



Employment, Education and Training Act 1988

**Employment, Education and Training
Opportunities for Prisoners and
Ex-prisoners: Advice of the National
Board of Employment, Education and
Training**

The Hon. Kim C Beazley, MP
Minister for Employment, Education and Training

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The Hon K C Beazley, MP
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Dear Minister

I am writing to provide Board advice on employment, education and training assistance for offenders within the criminal justice system.

The Board's interest in this area developed initially in 1990 upon consultations in Perth concerning education and training opportunities for prisoners within the WA corrections system, and prisoners' needs for assistance with securing employment and other benefits and services upon release back into the community. The Board noted then in particular the generally low levels of educational attainment of offenders, high rates of imprisonment of Aborigines in that State, very high levels of unemployment before entering and after release from prison, and high recidivism rates. More recent data available to the Board confirms that these features are essentially national in scope, and not confined to Western Australia.

These issues have also been commented on subsequently in the Senate report on adult and community education **Come in Cinderella**, and in the report of the Royal Commission into Aboriginal Deaths in Custody. The Board's advice amplifies and is consistent with recommendations in these earlier reports.

The Board is aware of the considerable evidence that ex-prisoners and other offenders are among the most especially disadvantaged of groups within the labour market and society more generally, and that improved education, training and employment opportunities can assist substantially in successful reintegration of offenders back into community living and therefore in reducing recidivism rates and the social and economic costs of crime to society.

The Board's working party on disadvantaged jobseekers began to address these issues in the second half of 1991 upon completion of its more general and wideranging report, **Assistance for Disadvantaged Jobseekers**. A consultant, Dr Robert Semmens, was

commissioned to investigate the adequacy and effectiveness of employment, education and training programs for offenders within the criminal justice system, and to consult widely in undertaking his research and analysis tasks.

The Board was also keen to establish community views on any possible greater role for the Commonwealth employment, education and training portfolio in assisting prisoners and ex-prisoners.

Dr Semmens undertook his study in late 1991 and the first three months of 1992, and the Board has published it within its commissioned report series (Commissioned Report No. 17). A copy is attached for your reference.

The report contains a wide range of valuable suggestions for improving education, training and employment opportunities for prisoners and ex-prisoners, which arose at seminars conducted by Dr Semmens to address these issues. Further input to his study was provided at the national "The Way Out" conference in Perth in February 1992. Strategies for improvement and suggested policy changes worthy of consideration are outlined at the end of Dr Semmens' report (Page 21).

Some brief general comments on the circumstances and needs of prisoners and ex-prisoners are worth noting at this point.

At the time of the last prison census in 1991 Australia had some 14,000 people imprisoned within State and Territory corrections systems. While the total numbers of prisoners and recent ex-prisoners within the scope of this policy area are a relatively small proportion of people disadvantaged within the labour market, their needs for a variety of services and assistance are manifestly great. A critical period for adequate services and support and employment opportunities to be available is that immediately following release back into the community. Ex-prisoners then must cope not only with the anxiety of re-establishing relationships, making choices and coping generally with community living, but also with meeting their needs in a wide range of major areas. Besides finding a job there are often immediate pressures for meeting accommodation needs, health problems, legal aid, transport and social security income support. These problems must often be faced with little or no cash resources.

It seems essential therefore that the period of imprisonment, particularly that shortly prior to release, be used to maximum advantage for preparing prisoners to meet a range of these likely problems and for workforce re-entry. Education and training needs are one critically important area that can be addressed before release from prison in order to maximise the chances of successful reintegration into community living.

Dr Semmens' report contains a number of suggestions that must be addressed within the agencies of each individual State and Territory. The Board believes, however, that there are three main areas in which the Commonwealth can play a valuable role in its own right and in co-operation with the States and Territories and with non-government organisations.

The first area is integration and co-ordination of services and programs for prisoners and ex-prisoners at all stages of the corrections process.

Common themes in Dr Semmens' study are current problems with inadequate communication and co-ordination between agencies, lack of planning, and inadequate access to services. While much of the responsibility for programs and services necessarily lies with agencies of the States and Territories, particularly within departments of corrections, community services and employment, vocational education and training, participation of relevant Commonwealth agencies also is essential for successful integration and co-ordination. Timely access to CES services, labour market programs and social security benefits are critical prior to and following release back into the community.

The Board is in no position to seek to prescribe an optimal model or models for co-ordinating programs and services for prisoners and ex-prisoners. Successful models can be expected to vary from State to State, depending on institutional structures and responsibilities. The Board notes, however, the Victorian model involving participation of a number of State and non-government agencies and of your own Department as one successful example of what can be achieved through co-operative effort and support. This model is detailed in Dr Semmens' report. A necessary prerequisite to improved integration and co-ordination is the involvement of all relevant agencies in each State to develop a model that best meets local needs.

The Board therefore *recommends* that your Department seek to be involved in each State and Territory individually in processes for better co-ordination of government and non-government services for prisoners and ex-prisoners. The Board also believes your Department can be influential in this process in stressing the importance of access to relevant education and training opportunities and work experience for prisoners, to successful re-entry to community living and reduced rates of recidivism (see also below).

A related proposal currently being considered by a number of people is the need for a national clearing house of information and expertise. While the concept is not yet well defined, it could extend to the sharing nationally of relevant research and evaluation findings, details of programs being provided for offenders and their success or otherwise, etc. Should such a proposal be defined clearly and widely supported in the future, it would be appropriate for your Department also to be involved in and perhaps facilitate its implementation through seed funding.

The second important area of potential Commonwealth involvement is in community education and awareness in the rehabilitation of offenders. For example, the establishment in some States of a 'second chance' business register listing employers willing to employ people with a criminal record, is a pleasing development. There appears to be scope for further initiatives with employers in this area, and perhaps extension of the register from a State to a national basis. The Board recommends that your Department consider such initiatives nationally in consultation with relevant State and Territory agencies and agencies such as the Victorian Association for the Care and Resettlement of Offenders.

The final area of Commonwealth involvement concerns your Department directly, in the provision of labour market programs for prisoners and ex-prisoners. There was widespread concern expressed to Dr Semmens in the course of his study about the lack of access of

prisoners to your Department's labour market programs, and to substantial waiting periods before accessing such programs after release.

The Board is pleased to note the recent relaxations of eligibility requirements for ex-prisoners, now categorised as an especially disadvantaged group, to your Department's Employment Access Program, in particular immediate access to JOBSTART upon release (including parole or work release). Waiting periods for access to most other relevant programs have also been reduced, usually to four weeks. These initiatives should be particularly helpful in assisting a more rapid return to employment by ex-prisoners during the very important period immediately following release from prison.

The Board considers, however, that more could and should be done for ex-prisoners to enable immediate access upon release to all relevant labour market programs if employment opportunities are not available. The need for the four weeks waiting period could be waived if, as suggested by Dr Semmens, time spent detained in prison were to be recognised as 'unemployed time' for labour market program purposes.

The Board supports this change and *recommends* that it be adopted as a priority for ex-prisoners. Such a change seems appropriate in principle, and also in terms of the need for better integration of programs and services for offenders discussed above. It is relevant to note also that a large percentage of people released from prison were unemployed immediately prior to entering prison. In some States the unemployment rate before entry is as high as 85 per cent. Some offenders are accessing your Department's labour market programs (and other support from the Commonwealth, particularly social security benefits) before entering prison, and should not be disadvantaged by having to serve a further waiting period for access to these programs upon release.

The issue of access of prisoners to your Department's labour market program while detained is more vexing. The Board acknowledges that the primary responsibility for general and vocational education and training opportunities for prisoners currently lies with the States and Territories, as part of their broader responsibilities for prisoner containment, rehabilitation and welfare. States and Territories must retain overall control of their own corrections systems.

Any policy changes that may be considered would have implications for respective responsibilities, funding arrangements and program administration between the Commonwealth and the States and Territories in relation to prisoner education and training. The Board would not wish to see the Commonwealth provide resources for prisoner education and training if that were to result in any associated withdrawal of resources for those purposes by the States and Territories, as has happened previously in other areas of government activity.

The reality remains, however, that at a national level access of prisoners to relevant education, training and work experience opportunities is limited, and more needs to be done to prepare prisoners better for workforce re-entry and community integration following release from prison. Even relatively modest improvements in the rates of successful workforce re-entry and reductions in recidivism would substantially reduce the costs of the corrections process to all governments and the community more generally. In

this regard Dr Semmens noted in his report that each prisoner costs on average about \$1,000 a week to be detained.

The Board therefore *recommends* that the Commonwealth negotiate with the States and Territories mutually acceptable funding and administrative arrangements for the provision of relevant education and training opportunities for prisoners, including the possible eligibility of prisoners to your Department's JOBTRAIN and other labour market programs. Such arrangements might include continuation of relevant State-provided education, training and work experience opportunities where they exist; introduction of JOBTRAIN and other Commonwealth programs in other cases; or some mixture of each. The end goal should be a guarantee, assured by some form of resource agreement or other intergovernmental agreement as appropriate, for an appropriate level of access to relevant education and training programs by all prisoners identified as needing them and willing to participate. Funds provided for these purposes must be safeguarded from other uses within the prisons systems.

I also note the very widely held view that within the prisoner population there are groups of people which are even more disadvantaged than the norm in terms of education and training needs, including Aborigines and Torres Strait Islanders, women, people with intellectual and other disabilities, and young people. Additional effort is required to meet their needs through prison-based education, training and work experience opportunities and your Department's labour market programs.

The Board considers that all of the above proposals will require discussions between relevant Commonwealth, State and Territory and non-government agencies to resolve the details of these proposed now co-operative arrangements, and *recommends* that your Department seek to initiate these discussions as a priority.

I draw your attention to the relevant provisions of the Employment, Education and Training Act 1988 which require this advice to be tabled in both Houses of Parliament as soon as practicable. I also recommend that the Board's commissioned report prepared by Dr Semmens be tabled simultaneously in order to provide the more detailed background necessary for informed consideration.

Yours sincerely



Peter Laver

13 July 1992