

Prison Employment Services for First Nations Peoples

Response to the Department of Employment and Workplace Relations Discussion Paper: Prison Employment Services for First Nations People | August 2023

About AMES Australia

AMES Australia (AMES) welcomes the opportunity to provide feedback on the Discussion Paper: Prison Employment Services for First Nations Peoples. Our submission is informed by our experience of providing employment services to vulnerable cohorts since 1998.

AMES provides integrated settlement services, English language, foundational, employability and vocational education, and employment support through Refugee, CALD, and Indigenous specialist licenses as a provider of Workforce Australia Employment Services.

Response summary

In developing this submission, AMES has applied the core principle set out in the Discussion Paper, which is to involve Aboriginal and Torres Strait Islander communities and organisations in the design and implementation of the prison employment service. AMES has consulted with our Indigenous staff members, including AMES Indigenous Employer Engagement Specialist, drawing from their recent and significant experience in achieving successful education and employment outcomes.

In summary AMES:

- commends the Government's aspiration to improve the Time to Work Employment Service (TWES) and design a new way to help First Nations peoples who are incarcerated to connect to employment post release
- seeks a service that meets First Nations peoples' culturally specific needs through a comprehensive and culturally sensitive approach
- supports the process of genuine engagement with First Nations communities to design and implement the employment service
- supports cultural awareness and sensitivity training for all stakeholders engaged with the service, including departmental teams and service delivery teams
- looks forward to the design of an employment service for First Nations peoples in prison that contributes to addressing the National Agreement on Closing the Gap.

In responding to the design of the Prison Employment Services for First Nations Peoples the following information expands on the overview summary above, and includes comments on the features of a culturally-responsive prison employment service for First Nations Peoples.

For follow up and further information, please contact Catherine Scarth, Chief Executive Officer, AMES Australia on scarthc@ames.net.au

1. How should the Priority Reforms from the National Agreement on Closing the Gap be embedded in a Commonwealth-funded prison employment service?

Embedding the Priority Reforms from the National Agreement on Closing the Gap in a Commonwealth-funded prison employment service requires a comprehensive and culturally sensitive approach. Following is a set of themes and actions for consideration in incorporating these reforms.

1. Establish formal partnerships and shared decision-making

- a. Involve Aboriginal and Torres Strait Islander Elders, communities and organisations in the design and implementation of the prison employment service.
- b. Establish formal partnership arrangements between governments and Indigenous Elders and/or representatives to ensure shared decision-making authority.
- c. Engage with the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks) and other relevant bodies to seek their input and guidance in shaping the service.

2. Build the community-controlled sector

- a. Explore the potential involvement of Aboriginal specialised employment Workforce Australia providers to deliver the employment services.
- b. Consider the capacity and interest of Workforce Australia providers in providing culturally competent support to First Nations people in prison and post-release.
- c. Support the development of a strong and sustainable community-controlled sector to deliver high-quality services to meet the needs of Indigenous communities.

3. Transform government organisations

- a. Ensure that the Commonwealth-funded prison employment service is culturally safe and responsive to the needs of First Nations peoples.
- b. Provide training and support for service providers to enhance their cultural competency and understanding of Indigenous perspectives.
- c. Hold government organisations accountable for Closing the Gap by actively addressing the Priority Reforms and Outcomes.

4. Offer an education and career program to participants

This program should include:

- a. *Skills assessment and development*: Identify personal strengths and skills gaps, offering tailored training in various fields.
- b. *Vocational training*: Collaborate with accredited training providers to offer vocational courses that lead to industry-recognised certifications. These programs could include trades, technology, healthcare, hospitality, and other sectors with strong employment prospects.
- c. *Educational pathways*: Provide access to a range of educational opportunities, including adult education classes, high school equivalency programs, and tertiary education courses. Support participants in pursuing higher education and obtaining qualifications that align with their career goals.
- d. *Career planning and guidance*: Offer guidance, workshops, and counselling to set and achieve career goals.
- e. *Mentorship*: Facilitate mentorship programs where participants can connect with successful professionals or community leaders who provide guidance, inspiration, and networking opportunities.

2. How can we design and deliver a culturally competent service?

Considerations and actions when designing a culturally competent service follow.

Awareness through education

1. Provide cultural awareness and education

Begin by educating all departmental teams about the specific Indigenous communities they will be serving. Learn about their histories, traditions, languages, and cultural practices. This knowledge is foundational for providing culturally competent care.

2. Provide cultural sensitivity training

Provide comprehensive training to all staff members involved in delivering the service. This training should cover topics such as historical trauma, cultural humility, unconscious bias, and effective communication with Indigenous individuals.

3. Ensure continuous learning and improvement

Culturally competent services are a continuous journey of learning and improvement. Regularly evaluate the service's effectiveness, gather feedback, and make necessary adjustments to better meet the needs of indigenous participants.

4. Advocate for systems change

Advocate for systemic changes that address the root causes of challenges faced by Indigenous communities, including issues related to poverty, education, employment, and justice.

Community engagement

5. Engage Indigenous communities

Establish meaningful relationships and partnerships with First Nations Elders, organisations, and community members. Involve them in the design, planning, and implementation of the service. Seek input through focus groups, consultations, and regular feedback loops. Their input is crucial for ensuring that the service aligns with the needs and values of the community and remains relevant and effective.

6. Ensure Indigenous leadership and representation

Employ and empower Indigenous staff members in leadership roles within the service. Their perspectives and experiences are invaluable for shaping a culturally competent approach.

7. Respect self-determination

Respect the self-determination of Indigenous individuals and communities. Involve them in decision-making processes and allow them to guide their own healing and well-being journeys.

Service design

8. Review and adapt culturally informed policies and procedures

Review and adapt policies and procedures to reflect a deep respect for Indigenous cultural values and practices. Ensure that these policies are consistently implemented and that they uphold the dignity and rights of Indigenous participants.

9. Develop culturally competent tools and processes

Develop assessment tools and diagnostic processes that take into account cultural differences and avoid misinterpretation of indigenous behaviours and beliefs.

Service implementation

10. Apply a holistic approach

Recognise and address the holistic nature of Indigenous well-being, which includes physical, mental, emotional, and spiritual aspects, ceremonies, and cultural activities into the service to promote overall wellness.

11. Provide trauma-informed care

Recognise and address the historical trauma and systemic injustices that Indigenous individuals may have experienced. Create a safe and supportive environment that acknowledges these traumas and promotes healing.

12. Provide flexible and responsive services

Indigenous cultures vary widely, so be prepared to adapt services to accommodate different cultural preferences and needs. Flexibility and responsiveness are key to providing effective care. This might involve providing Indigenous language options and referring to culturally specific therapeutic approaches.

3. What sort of supports does the service need to provide to participants while they are in prison?

The service needs to provide the following supports to participants while in prison. It is important to emphasise that these supports should be developed in consultation with Aboriginal and Torres Strait Islander communities, respecting their input and expertise. Collaborating with community Elders and stakeholders is vital to provide meaningful and effective support for participants during their incarceration and as they transition back into society.

1. Cultural connection and identity

Provide cultural programs, ceremonies, and activities that help participants maintain their cultural connections and strengthen their identity. This may involve organising traditional dances, art workshops, language classes, and storytelling sessions.

2. Cultural liaison officers

Employ cultural liaison officers or advisors who can facilitate communication between participants, correctional staff, and community Elders. These officers can bridge cultural gaps, provide guidance, and ensure that cultural needs are met.

3. Education and skill development

Offer educational programs and vocational training that align with participant interests and aspirations. This can assist them acquire valuable skills and qualifications for future employment.

4. Mentorship and guidance

Connect participants with mentors from their own community, or other respected Aboriginal and Torres Strait Islander individuals, to provide guidance, share their experiences, and offer support in navigating personal and professional challenges.

5. Counselling and well-being services

Provide culturally appropriate counselling and well-being services that address participants' emotional and psychological needs. This may involve trauma-informed care, healing circles, and access to traditional healing practices.

6. Family and community engagement

Facilitate regular communication and visits with family members, community leaders, and support networks. Maintaining these connections is crucial for participant well-being and successful reintegration.

7. Preparation for employment

Offer job readiness workshops, resume building assistance, interview skills training, and mock interviews. Help participants prepare for the job market and build their confidence as a jobseeker.

8. Transition planning

Develop individualised reintegration and transition plans that outline steps for participants to successfully reintegrate into their communities upon release. Address secure housing, employment, and support services.

9. Access to technology and communication

Provide access to technology, such as video conferencing, to facilitate communication with potential employers, community members, and support services outside of the prison.

10. Employment placement support

Collaborate with employers and community organisations to secure employment opportunities for participants upon their release. Provide job matching services, support with applications, and connections to potential employers.

11. Advocacy and legal support

Advocate for participants' rights and provide legal assistance when needed. Ensure that participants have access to legal resources and support to address any barriers related to their criminal record.

12. Community re-integration programs

Offer post-release programs that continue to support participants' well-being, skill development, and employment prospects. This may involve mentorship, counselling, and ongoing access to education and training.

13. Cultural sensitivity training for staff

Ensure that staff members are trained in cultural sensitivity, trauma-informed care, and effective communication with Aboriginal and Torres Strait Islander participants.

4. How can the service help employers to hire First Nations people who have been incarcerated?

AMES as a holder of a specialist Indigenous licence under the Workforce Australia contract in Parramatta and Blacktown, is well positioned to support the design of a service that will help employers to hire First Nations people who have been incarcerated.

In developing this submission, AMES consulted with our Indigenous Employer Engagement Specialist who has identified the following actions and strategies, drawing from his own significant experience in achieving successful education and employment outcomes for this cohort.

1. Provide cultural awareness training to all staff involved in delivering the service, including case managers and support workers, who themselves would ideally be Indigenous.
2. Focus on employers who hire directly so as to avoid the additional hurdles such as police checks which often accompany employment via agencies.
3. If agencies are used, collaborate with agencies who specialise in hiring Indigenous employees, such as Yarn'n Aboriginal Employment Services who AMES collaborate with.
4. Deliver cultural awareness education to the employers that service providers already have a relationship with, including employers who have successfully hired Indigenous workers, as well as employers who we believe have the potential to provide employment opportunities to them.
 - a. This education can be facilitated via employer summits, where a component of the summit could be dedicated to exploring the opportunities that hiring of ex-offenders, including Indigenous ex-offenders, can present, especially in the context of a tight labour market.
 - b. Invite employers who have had a positive experience with this cohort to present on their experience to other employers.
 - c. Invite Indigenous ex-offenders who have been clients and who have secured meaningful employment to present on their experience.
 - d. Convey to employers that when looking at ex-offenders in general they can be taking on someone who, having done their time, will value an opportunity provided to them, and can prove to be amongst the most reliable and dedicated employees.
 - e. Discuss the importance of considering constraints such as parole and work orders when hiring an ex-offender.
 - f. Be sensitive to potential mismatches between criminal histories and employment opportunities, for instance avoid sending someone convicted for fraud to a position as a claims officer with an insurance company.
 - g. Provide access to vocational training and education programs that align with participants' interests and skills, as well as align with the needs of employers who the provider will be collaborating with. For instance, provide access to hospitality skills training if collaborating with a hospitality employer to provide employment opportunities.
 - h. Offer accredited courses and skill development opportunities to improve employability and job readiness.
 - i. Facilitate work experience and practical training within the prison setting or through work release programs. For instance, arrange for work experience with a hospitality employer, if collaborating with such an organisation, which would also reinforce training which the pre-release prisoner may have already undertaken.

- j. Consider non-vocational supports such as access to counselling via telehealth through culturally sensitive providers, to support Indigenous ex-offenders once they commence employment.

5. Supporting the successful reintegration of incarcerated First Nations individuals into society is a multifaceted and demanding endeavour

Despite substantial investment aimed at improving the well-being of these communities, evidence from various reports has shown an unfortunate increase in both incarceration rates and recidivism.

Australia remains significantly off-track in achieving more than two-thirds of its Closing the Gap targets, indicating a failure to effectively address the systemic disadvantages faced by First Nations communities. The most recent data from the Productivity Commission's Closing the Gap report highlights this persistent challenge.

Factors contributing to the higher likelihood of reoffending among Aboriginal individuals, as compared to non-Aboriginal counterparts, include a history of prior offenses, unstable living conditions, limited educational attainment, and a pronounced lack of employment opportunities (as evidenced by 84% of Aboriginal inmates being unemployed upon arrest).

Breaking this cycle and offering incarcerated First Nations individuals the best opportunity for successful reintegration requires a comprehensive and holistic approach. By embracing the following strategies within a holistic framework, we can contribute to dismantling the cycle of incarceration and foster successful reintegration for First Nations individuals.

1. Individualised case supervision

Acknowledging the distinct requirements and situations of each person, an individually tailored case management strategy should be adopted. A designated facilitator would collaborate across various sectors to formulate a thorough strategy for successful societal reintegration. This strategy would encompass access to mainstream services, familial assistance, and pathways to employment. Sustained involvement over a medium to long-term duration would be essential for effective implementation.

2. Enhance family and community connections

Recognising the essential influence of family on an individual's life aspirations, endeavours should be undertaken to mend strained relationships resulting from incarceration. Family counselling sessions, supportive groups, and communal gatherings can aid in fostering these reconnections. The participation of community leaders, such as Elders, would be instrumental in assisting incarcerated First Nations individuals to rediscover their connection to the land and their community, providing valuable guidance and support.

3. Improve employment prospects

Offering vocational training, skill enhancement workshops, and aid in securing employment post-release can greatly enhance the potential for successful reintegration. Collaborations with nearby businesses create pathways for those with criminal histories, and early release initiatives linked to employment can serve as motivating factors for personal growth. The focus should be on attaining a desired job or career rather than settling for mere survival through work. Engaging in monotonous or unsatisfying employment can eventually lead to disengagement and raise the risk of reverting to previous criminal activities.

4. Empower through education

Granting access to educational resources, adult education classes, and higher education opportunities empowers individuals to pursue academic goals and enhance their employability.

5. Address mental health and substance abuse

Tailored programs and counselling services should target mental health and substance abuse challenges, with a focus on trauma-informed care due to high trauma rates among incarcerated individuals.

6. Provide peer support and mentoring

Establishing mentorship opportunities with successful reintegration stories can provide guidance and role models for those transitioning from incarceration. For example, Wests Tigers players and community team delivers a five-week program to inmates at Mid North Coast Correctional Centre could be replicated with Indigenous All stars.

7. Consider legal support and record expungement

Offering legal assistance, which encompasses the possibility of record expungement when relevant, can substantially enhance the outlook for securing employment and housing by ensuring a clear legal record. Similarly, extending greater recognition to Indigenous-affiliated roles within the context of criminal records would broaden the employment opportunities available to incarcerated First Nations individuals, which are currently limited by prevailing conditions.

8. Advocacy and community engagement

Collaborating with local communities, policymakers, and stakeholders is crucial to advocate for systemic changes that address underlying factors contributing to high incarceration rates. This includes tackling poverty, educational barriers, and historical injustices.