

Work and Development Order Policy

The Youth Justice NSW (YJNSW) *Work and Development Order Policy* and related procedure provides employees with information about its obligation, as an approved sponsor organisation about the application and the administration of the WDO scheme in both detention centres and community offices.

Essential Summary

The Work and Development Order (WDO) scheme is jointly delivered by the Department of Communities and Justice, Revenue NSW and Legal Aid NSW.

Youth Justice NSW (YJNSW) is an approved WDO sponsor organisation, which allows its employees to assess young peoples' eligibility to undertake a WDO, apply and manage their participation and completion in the scheme.

WDOs are a mechanism for young people to reduce fine debts by voluntarily taking part in unpaid work, courses, treatment, and other suitably approved activities.

This policy outlines YJNSW responsibilities in the administration of WDOs:

- assess a young person for a WDO
- complete a referral
- use the self- service portal
- refer to third party service providers for WDO activities
- review a young person's WDO.

Read this policy in conjunction with the *Work and Development Order Guidelines 2017* from Revenue NSW.

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Ensure you have the latest version before using this document.

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1 Scope

This policy applies to YJNSW employees who are:

- standard users of the Work and Development Order Self-Service Portal (WDO SSP)
- administrators of the WDO SSP, and
- responsible for the delivery of an approved WDO activity.

This policy, the *Work and Development Order Procedure* and the *Revenue NSW - Work and Development Order Guidelines 2017* supply the framework for implementing the WDO scheme.

2 Purpose

The purpose of this policy is to provide YJNSW employees with information about how to administer WDOs:

- to improve accessibility and completion of WDOs for all young people in both custodial and community settings, and
- to meet its obligation, as an approved sponsor organisation, that is consistent with Revenue NSW requirements.

3 Definitions

In this Policy:

Administrators of SSP refers to YJNSW employees who are nominated by their local Area/Centre Manager to manage and oversee the self-service portal on behalf of Revenue NSW.

Client Information Management System (CIMS) is the electronic recordkeeping database where YJNSW employees record information about the young person.

Customer Activity Report (CAR) is the field in the self-service portal where YJNSW caseworkers enter the number of hours completed for each activity.

Fine debt is debt arising from court fines, penalty notices and Victims Restitution Orders.

YJNSW refers to the Youth Justice division of the Department of Communities and Justice.

Revenue NSW was formerly known as, the Office of State Revenue.

Standard users of SSP refer to Youth Justice Caseworkers who conduct the assessment, and management of WDOs in the SSP.

Third-party approved activity sponsor refers to the nominated provider, who handles the delivery of an approved WDO activity on behalf of YJNSW.

Work and Development Order Self Service Portal (WDO SSP) refers to Revenue NSW self-service portal that allows YJNSW employees to create, manage, and report on WDOs.

Youth Justice Conferencing Convenors are statutory employees who are employed by YJNSW to prepare and conduct youth justice conferences.

4 Work and Development Order (WDO)

The WDO scheme enables eligible young people who are experiencing significant financial difficulties to reduce their fine debt through voluntary participation in unpaid work, courses, treatment, programs, and other activities. This scheme was introduced alongside other reform measures under the *Fines Further Amendment Act 2008* (NSW).

All young people involved with YJNSW should have fine debts promptly identified and offered the opportunity to take part in the WDO scheme, if eligible.

4.1 YJNSW approved sponsor organisation

YJNSW is a WDO sponsor organisation, responsible for the following:

- assessing young people's eligibility to undertake a WDO
- applying for WDOs on behalf of young people to Revenue NSW through the Self-Service Portal (SSP)
- supporting young peoples' participation, management and completion of their WDO activity plan
- maintaining monthly reports of young peoples' attendance at prescribed WDO activities through SSP
- identifying and managing any conflicts of interest, according to *YJNSW Code of Ethics and Conduct* and *Revenue NSW Guidelines 2017*, and
- maintaining information/records for auditing purposes.

4.2 Referral to an approved WDO sponsor organisation

YJNSW can also refer to another approved WDO sponsor organisation if this is in the best interest of the young person. Youth Justice Caseworkers (YJCW) or Youth Justice Conferencing Convenors must supply a list of the approved sponsor organisations in the local area to the young person to access. The caseworkers and the convenors may support the young person to register with an approved agency for the WDO scheme; however, they are not responsible for the administration and management of the WDO. The referred sponsor organisation will handle the WDO.

A list of approved sponsor organisations is accessible on the Revenue NSW's website or contact WDO Hotline.

4.3 Referral to third party service provider for WDO activity

YJNSW can refer young people to a third-party service provider while subject to a supervised community-based order to engage in an approved WDO activity. Before referring the young person to undertake the proposed WDO activity, Revenue NSW needs the YJCW to obtain the following information:

- a copy of the third party's current insurance and public liability covering its prescribed activities
- an established work health and safety policy
- clearance checks (i.e. Working with Children Checks) for staff working with young people under the age of 18 years.

For more information of the above requirements, refer to Revenue NSW website.

4.4 Consent

Participation in the WDO scheme is voluntary. If a young person wishes to take part in a WDO, they need to provide written consent (i.e. signed *Client Consent- Exchange of Information* form) to enable YJNSW employees to share or exchange information with Revenue NSW and other service providers on their behalf.

4.5 YJNSW Caseworkers responsibility

Custodial caseworkers manage the administration WDOs for young people who are on remand for more than two weeks or are on a Control Order.

Community caseworkers are responsible for administering WDOs for young people who are subject to community - based supervision orders.

5 Eligibility grounds for WDO

YJCWs must conduct WDO assessments and review these assessments at various points during the young person's involvement with YJNSW. The varying situations will include the following:

- the first contact with YJNSW (e.g. Background Report assessment, remand period of more than two weeks, supervised community-based order, or control order) and
- periodically as part of case management review, until completion of WDO.

Young people are eligible for a WDO if they meet one of the following categories:

- Mental illness
- Intellectual disability or cognitive impairment
- Homelessness
- Acute economic hardship - Revenue NSW considers any person under the age of 18 years who is not working full-time as experiencing acute economic hardship
- Alcohol and/or other drug dependency.

The *Work and Development Order Guideline 2017* outlines in detail the eligibility criteria definition and the evidence needed to meet those categories.

5.1 Included and excluded WDO activities

For WDOs sponsored by YJNSW, the activity plans can not include any of the following:

- any work, treatment or courses specifically ordered by the court
- paid employment
- any courses undertaken as part of a traineeship/apprenticeship
- any courses specifically ordered by Centrelink
- any work, treatment or courses the young person has begun prior to the approval of the WDO by Revenue NSW, or
- attendance at school, as it is compulsory for young people to attend school until the age of 17 years.

For further information, refer to *Work and Development Order Guideline 2017* or contact Revenue's NSW Hotline.

5.2 Alternate options to deal with fine debts

YJNSW employees must consider and discuss with the young person where appropriate, whether alternate options are available to satisfy the fine debt, such as 'debt write offs' or establishing a payment plan **before registering** for a WDO in SSP. If a young person requests to pay their fine debt and can do so, YJNSW needs to support them in paying the fine outright or setting up a payment plan with Revenue NSW.

If the young person has completed all the WDO activities that are offered and still has an outstanding balance, YJNSW can submit on behalf of the young person an on-line application for the outstanding balance to be written off. YJNSW caseworkers need to refer to the Revenue NSW website about how to complete the on-line application regarding write offs and payment plans.

6 WDO self - service portal

YJNSW caseworkers apply, administer and manage WDOs on behalf of young people with fine debts using the online WDO Self-Service Portal (SSP), which Revenue NSW maintains.

There are two types of SSP user access: Standard and Administrator. Revenue NSW assigns a maximum of two Administrators to each community office or detention centre with an unlimited number of Standard Users in both community offices and detention centres.

Standard Users:

- generate new WDO applications
- register WDO activities and hours undertaken by young people
- review and manage an existing WDO plan as part of case management
- transfer or close a WDO plan.

Administrator Users:

- have the same access as Standard Users
- view all WDOs created by the Standard Users within YJNSW
- generate SSP activity of young peoples' WDO summaries
- create Standard User accounts
- edit, reassign, or disable user accounts
- conduct periodical reviews of the portal to confirm the information in the SSP including the accounts for the Standard Users are current.

6.1 Added fine debts

YJNSW employees must discuss and obtain the young person's consent to organise the setup of having additional/future fine debts automatically added onto the proposed or existing WDO in the SSP to reduce the burden of fine debts.

6.2 Rate of debt reduction through WDO

The monetary value attached to the WDO activity determines the monetary value of reduction of the fine debt undertaken by the young person. The *Work and Development Order Guidelines 2017* provides a detailed description of the rates of debt reduction for the various WDO activities. A partial rate of pay is also available with partial completion of WDO activity.

A WDO application may propose a single activity, for example, participation in a mentoring program or a combination of activities; however, the maximum amount of debt that can be satisfied each month is \$1000.

6.3 Variation of WDO activity

Variations to WDO activities and service locations are permissible following notification and approval by Revenue NSW in the SSP or phone contact.

YJNSW must notify Revenue NSW promptly if there has been a major change in the young person's circumstance that makes them ineligible for a WDO. This allows Revenue NSW to look at other alternate or mitigation options with the young person or their sponsor. Revenue NSW will advise YJNSW of the variation application outcome via the SSP.

7 Record keeping

Revenue NSW and YJNSW can undertake external or internal audits at any time and may want to review evidence of eligibility, activity participation, and/or record keeping. YJNSW, as an approved sponsor organisation, must keep all correspondence as outlined under the *Record-keeping and reporting requirements* section of the *Work and Development Order Guidelines 2017*.

YJNSW employees must enter all activities/conversations regarding WDOs in CIMS as a WDO Case Note.

WDO Case Notes should include the following:

- the assessment of the young person's WDO eligibility
- evidence from an expert / professional body (where applicable e.g. Justice Health or letter from medical practitioner)
- correspondence from a third-party service provider – WDO activity sponsor (e.g. external service provider)
- any correspondence from Revenue NSW (e.g. Declining to issue an order)
- the young person's hours of attendance at WDO activity, and completion of any approved course/treatment/program/work activity.

8 Legislation

The following legislation supports this policy:

- *Children's (Detention Centres) Act 1987*
- *Fines Act 1996*
- *Fines Further Act 2008 (NSW)*
- *Young Offenders Act 1997*

9 Supporting documents

The following resources support this policy:

Related policies

- *Case Management Policy*
- *Youth Justice Conferencing Policy*
- *YJNSW Code of Ethics and Conduct Policy*

Related procedures/guidelines

- *Work and Development Order Guidelines 2017 - Revenue NSW*

- *Administration of Youth Justice Conferencing Procedure*
- *Work and Development Order Procedure*
- *Work and Development Self Service Portal (SSP) – User Guide- Revenue NSW 2018*
- *Working with Aboriginal and Torres Strait Islander People Good Practice Guide*

Forms

- *Client Consent – Exchange of Information (CIMS)*
- *Work and Development Order Checklist*

10 Document information

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11 Document history

Version	Date	Reason for Amendment
1.1	17/02/2021	Revised policy to reflect machinery of government changes to organisational structure and reinforced messaging about 'write offs' and penalty plans options.
1.0	27/09/2018	Development of new policy