



# Prisoner gratuities and private cash

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## IPS Policy for Prisoner gratuities and private cash

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## 1. Aim of this policy

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- 1.1 This policy is designed to provide a clear, consistent and streamlined approach to the payment of all gratuities to prisoners and to ensure that a fair and transparent system operates in all prisons.
- 1.2 The policy draws a clear distinction between the daily prisoner gratuity, payment made for work in the prison and any other monies received by prisoners from the Irish Prison Service (e.g. from the Prisoner Assist Programme Fund on hardship grounds). The policy also provides for standardisation of procedures governing private cash lodged on behalf of prisoners.
- 1.3 The policy also aims to enhance budget and expenditure control. Expenditure in 2010 and 2011 exceeded the budget allocation, driven partly by higher prisoner numbers.
- 1.4 The policy is being introduced with effect from 22 September 2012 (on a phased basis) and Governors are requested to inform staff and prisoners and ensure full compliance in their establishments.

## 2. Purpose of this policy

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- 2.1 The daily gratuity allows prisoners to purchase items from the prison tuck shop during their sentence and/or to save money which may be transferred to family members during sentence or be used to assist reintegration on release (e.g. to pay rent deposit or purchase clothes).
- 2.2 It recognises that some prisoners may be dependant on the gratuity while in prison either because their families are not in a position to support them financially or because they have no external family support.

## 3. Scope of this policy

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- 3.1 All prisoners.

## 4. Procedures for implementation

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### 4.1 Rate of gratuity

- 4.1.1 The gross rate of daily gratuity is reduced by €0.50 to €2.00. However a charge of 15 cent is levied, as before, from this amount to cover the cost of providing the in-cell television service. A further charge of 15 cent is now being levied to

cover the cost of providing a prisoner phone system. Thus the net rate of daily gratuity, i.e. the amount received by the prisoner, becomes **€1.70** (compared with €2.35 previously). This represents a net reduction of 28%. It will be paid weekly in arrears and will be paid to the prisoner cash account in all cases.

- 4.1.2 Prisoners will have an opportunity to earn more through approved work (see section 4.7) and in due course under the IPS incentivised regimes policy (see section 4.12).

## **4.2 Eligibility**

- 4.2.1 Prisoners are eligible for payment of the daily gratuity regardless of sentence or remand status but subject to the exceptions below.
- 4.2.2 Prisoners on full or reviewable Temporary Release<sup>1</sup> are not entitled to payment of the gratuity as they are not required to return overnight to prison or they are in receipt of payment for work undertaken while on Temporary Release.
- 4.2.3 Prisoners in hospital or the Central Mental Hospital will continue to be eligible.
- 4.2.4 Prisoners on day release to attend paid work or paid educational courses, e.g. FAS courses, will not be eligible.

## **4.3 Withholding of payment**

- 4.3.1 Under Section 13(e) of the Prisons Act 2007, Governors may impose a sanction of forfeiture of gratuity or reduction in the amount of gratuity. Provision should be made in such instances for deduction in respect of any malicious damage that the prisoner is required to pay for (see policy document “Malicious Damage to IPS Property” of 1 June 2011).
- 4.3.2 Under Section 13(g) of the Prisons Act 2007, Governors may postpone payment of the gratuity for a specified period not exceeding 60 days as a sanction imposed on a prisoner who is found to have committed a breach of prison discipline. Payment will be made retrospectively at the end of such specified period. A prior deduction should be made in respect of any malicious damage that the prisoner is required to pay for.
- 4.3.3 Subject to approval by the Director of Care and Rehabilitation, Governors may set a limit on the amount of the gratuity that may be used for tuck shop purchases, with a view to ensuring that prisoners have a sum of money

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<sup>1</sup> Full Temporary Release with Supervision, Full Temporary Release without Supervision, Reviewable Temporary Release - Life Sentence or Reviewable Temporary Release

available to them on release. Any such limit should apply uniformly to all prisoners regardless of sentence status.

#### **4.4 Prisoner account**

- 4.4.1 Each prisoner will have his/her own prisoner cash account to which the gratuity amount will be credited daily. It will be paid weekly in arrears and will be paid to the prisoner cash account in all cases.
- 4.4.2 The balance in the prisoner cash account at any point in time will be available to the prisoner to spend in the prison tuck shop (subject to any limits set by the Governor), to give to members of his/her family, or to be used for other approved purposes

#### **4.5 Prisoners' private money**

- 4.5.1 Prisoners may access private money they had on arrival in prison and any additional money provided by family members. Private cash can be used for the same purposes as the gratuity.
- 4.5.2 Such private cash is lodged to the prisoner's own prisoner cash account.
- 4.5.3 Under the Incentivised Regimes Policy limits will be set as to the amount of private cash that can be lodged to a prisoner's cash account according to the regime status of the prisoner.

#### **4.6 Payment on hardship grounds**

Prisoners, or their families, may be eligible for consideration for assistance from the Prisoner Assist Programme Fund, on hardship grounds (See Circular ACC.002.002 - Prisoner Assist Programme Procedures).

#### **4.7 Approved work gratuity**

4.7.1 The current "working gratuity" will be re-named the "approved work gratuity". Prisoners doing prison work in all closed or semi-closed institutions in the following designated work activities are eligible for the approved work gratuity:

- a) Kitchens
- b) Laundry
- c) Industrial Cleaning
- d) Grounds Maintenance
- e) Industrial Waste Management

- f) Painting
- g) Stores.

Other activities may be designated by the Director of Care and Rehabilitation from time to time.

4.7.2 Prisoners in open centres will not be eligible for approved work gratuity.

4.7.3 The daily amount of the approved work gratuity is fixed for all prisons/institutions at €1.00 for the work activities listed above. The gratuity may only be paid in respect of full days and/or half days worked (half days at €0.50). It will be paid weekly in arrears and will be paid to the prisoner cash account in all cases.

4.7.4 Payment in kind (e.g. free tuck shop orders or vouchers for tuck shop orders) is not permitted under the PAPF policy (ACC.002.002 issued November 2011).

4.7.5 Industrial Managers (or in the absence of the Industrial Manager, an Industrial Supervisor) should submit each week the list of prisoners who are to receive the approved work gratuity for the approval of the Governor.

4.7.6 The approved work gratuity is not payable to prisoners who are on day release.

#### **4.8 Payment for non-routine work**

Prisoners who carry out one-off tasks which are above and beyond what would reasonably be regarded as normal prison activities may receive a payment from the Prisoner Assist Programme Fund. Such payments must be processed through the prisoner cash account and be approved by the Governor.

#### **4.9 Payment for goods produced by prisoners**

The practice of making payments to prisoners in respect of items produced in prison and sold externally (e.g. furniture, art, garden gates) will cease with immediate effect.

#### **4.10 Payment for approved employment**

Approved employment, as provided for under Section 30 of the Prison Rules 2007 should not normally arise. The prior approval of the Director of Care and Rehabilitation is required in all instances. Prisoners in receipt of income from such work or from participation in external employment schemes are not eligible for the approved work gratuity.

#### **4.11 Death in custody**

In the event of a prisoner dying in custody, the balance on his or her account should be paid to the next of kin. Account should be taken of any such amount in deciding on the merits of making a prison contribution to burial costs. In the event of a prisoner dying without any next of kin, the balance in the prisoner cash account may be used to pay for burial costs with any remainder being transferred to the Prisoner Assist Programme Fund.

#### **4.12 Future developments - Incentivised Regimes Policy**

4.12.1 The IPS Incentivised Regimes Policy provides for three levels of privilege – basic, standard and enhanced. Criteria for eligibility for each level are set out in the policy. It is intended that Prisoners on standard regimes will be paid the net daily gratuity of €1.70 while those on the basic regime will be paid €0.95. Prisoners on enhanced regimes will be paid €2.20. All prisoners will be subject to an overall weekly limit of €18.90 on daily gratuity and approved work gratuity combined.

4.12.2 The policy also provides for differentiated limits on the amount of private cash a prisoner can receive in any one week and differentiated limits on tuck shop expenditure.

### **5. Definitions**

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IPS – Irish Prison Service

### **6. Related Policies**

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None

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