

**DISPUTE IN RELATION TO THE WORKLOAD OF COMMUNITY CORRECTIONS
OFFICERS AND JUVENILE JUSTICE OFFICERS**

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PARTIES	COMMISSIONER, DEPARTMENT OF CORRECTIVE SERVICES	APPELLANT
	-v-	
	THE CIVIL SERVICE ASSOCIATION OF WESTERN AUSTRALIA INCORPORATED	RESPONDENT
CORAM	PUBLIC SERVICE ARBITRATOR COMMISSIONER J L HARRISON	
DATE	FRIDAY, 18 APRIL 2008	
FILE NO	PSACR 25 OF 2007	
CITATION NO.	2008 WAIRC 00248	

Result Consent Order issued

Representation

Applicant Mr H J Dixon of Senior Counsel and Mr R L Bathurst of Counsel

Respondent Mr E Schnell

Order

WHEREAS this is a matter referred for hearing and determination pursuant to s44 of the *Industrial Relations Act 1979* in relation to a dispute about the workloads of Community Corrections Officers (“CCOs”), Senior Community Corrections Officers (“SCCO”), Juvenile Justice Officers (“JJOs”), Senior Juvenile Justice Officers (“SJJO”), Case Support Officers (“CSOs”) and Senior Case Support Officers (“SCSO”); and

WHEREAS the Public Service Arbitrator (“the Arbitrator”) listed the matter for hearing and determination on 14 to 18 and 21 to 24 April 2008 to deal with the issues in dispute between the parties; and

WHEREAS on 10 April 2008 the parties advised the Arbitrator that they wished to accept the Arbitrator’s offer of mediation with a view to reaching agreement on the issues in dispute; and

WHEREAS following informal discussions between the parties and mediation before the Arbitrator on 14, 15 and 16 April 2008 the parties agreed to settle the dispute; and

WHEREAS the settlement of this dispute is the respondent's acceptance of the applicant's Workload Management Strategy document as contained in the schedule attached to this order; and

WHEREAS even though the respondent indicated that it accepts the terms of the Workload Management Strategy it has reservations that the Workload Management Strategy will address all of the workload issues affecting its members; and

WHEREAS notwithstanding these reservations the respondent and its members are committed to implementing the Workload Management Strategy document; and

WHEREAS given s26 considerations, the objects of the Act and public interest considerations the Commission is of the view that it is appropriate that an order should issue that the dispute has been settled by the respondent's acceptance and implementation of the Workload Management Strategy document;

NOW THEREFORE having heard Mr H J Dixon of Senior Counsel and Mr R L Bathurst of Counsel on behalf of the applicant and Mr E Schnell on behalf of the respondent, the Arbitrator pursuant to the powers conferred on it under the *Industrial Relations Act 1979*, and by consent, hereby orders:

THAT this dispute is settled by the respondent and its members accepting and implementing the Workload Management Strategy document contained in the schedule attached to this order.

COMMISSIONER J L HARRISON
PUBLIC SERVICE ARBITRATOR

SCHEDULE

WORKLOAD MANAGEMENT STRATEGY**1. Introduction**

This document outlines the Community Justice Services (CJS) approach to workload for employees undertaking case management across the State of Western Australia.

The parties to this Workload Management Strategy are:

Commissioner, Department of Corrective Services, and
The Civil Service Association of Western Australia (Incorporated) (Union).

The overriding principle for workload management is that employees are not to be directed, required, obliged or compelled by CJS managerial staff to work other than in accordance with their contracts of service and the provisions of the Award and the Agreement.

Managerial staff have the authority and responsibility to:

- (a) prioritise and allocate work in accordance with organisational requirements and obligations; and
- (b) determine the manner in which work is undertaken.

Managerial staff must consider the skills, capacity and experience of employees and workload demands/priorities in allocating work, whilst ensuring employees are not required to work beyond their contracted hours of employment.

2. Definitions

In this document:

Agreement means the Public Service General Agreement 2006, as amended or replaced from time to time.

Award means the Public Service Award 1992, as amended or replaced from time to time.

Benchmark Workload means the workload that should be managed by a typical employee within existing policies and procedures. An employee's actual workload may be set at, above or below the Benchmark Workload, depending on all the circumstances. If an employee is working above the relevant Benchmark Workload, consideration must be given by the relevant managerial staff to the employee's capacity to comply with policies and standards of practice. The overriding principle in the application of Benchmark Workload ranges is that the employee must not be directed, required, obliged or compelled by managerial staff to exceed their contract of service and the provisions of the Award and Agreement.

Case:

- (a) within Adult Community Corrections a case means active management of an adult offender subject to an order. For the purpose of officer caseload, a case does not include offenders who have been breached/suspended/cancelled and are not engaging, who are supervised by another State, or whose orders have expired. In these situations, case management responsibility should be removed from the officer.
- (b) within Juvenile Justice case management reflects a strong emphasis on the application of throughcare principles. As a consequence, a case is defined as any young person (individual) to whom services are provided and commencing at the report compilation stage. Services include statutory requirements such as court reports; youth community orders; intensive youth supervision orders; supervised release orders; and conditional release orders, or they may be non-statutory services such as preventative/diversionary activities or monitoring of interstate orders.

Case Support Officer means a case support officer or a senior case support officer.

Community Corrections Officer means a community corrections officer or a senior community corrections officer.

Inexperienced Employee means an employee who, excluding completion of foundation training, has less than 6-9 months' experience in this or an equivalent service.

Juvenile Justice Officer means a juvenile justice officer or a senior juvenile justice officer.

Manager means Centre Manager.

Report – In Adult Community Corrections a report is defined as either external or internal to caseload written advice for a Court or the Prisoners Review Board in approved format that requires:

- The gathering of information which is not readily available from Departmental records;
- Contact with the subject of the report and others;
- The analysis of the information required; and
- The administration of a Harm and Supervision Assessment where required.

Where a matter has been remanded in excess of one week for non-written advice (verbal report) and requires the undertaking of similar activities detailed above, in consultation with the Supervisory Team, this can be recognised as a report in work allocation.

In Juvenile Justice, Court Reports are an integral part of case management and as such a young person for whom a Court Report is required is recognised as a case.

Supervisory Team means the Manager, Senior Case Work Supervisors and Case Work Supervisors.

ADULT COMMUNITY CORRECTIONS

3. Adult Community Corrections Benchmark Workload

There are a range of functions provided through a CJS office which include duty, court, advice and reports. In addition to these functions, the Benchmark Workload for Community Corrections Officers is between 27-31 cases and 6 Reports due in a calendar month in the metropolitan area. A lower Benchmark Workload of 20-25 cases and 5 Reports due in a calendar month for regional areas acknowledges regional issues, including travel, relative distance from major regional centres, availability of external services and resources.

As Senior CCOs are expected to manage high risk/high supervision and more complex cases, the allocation of work to these positions should be adjusted accordingly. If there are insufficient high risk/high supervision cases within the Centre to comprise a full workload for a Senior CCO, the Senior CCO will be subject to the same workload range as a CCO.

An Inexperienced Employee will normally be allocated a graduated caseload and report load appropriate to their skill level. That caseload and report load will normally increase to full capacity over a period of 6-9 months following the completion of foundation training. The determination of an employee's level of experience and ability to carry a full caseload and report load will be at the discretion of the relevant Manager, in consultation with the employee and the employee's supervisors.

4. Allocation and Management of Adult Community Corrections Workload

The “mix” of occupational groups, the skills and experience of employees, the complexity of work and other local and regional factors must be considered in the allocation of work.

Higher Court PSRs and reports for offenders in custody facing imminent release are to be given priority. Extension of time/verbal reports should be explored with local Magistrates for Magistrates Court PSRs, if necessary.

In the event that a Community Corrections Officer has an allocation of 6 Reports due in the following calendar month, the Community Corrections Officer may not be assigned another Report due in that period unless his/her caseload is appropriately reduced. If the above is not possible and Reports remain unallocated, the Manager is to notify the relevant Director immediately.

It is important that supervisory staff work with employees in prioritising the work to be undertaken. Employees should not accept responsibility for work that is not assigned to them.

Cases are to be allocated in accordance with case allocation procedures as determined by the Manager, based on the experience and capacity of individual employees, and with reference to the Benchmark Workloads outlined above. As Senior CCOs are expected to manage high supervision/high risk cases, the allocation of work to these positions should be adjusted accordingly. The Manager and supervisory staff will ensure that all employees have regular supervision and that workload issues are discussed and priorities established.

In circumstances where Branches do not have full occupancy of positions or the work required to be undertaken exceeds the capacity of the Branch, the following process will apply:

- The redistribution of the caseload of any absent employee based on priority or risk to community, maintaining court advisory services, and minimising the risk of unnecessary custodial experience.
- All High Supervision Level cases will be allocated.
- In consultation with the relevant Director, overtime will be authorised (for those staff who agree) to address specific purposes or needs (eg, additional reports).
- Access of support through the Critical Response Team or other avenues will be explored.
- Medium Supervision Level cases will be reviewed to identify any that can be appropriately moved to Low Supervision and managed through compliance arrangements.
- Offenders with program requirements and no other significant issues will be moved to Low Supervision Level following a review by a supervisor. These will then be allocated to a Case Support Officer where there is capacity.
- Staff will conduct essential home visits only as determined/approved by the Manager or Supervisory Team.
- Negotiation with local Magistrates should occur with a view to provision of verbal Pre-Sentence Reports or an extension of time to provide.
- Available funds (through salary savings) will be used to employ additional temporary staff to assist with reports or other case related tasks, including assisting with home visits. Alternatively, vary hours of part time staff (with agreement) using funds from vacant positions.
- As a last resort, identify cases that can be moved to "Monitored Workload" and monitored through the Case Support and/or Supervisory Team.

5. Managing Monitored Adult Community Corrections Cases

Where a case cannot be allocated to a dedicated case manager, the Supervisory Team will ensure that a file note/system notation is made in CBIS acknowledging the case's "monitored" status.

The Supervisory Team will monitor these cases with a view to re-allocation to a dedicated case manager when required.

A list of monitored cases is to be maintained by the Manager and provided to the relevant Director weekly. In consultation with the Manager, the Director may request re-prioritisation to take place.

An offender whose case has monitored status is to be seen by a Duty Officer. The Duty Officer is to monitor the offender's reporting, re-offending and residential address during the interview and refer any omissions/concerns that cannot be dealt with immediately during the interview to the Supervisory Team. The Duty Officer will also make a further appointment for the offender. Entries must be made to that effect in the offender's CBIS file. If a Duty Officer

has concerns regarding an offender they must alert the Supervisory Team who will review the case, decide what action is required and implement the action.

6. Case Allocation System for Case Support Officers

In addition to other case support duties, Case Support Officers may be allocated Low Supervision Level Cases, including Work and Development Orders. Work allocated should be commensurate with the Case Support Officer's skills and experience.

JUVENILE JUSTICE

7. Juvenile Justice Principles and Priorities

There are significant differences between the case management practices for adult and juvenile offenders. In the Juvenile Justice area, there is a need to ensure that young people are not involved in the justice system more than necessary and section 33 of the Children's Court Act of WA provides authority and responsibility for officers to make representation to the Court. It is important to ensure reports are completed as a priority, particularly if the failure to provide a report is likely to result in a young person being held in custody longer than necessary. As the "supervision regimes" that exist in adult work do not apply in the juvenile area, workload management and priority requires consideration to be given to the "stability" of the case and recognise the risk and needs of the individual.

In managing Juvenile Justice cases, it is imperative that ALL cases initially be allocated, following which a determination is made as to which services are prioritised and which services are held inactive when an employee has reached workload capacity.

8. Juvenile Justice Benchmark Workload

The benchmark workload for Juvenile Justice Officers is between 14-18 cases in the metropolitan area. A lower benchmark workload of 10-14 cases for regional areas acknowledges regional issues including travel. Generally, as an indicative guide, reports will comprise about 25% as a proportion of the caseload of an officer. Whilst this ratio may be exceeded, the case manager and Supervisor should discuss the impact on the overall workload of the officer and allocate and re-assign work if necessary.

An Inexperienced Employee will normally be allocated a graduated caseload appropriate to their skill level. That caseload will normally increase to full capacity over a period of 6-9 months following the completion of foundation training. The determination of an employee's level of experience and ability to carry a full workload will be at the discretion of the relevant Manager, in consultation with the employee and the employee's supervisors.

9. Allocating and Management of Juvenile Justice Cases

All cases are to be allocated in accordance with case allocation procedures as determined by the Manager, based on the experience and capacity of individual employees, and with reference to the Benchmark Workload outlined above.

All cases will initially be allocated to an employee, following which a determination is made as to which services are prioritised and which services are held inactive when an officer has reached his or her workload capacity. When a case is deemed to be inactive, case management responsibility is removed from the officer.

Juvenile Justice cases will be prioritised in line with the following table:

Rank	Case Activity Type	Rationale
1	Court and Supervised Release Review Board (SRRB) Reports	SRRB reports have a set deadline set by SRRB and based on earliest release date; Court reports deadline is set by arrangement between the President of the Children's Court and CJS. These deadlines are currently 14 days for remands in the community and 7 days for remands in custody. There is possibility of

		negotiation with the President to extend the remand time for remands in the community. Advice reports are of the highest priority.
2	Special Risk Cases	Require the most intensive supervision and can be a case with any community order but tend to be predominantly CRO and SRO cases. A priority.
3	Supervised Release Orders (SROs)	Supervision of young persons who have been released by the SRRB on strict conditions. A priority.
4	Conditional Release Orders (CROs)	Are the highest threshold community based orders imposed by the Court and carry a detention component if breached. A priority.
5	Intensive Youth Supervision Orders	As per Youth Community Based Order (YCBO), except that supervision is always a condition of this order.
6	Youth/Adult Community Based Orders	Ranges from work component only, to all conditions including work, attendance and supervision. Priority would be to defer the YCBO with the least intrusive conditions, ie work conditions only, then attendance and then orders which include supervision.
7	Detention/Custody Support	Usually juvenile justice officers provide liaison between family and young person in detention. Case is managed by JCS whilst in detention.
8	Deferred Breach Warrant/Bail Support	This is a service provided by juvenile justice officers to non- sentenced clients in conjunction with JCS Rangeview who could provide the required ongoing support.
9	Interstate Order Monitoring	Few in number. No statutory basis.
10	Community Work	Few in number. Can be deferred
11	Preventative Cases	Few in number. Non statutory cases

As Senior JJOs are expected to manage more complex or high risk cases, the allocation of work to these positions should be adjusted if necessary.

The Senior Casework Supervisor (Juvenile Justice) will review each employee's caseload on a weekly basis to ensure that each employee can manage their allocated caseload. However, a review of an employee's caseload can occur at any other time to take into consideration any emerging situation which is likely to change the status of a case. Employees should not accept responsibility for work not assigned to them or prioritised through supervision.

Cases which cannot be actively managed by a Juvenile Justice Officer will be re-assigned to a member of the Supervisory Team and held centrally within the Branch as "monitored cases" and monitored through the Supervisory Team.

10. Managing Monitored Juvenile Cases

A list of monitored cases is to be maintained by the Manager and provided to the relevant Director weekly. In consultation with the Manager, the Director may request re-prioritisation to take place.

A juvenile offender whose case has monitored status is to be seen by a Duty Officer in the same way as an adult offender whose case has monitored status.

GENERAL

11. Dispute Resolution Procedure

Both supervisory staff and employees have a responsibility to ensure that employees do not work other than in accordance with their contracts of service and the provisions of the Award and the Agreement.

Any questions, difficulties or disputes regarding the implementation of this workload strategy shall be dealt with in the following way:

- (a) The employee shall discuss the matter with the member of the Supervisory Team that allocates the employee work and attempt to find a satisfactory solution within 3 working days.
- (b) If the matter cannot be resolved at this level, the matter shall be referred to the relevant Manager and an attempt made to find a satisfactory solution within a further 3 working days.
- (c) If the matter is still not resolved, it may be referred by the employee to the relevant CJS Director. The Director will notify the Union that the matter has been referred to him or her.
- (d) If the matter cannot be resolved within 5 working days of the referral to the relevant Director, it may be referred to the Western Australian Industrial Relations Commission for conciliation or arbitration.
- (e) The period for resolving a matter may be extended by agreement between the relevant employee and the Department.
- (f) At all stages of the procedure, the employee may be accompanied by a Union representative.

12. Workload Management Review

Commencing on 31 May 2008 and occurring at the end of each month thereafter for a period of 12 months, the Department will provide to the Union, the following:

- (i) the number of Cases by supervision level allocated to each CCO and SCCO at each CJS centre and sub-office as at a specified date agreed between CJS and the Union;
- (ii) the number of Reports completed by each CCO and SCCO at each CJS centre and sub-office in the previous month;
- (iii) the number of Cases allocated to each JJO and SJJO at each CJS centre and sub-office, and the types of orders comprising that caseload, as at a specified date agreed between CJS and the Union (the number of Cases where a report is the major activity will be specified);
- (iv) the number of juvenile justice reports completed for sentencing or releasing authorities in the previous month by each CJS centre and sub-office;
- (v) how many CCOs/SCCOs and JJOs/SJJOs have lost time through the flexi leave system and how much time was lost by each CJS centre and sub-office.

The Department will, at the request of the Union, provide information in relation to reports completed for sentencing or releasing authorities for each JJO and SJJO at a CJS centre or sub-office where a dispute regarding a JJO or SJJO at that centre or sub-office has progressed to the Director level under paragraph (c) of the dispute resolution clause in this workload strategy.

The implementation of this workload strategy will be a standing agenda item at Joint Consultative Committee meetings. The parties are committed to having appropriate representation at the Joint Consultative Committee.

A report back to the WAIRC will occur 6 months after the implementation of the workload strategy. A second report back to the WAIRC will occur 12 months after the implementation of the workload strategy.

The purpose of the report back conferences is to consider whether employees have been directed, required, obliged or compelled by CJS to work other than in accordance with their contracts of service and the provisions of the Award and the Agreement. The conferences will also consider whether any amendments to this workload strategy are necessary.

13. Amendment of the Workload Strategy

This workload strategy may be amended with the consent of the parties, which consent will not be unreasonably withheld. A dispute about whether consent has been unreasonably withheld may be referred to the Commission for conciliation and, if necessary, arbitration.