



COMMUNITY SERVICE ORDERS SCHEME

**Guide for Agencies and
Agency Supervisors**

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Commissioner's Foreword



Welcome to the *Community Service Order Scheme* and welcome to partnership with the Department of Corrective Services as a Community Service Agency.

Community Service is a means whereby people who have been convicted of an offence complete a penalty which involves making reparation or “putting something back” into the community for the harm caused by offending.

For many people, the Department of Corrective Services means razor wire and high walls. However, the reality is that in early 2006 over 17,000 people were under community supervision – almost double the number of offenders in the state’s prisons.

Community Service Orders are a vital and successful community sentencing option, with close to 80% of people on orders completing them successfully.

Agencies across NSW including local councils, cemetery trusts, nursing homes, schools, charitable and community organisations and sporting groups, take part in - and benefit from - the *Community Service Order Scheme*.

In 2004/5, approximately 1,600 non-profit organisations provided work opportunities for offenders subject to Community Service Orders.

The work carried out – as diverse as the agencies themselves – is worth over \$12 million annually. This is work that in all likelihood would not have been done by anyone else.

Savings to tax payers are enormous, as prison sentences are much more costly to administer than community-based orders.

The advantage to agencies and to the community is the provision of hours of labour that would not otherwise be available.

Offenders gain too, as many take great pride in seeing the fruits of their labours, whether this is a new pathway alongside a river, a tidy garden area at a nursing home or improvements in a school playing field. Community Service can sometimes be the turning point in the life of an offender.

In becoming a partner with the Department of Corrective Services as a Community Service Agency, you will stand to gain a great deal. You will also assume a very responsible role in helping to ensure that the legal and administrative requirements of the Scheme are met.

People are ordered by Courts to perform community service work, usually as an alternative to imprisonment. It is a serious penalty which must be scrupulously monitored by the agency to whom the individual is assigned.

The responsibilities of our agency partners are clearly set out in this new *Guide for Agencies & Agency Supervisors*.

There are many benefits from these work programs to both the agency and the wider community.

For Community Service to continue as a sentencing option however, it must have the confidence of the Courts and the community. It is vital that all parties are diligent in carrying out their respective roles.

I sincerely thank you for your preparedness to take part in this important program and assure you of my continuing interest. Please do not hesitate to contact staff at your local Probation and Parole district office, if you have any queries or difficulties.

Ron Woodham
Commissioner of Corrective Services

What is a Community Service Order?

The *Community Service Order Scheme*, introduced in NSW in 1979, provides Courts with a sentencing option that is usually an alternative to a period of imprisonment.

A **Community Service Order (CSO)** is an order made by a Court requiring a person to perform unpaid work for the community for a specified number of hours. It requires the person (offender) to make restitution to the community for their offending. They are penalised by the loss of their leisure time rather than being isolated in prison.

The program encourages offenders to work in the community in order to make reparation for the harm caused by their offending, and gives them an opportunity to utilise their skills, talents and interests and make constructive use of their leisure time.

With the co-operation of partner organisations (**agencies**), the community becomes constructively involved in the criminal justice system. Agencies participating in the *Community Service Order Scheme* are generally non profit organisations which would not be able to pay someone to engage in work that offenders are assigned to do. Welfare organisations, environmental projects, schools and community groups are examples of organisations which utilise Community Service workers.

While CSO workers should be extended the same regard as other volunteers or workers employed by your agency **it is vital to remember that they have been given a penalty by a Court and are required to meet certain obligations, and are subject to specific conditions.**

Agencies play a valuable role in providing the means for an offender to complete the hours of community work required. As a *Community Service Order* is a court order, agencies and supervisors **must not and can not change any aspect of the order.**

If you have any questions or concerns about any aspect of the *Community Service Order Scheme* or a worker under your agency's supervision you should immediately contact the Community Service Order Organiser or the District Manager in your local Community Offender Services (Probation and Parole) district office.

Agency's Responsibilities

In agreeing to become a partner Community Service Agency, you undertake the following:

- to accept visits, without prior notice, from the Department's CSO Compliance Teams, who are entrusted with the task of ensuring the integrity of the *Community Service Order Scheme* by inspecting *Attendance Sheets* and testing community service offenders for alcohol and other drugs;
- to keep safe and securely *Attendance Sheets*, *Work Instructions* and other documentation;
- to notify the CSO Team of any changes to the agency (including any criminal convictions);
- to provide to the CSO Team a signed *Supervisor's Acknowledgement of Responsibilities* for each person supervising CSO workers;
- to forward an acknowledgment to the CSO Team of receipt of a worker's *Work Instruction* prior to their commencement date;
- on the first day of a worker's attendance, to check the worker's identity from the photo provided;
- to accurately maintain the *Attendance Sheet* for each worker ensuring that:
 - o it remains at the agency/worksite at all times
 - o workers sign it every time they enter or leave the work site even if this is for a short break
 - o it is completed and signed by the supervisor on every day the worker performs work at the agency

- o times recorded are the actual times the worker arrived at or left the work site;
- to ensure that the CSO worker:
 - o abides by any *Standard Operating Procedures* provided, and adheres to OH&S requirements
 - o performs approved work at approved sites only
 - o is provided with adequate supervision
 - o wears personal protective equipment (PPE) at all times when required
 - o has access to a first aid kit
 - o has access to a telephone in the event of an emergency
 - o has access to drinking water and toilet facilities;
- to immediately notify the Community Service Organiser (or CSO Team member) of any non compliance or misbehaviour at the work site;
- to notify the Community Service Organiser (or CSO Team member) if an offender possesses or uses a mobile phone at the work site without authorisation.

Agency Accreditation

In order for an agency to be able to take on community service workers, a voluntary accreditation process needs to be undertaken.

The accreditation process begins with a visit by the CSO Organiser to explain the **Community Service Order Scheme** and determine suitability for an approved work site. During this process, the following will be canvassed:

- the type and amount of work available
- types of skills required
- the numbers of workers needed
- the availability of supervision for CSO workers
- the days of the week and the hours available to conduct the work
- the occupational health and safety assessment of the work site
- legal requirements, agency responsibilities and indemnity issues.

The agency will be required by the CSO Organiser to complete and sign a **Community Agency Application for participation in the Community Service Order Scheme** and an **Agency Letter of Agreement**.

The **Community Agency Application for participation in the Community Service Order** records details about the agency, the work and types of suitable offenders.

The **Agency Letter of Agreement** acknowledges the agency's acceptance of responsibility for the supervision of offenders performing community service while at the approved worksite.

The *Agency Letter of Agreement* also commits the CSO Team to assist you to understand and fulfil agency responsibilities and obligations.

The *Agency Letter of Agreement* should be revised each time there are significant changes to the agency i.e. change of management personnel, location, hours of work available, work type, supervisors, etc. This should be done prior to changes being made if possible. It will also be revised if there has been a twelve (12) month period without a referral from the Probation and Parole Service.

Please inform a member of the CSO Team of any problems or issues that arise whilst participating in this Scheme.

You should also immediately notify the CSO Organiser if any worker assigned to your agency is an acquaintance, friend or relative of anyone associated with the agency.

Supervisor's Responsibilities

Each person that will be responsible for supervising CSO workers must sign a *Supervisor's Acknowledgement of Responsibilities* that will then be given to the CSO Team.

The responsibilities of the people at the agency who will actually be supervising the workers are:

- to have read and understood this guide, the *Work Instruction* for each worker being supervised, and any applicable Standard Operating Procedures
- to sign a *Supervisor's Acknowledgement of Responsibilities* acknowledging understanding and acceptance of their supervisory responsibilities
- to immediately notify the Community Service Organiser if they are charged with or convicted of a criminal offence;
- to keep the *Attendance Sheet* up to date at all times by accurately recording times and signing the *Attendance Sheet* every time the worker begins and ends work or leaves to the agency for a break and returns
- to be aware of and follow the first aid and emergency procedures contained in this guide
- to ensure that the CSO worker:
 - o abides by the *Standard Operating Procedures* provided, and adheres to OH&S requirements
 - o performs only approved work at approved sites
 - o is provided with adequate supervision
 - o wears personal protective equipment (PPE) at all times when required
 - o has access to a first aid kit
 - o has access to a telephone in the event of an emergency
 - o has access to drinking water and toilet facilities;
- to immediately notify the Community Service Organiser (or CSO Team member):
 - o if a CSO worker is an acquaintance, friend or relative

- o if a CSO worker offers any inducement (money or other deals) to avoid hours of work
- o if you think a CSO worker is under the influence of alcohol or any other drug
- o of any non compliance or misbehaviour at the work site
- o if an offender possesses or uses a mobile phone at the work site without authorisation.

The agency may wish to have suitability checks conducted on people prior to being placed in a supervisory position. The Department of Corrective Services will conduct such checks at no cost to the agency. If such checks are requested potential supervisors will be asked to complete an *Application for National Criminal History Record Check* and submit the form to the CSO Organiser for processing.

Administration of community service work

Community Service Orders are governed by legislation and the Probation and Parole Service is legally responsible for their administration. The Community Service Orders (CSO) Team at the local Probation and Parole district office usually comprises the Community Service Organiser (generally a Probation and Parole Officer), the Administrative Assistant and the Field Officer. These departmental staff are responsible for administration of the program in your local area.

Additionally, the Department of Corrective Services has a Compliance Team, which undertakes spot checks on offenders to ensure that aspects of compliance are being met.

Agency staff should contact the CSO Team at any time if they have questions or problems regarding their understanding of the *Community Service Order Scheme*, the worker's instructions or problems associated with the placement. The CSO Team should be immediately contacted if

problems or occupational health & safety (OH&S) issues arise that may interfere with the placement or supervision of offenders at your agency.

All CSO workers are initially assessed for suitability before the order is made by the Court, then re-assessed by the Probation and Parole Service for appropriate placement. During an induction session the worker is assigned to perform approved work, given a copy of the standard operating procedures and placed with an accredited agency.

Work Instruction

The *Work Instruction* is the document given to a worker by the CSO Team. It sets out where and when the worker is required to attend CSO work and the work that has been approved for the worker to perform.

The agency will receive a copy of the *Work Instruction* for each worker assigned to the agency. The *Work Instruction* will also include a photograph of the offender and their *Attendance Sheet*. The agency should forward acknowledgement of receipt of the *Work Instruction* for each worker to the CSO Team **prior to the CSO worker's commencement date**.

The CSO worker is required to adhere to these instructions at all times. A CSO worker should not be allowed to work if you have been advised by the CSO Team that the *Work Instruction* has been withdrawn.

The worker may work extra hours by agreement with the agency. Alterations to *Work Instructions* can only be made with the **prior written** approval of the CSO Organiser.

If the worker is unable to attend work on their scheduled day they must contact the agency **and** the CSO Team.

Attendance Sheet

The **Attendance Sheet** is a legal and auditable document that may be used in court proceedings in the event that breach action is initiated.

An *Attendance Sheet* for each worker will be sent to the agency with the *Work Instruction*. The *Attendance Sheet* must then **remain at the agency at all times** and be kept in a secure place.

The worker should not be allowed to remove the *Work Instruction* or the *Attendance Sheet* from the agency under any circumstances.

The supervisor and the CSO worker are required to sign the *Attendance Sheet* every time the worker begins and ends work or leaves to the agency for a break and returns.

The agency supervisor is required to keep the *Attendance Sheet* up to date at all times. The times entered on the *Attendance Sheet* should not include any allowances for travel.

The *Attendance Sheet* must be filled in accurately on each day the worker attends work.

If you are ever unsure about filling in or entries on the *Attendance Sheet* or any other aspect you should contact the Community Service Order Organiser, the CSO Team or the District Manager.

Work hours & breaks

The worker is entitled to a 10 minute tea break after each 3 hours of continuous work and a 45 minute lunch break after 4 hours of continuous work (interrupted only by a tea break). Lunch and tea breaks at the worksite are included in total time worked.

Working through lunch and tea breaks is not a method of gaining extra hours of credit, and is not permitted.

Non-attendance at work

There are only four instances in which the Community Service worker may be excused from Community Service work.

1. He/she is sick and provides a medical certificate to the CSO Team.
2. He/she has a genuine emergency and contacts the CSO Team.
3. He/she has paid work and advises the CSO Team.
4. He/she has prior permission for non-attendance from the CSO Team.

For any absence from Community Service work the Community Service worker must contact **both** the Agency supervisor and the CSO Team. Absent workers may be subject to a home visit by the CSO Compliance Team.

If a CSO worker assigned to your agency fails to attend please ensure that the CSO Team is informed.

Wet weather & cancelled work

CSO workers are instructed to attend their work site in the event of wet or other adverse weather conditions.

If the work site is outdoors, the agency may choose to direct the workers to perform other approved duties, or give them permission to go home if no suitable, approved alternative work is available.

The *Attendance Sheet* must be noted, e.g. “work cancelled due to rain”, and the worker signed on and off.

The worker's obligations

The following obligations are explained to the CSO worker by a CSO Team member at the time of their induction and work placement.

The worker is required to perform work in accordance with their Community Service Order by adhering to the following requirements:

- reporting for work on the days and times directed in their *Work Instruction*
- performing work to a satisfactory standard
- arriving on time for work and not leaving earlier than scheduled (unless approved)
- returning any protective clothing or tools issued in a clean and reasonable condition
- not attending or performing work under the influence of alcohol or any other drug. (There is no “legal limit” in relation to Community Service workers. Breath testing will be conducted by Corrective Services staff and the only acceptable result is zero (0))
- providing a medical certificate to the CSO Organiser in respect of any absence from work due to illness. The certificate must specify the dates which the doctor considers them unable to work and the date the doctor considers them able to resume work
- notifying the CSO Team and the agency immediately if for any reason the worker is unable to attend work
- accepting home visits by the CSO Team or CSO Compliance Team
- notifying the CSO Team immediately of any change of address

- reporting to the CSO Team as directed either verbally or in writing
- signing the *Attendance Sheet* on every occasion they attend and leave the work site
- working in a safe manner in accordance with OH&S guidelines
- abiding by the *Work Instruction* and the standard operating procedures that he/she has been provided with
- wearing any personal protective equipment (PPE) as described in the standard operating procedures provided to them
- providing their own food and drinks (although drinking water should be available at the agency)
- not undertaking any work that has not been approved
- reporting any hazards to the agency supervisor or CSO Team
- reporting any health or safety issues to the agency supervisor and CSO Team
- not possessing or using mobile phones while at Community Service work without authorisation. (CSO workers are advised to leave them at home, unless authorised by the CSO Organiser)
- not bringing their children, friends or animals to the worksite.

Indemnity

The Department of Corrective Services, representing the Crown, indemnifies Community Services agencies against claims for compensation for injuries sustained by workers performing authorised Community Service work and against any damage caused by workers performing such work.

This indemnity does not release agencies from their responsibilities and obligations to provide for a safe workplace under occupational health and safety legislation.



Occupational Health and Safety at Community Service Agency Work Sites

Occupational health and safety

All equipment used at Community Service agency work sites must be in good condition and safe to use. Training at the work site must be provided by agency supervisors.

All Community Service agencies are required to adhere to the New South Wales Government's *Occupational Health and Safety Legislation* at all times. For further advice or information the *NSW WorkCover Authority* can be contacted.

While performing Community Service work, workers have a responsibility to ensure their own health and safety. As an agency in the *Community Service Order Scheme*, the agency must accept responsibility to ensure the safety of the CSO worker while on the premises.

Refusal to follow these guidelines should result in the worker being sent home from Community Service work and the CSO Team being advised.

Work site assessments

It is a requirement under *WorkCover* regulations that assessments be performed on all work sites where Community Service workers are placed. This work site assessment is conducted by a member of the Community Service Order (CSO) Team in consultation with the agency. The purpose of this assessment is to ensure that the work site is a safe working environment and that it complies with essential *WorkCover* standards. Work site assessments are reviewed at 12 monthly intervals. If changes should occur in the workplace that affect OH&S considerations, a further site inspection would need to be conducted.

OH&S responsibilities of CSO workers

The Community Service Order worker's responsibility is to always:

- work safely
- wear and use safety equipment when required
- consider the safety of themselves and others
- follow all safety instructions given to them by the CSO Team and the agency supervisor
- report any safety issues to the agency supervisor and CSO Team
- report any injuries, accidents or near misses to the agency supervisor and CSO Team.

The Community Service worker must NEVER:

- attempt any work which is beyond their skill level without instruction and supervision from the agency supervisor
- attempt any task which they consider to be unsafe
- use any of their own tools or equipment unless they have permission from a member of the CSO Team
- perform any task which requires a licence or permit (unless they hold that licence or permit and have permission from a member of the CSO Team to use it)
- use a chainsaw.

The CSO worker is to only perform tasks which have been approved by a member of the CSO Team and stated on their work instruction. They must also follow the guidelines set out in the standard operating procedures.

First aid & emergency procedures

The agency and agency supervisor should ensure that:

- the CSO worker knows where the first aid kit is located
- the CSO worker knows who the designated first aid person is
- no-one attempts first aid if they are not qualified.

If the CSO worker is injured while performing Community Service work, the agency supervisor must ensure:

- that the CSO worker is provided with first aid and reports any injury, however minor
- that medical attention if necessary is sought for the CSO worker and if they are unable to get to a doctor an ambulance is called
- that the CSO Team is notified of the accident or injury (however minor) immediately
- that the *Attendance Sheet* is noted with all details of the injury and circumstances
- that, to the best of the supervisor's ability, both the Accident/Injury Report and 48 Hour Accident/Incident Reporting Forms supplied by the CSO Organiser are filled out. These forms should be given to the CSO Organiser as soon as possible.

Essential information that should be recorded includes:

- the name of the person injured
- the name and contact address of any witnesses
- the time and date of the incident
- the nature of the injury
- a brief description of how and where the accident occurred
- factors which may have contributed to the incident
- actions taken to prevent a recurrence of the incident
- the name and contact details of any providers of medical assistance

Alcohol & other drugs

CSO workers are strictly forbidden to attend Community Service work under the influence of alcohol or any other drugs.

If any worker appears to be under the influence the CSO Team or the District Manager should be contacted immediately. If you are unable to make contact with the CSO Team or District Manager the affected CSO worker should be sent away immediately and the incident noted on the *Attendance Sheet*.

Personal protective equipment

Personal Protective Equipment (PPE) is equipment which is worn to prevent injury or accidents. It includes eye goggles, gloves, ear protection and safety boots.

If the standard operating procedure states that there is particular PPE required, then the CSO worker is obliged to wear that equipment at all times while performing work. Refusal to wear this equipment should result in them being sent home, the CSO Team being notified and the incident recorded on the *Attendance Sheet*.

PPE should always be kept and left in good condition by the CSO worker. The CSO worker is required to treat all equipment with care and to report any damage to the agency supervisor.

Hazardous Chemicals

There is a restriction on the use of hazardous chemicals by Community Service Order workers. A member of the CSO Team will assist in listing those chemicals that cannot be used by workers undertaking Community Service work. All hazardous chemicals should be clearly marked. *Materials Safety Data Sheets* for each substance should be clearly available near chemicals for the information of workers.

Please Note: The New South Wales Government (The Crown) is liable for loss or damage caused by CSO workers engaged in approved CSO work and for any injuries suffered by a person while performing approved CSO work.

If you have any concerns about the operation of the Community Service Order Scheme
please contact the COS Intelligence Unit on (02) 8346 1555.

