



Custodial Operations Practice Directive

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Scope

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4. Prisoner Employment Process
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1. Human Rights

To ensure corrective services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights relevant to the decision including but not limited to:

- a) recognition and equality before the law, including the right to equal and effective protection against discrimination;
- b) freedom from forced work;
- c) the right to privacy and to reputation;
- d) peaceful assembly and freedom of association;
- e) cultural rights – generally and for Aboriginal peoples and Torres Strait Island peoples; and
- f) the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all.

2. Limitation of Human Rights

Human rights can be limited if certain conditions are present:

- a) the limit must be provided under law;
- b) the limit must be reasonable; and
- c) any imposition on the human rights must be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.

3. Overview

The Chief Superintendent of a corrective services facility must provide for employment of prisoners by assigning prisoners to available positions using an interdisciplinary approach that considers a prisoner's behaviour.

Rehabilitation is the primary driver of prison industries therefore it is not classified as a significant business activity. Refer Compendium of National Competition Policy Agreements: Competitive Policy and Principles (NCP) s3(1). However, the necessary commercial aspects of prison industry activities require that elements of NCP requirements are observed in order to guard against any anti-competitive conduct.

The provision of employment and associated vocational education and training must consider the special needs of female prisoners, Aboriginal and Torres Strait Islander prisoners and any disadvantaged prisoners. Refer to sections 3, 265 and 266 of the *Corrective Services Act 2006* (CSA).

General employment principles:

- a) remand-only prisoners are not required to be employed but should be encouraged to be employed;
- b) sentenced prisoners are employed wherever possible;
- c) sentenced prisoners are expected to work or seek employment as vacancies arise unless:
 - i. the facility's medical staff certify that the prisoner is unfit for work; or
 - ii. the prisoner is on an approved full-time education program; and
- d) a high level of safety, security and good order of the corrective services facility must be maintained.





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Sentenced prisoners are expected to engage in meaningful activity that contributes to skills acquisition and positive behaviour development. Remand-only prisoners are also encouraged to participate in meaningful activity.

4. Prisoner Employment Process



4.1 Complete Prisoner Employment Application

The employment process is to commence at a point appropriate to the prisoner, such as when the prisoner has demonstrated motivation to engage in employment.

The nominated corrective services officer must ensure that each prisoner completes the Administrative Form 136 Prisoner Employment Application. The prisoner must document any known medical condition that may preclude them from working in available employment streams including the kitchen, any industries workshop and/or other employment areas.

For example, a prisoner who declares medical fitness to work in any prison industries workshop may prove ineligible if presenting with asthma or an allergy to dust to fill a vacancy in any of the paint workshops.





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4.3 Employment application

The nominated corrective services officer must propose employment option/s following a review of the prisoner's completed Administrative Form 136 Prisoner Employment Application and IOMS file. An employment application must be created in IOMS. The application nominates up to three jobs that the prisoner would prefer to have.

4.4 Interview prisoner

Prior to a position being allocated to a prisoner, the appropriate Work Area Supervisor must interview the prisoner to ascertain suitability.

4.5 Conduct medical assessment

An assessment must be sought from Offender Health Services if a prisoner's completed Administrative Form 136 Prisoner Employment Application identifies there may be a medical condition relevant to employment which may be allocated to a prisoner. The Nurse Unit Manager is responsible for this assessment.

4.8 Bulk store considerations

Only the Chief Superintendent of a corrective services facility may approve a prisoner to work in a bulk store. The Chief Superintendent should consider a recommendation from a workplace health and safety committee before making a decision.

4.9 Advise prisoner

The prisoner must be informed by the nominated corrective services officer of the decision as soon as practicable using the information on Administrative Form 136 Prisoner Employment Application.

4.11 Workplace induction

The Work Area Supervisor is responsible for providing:

- an employed prisoner with a workplace induction and ensuring the prisoner signs a document outlining the contents of the specific induction provided. This is to be recorded and case noted in IOMS. If the prisoner refuses to sign the document it must be noted in IOMS and the prisoner must not be placed in that employment; and
- the necessary personal protection equipment with instructions on the requirement of its use and maintenance.





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4.11.1 Additional requirements for prisoner barbers/hairdressers

Prior to a prisoner commencing duties as a barber/hairdresser, they must read and pass the test included the Appendix EMP1 QCS Prisoner Hairdressing Information and Workplace Health and Safety Induction Booklet.

Use of hair clippers and cleaning process

The following applies to the use of hair clippers and the cleaning process:

- a) Prisoner barbers may obtain hair cutting equipment from a corrective services officer which must be returned to that location in a cleaned state for storage within a lockable container.
- b) Only head and/or facial hair may be clipped using the electric hair clippers.
- c) The barber/hairdresser will:
 - i. clean and de-contaminate all the equipment before and after each use;
 - ii. disconnect the clippers from the electrical power source;
 - iii. remove hair from the clipper teeth;
 - iv. clean and decontaminate clipper teeth with a plastic brush dampened with the approved cleaning solution once diluted;
 - v. wipe over other visible accessible equipment areas with a clean, damp (not wet) cloth;
 - vi. allow clipper teeth and other cleaned areas to air dry;
 - vii. clean the cleaning brushes and cloths in warm water and allow to dry and store in a clean dry place;
 - viii. maintain equipment in a good condition and report damaged/faulty equipment to a corrective services officer for referral to maintenance services;
 - ix. sweep up and dispose of hair clippings with all chairs and floor areas left clean, tidy and free from hair clippings and associated waste/fluids; and
 - x. upon completion of barber/hairdressing duties, hand over the barber/hairdressing kit to a corrective services officer.

Accidental contamination with blood

Corrective services facility staff should be educated regarding the prevention of transmission of blood borne viruses by trained allied health staff.

Where there is an accidental contamination with blood and/or a bodily fluid, the barber/hairdresser must notify a corrective services officer who will assess the incident and refer the prisoner to Queensland Health staff. The supervising corrective services officer must complete a Safety Health Environment (SHE) Incident Report Form.

All incidents must be reported to Queensland Health staff and the Chief Superintendent of a corrective services facility immediately to allow for release from duty for medical treatment and for documentation purposes.

Treatment of head lice

Head lice should be treated in accordance with the Queensland Health protocols. Corrective services facility staff who suspect prisoners may have head lice contamination should immediately refer the prisoner to centre Queensland Health staff for assessment and treatment.

4.12 Transfer/change employment

A prisoner will not be eligible to request a transfer from their allocated job until they have completed four weeks in that employment, unless otherwise approved by the Chief Superintendent of the corrective services facility or nominee.





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The following applies for an employment transfer/change:

- a) A prisoner wishing to transfer between work areas must complete the Administrative Form 138 Prisoner Employment Transfer Application and an employment application must be created in IOMS.
- b) A prisoner approved for transfer to a new employment position will be remunerated at the level of the new position which may be less than the previous held position.
- c) Both the current and receiving work area supervisors must agree to the transfer.
- d) The normal employment placement process is followed with the receiving work area supervisor or nominated officer responsible for ensuring the entering of details in IOMS and obtaining necessary clearances.

The Work Area Supervisors is responsible for the above and the Chief Superintendent of a corrective services facility or nominee is responsible for the approval and review. The Chief Superintendent of a corrective services facility or nominee may also initiate a prisoner's employment transfer for the good order or efficient operation of the facility.

5. Suspension/Termination from Employment



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5.1 Immediate suspension

A prisoner may be suspended immediately and returned to their accommodation area in the following instances:

- a) dangerous workplace practice;
- b) sabotage to plant, equipment, materials, work in progress or finished product;
- c) behaviour that adversely affects the safety and security of the corrective services facility/workshop;
- d) abusive, threatening or disruptive behaviour;
- e) failure to attend required vocational training or education; and/or
- f) intelligence that indicates the prisoner may present a risk to the safety, security and good order of the workplace.

5.2 Other suspension

5.2.1 Breaches of discipline

A corrective services officer who issues an employed prisoner with a breach of discipline cannot enforce any penalty in regards to the prisoner's incentive payment level.

If an employed prisoner's behaviour at any time results in a breach of discipline, the corrective services officer issuing the breach must advise a corrective services supervisor who must refer the matter to the Multi-disciplinary Committee for consideration.

Breaches of discipline must be dealt with in accordance with the Custodial Operations Practice Directive Breaches of Discipline.

5.2.2 Unacceptable behaviour

Any unacceptable behaviour (not limited to breaches of discipline) by a prisoner must be considered at the Multi-disciplinary Committee meeting.

Minimum standards of behaviour and work performance are required by prisoners who wish to maintain or increase their current position and incentive payment rate. Unacceptable behaviour or work performance may incur the penalty of being placed in lower level employment positions (and receiving a lower level incentive payment rate).

5.2.3 Failure to attend programs

In the structured day schedule at a secure corrective services facility, prisoners should participate in prescribed intervention programs in the period they are not participating in employment. Where a conflict between work and attendance at a recommended program is unavoidable, the prisoner will be able to attend the program and continue to be paid. Prisoners must not receive additional incentive payments for undertaking training/programs.

Prisoners who refuse to participate in prescribed programs may incur the penalty of being placed in lower level employment positions (and therefore receive a lower level incentive payment rate). Any non-compliance must be considered at the multi-disciplinary team meetings.

In a low security corrective services facility, the Chief Superintendent of a corrective services facility must ensure that employment arrangements are flexible enough to allow a prisoner to attend programs identified as relevant to their rehabilitation.





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

7. Employment Case Reporting

An employment case report is a summary of case notes to provide information relevant to the prisoner's supervision, behaviour, interaction and attitude whilst undertaking employment within a correctional environment.

Work Area Supervisors will complete employment reports in IOMS for all prisoners employed within their area including corrective services officers who supervise prisoners employed within non-prison industries areas (e.g. accommodation units/program areas).



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At a minimum, information in an employment case report must be provided on:

- a) the prisoner's conduct, and behaviour in the workplace;
- b) the prisoner's attitude towards staff and other prisoners in the workplace;
- c) the prisoner's motivation, work ethic and progress in the position;
- d) changes the prisoner is required to make or progress that has been made in terms of conduct, behaviour, attitude towards staff and other prisoners in the workplace; and
- e) viable linkages with employment (if relevant).

At a minimum, one employment report is to be completed quarterly. Summary case reports are to be completed upon a request from Sentence Management Services.

Additional employment reports will be submitted in the following situations:

- a) ceasing employment;
- b) change of employment; and
- c) significant changes in behaviour, attendance or attention to duties. Information of this nature would also be significant to record via a case note to make other staff aware of the prisoner's change in their behaviour.

7.1 Guidelines for behavioural and employment case reporting

Care must be taken to ensure that the date/s of contact with the prisoner is recorded in all documents.

The recording of information will assist in determining:

- a) goals and milestones including pre-release planning for the next review period (to be established or confirmed from the plan);
- b) the prisoner's classification; and
- c) the prisoner's placement.

A detailed statement and/or reasons must be included in each box selected in IOMS. Each statement must be explained and validated by descriptive information.

Corrective services supervisors will monitor and audit the completion of case notes on a monthly basis and record a case note identifying that an audit has been conducted.

8. Maximum Security Unit (MSU) Prisoner Employment

A MSU prisoner may be employed as a unit worker within the MSU, excluding those prisoners on stage 1 of the progression pathway. The nature of the role is subject to the operational requirements of the unit and consistent with the prisoner's Maximum Security Order and MSU Management Plan. A prisoner employed as a unit worker within the MSU must be provided with a duty statement outlining their duties. Prisoner participation in employment outside the MSU is not permitted.





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A personal search of prisoners undertaking cleaning/laundry duties must be conducted before and after completing duty. Cleaners/laundry persons must not have visual or verbal contact with other prisoners while performing their duties unless otherwise approved. Cleaners/laundry persons must be continuously supervised by MSU staff while performing their duties. If no prisoner is approved for employment, the Chief Superintendent or Superintendent of the corrective services facility must make alternative cleaning arrangements that do not involve prisoner association.

A prisoner must not be employed to clean any area beyond the MSU internal security perimeter nor the unit's movement control station, visits area, prisoner reception, vehicle lock, kitchen or any other area which may present a security risk.

All equipment that is required to carry out cleaning/laundry duties must be supplied from within the unit and on completion of the cleaning/laundry duties all equipment and supplies must be securely stored.

Public Version

