

2017-329231

Form 4

Notification to Industrial Registrar of Industrial Dispute Pursuant to section 132

1. **Name:** Public Service Association and Professional Officers Association Amalgamated Union of New South Wales
2. **Address:** 160 Clarence Street, Sydney NSW, 2000
3. **Capacity of notifier:** Industrial Organisation of Employees
4. **The question, dispute or difficulty concerns the following industrial matters:**

1. The dispute relates to the Better Prisons Reform – CSNSW NSW Benchmarking announced to the PSA by CSNSW in September 2015.
2. The purpose of Benchmarking was purportedly an attempt to improve the efficiency of the operations of correctional centres by comparing the operation of correctional centres in NSW with those in other jurisdictions.

The effect of Benchmarking has been to set new staffing levels for correctional centres.

The PSA has not been provided with any information that explains how the new staffing levels are being determined.

CSNSW engaged an independent consultancy agency known as Macksam Consulting to prepare a report into efficiencies that could be achieved in the operation of correctional centres.

6. CSNSW informed representatives of the PSA during a briefing that the Macksam Report would be used to set financial benchmarks for the operation of correctional centres.
7. To date under the Better Prisons Reform a total of 201 roles are to be deleted, encompassing all classifications of roles within a Correctional Centre (see annexure A).
8. The greatest impact on loss of roles is to those holding rank of Assistant Superintendent, Senior Correctional Officer and Correctional Officer.
9. The largest loss of roles to date will be those located at the Metropolitan Special Purpose Centre the MSPC) and Long Bay Hospital (LBH) with a total of 94 roles deleted (see annexure B).

I.R.C. No. 2017-329231
Recd. 3:22 a.m.
Date 31/10/2017
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10. The PSA argues that the Macksam Report, which determined the flattened management structure under the Better Prisons Reform, is crucial to the Association and its understanding of how the new benchmark levels have been determined.
11. The PSA requires a copy of this Report so as to understand the method used to delete 94 roles from an established Correctional Centre holding some 1723 inmates.
12. The proposed reduction of staff at the MSPC and LBH raises serious concerns about the safety of correctional officers and inmates and the security of the correctional centre.
13. To date there have been 20 Correctional Centres placed under the Benchmark Reform, which commenced in July 2016 with South Coast (Nowra) and Mid North Coast Correctional Centre (Kempsey) being the first two pilot sites.
14. CSNSW NSW continue to recruit new correctional staff, particularly against the Correctional Officer rank, by way of converting casuals to permanent roles within both Centres and Court locations despite the fact that many correctional officers are to be displaced. All requests from the PSA to stop the movement of casuals into permanent roles until benchmarking has been completed have been ignored or brushed aside.
15. The PSA argues that the continual recruitment for casual Correctional Officers should be placed on hold to allow, and more importantly, ensure that those Officers who are deleted by way of the Better Prisons Reform are able to retain employment.
16. The PSA has through both formal correspondence and within the benchmark meeting structure with CSNSW NSW requested that a current list of vacancies across all ranks and roles be provided to the PSA for the purpose of supporting those officers deleted under the benchmark process.

To date the current vacancy list for all ranks remains outstanding (see annexure C).

17. The PSA further contends that in the interests of transparency by way of workforce staff placement, it has requested CSNSW NSW to provide a list of all substantive roles currently filled by casuals, contractors and labour hire in both Correctional Centres and Court Locations across NSW. This request has also been ignored.
18. Further recruitment issues have arisen as a result of the Benchmark Reform with CSNSW NSW now moving to a process outside of the position as agreed on allowing all affected Correctional Officers, regardless of rank, to compete for identified promotional roles (see annexure D).

As identified, the greatest affected rank is Assistant Superintendent, as this role has been determined by the Macksam Report to be excess to the operational management structure in correctional centres.

The PSA remains of the view that where within Correctional Centres there is an increase in promotional roles, such as the Senior Assistant Superintendent, then these must be quarantined for the rank of Assistant Superintendent.

If there are remaining roles available, only then should these be opened up to other affected ranks.

19. Currently, Senior Assistant Superintendents and Assistant Superintendents are paid a Case Management Allowance within the Benchmark Reform. This allowance is to be phased out with only those at the Senior Assistant Superintendent level to have their allowance 'grandparented'.

Those at the rank of Assistant Superintendent will have the allowance payment terminated if they are successful in gaining a promotion to the Senior Assistant Superintendent (see annexure E).

The PSA is of the view that the case management allowance should remain for each rank, irrespective of their being successful in gaining a promotional role. These staff will be required to act in the Case Management role during periods of leave or other absences.

20. A new funding initiative has been introduced for Case Management within CSNSW with a 150 new and temporary roles to be created.

As advised by CSNSW, the funding for the new case management model has been confirmed for an initial three years taking this up to mid-2020 (see annexure F).

CSNSW, within this new funding initiative, have placed a particular emphasis for those Prison staff whose roles are affected by benchmarking to apply for roles.

The PSA states that the greatest affected rank under the Benchmark Reform is that of the Assistant Superintendent who by way of determination under the Macksam Report has been removed entirely from the staffing structure of CSNSW.

The PSA states that this offer of a new role under the function of Case Management is disingenuous as any officer who takes up this role is placed against a lower paid salary, lessens current leave value and is only a role aligned to temporary funding.

21. A further impact under the Benchmark Reform is the change to the weekend staffing profile.

As outlined by CSNSW, the new flattened management structure:

- Has the Senior Assistant Superintendent (SAS) working mainly in Monday to Friday roles and owning a position such as Security, an Accommodation Unit, Rosters and Structured Day and Intelligence.
- The Senior Assistant Superintendent (SAS) will rotate through the OIC on weekends (see annexure G).
- The Senior Correctional Officer (SCO) will be trained up to operate at the SAS level (see annexure H).

The PSA argues that the increase in duties and responsibilities imposed upon Senior Correctional Officers without appropriate salary remuneration is unacceptable.

Therefore, the PSA seeks that the role of Senior Correctional Officer be evaluated to recognise the additional management functions imposed upon that role.

The current Operations Procedure Manual, as used within both Correctional Centres and Court Locations, is currently under review and is to be renamed the Custodial Policy and Procedures (see annexure I).

The Operations Procedure Manual is the tool that all Correctional Officers use, whether they be within Correctional Centres or Court locations, to ensure compliance when undertaking their duties. The review of the Manual is crucial, however, CSNSW have not provided to the PSA the full Manual (COPP) for review.

The PSA views this as being disingenuous by CSNSW and in order for the PSA to be able to adequately assess, the full Custodial Policy and Procedures must be provided (see annexure J).

The PSA also seeks that until such time that there has been a full and frank review undertaken by the PSA that the current Operations Procedure Manual remains in effect.

22. CSNSW has further embarked upon a transition from the current 28 day roster cycle to one of cyclic rostering (see annexure K).

- As outlined by CSNSW, the aim is to increase opportunities for staff to better manage work/life balance through the rostering of staff up to 12 months in advance.
- Increased opportunity for staff to secure swaps of individual shifts, blocks of shifts or entire schedules.
- To provide increased fairness, equity and transparency of roster allocations to staff.

Within the Business Rules for Cyclic Rostering CSNSW propose a loss of shift penalties for those held against the 'L shift 12 hour (6am-6pm).

The PSA argues that current shift penalties as afforded to each shift type must be retained.

23. CSNSW have stated the administration area has undergone its own recent review and is out of scope under the Benchmark Reform.

As each of the 20 Correctional Centres move into and under the Benchmark Reform, the PSA notes that there is again a move to broaden the range of duties for administrative staff and this appears to be applied under a local operational routine.

The PSA argues that there cannot be an expansion to duties and tasks currently performed by both administration and store staff without the following:

- Consultation with the PSA
- Independency in defining the duties as currently held by administration and store staff
- And if agreed an expansion to the role and function for those officers, a review of the current salary range is also required.

24. It appears that CSNSW is not taking into account the extra staff that will be needed to staff the expanded Dillwynia Correctional Centre and the Metropolitan Remand and Reception Centre and is dispensing with staff whose services will be needed when the extra beds are available.

25. Under the Better Prisons Reforms, Correctional Centres will operate under a stand-alone model by way of Management Agreement between the Governor and Assistant Commissioner Custodial Corrections. For staff within Offender Services and Programs, reporting lines will still operate under a cluster model (see annexure L).

The PSA argues that for these staff CSNSW will place a greater burden upon their workloads and areas of responsibility.

The reporting structure as defined by the Public Service Commission and to be implemented by CSNSW is to have Direct Reports of between 5 and 7 staff (see annexure M).

The PSA argues that for Offender Services and Program staff the management span of control is greater than the 5 to 7 direct reports, which is in conflict with the objectives under the Better Prison Reform.

26. The PSA seeks clarity in relation to the current programs which operate within CSNSW, such as Mothers and Children, State-Wide Disability Services and or any other specific needs programs or specialist services as to where they lie under the Better Prisons Reform.
27. CSNSW is now moving to broaden the agreed parameters as initiated at South Coast Correctional Centre known as ring fencing which applies to an individual centre.

CSNSW now wants to extend this part way through the process to a complex and regional cluster basis.

Ring fencing is the agreement when positions are lost at that centre completion for the remaining positions is limited to those at that centre only (see annexure n).

5. The award, agreement or determination which applies to the employees is:

Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009
Crown Employees (Senior Assistant Superintendents and Assistant Superintendents, Department of Justice – Corrective Services NSW) Award 2009
Crown Employees (Correctional Officers, Corrective Services NSW) Award 2007 for Kempsey, Dillwynia and Wellington Correctional Centres
Crown Employees (Correctional Officers, Department of Justice – Corrective Services NSW) Award

6. The person to contact on behalf of the notifier is:

Evan Cole
 Industrial Manager, Justice
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 160 Clarence Street
 SYDNEY NSW 2000
 Tel: 0408 410 744 Fax: (02) 9262 1623

7. The other persons affected by or involved in this question, dispute or difficulty are:

Commissioner Peter Severin Corrective Services NSW Henry Deane Building Level 2, 20 Lee St SYDNEY NSW 2000 Contact: Ms Gayle Robson Chief of Staff Tel: 8346-1900 Email: gayle.robson@justice.nsw.gov.au	Mr Ian Peters Director Public Sector Industrial Relations For the Secretary of the Treasury 52 Martin Place SYDNEY NSW 2000 Tel: 9228-5927 Email: ian.peters@industrialrelations.nsw.gov.au
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