is responsive to their individual needs and aspirations.

You may find useful information contained within our 2015/16 Annual Report regarding work that the Department has undertaken in regards to prisoner learning (pages 52-53). This can be found via the following link:

http://www.corrections.govt.nz/data/assets/pdf_file/0010/857737/Annual_report_201516.pdf

Prisoners received a total of 4,628 qualifications during the 2015/16 financial year. Further information regarding the qualifications earned by prisoners while in custody during the same period, is also contained within the Annual Report (page 99).

You have asked for the total number of prisoners engaged in study programmes. This information is not centrally collated within our electronic records, and is held on individual prisoner files.

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.

2.3) Can prisoners be involved in both work and study programmes?

2.3.1) If so, how many are involved in both?

Yes, prisoners can be involved in work and study programmes at the same time. As highlighted above, the Department offers a wide range of programmes and learning activities to improve prisoner employment opportunities on release from prison, thereby contributing to our goal of reducing re-offending and improving public safety.

As above data is not centrally recorded regarding study programmes. Therefore your request for information relating to the number of offenders involved in both work and study programmes is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

2.4) How many prisoners are involved in a release to work programme?

As at 31 September 2016, 119 prisoners are involved in the RtW programme.

Further information regarding the RtW programme can be found on the Department's website via the following link:

http://www.corrections.govt.nz/working_with_offenders/prison_sentences/employment_and_support_programmes/employment_activities/release_to_work.html

2.5) What is the average number of hours worked by prisoners?

I can advise for the period 1 July 2016 to 31 September 2016 the average hours worked by an offender is 84.57 hours (for the three month period).

2.6.1) Of those who are not involved in release to work programmes but who still work in prisons, what is the average rate of pay?

The prisoner incentive allowance framework provides an allowance for prisoners ranging from \$0.00 per hour to \$1.00 per hour.

Further information regarding the prisoner incentive framework can be found on the Department's websites via the following link:

http://www.corrections.govt.nz/resources/policy_and_legislation/inmate-employment-contents/section-c-inmate-employment-training.html

We are unable to provide the average rate of pay for offenders working in prisons as this information is not centrally collated within our electronic records, and is held on individual prisoner files. 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.

2.6.2) Of those involved in release to work programmes, what is the average rate of pay?

I can advise that prisoners on the RtW programme receive market wages. However, they are required to pay:

- board
- any outstanding fines or court imposed reparation to victims
- child maintenance
- their own travel costs to and from work
- for any purchase of tools or clothing required for employment.

Once all the expenses are removed from their earnings, the balance is placed into a savings trust account to assist with their transition back into the community on their release.

The average rate of pay for prisoners involved in RtW is not centrally collated, and prisoner rates of pay are held on individual prisoner files. 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.

The Department is also statutorily obligated to protect all private information that we hold, including information relating to offenders. We are unable to release the details you have requested as doing so would contravene our obligations under the OIA and the Privacy Act. Therefore, this part of your request is withheld under section 9(2)(a) of the OIA, to protect the privacy of natural persons, including that of deceased natural persons.

2.6.3) How many prisoners receive no financial compensation for their work?

2.6.4) How many prisoners receive between 0-20c per hour for their work?

2.6.5) How many prisoners receive between 21-40c per hour for their work?

2.6.6) How many prisoners receive between 41-60c per hour for their work?

2.6.7) How many prisoners receive between 61-80c per hour for their work?

2.6.8) How many prisoners receive between 81c-\$1.00 per hour for their work?

2.6.9) How many prisoners receive more than \$1.00 per hour for their work?

As you are aware, prisoners receive an hourly incentive payment rewarding attendance, improvement in work habits and work skills. Most prisoners in the working prison environment will be paid the incentive rate of between 20 and 60 cents per hour.

Numbers of offenders who receive payment under the prisoner incentive framework are not centrally collated within our electronic records, 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.

2.7) Please provide all policy documents around the working prisons policy, its implementation thus far and any documents about the preparation of the policy

As mentioned previously, the Department's annual report contains some information relating to the Department's Industry, Treatment and Learning programme (page 46-54).

As part of the Department's normal business activities staff generate large amounts of written material, especially in relation to core programmes such as the Industry, Treatment and Learning framework (formerly Working Prisons). The Department considers that locating all documents relating to the programme would be a significant undertaking. Therefore, this part of your request is declined under section 18(f) as the information requested cannot be made available without substantial collation or research. As per Section 18B we have considered whether consulting with you would assist to make the request in a form that would remove the reason for the refusal. However, we do not consider that the request could be refined in this instance.

2.8) Are prisoners allowed to take toilet breaks during work hours?

Yes, prisoners are allowed to take toilet breaks during work hours.

2.9) Are prisoners provided with meal breaks during work hours?

Yes, prisoners are provided with meal breaks during work hours.

2.10) Can prisoners call in sick to work?

Yes, prisoners are able to call in sick to work.

2.11) What are the consequences if a prisoner chooses not to work?

Prisoners who undertake employment and training do so on a voluntary basis and are provided with the opportunity and responsibility of learning new skills.

If prisoners choose not to work this can impact on their reintegration and rehabilitation goals, and subsequently may affect further employment

opportunities while in custody and on release. The prisoner will not receive any incentive payments.

2.12) Please provide all written advice given since the beginning of 2008 to the Minister or CEO of Corrections surrounding the working prisons policy

2.13) Please provide all written advice given since the beginning of 2008 to the Minister or CEO of Corrections that has anything to do with prisoners working

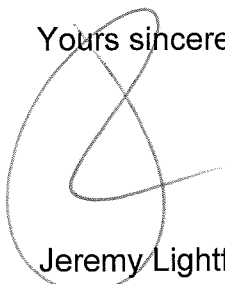
As you will be aware, the Department transferred part of your request to the Office of the Minister of Corrections. This related to written advice given to the Minister regarding the working prisons policy and prisoners. You should expect an answer from them directly regarding this matter.

Unfortunately, we cannot readily extract information provided to the Chief Executive regarding the working prisons policy or related to prisoners working, from our records since 2008. In order to identify this type of specific information, we would be required to manually review a large number of files.

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.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. 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.

Yours sincerely



Jeremy Lightfoot
National Commissioner