

Western Australian Auditor General's Report



Staff Rostering in Corrective Services



Report 16: 2021-22

18 May 2022

**Office of the Auditor General
Western Australia**

Audit team:

Jason Beeley
Rowena Davis
Holly Ord
Nicholas Chin
Wendi Zeng

National Relay Service TTY: 133 677
(to assist people with hearing and voice impairment)

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The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

Staff Rostering in Corrective Services

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**THE PRESIDENT
LEGISLATIVE COUNCIL**

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

STAFF ROSTERING IN CORRECTIVE SERVICES

This report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of my Office's overall program of audit and assurance for Parliament. They seek to provide Parliament and the people of WA with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

This audit assessed whether the Department of Justice is effectively and efficiently managing staff rosters to deliver prison services safely and to minimise costs.

I wish to acknowledge the entities' staff for their cooperation with this audit.

A handwritten signature in black ink, appearing to read 'C Spencer'.

CAROLINE SPENCER
AUDITOR GENERAL
18 May 2022

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Auditor General's overview

Prison officers in our State work in some of the most challenging and sometimes dangerous of environments. This audit set out to examine whether Corrective Services (within the Department of Justice) is managing its staff rostering to deliver services efficiently and safely. We found that current arrangements do not achieve either, predominantly because Corrective Services are operating in a chaotic administrative environment lacking essential controls and information.



My audit has found a range of serious deficiencies in systems, processes, controls and culture that have led to a lack of effective oversight and accountability. Consequently, overtime costs are high, officers are being paid for hours they have not worked, and absenteeism is a persistent problem. Furthermore, safety provisions in the industrial agreement are not being met, potentially putting prison officers' safety at risk. The widespread acceptance of non-compliance with processes and the inability or unwillingness of management and officers to challenge poor practices, leave Corrective Services wide open to roting and fraud in this area.

There is a level of movement in the rosters that is unseen in modern workplaces, with prison officers regularly swapping shifts and taking unscheduled leave – with some rosters having fewer than 16% of shifts filled as scheduled. While some flexibility in rostering will always be required, changes must be managed with good systems, processes, accountability and rigorous oversight. Corrective Services lacks all four.

My report presents what I believe is a deeply disturbing picture, but much of what is in the report is not new. A range of reports and reviews over many years, including financial audit findings by my Office, have raised similar issues, but the Department of Justice has made little progress in addressing them. This cannot continue.

Long term systems solutions are necessary, but in the interim the Department can do more with what it already has. Improvements in oversight and accountability can be made with current reporting and improved discharge of responsibilities. Performing basic reconciliations to identify errors in pay and leave, for example, have always been expected for the responsible use of public money and should be a routine part of administrative arrangements.

I am encouraged by some of the recent determined tangible efforts by the Director General, new Commissioner and new Minister in tackling these issues. My Office will maintain a keen watch for improvements.

Executive summary

Introduction

This audit assessed whether the Department of Justice is effectively and efficiently managing staff rosters to deliver prison services safely and to minimise costs. It had a focus on the use of overtime and whether safety aspects outlined in the *Department of Justice Prison Officers' Industrial Agreement 2020* (Agreement) were being adhered to.

This in-depth performance audit was initiated following persistent financial audit findings from our Office over a number of years around accuracy of overtime hours and approval of leave, overtime and payroll certification in Corrective Services – a part of the Department of Justice.

As part of this audit we engaged consultants with expertise in analysing workforce data to determine the efficiency of Corrective Services rostering practices. The consultants used a purpose-built software application to undertake a detailed modelling exercise using Department payroll data and reported on staff use and where efficiencies could be gained.

In recent years, successive governments have identified concerns about the Western Australian prison system generally, and its funding in particular. In 2012 a 'reform' program was commenced, and in 2015 the then Treasurer asked the Economic Regulation Authority to undertake an independent examination of the WA prison system, with the aim of identifying options to improve its efficiency and performance.¹ In May 2021, due to repeated additional funding requests Parliament requested the Department establish the Prison Services Evaluation. To assist in driving change a Ministerial Oversight Committee was established in October 2021 to oversee the implementation of reform initiatives to address budget accountability and sustainability. The committee is made up of the Premier, Minister for Corrective Services and the Attorney General.

It is clear, given the deeply concerning practices identified in this audit, and consequent serious safety and financial risks, that sustained determination for reform and goodwill will be required at all levels of Corrective Services, by both staff, management and across government. Such reform is needed urgently to reduce those risks to an acceptable level.

Background

Corrective Services uses rosters to deliver services 24 hours a day, 7 days a week, to prisoners throughout Western Australia.

Rosters schedule the working patterns of prison officers, indicating the shifts they are required to work, and when and where they will be located. Most shifts on the rosters are 12 hours however some shifts are 8 or 10 hours. Officers undertaking 12-hour shifts are rostered to work 10 shifts over a 3-week period. Rosters are developed electronically using the Labour Management System (LMS) with all changes to the original roster being made manually.

The availability of prison officers to fill a roster can be influenced by leave, an overall shortage of officers at a particular prison, or the need for officers to be diverted for non-routine work such as transporting a prisoner to hospital or responding to an emergency. Overtime is used to fill these rosters when rostered officers are not available.

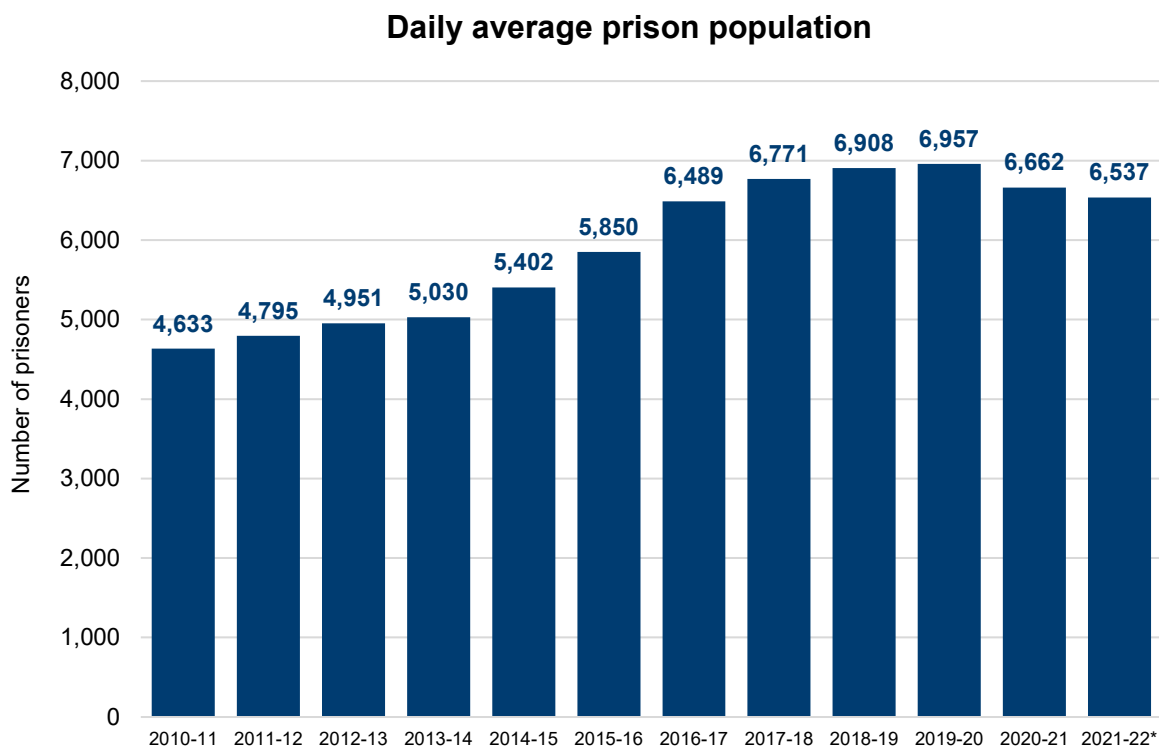
Officers are generally paid 1.5 their normal rate for working overtime. The exception is when officers perform medical escorts or work additional hours to respond to emergency incidents when officers are paid double their normal rate.

¹ Economic Regulation Authority, *Inquiry into the Efficiency and Performance of Western Australian Prisons*, 8 October 2015.

Overtime is sometimes necessary but must be proactively managed to ensure expenditure is not excessive, and the health and safety of officers and service quality is maintained. Many government entities incur overtime costs to provide services to the public but there is no stated benchmark as to what is reasonable or targeted for different service sectors.

Data from our State sector financial audits shows the Department of Justice has one of the highest percentages of salaries and wages devoted to overtime. This is mostly paid to prison officers. Overtime costs within the Department have risen substantially over the past decade to a peak of \$53.8 million in the 2019-20 financial year. Overtime expenditure decreased in the 2020-21 financial year, with the Department spending \$43.7 million which represents 5.5% of their overall wages and salaries expenditure.

In various annual reports from 2008 the Department attributed rising overtime costs to the rapid rise in the prison population. But the population had stabilised by 2019 and since then, it has declined (Figure 1).



Source: OAG based on Department data

*2021-22 is as at 30 November 2021

Figure 1: Daily average prisoner population

Annual leave, personal leave, shift swaps and providing cover for vacancies cause continual changes in the roster. Very few prison officers work the planned roster pattern without making changes or adding an overtime shift.

The Department operates an autopay payroll system. Prison officers are paid fortnightly and are automatically paid ten 8-hour days totalling 80 hours. Given this does not align with roster scheduling or fulfillment, delivering payroll accuracy would demand tight administrative and monitoring controls.

Each prison has its own human resources (HR) staff on site to provide HR and rostering services. The Department also has HR staff centrally providing similar services as well as running the payroll function.

Managing rosters to deliver services safely and efficiently requires a sound understanding of how many officers are needed, when and where. Robust management of the workforce ensures officers are available as required to deliver quality services to prisoners and proper management of the prison estate. Proper management of both takes into account workforce availability by building a relief factor into rosters. Poor management in these areas drives significant expenditure on overtime and other costs.

This audit focused on the Department's management of prison officer rosters to ensure services are delivered safely and effectively and overtime costs are contained. Prisoner welfare was not within the scope of this audit. This falls within the remit of the Inspector of Custodial Services who has issued many reports over recent decades.²

Conclusion

The Department is not managing rosters to deliver services efficiently or in a way that ensures prison officer safety. Fundamental weakness in workforce and leave management processes have led to a structural reliance on overtime to fill shifts and rosters. The Department does not have a needs-based understanding of its workforce and rostering requirements and does not have reliable information on vacancies. Without this it cannot set effective recruitment targets and is unable to address the persistent perception that prisons are understaffed. The Department is struggling to manage high levels of leave and absenteeism which significantly reduce officer availability and indicates low workplace morale.

The Department's processes are manual, paper based and lack the required controls to ensure completeness and accuracy of payments and entitlement use. There is also significant variation in processes and procedures from one prison to another. A consistent failure to follow processes has become accepted practice which has developed an entrenched culture of non-compliance among staff at all levels. This has resulted in overpayments to officers and increases the risk of fraud.

Key corporate systems are not integrated and do not reflect the working patterns of prison officers. Consequently, management has not requested, created or accessed information to exercise effective oversight and ensure accountability for the use of public resources, and administrative staff do not consistently conduct essential checks. This leaves the Department highly vulnerable to fraud and roting, and makes it unlikely that either would be detected.

The Department lacks the ability to ensure adherence to safety provisions in its *Department of Justice Prison Officers' Industrial Agreement 2020* (the Agreement) with prison officers. Although shift patterns in the original version of rosters complies with agreed safety requirements, officers rarely work their originally rostered shifts due to shift swapping and absences. We found in one prison only 13% of prison officers worked their scheduled shifts over a 3-week period. There are no processes or systems in place to ensure officers have adequate breaks between shifts and appropriately rotate through functions when swapping shifts or working overtime shifts.

Overall, there is strong evidence of a systemic failure of controls and culture in prison officer rostering in Western Australia's state-run prisons.

² www.oics.wa.gov.au

Key findings

Poor roster management within prisons does not deliver services efficiently and drives high overtime costs

Effective rostering provides the right number of people to deliver a service, in the right place, at the right time while minimising the use of high cost staffing options like overtime. The Department's rostering in Western Australian prisons does not do this and relies heavily on overtime to deliver services. This is partly because the Department does not have a robust view of the workforce it needs and partly because it is not managing leave and absenteeism to maximise officer availability.

The Department does not have a sound basis for determining the number of officers required to run prisons safely. Rather, prison officer staffing levels are ill-defined, relying on negotiation with unions and past practice rather than a comprehensive assessment of need. For example, workforce levels have been set based on if 10 officers were previously stationed in a unit then 10 officers are now required, no assessment was undertaken to determine if 10 was ever the appropriate number. Then, negotiations with the union further impacts the number of officers required. Therefore, the Department does not know whether the number of prison officers determined as required is too many or too few to safely and efficiently deliver services.

Information regarding the workforce is not consistently reported across the Department. At our request the Department provided us with recruitment and retention data but this did not match full time equivalent (FTE) staffing levels reported from the HR system in previous information we had received. As such the Department is unable to reliably determine how many officers are currently employed. Without this basic information the Department cannot make strategic recruitment decisions, or create and enforce basic accountabilities.

The level of leave taken exceeds the relief factor built into the roster and drives high overtime costs. High levels of leave and absenteeism result in insufficient prison officers being available to fill shifts, and the Department relies on the use of overtime to fill shifts. Annual leave, personal leave then workers' compensation are the 3 biggest factors limiting officer availability. Twenty per cent of leave taken in the 2021 financial year was for staff on workers' compensation claims, roughly the same as for personal leave, with 49% of prison officers having a workers' compensation claim in the 2.5 year period to December 2020.

Human resource systems and practices are shambolic resulting in officers being paid for hours they have not worked and overtime rates when they should not apply

Prison officers make multiple changes to their rosters through shift swaps, leave applications and picking up additional shifts on overtime. In 2 prisons we found only 13% and 16% of prison officers respectively worked their exact shift over a 3 week period. All other officers made changes to their roster. Allowing prison officers the flexibility to make changes to accommodate a work life balance is good practice, but strong controls are needed to manage the constant changes. The Department lacks appropriate controls to manage the volume of changes effectively resulting in a chaotic environment leading to overpayments and a high risk of fraud.

The Department operates corporate systems and paper-based processes that are outdated and not integrated, leaving limited ability to undertake expected checks and reconciliation activities. This leads to officers being paid more than they are entitled to. Management is not exercising its accountability and oversight responsibilities to ensure payments are accurate.

The Department operates an autopay payroll system which is not configured to match the scheduled or actual shift work patterns of officers. As such, adjustments to payroll are required to ensure payments are accurate. Ensuring all required adjustments are actioned

relies on staff to comply with robust processes. However, the Department lacks these robust processes. A culture of complacency has developed whereby prison officers fail to account for their leave or absence in a timely manner, if at all. Few checks are undertaken to ensure adjustments are complete and management take minimal action to address high absenteeism or ensure it has been accounted for.

Failing to process adjustments and undertake basic reconciliation activities to match sign on sheets, payroll and leave systems means the risk of fraudulent claims and overpayments to prison officers is high. Identifying fraudulent actions by individual officers would require a very costly and time consuming targeted forensic audit, which was not the nature of this systemic performance audit. But we did identify some very concerning specific practices, and failures by management to implement adequate controls and monitoring that have led to overpayments and an increase risk of fraud. We found:

- Over 1,500 instances of leave not being reliably processed and accounted for in December 2021. While some of this leave may be eventually processed, we found some leave taken in early 2021 remains unprocessed in the HR system. This results in prison officers retaining entitlements they have used, increasing their access to further leave and being paid for hours they did not work.
- 307 hours, across 4 prisons, being paid to officers for hours not worked in October 2021.
- 6 prisons paid officers double time overtime for medical escorts which exceeded the hours prisoners were being escorted for medical purposes.
- Additional roster lines have been added at Hakea Prison allowing officers to maintain access to additional shifts and overtime. This may have been done to increase staff availability and address high absenteeism but given the process of adding roster lines has no transparency or controls it is possible these lines were added fraudulently.
- Prison officers being absent from a shift without accessing leave or arranging a shift swap. This provides access to unlimited, un-managed days off and creates overtime for officers to backfill the absence.

The Department has long been aware of its lack of reliable information, poor leave management, and unreliable overtime and leave controls and has failed in its attempts to fix these issues.

Rostering practices do not maintain officer safety

Most prisons build their rosters to meet the safety aspects in the Agreement. However, these safety aspects are not maintained when shift swaps and overtime shifts occur, potentially placing officers' safety at risk. Prison HR staff who manage roster changes are not trained in understanding the Agreement and they do not check if the Agreement will be breached if an officer is placed in an alternative or additional shift.

We found 253 instances during the 12 months ending 31 August 2021 where officers worked in excess of 16 hours in a single shift and 62 officers who worked more than 7 days in row, often more than once. This breaches the Agreement and results in officers failing to have adequate breaks between shifts. Shift swaps also allow officers to not rotate through all functional areas of the prison allowing skills to atrophy.

Recommendations

The Department of Justice should:

1. establish appropriate rostering management practices in Corrective Services to build a credible, accountable and sustainable operating model. In particular:
 - a. establish a sound basis for safe staffing levels in its prison facilities, that reflects the complexity and service delivery requirements of each prison, improves cost effectiveness and flexibility in prison officer deployment and increases flexibility in the work patterns.
2. implement contemporary and integrated human resource controls, which may include new systems, to reduce the risk of fraud and provide information to facilitate management oversight and decision-making. This will include:
 - a. linking timesheets, payroll, rosters and leave to attendance, and enable accurate payment to staff
 - b. improving practices and oversight to ensure accurate and timely accounting of leave
 - c. establishing mechanisms to ensure alignment between staffing levels and rosters
 - d. reconfiguring the autopay system to accommodate a 12 hour shift, reflecting actual hours worked by prison officers.

Department of Justice response: Agreed

Implementation timeframe: June 2023

Response from the Department of Justice

The Department of Justice accepts the two recommendations in this report. However, it should be noted that the Department had, prior to the start of the performance audit, commenced a significant workforce reform agenda which addresses issues with staff rostering with some early successes achieved. This ongoing reform program will address broader cultural issues and reduce absenteeism. The progress of key initiatives is being oversighted directly by Government.

Acknowledging the need for improvement in systems and processes, the Department has invested in a new, integrated rostering solution. This has been rolled out at our largest prison, Casuarina Prison. Partnering with a global leader in the field, the Department has replaced manual records and processes with a modern rostering system featuring robust checks and balances to improve timeliness, completeness and accuracy of payments. This swipe in/swipe out system will provide real-time data to facilitate improved decision making with respect to rostering the ability to better identify and challenge non-compliance.

Research from other jurisdictions and WA's own recent experiences show that safety and security in prisons cannot be reduced to a simple analysis of prison officer staffing numbers. The Department is aware of how many substantive staff are employed at each facility and has detailed planning with respect to the resources required to manage the estate at full capacity. Staffing models are continually reviewed and any changes reflect contemporary approaches and expectations regarding the delivery of custodial services and rehabilitation. While prisoner welfare was not within the scope of this report, it is very much a priority of the Department. Any implementation of a new staffing model must be accompanied by an overall philosophy of increasing prisoner access to services and increasing the efficient use of resources (human and infrastructure).

More broadly, a new People, Culture and Standards Division is delivering cultural and workforce reforms to reduce the current level of absenteeism that is driving daily staff shortages and the use of adaptive regimes. The Department has already addressed the finding in the report regarding staff incorrectly applying the medical escort overtime rate with a clear direction issued to prisons and enhanced monitoring of applications for compliance.

We note the report acknowledges the recent reduction in overtime expenditure since the Department's reintroduction of revised controls. The current overtime model is reviewed monthly and considers vacancies, leave, workers compensation related absences and the prison population in setting corporate overtime targets.

The Department is also enhancing its compliance checks and oversight of unprocessed leave to ensure any omissions are followed up in a timelier manner. Approximately 90% of all prison officer leave is booked in the payroll system within a month of the leave being taken, with around two thirds of that leave booked prior to leave being taken. On average, only 1.7% of all leave bookings (or 300-400 leave items per month) require investigation and follow up.

Recognising the issues raised in the report, the Department remains committed to a program of continuous improvement to deliver safe, effective and efficient prison services for the WA community.

Audit focus and scope

This audit assessed whether Corrective Services in the Department of Justice is effectively and efficiently managing staff rosters to deliver services safely and to minimise costs. Every year since 2018 our financial audit work in Corrective Services has highlighted persistent control weakness in corporate services. This combined with the high use of overtime led us to conduct a performance audit focusing on rostering practices but also encompassing the use of overtime and whether safety aspects outlined in the industrial agreement were being adhered to.

We based our audit on the following criteria:

- Does Corrective Services effectively manage rosters to deliver services safely?
- Does Corrective Services efficiently manage rosters to minimise costs and fraud risks?

In undertaking the audit we:

- assessed rostering, payroll and leave management process and analysed data from these systems
- reviewed key documentation
- interviewed key staff in the Department of Justice
- visited 7 prisons.

We also engaged consultants with expertise in rostering to undertake extensive data analysis of the Department's organisational structure, payroll data and award entitlements. Initial review of the payroll data indicated the quality was poor and not fit for purpose for simple data analysis. As such the consultants performed further data cleansing on 2 prisons then used the information in their purpose built software to develop workforce models providing insights into the efficiency of rostering practices.

The period of data assessed during this audit was from 1 July 2018 to 31 December 2021.

Our audit focussed on adult prisons. While we visited Banksia Hill Detention Centre, the State's only youth detention centre, and reviewed initial roster builds, shifts swaps, and leave booking processes and volumes, due to different industrial agreements for prison officers at youth and adult prisons, we have focused this audit on adult prisons only. Similarly we visited the State's only privately run prison, Acacia Prison, to identify differences in the practices between private and publicly run prisons but the focus of the report is only on the latter.

Prisoner welfare and the availability of services to prisoners was not the subject of this audit. We are aware that prisons reduce services when they deem they do not have enough staff on any given day, which affects how long prisoners are out of cell and their structured day, including access to educational opportunities. These issues have been reported in our performance audit on prisoner literacy and widely in various Inspector of Custodial Services reports over the years and will continue to be subject to the Inspector's oversight.

This audit did not undertake an audit of payroll or leave balances.

This was an independent performance audit, conducted under section 18 of the *Auditor General Act 2006*, in accordance with Australian Standard on Assurance Engagements ASAE 3500 *Performance Engagements*. We complied with the independence and other ethical requirements related to assurance engagements. Performance audits focus primarily on the effective management and operations of entity programs and activities. The approximate cost of undertaking the audit and reporting was \$548,000 which includes the data analytics and modelling component.

Audit findings

Poor roster management within prisons does not deliver services efficiently and drives high overtime costs

The Department's poor management of rostering activities has caused inefficiencies in service delivery and high levels of overtime expenditure. Poor rostering practices are driven by a number of factors including the Department failing to base staffing levels on a robust assessment of service delivery needs, a lack of flexibility in the design of the workforce and an over reliance on the use of overtime to cover officer availability issues.

The Department has not clearly determined its workforce requirements as staffing numbers are not based on service delivery needs

Prison officer staffing numbers are not based on a clear operational model that aligns the prison officer workforce with service delivery to prisoners. There are no national or international standards for safe staffing levels within prisons. In lieu of this, staffing levels are based on past practice and negotiations, rather than an assessment of need. This results in the Department being unable to determine the efficient and safe size and structure of its workforce and if it has that workforce in place. The Department then struggles to address the persistent perception that prisons are understaffed.

To set staffing levels, the Department conducted 2 staffing level reviews in June 2011 and May 2018. These reviews used historical prison officer numbers as their basis and did not assess the complexity and service delivery needs of prisons, and the roles and responsibilities of the workforce. The reviews assumed that if a prison unit previously operated with 10 officers on any given day, then 10 officers were needed to operate that unit. No assessment was undertaken to confirm whether 10 was the efficient and safe number of officers to deliver the services provided by the unit.

The staffing level reviews in 2011 and 2018 were used as a basis to develop and revise staffing level agreements (SLAs). The SLAs are then negotiated and agreed with the Western Australian Prisoner Officers Union (WAPOU). SLAs have been renegotiated when there have been large changes in the prison population such as when a new accommodation unit has been added. They do not override any of the working conditions established in the Agreement or the *Prison Officers Award*, rather they specify the number of officers required in each unit and functional area of the prison.

The SLAs provide limited scope for prison officers to be deployed flexibly across roles and units during a single shift to ensure service delivery. This can contribute to the use of overtime and adaptive (reduced service) regimes.³

Rosters are built to accommodate the staffing levels that have been agreed in the SLAs however there are no controls to ensure that rosters match the SLA.

Staffing levels in the SLAs do not consistently reflect the size and complexity of prisons (such as legal status, gender diversity, mix of security levels) which is highlighted by the variations in the ratios of prisoners to prison officers. For instance, Wooroloo Prison Farm SLA staffing levels result in a ratio of 2.81 prisoners per prison officer. This is a relatively high ratio of prisoners to officers reflecting the low security environment of a prison farm. However, the other 2 prison farms have fewer prisoners per prison officer (2.41 and 2.18) than the 2 high security male prisons – Hakea and Casuarina – which have 2.5 and 2.45 prisoners per prison officer.

³ Implementing adaptive regimes refers to the practice of stopping services such as education, industries, visits and recreation so prison officers can be redeployed to other areas of the prison deemed more critical.

This ratio is a rough indicator of workforce requirements in each prison, and individual prisons may have operational, physical and specialist service delivery factors that influence the ratio. However, the variations illustrate that the Department needs to base workforce requirements on an operational model which determines the function of each prison and the services it needs to deliver, and the appropriate resources to meet those particular needs.

Vacancies and poor staff availability result in rosters being filled using expensive scheduled overtime

The Department is routinely scheduling overtime because there are not enough available prison officers to fill rosters at the levels set in SLAs. Staff vacancies, leave, absenteeism and very high levels of workers' compensation, reduce officer availability to fill shifts. Despite increasing recruitment, the Department has not addressed the drivers of officer availability and routinely schedules overtime in advance to fill rosters. Relying on this structural overtime is the most expensive response to officer availability issues, which could be resolved by increasing the number of available officers and by reassessing the number of officers needed for each roster, and better management of leave and absenteeism.

The Department cannot appropriately plan recruitment due to poor workforce information

The Department lacks consistent reporting on the number of officers it employs and vacancies for prison officers. We were provided with conflicting information about workforce levels even though this information should be easily accessible. Without reliable information regarding workforce numbers executive management, superintendents and HR staff cannot fulfil the oversight and monitoring responsibilities of their roles.

During the audit we requested information on several occasions that contained workforce data, but when we compared the data it conflicted. For example:

- information from HR on staffing levels
- information from HR on prison officer recruitment and retention
- documentation on how the overtime cap is calculated
- daily prison summary reports.

This conflicting information may be because the Department lacks a single source for workforce information or Department staff create independent datasets at a point in time rather than accessing a single system. The Department's inability to maintain adequate systems and processes to provide consistent and accurate workforce information limits its ability to make sound staffing decisions.

Over 3 years ending 31 December 2021, the Department had recruited 620 officers and during the same period 323 officers ceased employment, leaving a net increase of 297 officers. Despite the apparent increase in officers, overtime use to fill rosters remains high and there are persistent claims that prisons remain understaffed. Without accurate workforce information, the Department is unable to determine the extent to which overtime use in prisons is driven by understaffing rather than officer unavailability or to provide a robust response to claims of understaffing.

Officers access more leave than the roster can accommodate, driving overtime use

More leave is taken by prison officers than the relief factor in the roster can absorb. In the 2020-21 financial year prison officers took 1,209,513 hours of recorded leave, 36% of which was covered by overtime instead of the relief factor. The relief factor built into the roster is designed to account for the full entitlement of annual leave, plus 25% of the full entitlement of personal leave and 40% of the annual accrual of a prison officers' long service leave. This

equates to approximately 916,000 hours per year of leave, far less than what was recorded as taken, which leads to shifts being filled by overtime.

Although annual leave is the largest driver of absenteeism (Table 1), the Department schedules annual leave well by providing prison officers with leave letters when they commence employment at a prison. Annual leave is therefore predictable and should be covered by the relief factor.

Leave type	Number of hours recorded	% of total leave taken
Annual leave	532,146	44.00%
Personal leave	262,689	21.72%
Workers' compensation	247,137	20.43%
Long service leave	72,663	6.01%
Purchased leave	64,596	5.34%
Parental leave	26,594	2.20%
Bereavement leave	3,019	0.25%
Emergency services leave	335	0.03%
Study leave	169	0.01%
Cultural leave	168	0.01%
Total	1,209,516	100%

Source: OAG based on Department Data

Table 1: Volume of leave type recorded as taken in the 2020-21 financial year

The next most used leave types are personal leave and workers' compensation. In the last financial year 86% of all leave booked was for 1 of the top 3 leave types.

Personal leave, which includes absences for sickness and caring responsibilities, is less predictable and is frequently used. Ninety-one per cent of prison officers took personal leave in the last financial year. Approximately 1 in 7 prison officers (440) booked more than a full year's allocation of personal leave in 2020-21 financial year. A Department report on the use of personal leave in 4 prisons showed that since overtime caps (refer to page 24) were implemented in July 2020, personal leave hours increased almost immediately by an average of 31% with the average monthly number of officers taking personal leave increasing by 113%. Personal leave is part of any workforce and should be expected but prison officers' high use of personal leave reduces officer availability and places a strain on the roster.

Prison officers also have high workers' compensation use which reduces the number of available prison officers to fill shifts. This is shown through:

- A Department report on the use of workers' compensation in 4 prisons finding 49% of prison officers had a workers' compensation claim in the 2.5 year period from 1 July 2018 to 31 December 2020.
- The Department having the third highest number of workers' compensation claims out of all WA government entities, only exceeded by 2 departments who have substantially more staff than the Department.
- A higher proportion of claims submitted by the Department being declined compared to other WA government entities indicating a tendency to make claims that are not substantiated. In the 2020-21 financial year the Insurance Commission of Western

Australia declined 5.6% of claims from the Department. For all other entities, the declined rate was 4%.

Cover for workers' compensation claims is not built into the relief factor despite the high levels significantly affecting officer availability for shifts and driving up overtime. While the Department could use analysis of historical leave levels to estimate the required relief, it will also need to reduce the level of workers' compensation claims to improve officer availability, workforce well-being and sustainability of insurance premiums.

Despite high levels of leave being a significant factor in officers being unavailable for work, prison officers have been able to purchase large amounts of extra leave. Purchased leave is not an automatic entitlement and must be negotiated with the employer. It is subject to operational requirements which includes consideration of suitable leave cover and cost implications. In an environment of high overtime costs due to officer unavailability purchased leave should be unusual. During the 2020–21 financial year, 18% (564) of officers took 64,596 hours of purchased leave.

During the audit we undertook a roster modelling exercise for Bandyup Women's Prison and Casuarina Prison. This exercise analysed officer working patterns, payroll expenses, and use of leave and overtime to develop various scenarios and determine their impact on overtime and salary costs. This showed that if there was an increase of 56 prison officers across the 2 prisons this would provide sufficient officers to remedy current availability issues. The model showed increasing officer numbers would save an estimated \$4.5 million each year. However, this would only work if an increase in prison officer numbers increased availability. If workers' compensation, personal leave and unexplained absences continued, this approach would not result in the estimated savings.

Alternatively, the savings predicted in the modelling could be achieved by:

- increasing officer availability by addressing the underlying causes of absenteeism
- clarifying the extent of officer vacancies and recruiting to fill vacant positions
- realigning the number of prison officers on shift with need and potentially reducing the number of prison officers required on shift while ensuring safety is maintained.

Regardless of the mechanisms used to achieve necessary efficiencies, the model illustrates that the Department currently uses the most costly method of managing officer availability by using high levels of structural overtime.

The Department lacks flexibility in workforce and rostering practices, reducing its options for filling rosters while minimising overtime

Almost all prison officers (96%) are employed on a fulltime basis, with very few part time or casual officers, reducing workforce flexibility and the Department's options to fill roster positions without using overtime. Part time prison officers can work up to 120 hours in a 3-week roster period, the equivalent of a full-time officer, before they incur overtime rates. Casual workers do not attract overtime rates. A more flexible workforce would allow vacant shifts to be filled by people not incurring overtime.

Most prison officers are rostered to work 12-hour shifts meaning overtime shifts are long and costly. While this is efficient in terms of providing limited cross over between shifts, if shift lengths were shorter, for example 8 or 10 hours, less overtime would be required to fill a shift which becomes vacant. Including alternative roster patterns such as 8 or 10 hour shifts or part time and casual arrangements may also attract additional people into the prison officer workforce addressing vacancies and increasing flexibility.

The Department's current rostering practices also limits the flexibility to move officers during their shift. Instead, officers are assigned to an area and remain in the same area throughout

the whole shift regardless of prisoner movements and need. The Department uses some floating positions, particularly during night shifts, but these do not make up a substantial part of the roster. Having more flexibility to deploy officers to different areas would result in officers only working in areas where they are needed and would reduce the need to call officers in on overtime or move to an adaptive (reduced service) regime.

Human resource systems and practices are shambolic resulting in officers being paid for hours they have not worked and overtime rates when they should not apply

The Department operates corporate systems and processes that are outdated and not integrated, limiting the ability of administrative staff and management to undertake basic checks and reconciliation activities. This leads to officers being overpaid and management not exercising effective accountability and oversight to ensure payments are accurate. Inadequate systems and practices often result in an inability for the Department to align with the Agreement (outlined in detail in Appendix 1).

Officers are paid incorrectly because the payroll system does not align payment with hours worked

The Department operates an autopay payroll system in which the way officers are paid does not align to their working patterns. Through the payroll system, prison officers are paid fortnightly for ten, 8-hour workdays totalling 80 hours. In fact prison officers are rostered to work either 6 or 7 days a fortnight in 12-hour shifts so the number of hours they are rostered on is either 72 or 84, not the 80 hours in their pay. If officers complete all their shifts, every 3 pay periods the hours worked and hours paid will reconcile. Outside of those times each officer will have been either under or overpaid.

Adjustments have to be made for leave taken or additional shifts worked. This increases the risk of overpayments. An autopay system can be efficient when there is minimal disruption to working patterns. However, given prison officers have access to pick up overtime shifts and take a high volume of leave, adjustments are the norm rather than the exception. The process to alert payroll of a required adjustment is paper based. We found no evidence of checks being done to ensure manual changes are always undertaken and that the changes were accurate.

The need to constantly adjust the payroll system and the manual paper-based processes to trigger the adjustments results in instances where pay adjustments are not processed. This results in prison officers being overpaid, because leave, actual hours worked and entitlements are not accurately reflected in their pay.

The Department is unable to reconcile payroll, leave and rostering systems to ensure pay and entitlements are accurate.

There are no electronic or automated links between payroll, leave and rostering systems, and some systems are paper based, so reconciling these systems can only be done manually. The difficulty in performing regular reconciliations between these systems mean executive management, superintendents and HR staff do not fulfil the oversight and monitoring responsibilities of their roles. It also results in overpayments and an increased risk of fraud.

Management approves fortnightly pay, including any adjustments and entitlements such as for overtime, with no practical or repeatable way to determine whether the payments are accurate.

- All prison officers and administrative staff are included in a single cost centre per prison. In Casuarina Prison this means over 600 staff are in a single cost centre making effective scrutiny and certification of payroll for accuracy not practicable.
- The only record of an officer attending a shift is a manual sign-on captured on a sheet of paper on a clipboard at the gatehouse. These sheets are archived, but checks and analysis of attendance cannot be done efficiently unless the information is replicated into an electronic system.

Sometimes when officers leave the Department a manual reconciliation of leave is conducted to identify overpayments which may have previously occurred. However, the issues with the payroll system and lack of consistent leave processing result in incorrect, incomplete information being matched with other incorrect, incomplete information, making it difficult to establish if an officer has been overpaid.

Case study 1: Officer paid after abandoning employment

One example that illustrates Corrective Services' inadequate systemic controls including poor oversight of attendance, is in Albany Regional Prison where a prison officer stopped attending shifts but did not resign. On 24 June 2020, when contacted by prison HR staff he advised he would not be returning; however, for the next 6 weeks he continued to be paid for shifts he did not work.

During these 6 weeks the officer was paid ordinary hours as well as a higher duties allowance and regional incentive payments totalling \$11,491. On 10 December 2020, prison HR staff processed the cessation of employment and an additional payment of \$6,327 was made to the officer for unused leave balances. This amount should have been withheld to go towards recouping the previous overpayments.

There is no established process to identify and manage when someone abandons their employment. Prison HR staff had identified excessive personal leave being taken by the employee which then prompted them to conduct manual checks of paper sign on sheets to confirm the officer was no longer attending shifts. They then made multiple attempts to contact the officer and to activate the process to account for his leave.

If payroll, rostering and attendance systems were appropriately operating and linked, with adequate automatic and monitoring controls in place, officers not attending shifts would not be paid and this situation would have been avoided. Staff responsible for certifying pay may have been able to identify an officer was being paid after abandoning their employment if smaller and more meaningful cost centres were used, and those certification checks performed appropriately.

Leave is not being reliably processed so some officers' leave entitlements are not adjusted and they are being overpaid

Administrative staff and management are not making sure that when officers take leave all applications are lodged, approved and processed, and officers' entitlements are adjusted in a timely manner. Leave may not be processed because the prison officer has not lodged a leave application, or because the paper leave form has not been processed into the system or because the lack of effective checks means that errors have not been identified and there is insufficient follow-up. This means officers retain their leave entitlements while still being paid for the shift they did not work.

The leave booking process is largely manual and paper based and lacks the controls expected to ensure completeness. Prison officers trigger the leave process by completing a hard copy leave booking form. Any follow-up by the Department or prison HR staff to ensure

all required leave bookings are completed is ad-hoc and does not ensure all required bookings are processed. When leave bookings are not processed the payroll system pays officers ordinary hours rather than leave and their leave balance is not reduced.

The process, as illustrated in Figure 2, includes 6 critical points which are prone to error. Case study 2 illustrates that by implementing regular reconciliations between the electronic roster system (LMS) and the HR leave system, the Department can readily identify and follow-up where leave forms had not been processed.

Case study 2: Absences are not reconciled in even the most basic way from available information therefore pay is not promptly reduced when necessary

For the month of December 2021 we reconciled absences recorded in LMS with leave recorded in the HR leave system. We found 1,593 shifts where a prison officer was recorded on the roster as absent. This absence had not yet been recorded in the HR leave system by February 2022. Based on payroll data we approximate that 8,400 leave shifts each month are paid for prison officers.

While more leave was likely taken in December than would have been taken in other months, our preliminary examination of leave data in October 2021 found a similar pattern with almost 1,000 instances of leave not being processed by December 2021.

Leave type recorded on roster for officer not attending shift during December 2021	Number of times leave not recorded in HR system as at 11 February 2022
Personal leave	432
Long service leave	340
Annual leave	282
Absent pending workers' compensation	165
Workers' compensation	121
Parental leave	88
Leave without pay	59
Flexi annual leave	55
Purchase leave	27
Absent without leave	18
Emergency services leave	4
Bereavement leave	1
Cultural leave	1
Total	1,593

Source: OAG based on Department data

Table 2: Number of instances where roster shows absence but there was no corresponding leave booking processed

Some of this leave is eventually accounted for as the numbers reduce over subsequent months but if effective controls were in place the vast majority of applications should have been processed prior to it being taken and reflected in the relevant pay period it was taken, or adjusted promptly thereafter. The data shows that some leave remains unaccounted for indefinitely. Between January 2021 and June 2021, there are 2,163 instances of leave in LMS, averaging 360 instances per month, that had still not been accounted for in the HR

leave system by January 2022. The long delays in accounting for leave makes the system vulnerable to roting, as it is difficult to establish absences accurately long after the time. If officers do not raise these overpayments and seek to get them corrected, it indicates a widespread tolerance of time theft as accepted practice.

We identified instances in all 4 prisons we tested that the leave process had not been triggered. We did this by reviewing sign on sheets to identify prison officers who did not attend their rostered shift. We followed through the process to confirm that a corresponding leave booking had been completed or some process had been initiated to ensure the prison officer would be followed up so the form could be completed. From only a small sample of shifts examined, in each prison there was at least 1 instance where the process had failed.

The leave system is cumbersome and prone to error. Each of the processing steps are manual, and all steps must be completed for the absence to be processed correctly. For leave to be correctly processed:

- the prison officer is required to complete a leave booking form
- prison HR staff process the leave form then reduce the leave balance in the leave system and adjust the payroll system to pay leave hours rather than ordinary hours
- a further adjustment is required as the payroll system automatically reduces 8 hours, not 12. The additional 4 hours must be manually entered to reduce the actual number of hours not worked.

indicators of potential broader issues. The Department has not sought to assess their corporate systems and vulnerabilities as a whole, therefore it had not identified or attempted to address the deeply concerning practices that have now been raised in this performance audit.

Officers are sometimes paid for 12 hours even when they work a shorter shift

When officers arrive late for their shift, leave early or are absent for part of their shift there is often no reduction to their hours paid. In each prison we visited we were informed of a different way in which pay was adjusted when prison officers do not work a full shift. There was no clear guidance from the Department or consistent practice between prisons. Options prisons use for managing short shifts include:

- processing the shorter hours through a leave booking
- processing the shorter hours as leave without pay
- implementing an informal flex leave process allowing prison officers to make up the additional hours at their convenience, which is not a working condition under the Agreement and there is no current mechanism to ensure the additional hours are worked
- no action to account for the lost hours.

Therefore accounting for lost hours is inequitable and may result in time theft.

When an officer is required to use the leave system to account for the shorter hours the process is subject to the same problems identified in the leave process. However unlike the full day leave process, there are no checks to ensure the forms are completed as prison HR do not review sign in sheets to reconcile hours worked against leave bookings. This means the leave is less likely to be identified if a leave booking form has not been completed.

In a prison where the missing hours are considered leave without pay, a similar process to figure 2 is followed. The officer is required to complete the appropriate form but there are no checks to ensure this is done. We found leave processes were not always activated and adjustments were not always processed, leading to overpayments. These overpayments occur for both ordinary and overtime shifts.

We reviewed sign on sheets across 4 prisons from 1 October 2021 to 21 October 2021 and found 236 instances where prison officers were paid a total of 307 hours they did not work. While this is less than 1% of the hours prison officers worked, it only reflects missing hours where the sign on sheets showed the officer's reduced hours. These hours do not include officers who leave mid-shift to complete personal errands where no leave is booked. During our visit to Eastern Goldfields Regional Prison we were advised of an example where 2 officers left mid-shift to undertake personal errands. These officers were required to fill in a local temporary absence form, however this form is not used to trigger a leave booking rather it is simply a record of the absence. Therefore, the small number of instances we found where sign on sheets do not match hours paid is likely to considerably understate the volume of shorter shifts that are worked without pay or leave adjustments.

Casuarina Prison is currently trialling a computer-based sign on system which requires prison officers to tag on and off each shift creating a digital record of attendance times. This will improve the Department's ability to review attendance. This system could assist in reducing overpayments for shifts worked less than 12 hours. However, this system is not linked to the payroll system so would still require some manual intervention.

In some prisons, prison officers are overpaid to perform medical escorts

Prison officers can be entitled to overtime payments when they escort prisoners leaving the prison for medical treatment if certain conditions apply. We found that the overtime hours paid to prison officers for conducting medical escorts are higher than would be expected, indicating overtime is being paid when it is not appropriate.

Two officers are usually required to escort 1 prisoner for a medical appointment, so the hours incurred for the escort should be up to double the time that the prisoner was outside the prison. However, at 2 prisons (Bandyup Women's Prison and Albany Regional Prison) the hours paid to prison officers to conduct medical escorts were over 4 times the hours that prisoners were recorded as outside the prison for medical reasons.

2020-21 financial year	Double time hours paid to prison officers	Medical transport hours	Ratio of paid hours vs transport hours
Data source	Payroll data	Gate movements	
Bandyup Women's Prison	2,332	481	4.8
Albany Regional Prison	2,420	535	4.5
Eastern Goldfields Regional Prison	2,493	763	3.3
Hakea Prison	8,995	2,817	3.2
Bunbury Regional Prison	2,240	904	2.5
Melaleuca Women's Prison	2,192	988	2.2
Casuarina Prison	9,924	4,919	2.0
Roebourne Regional Prison	1,173	718	1.6
Greenough Regional Prison	480	332	1.4
Wandoo Rehabilitation Prison	90	79	1.1
Broome Regional Prison	370	539	0.7
Total	32,709	13,075	2.5

Source: OAG based on Department data

Table 3: Paid hours versus medical escort transport hours at prisons where double time rates can apply

There are also indications that the application of overtime rates is not in line with the rules. Prison officers are only entitled to double time if:

- the medical escort extends beyond their rostered shift, or
- they are required to come in to undertake or backfill someone who is undertaking a medical escort during their rostered shift, and
- they work at 1 of the 11 State run prisons where double time rates apply (Table 3). These are prisons where the Department has engaged a contractor to provide medical transport services.

However, in Casuarina Prison the ratio between paid overtime hours and the hours prisoners were escorted means that all medical escorts were performed using overtime for the entire escort. This is despite the roster having specific positions designated to undertaking escorts, which would not attract double time rates. Some of these escorts should have been carried out by prison officers on normal time.

Five WA prisons are not entitled to pay officers double the hourly rate for medical escorts however 3 of these prisons did (Table 4). In the 2020-21 financial year, West Kimberley, Karnet and Wooroloo prisons paid officers double time for 4,014 hours of medical escorts, at a cost of \$333,208, despite officers not being entitled to the rate. Boronia and Pardelup prisons adhered to the correct payments rates.

2020-21 financial year	Double time hours paid to prison officers	Medical transport hours	Ratio of paid hours vs transport hours
Data source	Payroll data	Gate movements	
West Kimberley Regional Prison	912	614	1.5
Wooroloo Prison	1,855	1,436	1.3
Karnet Prison	1,247	1,983	0.6
Boronia Pre-release Centre	0	1,077	0.0
Pardelup Prison Farm	0	620	0.0
Total	4,014	5,730	0.7

Source: OAG based on Department data

Table 4: Paid hours versus medical escort transport hours in prisons not eligible for double time payments

The double time payments are not included in overtime caps (refer to page 24) which the Department has introduced to limit the use of overtime in individual prisons. This creates an incentive at prison management to assign overtime to a medical escort rather than general shift, to work around the overtime limit rule.

Prison officers can access unlimited days off and create overtime without accessing leave or swapping their shifts by being absent for shifts

The Department has poor absence management processes which, combined with the limitations in the payroll system, allow officers to be absent from their rostered shifts without accessing leave or swapping their shift. This results in the creation of an overtime shift to backfill the absence. Furthermore, the person who was absent can then work an overtime shift potentially without working their quota of normal shifts. The lack of controls around this practice mean prison officers can access unlimited days off and create unnecessary overtime, and the Department is unable to determine the magnitude of overtime paid under these circumstances.

The misalignment in the payroll system between hours worked and hours paid, means there is no way to accurately determine if an officer is entitled to overtime. Overtime is supposed to be paid for hours worked in excess of the 120 hours rostered in a 3-week period. But the payroll system is unable to identify when an officer has exceeded their 120 hours over 3 weeks. Because of this the Department has adopted a practice of deeming a shift as an overtime shift rather than identifying when an officer is entitled to overtime. There are no controls to prevent an officer who does not attend a shift from working an overtime shift without completing a full roster of shifts at the ordinary rate.

If an officer is absent from a shift and does not apply for leave or did not swap their shift, and this is identified it is processed as lost hours. The payroll system requires a manual adjustment to ensure the officer is not paid for a shift that was not worked. The Department incorrectly uses leave without pay to enable the required adjustment. The use of leave without pay is only permitted if the conditions set out in Section 131 of the Agreement are met. These are:

- the work of the employer is not inconvenienced
- all other leave credits of the officer are exhausted.

However, leave without pay should not apply as checks of leave balances are not always performed and officer absences do inconvenience the Department when additional costs in the form of overtime are incurred to backfill the shift. Alternatively, if the shift is not backfilled this creates a perceived staff shortfall which may trigger an adaptive regime. This is when a prison stops services such as education, industries, visits and recreation so prison officers can be redeployed to other areas of the prison deemed more critical. Impacts of adaptive regimes are poorly reported and understood.

The Department's misuse of leave without pay provides officers with access to additional, unlimited leave. This is not an entitlement under the Agreement. Management action should be taken when a person does not attend a shift and does not apply for leave or other entitlements to cover the absence.

Hakea Prison has created overtime availability due to poor rostering processes

In Hakea Prison a lack of controls for amending rosters has allowed access to overtime to continue despite a decrease in the prison population and measures to decrease overtime. Extra shifts have been added to the roster, above the levels in the SLA. At the same time shifts that should have been included on the roster to be paid at normal rates were quarantined as overtime. This enables staff to work the 120 hours to be eligible for overtime shifts and then take up the shifts quarantined as overtime.

In response to a rising prison population in 2019, Hakea negotiated an increase in its staffing and new officers were employed. The newly negotiated SLA should have resulted in 2 actions, an increase in staffing and the addition of new roster lines covering the shifts those staff would be working.

Workforce levels did increase, over several months. The full approved levels have never been reached but this has been offset by a reduction in Hakea's prison population. Roster lines were also added but did not reflect the new positions created in the SLA. Instead they reflected provision for relief and the shifts for the new SLA positions were quarantined as overtime.

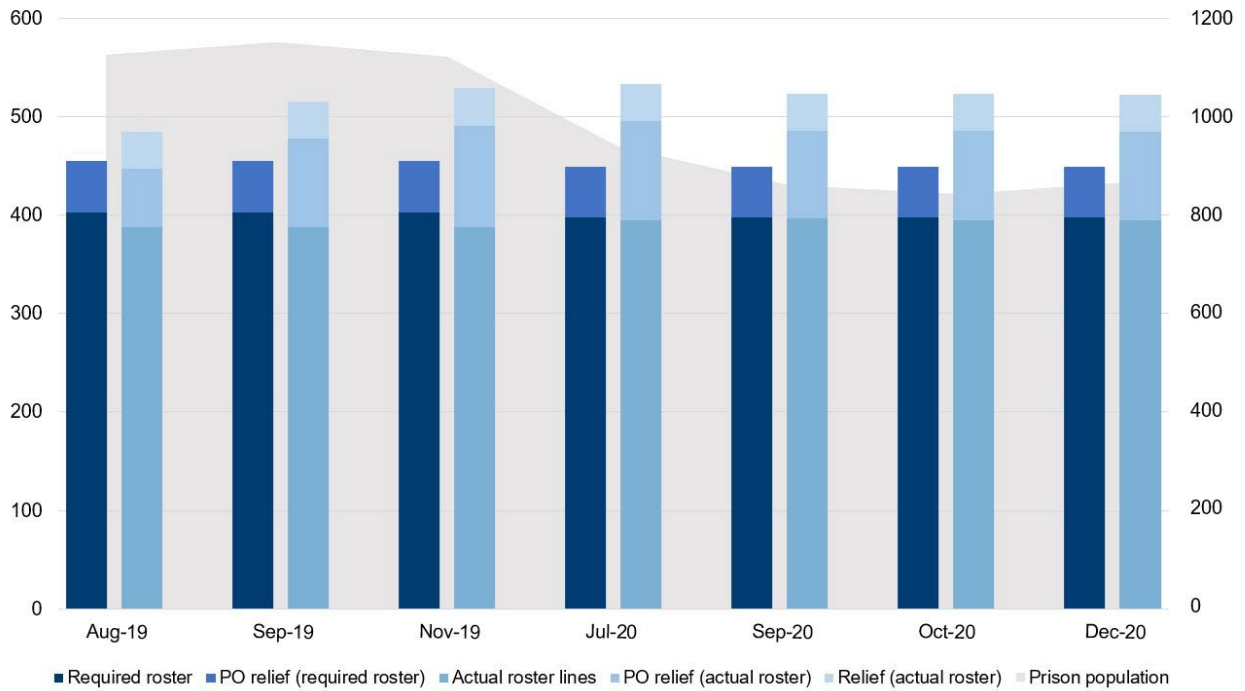
We were informed the new positions prescribed in the 2019 SLA change were not added into the roster because:

- there was no clear responsibility between prison HR and head office HR as to who should make the change
- 'no one knew how to make the change'.

Despite this we found extra lines have been added to the Hakea roster on multiple occasions since 2018. Anyone with access to the rostering system can add extra shifts, and there are no checks to ensure that rosters match staffing agreements and that the shifts are required. The result is more roster lines being available in Hakea than are prescribed in the SLA and particularly substantially more relief lines. The higher number of roster lines provides additional shifts to prison officers.

We sampled officers who worked the quarantine positions and found each time the officer had worked a full roster of 120 hours as well as completing the shift in the quarantined position as an extra shift. Therefore, they were entitled to the overtime rate. Given the increase in staffing levels, the availability of enough shifts to work a full roster as well as overtime was only possible because the availability of "standard" shifts has increased to above the levels required in the SLA.

Roster lines in Hakea Prison – actual vs prescribed in SLA



Source: OAG based on Department data

Figure 3: Actual vs required roster lines as outlined in the SLA, in Hakea Prison

It is difficult to determine how, when and why roster lines have been added as there are no controls for amending the roster. It is therefore difficult to determine the intent or impact of the changes. The roster changes may have been to increase shift availability or equally to increase flexibility in the rostering system. Regardless, the increase in roster lines without adding in the new positions has created overtime shifts that may not be needed.

The Department’s response to longstanding issues has been poor

The Department has previously recognised its longstanding issues in high absenteeism and having poor quality information to assist decision-making. A 2015 report by the Economic Regulation Authority on the efficiency and performance of Western Australian prisons highlighted the problems with planning and processes, and the way in which the Department collects and uses information for decision-making. The report noted the high use of employee entitlements, such as overtime, personal leave and workers’ compensation. The Department responded to this report by stating it was undertaking a substantial reform process aimed at addressing many of these issues. However, the reform program commenced in 2012 and was nominally, already near completion by the time the report was published and in 2022 many of the issues raised remain.

Currently the Department has chosen to address high overtime by relying on overtime caps. The caps have been introduced intermittently and have coincided with a reduction in overtime costs in the 2020-21 financial year, but this is only an interim measure which does not address the underlying causes of overtime or result in any tangible improvement in accountability at a prison level, or effective and efficient management of the prison officer workforce overall. The overtime cap permits a certain level of overtime in each prison. It is routinely exceeded and doesn’t encourage innovation to achieve greater efficiencies.

The Department is not ensuring prison officers' working patterns comply with safety provisions in their Agreement

Rosters are designed to meet the safety provisions in the Agreement however overtime shifts, shift swaps and other absences mean these are not always adhered to. There are no checks to ensure safety provisions around shift length, adequate breaks between shifts and correct rotation through different areas of the prison are maintained throughout roster changes. A full list of where practices do not align with the Agreement are outlined in Appendix 1.

Most prisons build their rosters to adhere to the Agreement. At 3 prisons we examined we found that breaks between shifts were correctly built into the original roster and rules around consecutive shifts were followed. However, Hakea and Casuarina prisons do not follow the requirement in the Agreement to rotate officers through all functional areas of the prison. Rather, officers were rotated within a particular unit. This creates the risk of officers limiting their exposure to the breadth of skills needed in different parts of the prison, putting their safety at risk.

Despite most rosters being built adhering to the safety provisions outlined in the Agreement, routine shift swaps, absences and overtime mean that the safety provisions are not maintained. In Albany Regional Prison only 13% of officers, over a 3-week period worked their intended roster with no changes. In Bandyup Women's Prison over the same period only 16% of prison officers worked their intended roster.

Staff responsible for rostering are not provided training in understanding the Agreement. Prison officers can swap rostered shifts with other prison officers. This is the preferred method of officers obtaining a day off. Shift swaps are cost neutral and there is general acceptance that who fills a shift is not relevant provided they are a trained officer. But little attention is given to ensure the safety aspects in the Agreement are carried through shift swaps and working shifts on overtime.

When processing shift swaps, prison HR only check whether officer A was rostered to work and officer B was willing to. Likewise, when finding an officer to fill an additional shift, prison HR staff look for someone who is available and willing to do the shift, relying on the officer to notify them if they have not had adequate breaks. The large volume of roster changes and lack of attention given to the impact of changes results in almost all prison officers working roster patterns where adequate breaks and maximum work hours are not actively monitored or ensured. There is also no practical way for these safety provisions to be checked retrospectively as roster comparisons are manual.

There is no senior oversight of this process. Section 29.4 of the Agreement requires shift swaps to be approved by the relevant superintendent. We found no evidence of this occurring.

During the audit we found evidence of prison officers working more than 16 hours consecutively in breach of Section 24.4 of the Agreement. We reviewed rosters in Bandyup Women's Prison and Casuarina Prison over 12 months ending in 31 August 2021. We identified 253 instances where prison officers worked more than 16 hours consecutively.

In the same period we identified 62 prison officers who worked more than 7 days in a row, often more than once. Section 29.5 of the Agreement requires a minimum 24 hour break after any period of 7 consecutive 12 hour shifts. For a standard 12-hour shift roster, a prison officer should only work 173 shifts per year. We also identified an officer who worked 298 shifts in a year and on 1 occasion worked 20 days consecutively.

	Number of officers	Maximum number of days worked in a row
Worked more than 7 days once	36	8 days
Worked more than 7 days, twice	9	9 days
Worked more than 7 day, between 3-9 times	14	13 days
Worked more than 7 days, more than 10 times	3	20 days

Source: OAG based on Department data

Table 5: Number of instances in a year officers worked more than 7 shifts in a row

The lack of adherence to adequate breaks and rules around consecutive shifts is exacerbated when officers complete overtime shifts at a different prison as there is no capacity to view rosters of different prisons. Even if prison HR staff were checking to ensure the Agreement was followed, they would have no ability to do so if the prison officer accepted shifts in a different prison.

We also found evidence of officers avoiding certain duties that will result in an atrophy of skills. Sections 26.4 and 30.5 of the Agreement require officers to rotate through all functional areas. In the month of October 2021 across 4 prisons we identified 11 prison officers who only worked night shifts. Working only night shifts reduces the exposure of prison officers to prisoners as they are locked in cell at night. Under Section 30.5(iv) of the Agreement a shift swap can be refused if it appears that officers are avoiding certain duties. The superintendent is expected to identify this by conducting a trend analysis of previous shift swaps. This analysis is not undertaken.

Appendix 1: Non-adherence to the Agreement

Through inadequate systems and poor practices, the Department is not aligning with the provisions in the *Department of Justice Prison Officers' Industrial Agreement 2020*. This list illustrates sections of the Agreement that are not being followed and the impact for the Department

Section of the Agreement not adhered to		Issues identified in this audit
24.1	<p>Overtime will not be available in the following circumstances:</p> <ul style="list-style-type: none"> (a) after a period of Personal Leave where the prescribed application form and required evidence has not been provided to the nominated authority as the Officer's Headquarters; (b) where an officer has taken a single day's Annual Leave as a Repay Day under a Repay Agreement but is yet to commit to an alternative work date; (c) when an Officer is undergoing a period of rehabilitation or is subject to a return to work program; or (d) when an Officer as a result of a secondment becomes bound by a different award of industrial agreement. 	The Department currently has no mechanism for determining if and when these circumstances have occurred.
24.4	No officer, other than an officer employed in a Work Camp Classification, shall work more than a total of 16 continuous hours except in a Declared Major Emergency or Natural Disaster.	Some officers have worked more than 16 hours in a row when there was no emergency.
26.4	Where considered appropriate by the employer for the effective and efficient deployment of staff, Officers will be rotated through all functional areas and not unreasonably remain in one work location after they have performed the last allocated Roster line for that work location.	Most prisons ensure rotation in their roster build but shift swaps without adequate controls means that some officers remain in the same location or only work night shifts.
29.4	Officer may swap shifts or days off or perform duty for other Officers subject to first obtaining the approval of the Superintendent.	There are no processes in place to ensure superintendents approve shift swaps and the volume of swaps would make this practice impractical.
29.5	An Officer must have at least 24 hours break after any period of seven consecutive 12 hour shifts, including approved Shift Swaps and Overtime initiated by the Officer or the Employer.	Rosters are built adhering to this instruction but this is not ensured through shift swaps and overtime shifts.
30.2	Prior to submitting an application for a Shift Swap, the Officer must give due consideration to operational commitments or procedural responsibilities that may be impacted by their absence.	There is no processes for this to occur.

Section of the Agreement not adhered to		Issues identified in this audit
30.5	<p>A Shift Swap will not be approved:</p> <ul style="list-style-type: none"> (a) retrospectively, except where the Employer was notified on an urgent, pressing need prior to the scheduled commencement of the first of the shifts being swapped; or (b) if it does not comply with the provisions of this Agreement, including but not limited to: <ul style="list-style-type: none"> (i) where it will breach the requirements regarding breaks between shifts; (ii) where it is result in an Officer rostered to work Day Shift swapping into more than seven Nights Shifts in any seven consecutive days; (iii) where it will result in an Officer already rostered to work Night Shift working more than seven consecutive nights; (iv) where it appears, from a trend of previous Shift Swaps, that Officers are avoiding certain duties that will result in an atrophying of skill in any area of Officer work (e.g. Officers changing shifts and not having prisoner contact). 	<p>There are no controls around shift swaps, except to ensure the 2 people involved are in agreement and are swapping shifts they are assigned to work.</p>
36.1	<p>The parties agree that Officers should inform the Employer's Payroll Branch of any suspected payment error as soon as practical after the error is identified.</p>	<p>The volume of errors in payroll suggests this is not occurring.</p>
131.2	<p>Every application for leave without pay will be considered on its merits and may be granted, provided the following conditions are met:</p> <ul style="list-style-type: none"> (a) the work of the Employer is not inconvenienced; and (b) all other leave credits of the officer are exhausted. 	<p>Leave without pay is taken outside of these conditions.</p>
73.1	<p>An Officer will complete and lodge an application for personal leave in the manner required. The application shall clearly identify the type of personal leave requested and must be submitted during the Officer's first shift on their return to work from Personal Leave. The Officer's pay will be adjusted accordingly if the application for personal leave is not lodged within this period.</p>	<p>The volume of leave unaccounted for after a month of it being taken suggests this is not always followed.</p>

Source: OAG based on Department information and the Agreement

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Auditor General's 2021-22 reports

Number	Title	Date tabled
15	COVID-19 Contact Tracing System – Application Audit	18 May 2022
14	Audit Results Report – Annual 2020-21 Financial Audits of State Government Entities Part 2: COVID-19 Impact	9 May 2022
13	Information Systems Audit Report 2022 – State Government Entities	31 March 2022
12	Viable Cycling in the Perth Area	9 December 2021
11	Forensic Audit Report – Establishment Phase	8 December 2021
10	Audit Results Report – Annual 2020-21 Financial Audits of State Government Entities	24 November 2021
9	Cyber Security in Local Government	24 November 2021
8	WA's COVID-19 Vaccine Roll-out	18 November 2021
7	Water Corporation: Management of Water Pipes – Follow-Up	17 November 2021
6	Roll-out of State COVID-19 Stimulus Initiatives: July 2020 – March 2021	20 October 2021
5	Local Government COVID-19 Financial Hardship Support	15 October 2021
4	Public Building Maintenance	24 August 2021
3	Staff Exit Controls	5 August 2021
2	SafeWA – Application Audit	2 August 2021
1	Opinion on Ministerial Notification – FPC Arbitration Outcome	29 July 2021

**Office of the Auditor General
Western Australia**

7th Floor Albert Facey House
469 Wellington Street, Perth

Perth BC, PO Box 8489
PERTH WA 6849

T: 08 6557 7500
E: info@audit.wa.gov.au
W: www.audit.wa.gov.au

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 Office of the Auditor General for
Western Australia