

18 June 2018

C95323

Emilie Rakete
fyi-request-7620-dcd56066@requests.fyi.org.nz

Dear Ms Rakete

Thank you for your email of 16 April 2018, requesting information about the Prisoner Incentive Framework and Release to Work. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are the ultimate goals for the Department of Corrections. In order to support these aims we provide prisoners with a wide range of rehabilitation and reintegration initiatives aimed at assisting them to lead an offence free life on release from prison.

The majority of prisoners have no formal qualifications and limited education or work experience prior to coming to prison. Offenders often lead unstructured and unstable lifestyles in the community, which can contribute to their offending and anti-social behavior. We know that helping prisoners gain an education, qualification or employment skills increases their likelihood of finding employment when they are released. This helps them turn their lives around, reduces their likelihood of re-offending and keeps our communities safe.

In the last financial year, prisoners have completed 10 million hours of industry, treatment, learning and constructive activities. This includes 1,992 prisoners taking part in trades training, 7,197 prisoners completing a rehabilitation programme, 1,443 prisoners receiving literacy and numeracy support, and 3,894 qualifications being achieved by prisoners while in prison. Types of qualifications include horticulture and agriculture National Certificates and forklift licences. We have also placed more than 1,000 prisoners into jobs in the last 12 months.

For more information on Offender Employment, please refer to the *Employment and support programmes* section of our external website via the link below:
<http://www.corrections.govt.nz/about-us/fact-sheets/managing-offenders.html>

As you are aware, Corrections operates a Prisoner Incentive Framework, which outlines the provision of incentives to improve prisoners' work habits and participation in vocational training. The Framework provides for six levels of allowance of up to \$0.60 per hour, and prisoners are encouraged to partake in 40 hours of engagement per week. The Framework also provides an allowance for prisoners sentenced prisoners and remand prisoners commencing their

seventh week on remand, who are available and willing to engage in work, but due to poor health or other unavailability are unable to do so.

In addition to the Prisoner Incentive Framework, we operate the Release to Work Programme. This programme allows minimum security prisoners who are assessed as suitable to engage in paid employment in the community where they can gain experience, employment skills and job stability to support them into work and to live crime-free on release.

Prisoners employed through Release to Work are paid at a full market rate decided by the individual employer, and have previously taken part in unit and prison-based activities and education to ensure they are well-prepared for community-based employment and that the public are safe.

You have asked:

1. *Please provide any documents describing the Prisoner Incentive Framework, how it was set, and what kinds of work prisoners may be doing in order to receive incentive payments.*

Please find the Prisoner Incentive Allowance Framework and Formative Assessment tool attached as Appendix One. These documents outline the assessment criteria for allowances paid at each step of the Framework. A section of Offender Employment Policy and Procedures Manual relating to the Prisoner Incentive Framework is attached as Appendix Two.

The Framework was implemented in July 2002. Prisoner rates of earning are set in accordance with section 63 of the Corrections Act 2004 and as approved by the Minister.

The Framework exists to incentivise prisoners to engage in programmes that address the causes of their offending and to improve their employment skills, training and formal qualifications while they are serving their sentence to help them secure sustainable employment on release.

Prisoners who undertake employment and training do so on a voluntary basis. A national average of 30 hours per week per prisoner was initially adopted as a target when the Prisoner Incentive Framework was introduced in 2002, to ensure available work was spread across a maximum number of prisoners. Offender Employment policy has developed in recent years to encourage prisoners to engage in a 40 hour week, across the scope of rehabilitation and reintegration, education and training, employment, and other constructive activities.

Exemptions can include prisoners who are segregated, classified as Maximum or High Security, housed in an At Risk Unit, or those who are medically unfit.

When a prisoner has particular skills, and is willing to work, the upper time limit they are able to work will be based on safe work practices. The requirements of specific industries (farming, for example) also mean that some prisoners routinely work more or less than a standard 40 hour week, or that hours of work vary with seasons or the business cycle.

Prisoners who receive the Prisoner Incentive Allowance may be engaged in a variety of rehabilitation programmes and training, education or work-related activities. This work can include:

- Construction
- Engineering
- Farming (including dairy, cattle, sheep, piggeries, apiculture)
- Forestry
- Horticulture
- Manufacturing
- Arts and Crafts
- Cleaning

Kitchen work, café work, laundry work, grounds maintenance, distribution, asset/building maintenance and recycling/waste management also fall under this framework.

Alongside teaching prisoners practical skills that support them into employment, these activities teach prisoners self-responsibility and good work habits, while providing them with structure and routine.

Documents relating to the Framework, further to those attached with this response, are not centrally held by any one team.

Although we consider that the attached documents provide a comprehensive overview of this topic, unfortunately we cannot readily extract all information to fulfil your request for *'any documents describing the Prisoner Incentive Framework, how it was set, and what kinds of work prisoners may be doing in order to receive incentive payments'* from our electronic records. In order to identify all information you have asked for, we would be required to manually review a large number of files, held at various sites and by multiple business units across Corrections.

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. *Please provide statistics showing how many prisoners are currently on each level of the Prisoner Incentive Framework according to your most recent available information.*

Please find the data we hold attached as Appendix Three. Figures are provided for the number of prisoners receiving the allowance at each step, for each prison in the week ending 29 April 2018. Please note the records we are able to readily extract do not include SERCO managed ASCF, or Mt Eden Corrections Facility, which is primarily a remand facility.

As outlined in Corrections' previous OIA responses about this topic, prisoners are not employed by Corrections. Prisoners engaged in work and receiving an allowance do so outside the statutory framework for employment set out in the Employment Relations Act 2000. There is no legislative requirement for a contract between an employed prisoner and Corrections, and remuneration is not negotiated. Prisoners do, however, have protections under the legislation and regulations that govern Corrections.

The allowance paid to prisoners through the Framework is not a salary or wage, but a small payment used to encourage prisoners to take part in activities that we know help with their rehabilitation and reintegration.

As you may be aware, the cost to the taxpayer to house a prisoner is approximately \$100,000 per year. This provides for the safe and secure operation of our prisons to ensure the approximately 9,000 staff we employ, as well as prisoners and the public, are kept safe. It also covers a prisoner's meals, electricity, clothing and other amenities, as well as GP, nursing and basic dental services, and mental health support. Prisoners receiving the Prisoner Incentive Allowance use this money to purchase items from the prison canteen (which can include snack food, phone cards and selected toiletries), and to rent a television.

- 3. Please provide statistics showing how many prisoners are currently on Release To Work according to your most recent available information. Please provide information describing to whom these prisoners are released and what kinds of work they are doing, broken down by employer.*

During the month of March 2018, 103 offenders participated in the Release to Work programme.

Release to Work is a form of temporary release, and its purpose 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.

Prisoners engaged in Release to Work are employed by private individuals or companies in the community, and they are paid a full market rate. Wages earned are placed into a savings trust account to assist with the prisoner's transition back into the community on their release.

Alongside criteria relating to their security classification and sentence length or parole eligibility, applicant prisoners must be trusted, highly motivated and have shown an eagerness to work. When considering applications for Release to Work, the prison must also consider various factors including, but not limited to, public safety, impact on victims, risk of escape, contraband introduction, and the nature of previous offending.

The type of work that a prisoner may undertake on Release to Work is determined on a case by case basis. Prisoners participating in Release to Work may be employed across a range of industries, but are commonly engaged in fields such as manufacturing, construction, and horticulture.

Further information about Release to Work is available on our website, at: http://www.corrections.govt.nz/working_with_offenders/prison_sentences/employment_and_support_programmes/employment_activities/release_to_work.html

Corrections has balanced your interest in further details about these prisoners' employment against the privacy interests of individuals whose personal information is involved. We have considered not only the privacy of the prisoners who are engaged in Release to Work as part of their rehabilitative pathway, but also that of their employers, and other individuals employed by the same companies.

We have determined that the further details you have requested about prisoners engaged in Release to Work and their employers should be withheld under section 9(2)(a) of the OIA, to protect the privacy of natural persons, including deceased natural persons. As per section 9(1) of the OIA, we have also considered whether there are countervailing public interest considerations favouring the release of the requested information. We do not believe such considerations are present in this case.

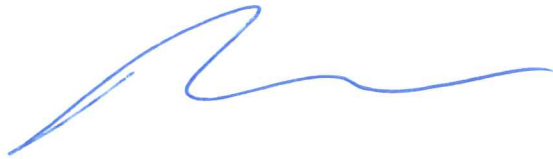
Information about Release to Work employers is also withheld under section 9(2)(b)(ii) of the OIA, to protect information that would be likely to prejudice the commercial position of the person who supplied or who is the subject of the information.

- 4. Please provide any documents describing what you referred to in OIA response C94446 as the "specific assessment criteria" used to determine the rate at which a prisoner will receive allowance payments according to the Prisoner Incentive Framework.*

Please refer to the information provided and documents attached in response to Question One.

I hope the information provided is helpful. If you have any concerns with this response, I would encourage you to raise these with Corrections. 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

A handwritten signature in blue ink, consisting of a large, stylized initial 'R' followed by a series of connected loops and a horizontal tail.

Rachel Leota
National Commissioner