



New Beginnings,
Stronger Communities

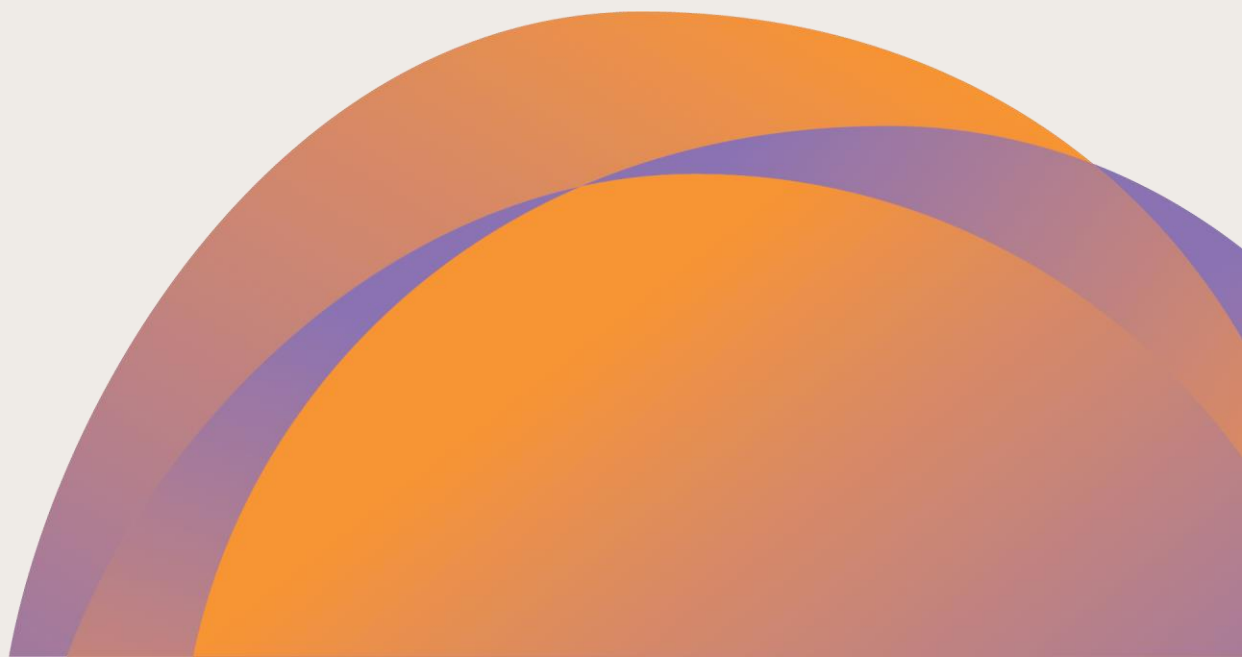
Time to Work Employment Service Consultation

Vacro submission to the Department of Employment and Workplace
Relations

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About Vacro

Vacro is an independent, non-profit organisation created in 1872. We support people in contact with the criminal justice system and their families to create new beginnings and stronger communities.

Our work provides the support people need to get their lives back on track and recognises the role all members of a community play in successful reintegration.

We provide programs in three broad categories:

- Returning to community: we deliver tailored pre-release support to adults in prison and provide a case manager to support people post-release.
- Strengthening family connection: we support family visits and provide family counselling across both the men's and women's prison system.
- Returning to work: we run two social enterprises to build job skills and connect people with employment pathways after prison, walking alongside our participants and their employers for up to a year post-release.

Vacro's services provide practical support driven by long-term thinking. Our research, policy and advocacy work imagines a fairer future through systemic change. Vacro's work benefits individuals, their families, and whole communities.

Vacro welcomes the opportunity to submit to the Department of Employment and Workplace Relations' Time to Work Employment Service consultation. In 2020, Vacro also participated in the Department's evaluation of the service. In addition to this submission, we refer the Department back to our 2020 submission for further recommendations regarding the better functioning of the Time to Work Employment Service, which apply equally to the design of the new service.

Introduction

Since 2018, Vacro has delivered the Time to Work Employment Service (TWES) in all prisons in Victoria except for the Melbourne Assessment Prison and Metropolitan Remand Centre. Vacro employs six Aboriginal Engagement Workers to deliver the program. Our delivery of TWES in Victoria was initially funded until June 2023; this contract has been extended and we now expect delivery to cease in June 2024. We understand that a new prison-to-work service for Aboriginal and Torres Strait Islander people in the prison system is being developed.

As a TWES provider, Vacro participated in the 2020 evaluation of the program, which found “that the current program is not working as well as it could and that the TWES model could be reconsidered”.¹ In our submission to that review, we made several recommendations regarding the better functioning of the service. We welcome the opportunity to continue to consult on the development of the new service and note that in addition to this submission, our prior recommendations still apply as recommendations for the design of the new service. In this submission, we will address each of the discussion questions in turn and offer as much of our significant practice expertise as we can to best inform the development process.

Overall, our strongest recommendation is that the Department ensure the service that replaces TWES adopts a ‘throughcare’ approach. Taking a throughcare approach means providing coordinated, continuous support to a person from prison back into the community. Evidence from transition support programs (including Vacro’s own) points to the importance of working relationships that commence pre-release and follow the individual as they transition back into the community; best practice throughcare services would provide support from the point of someone’s entry into prison until they have successfully reintegrated into community life.

Services that ‘stop at the gate’ – like TWES – risk high rates of disengagement because they don’t take into account the realities and difficulties of post-release life. People leaving prison face big challenges, sometimes returning to chaotic living arrangements, with weak connections to family and community, and hardships associated with low or no income, all the while trying not to relapse or reoffend. They often also experience serious distrust of institutions that can make them wary of seeking help or engaging with services. In this environment, it is almost impossible for them to put in place the plans they made in prison through a pre-release program like TWES without post-release support.

Our current post-release case management programs facilitate a connection between the worker and participant that provides a solid base from which to challenge, support, confront and respond rapidly to the myriad of barriers they face. We firmly believe that all supports should be connecting pre-release and providing through care, and we outline our vision for how this could work in the service that replaces TWES below.

¹ Department of Employment and Workplace Relations. (2023). *Prison Employment Services for First Nations Peoples: Discussion Paper*, p. 4.

A note on terminology

Vacro is very careful about the language we use when we talk about the people who participate in our programs and others who are incarcerated in Victoria's prison system. This is because the available evidence indicates that there is a connection between the language our participants use to think and talk about themselves – and the language others use to define and describe them – and their journey to desisting from crime. Where the word 'recidivism' refers to a specific moment at which reoffending occurs, 'desistance' is the slow pathway away from criminalised behaviours and towards integration with the wider community. Evidence-based desistance theory tells us that desistance relies on people creating new labels and a new story for themselves.

We therefore think it is important to point out to the Department that some of the language used in this consultation process – most notably in the Discussion Paper – is not in line with desistance theory. Labelling people who are in prison or have recently been released 'ex-offenders' is problematic because it guides the attitudes people leaving prison face in the community, including as they look for work. Constantly being labelled according to their offending behaviour is also a barrier to participants developing the new narratives of themselves as they embark on a journey away from crime and towards a new life. An image of oneself as an 'ex-offender' is very difficult to replace with a self-image of an employee. It is important that the Department is aware of the problems associated with this kind of language, especially because it will be engaging with Employment Service Providers (ESPs) and potential employers as it develops the program that will replace TWES. Calling the potential participants of this new program 'ex-offenders' in these communications will only serve to cement the image these ESPs and employers have of participants as primarily defined by their offending behaviour. We would further encourage the Department to work with the ESPs to change the language they use to discuss people with experience of the justice system as well.

Secondly, the Discussion Paper explains that First Nations people, and particularly First Nations people who have been incarcerated, experience socio-economic barriers and other barriers to employment "due to deep-rooted, intergenerational disadvantage".² While this is true, there is a failure here to mention the lasting and ongoing impacts of colonisation as the source of this disadvantage. All programs that work with Aboriginal and Torres Strait Islander people, and especially programs in the criminal justice space, must recognise and be up front about the connection between colonisation and over-incarceration. Full and frank acknowledgement of this causal link will be necessary to educate ESPs and employers and to equip First Nations people coming out of prison for employment opportunities that fulfil them.

² Department of Employment and Workplace Relations. (2023). *Prison Employment Services for First Nations Peoples: Discussion Paper*, p. 8.

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

Rather than provide a stand-alone answer to this question, we have embedded many of the Priority Reforms in our answers throughout this submission. For example, recommendations relevant to Priority Reform One: Formal Partnerships and Shared Decision Making can be found in our answers to Questions 4 and 5; recommendations relevant to Priority Reform Two: Building the Community-Controlled Sector can be found in our answer to Question 2; and recommendations relevant to Priority Reform Three: Transforming Government Organisations can be found in our answers to Question 2, 3, and 4. Priority Reform Four: Shared Access to Data and Information at a Regional Level is outside the scope of our submission, but in general we recommend far more robust data collection, linkage, and sharing in the new program than has ever been available through TWES. Monitoring and evaluation processes for the new program should be built into its development and, like other aspects of program development, should be formed in consultation with Aboriginal and Torres Strait Islander communities.

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

The best way to design and deliver a culturally competent service for Aboriginal and Torres Strait Islander people is to ensure they are meaningfully involved in design and delivery. Our strong recommendation is that the new service brought into replace TWES should be developed and delivered in Victoria by one or more Aboriginal Community Controlled Organisations (ACCO). There are Aboriginal cooperatives in every region of the state of Victoria, many of which have a strong knowledge of the criminal justice sector. Furthermore, while state-wide Aboriginal organisations may not yet deliver comprehensive criminal justice reintegration programs, they have significant reach and community trust. These organisations must be consulted in developing a model to replace TWES that would work for Victoria. Vacro has working relationships with some of these cooperatives and would be happy to be involved in that process, including by inviting some of the parties to the table. It is important to note that any ACCO would need sufficient government funding and support to take on the program.

In the TWES program, Vacro's Aboriginal Engagement Workers (AEWs) are predominantly Aboriginal and Torres Strait Islander people, which helps to build trust and understanding with the participant. The AEWs let the participant tell their story in the way that they feel most comfortable to do so: for example, some people are comfortable just yarning and others prefer an interview-style interaction. The role that replaces the AEW in the new program should be similarly filled as far as possible by Aboriginal and Torres Strait Islander employees, and ideally by people with strong ties to the community the prison is in or that the participant will be released into. This will ensure the service is delivered safely and with a high level of cultural competence, and it will also improve participation rates and employment outcomes because the AEW understands intimately the unique

strengths of the participant, the unique challenges they face, and the opportunities that may be available to them in their community.

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

Identifying eligible participants and removing barriers to participation

First, the service must attract referrals from eligible participants. Early on in our delivery of TWES in Victoria, we faced problems with relevant Corrections Victoria (CV) staff members not notifying us of eligible potential participants approaching the 3-to-4-month pre-release mark at any of the prisons, meaning we were unable to distribute notification letters to eligible participants. We worked with CV to ensure that we received a monthly list of newly eligible participants, and this has proved crucial to the running of the program as it allows for outreach, including letters and other promotional material. In addition to this outreach, we have found that building relationships with trusted prison and program workers has been necessary to encourage referrals into the program. In Victoria, Aboriginal Welfare Officers (AWOs), Aboriginal Liaison Officers (ALOs), prison program staff, and external program staff – such as Vacro’s ReLink workers – act as important allies to TWES because they are more likely to be trusted by potential participants and are therefore well positioned to provide warm and supported referrals, which are essential to the success of a voluntary program. However, it is also important to remember that all correctional roles, especially AWO and ALO roles, experience high turnover and the work of building and rebuilding these relationships can be considerable. It is therefore important that CV and its equivalents in other states and territories are subject to formal accountability for referrals into programs like TWES.

The new service could also be set up to receive referrals from reception assessment programs. In Victoria, all sentenced prisoners undergo an assessment upon reception into prison called ReGroup, which is conducted by CV staff. The purpose of ReGroup is to start planning for a person’s transition back into the community, identify their reintegration needs, and refer them to relevant in-prison programs that will help meet those needs. ‘Employment and education’ is one of the referral areas, but TWES is not included in the list of programs that ReGroup participants can be referred to. If the new service is included as a referable program in the ReGroup assessment, participants would be flagged as eligible for the program in the CV system. We believe this approach would increase referrals in Victoria, and it may be possible to develop a similar approach for assessment processes in prisons in other states and territories, if required.

Disability Support Pension

The stipulation that participation in TWES removes the individual’s eligibility for the Disability Support Pension (DSP) has been a consistent barrier to TWES participation. In our experience, there are often people who were on the DSP prior to incarceration who want to work post-release and believe they have the capacity to do so, but this stipulation prevents them from accessing support as they cannot be processed through the program. Furthermore, people who receive the DSP are

allowed to work for a certain number of hours each week, so there is no reason they should not be able to participate in TWES. Considering the Commonwealth's focus on assisting people with disability to join the workforce, we believe that participants who were on the DSP prior to incarceration should be able to participate in TWES and that TWES participants should retain their eligibility for the DSP.

Preparing for release

To become an effective throughcare service, the program that replaces TWES must provide expanded pre-release support in the prison. Funding is needed for more in-prison hours to ensure that AEWs can build the relationships necessary to increase referrals into the program (see above) and that participants are well prepared for their release.

There are three components of the pre-release service that we find to be most valuable to participants in our delivery of TWES.

Transition planning

The first is the most obvious: transition planning and the identification of skills and barriers to employment. In general, this part of TWES has functioned well. Vacro's trained AEWs are skilled practitioners who have the expertise to build lasting rapport with the participant during the pre-release visits. The AEWs support participants through the development of the Transition Plans and responses to the Job Seeker Classification Instrument (JSCI) and find these tools to be user friendly. They use tried and tested methods to ensure that the participants feel comfortable relaying their details, including letting the participant tell their story, gathering the relevant pieces of information as they are relayed, or having open conversations to guide that participant to the required information. These documents are developed and answered over one or two visits with the participant. By the time the Transition Plan and JSCI have been completed, the AEW has built sufficient rapport with a participant to encourage full disclosure during the Employment Services Assessment (ESAt).

Identification

The second important pre-release task, which the current number of in-prison support hours does not leave enough time for, is support for participants to organise identification ahead of their release. Participants may not have a bank account, a Medicare card, or a driver's license, and registering for MyGov and Centrelink will be necessary for their employment search post-release. Participants should be supported to obtain appropriate identification while in prison to ensure the best chance of success, as these processes are not easy to complete on their own after release, and they may not have the technology to do so. Organising identification and registering for both MyGov and Centrelink should be formal parts of the pre-release component of the new service.

Information on post-release support

Finally, participants need clarity about what to expect post-release. The TWES model left participants to engage with their Employment Service Provider (ESP) by themselves post-release without any dedicated post-release support after the facilitated pre-release handover. If this is to

continue under the new service (although we do not recommend this – see Introduction and Question 4), participants will need more information about what support they are eligible for and how best to go about their interactions with the ESP. Talking through practical matters, such as the location of the ESP and how to get there using public transport, is also essential if there is to be no post-release component of the program.

Handing over to an Employment Service Provider

The pre-release component of the service must successfully facilitate the handover to an ESP. Over the time that Vacro has been delivering TWES, there has been a persistent issue with this part of the program. This has commonly happened for two main reasons: Services Australia has failed to allocate an ESP, or the participant has been rendered ineligible for a handover because they are projected to be homeless on release.

An ESP is meant to be assigned by Services Australia once a participant completes an ESA and has an address on release, but in most cases this does not happen. Over our time delivering TWES we have been unable to ascertain why this step of the process is so often missed. The intention of the program is to conduct the handover prior to release so that participants fully understand where they can go for assistance when they are released. Waiting until the person presents at Centrelink – which can be months after they are released – compromises the success of the program. The ESP must be allocated by Services Australia in a timely manner so that the handover can be facilitated before a participant is released from prison. Ideally, the ESP would be allocated within 24 hours of the ESA being lodged.

Participants released without an address are also not assigned an ESP, even if they know what area they will be returning to. Approximately half of people leaving prison in Victoria expect to be homeless on release, so this stipulation excludes a significant proportion of the prison population. People leaving prison into homelessness would still benefit from pre- and post-release employment support, which may even support them to secure stable housing. We believe people exiting prison into homelessness should still be eligible for a facilitated handover with an ESP. This approach would provide each participant with the agency to decide whether they are ready to start working with an ESP to secure employment after release, rather than having that decision made for them.

Preventing exits before completion

Another common problem in the TWES program has been participants exiting before they complete it. There are three main reasons that this happens. The first is that the participant decides to apply or re-apply for the DSP because this meets their needs at that time more fully than employment support, and this renders them ineligible for TWES participation (see above). This is out of the program's control and given the characteristics of the cohort in prison, while this stipulation remains in place, we would expect that some participants would exit the program to apply for the DSP.

The other two reasons are programmatic. First, some participants are released from prison earlier than expected, granted parole, or moved to another prison before they can complete the ESA.

These participants are highly unlikely to re-engage with the program once released or moved. TWES has no way to track its participants' movements around the prison system, and for those who are released unexpectedly, there is no post-release component of TWES to engage with. Second, Services Australia does not assign an ESP to a participant, resulting in them leaving prison without a facilitated handover (see above).

4. How can the service help First Nations people who have been incarcerated after release (including connection to mainstream services, family supports, or paid work)?

Transitional case management

TWES has always contained some elements of a throughcare approach, in the sense that work begins pre-release and a handover with a post-release employment support service is meant to be facilitated within the program. Its throughcare approach would be immeasurably improved if these handovers happened for every participant, and if the organisation providing pre-release support also provided some post-release support in the community. Based on the available national and international evidence, we believe that the program would be enriched by having a post-release support component where the AEW who supports the participant in prison continues to support the participant in the community post-release (if they are released into the same community) or referred to another AEW working for the same organisation in their community (if they are released into a different region). For example, a participant located at Beechworth prison would work with the AEW from that region pre-release but then may return to Melbourne and work with one of our Melbourne-based AEWs post-release. In this situation, the Melbourne-based AEW would travel to Beechworth pre-release to have a familiarisation meeting. From our experience providing transitional support, we know that this pre-release familiarisation has a positive effect on post-release outcomes.

The AEW's post-release support would focus first and foremost on encouraging the participant to engage with the ESP and supporting the participant to attend the initial appointment with the ESP. This would likely include practical support (organising a mobile phone, printing documents, etc.), support with physically attending the appointment (writing down information in a diary, navigating public transport, etc.), and attending the first few interactions with the ESP where required. It would be very valuable, for example, for the AEW to provide an in-person warm handover with an ESP case manager who might be concerned about working with someone recently released from prison. The AEW would then continue to support the participant to build resilience and address their other needs by referring to and liaising with other support services. Evidence shows that helping participants to achieve other goals that are related to their employment (housing, mental health support, AOD counselling, family connection etc) increases the chances that employment placements will succeed. In this way, the post-release component of the program would support and even improve the employment outcomes achieved by the ESP and the participant.

International best practice would suggest that post-release support should extend for two years, and this is what we recommend for all post-release support programs. Where this is not possible, we work with varying durations of support based on need. For example, our ReConnect post-release reintegration program, delivered under CV's Reintegration Pathway, functions using a stepped model of three, six, or nine months of post-release support depending on the ongoing needs of the participant.

We also believe that this proposal would make it feasible to extend TWES to people released into homelessness who are currently not allocated an ESP. Under the proposal, these participants would be allocated an ESP in the region where they intend to settle, and the AEW would assist them in finding accommodation in that region (most likely this would be a stepped approach, where the participant is initially housed in temporary accommodation using brokerage funds, with the aim of assisting them into longer term accommodation when employment is secured). With accommodation in place, the participant would be able to focus on working with the ESP to find employment while working with the AEW to address the other employment-related concerns referred to above (AOD, mental health etc). We would be happy to discuss this recommendation further if required.

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

Relationships with willing employers

Vacro has direct experience working with employers to hire people who have been incarcerated through our Second Chance Jobs program. Second Chance Jobs helps people leaving prison find jobs by pairing them with willing employers and walking alongside them for a year post-release, supporting both employer and employee to build a lasting and trusting relationship. Normally, people leaving prison have to apply for jobs with employers who have not expressed a willingness to employ people with a criminal record, and this often leads to experiences of stigma and discrimination in the job market that can be extraordinarily disheartening, especially when a job offer seems to be in progress only to be withdrawn following a criminal record check. Our approach of building relationships with employers and offering them support through the program has identified dozens of appropriate employers. In Second Chance Jobs, we have more employers wanting to employ our participants than we have participants to fill the vacancies. For program participants, this has eliminated the anxiety of applying for jobs, deciding if and when to disclose their criminal record, and hoping it does not affect their application.

We think there would be great value in the federal government funding specialist employment service programs like Second Chance Jobs that already have both reintegration and employment expertise to replace the model of TWES participants working with mainstream ESPs after their release (Second Chance Jobs already works collaboratively with ESPs). The mainstream ESPs we work with through TWES tell us that, while they are supposed to build relationships with

employers, they do not feel confident advocating for TWES participants with employers as they have a low understanding of their backgrounds, skills, and needs. This is understandable, as criminal justice reintegration is a specialist area requiring expertise not held by mainstream ESPs. Instead, the AEW employed as the post-release component of the service replacing TWES could work with the ESP and Services Australia to support participants to meet their obligations for payments such as JobSeeker, while they are actively supported to find meaningful work through a specialised employment support program like Second Chance Jobs. In an ideal world, this model of support would be extended to cover everybody leaving prison.

Conclusion

A significant body of international evidence tells us what works to support people leaving prison to desist from crime and reintegrate successfully into their communities: new narratives about themselves; strong connections with family and friends; access to resources and opportunities like housing, employment, and support; and feelings of participation and recognition in their community. The lasting impact of colonisation means Aboriginal and Torres Strait Islander people in this position need specialised, culturally competent support along the same domains. A best practice employment support service for Aboriginal and Torres Strait Islander people leaving prison would be grounded in these principles and in the evidence that a throughcare approach offers the best support to people reintegrating from the justice system.

The service that replaces TWES must take such an approach, with specialised support provided in prison by an AEW to help prepare for release and to develop a plan for seeking employment. Operational changes must be made to the new program to ensure that eligible participants are referred more often and more warmly into the service and that they do not exit the program prematurely. Post-release, this support should continue from an AEW in the community, who will help participant with everyday logistics and adjusting to a new environment. The post-release AEW would provide warm introductions to a mainstream ESP so that the participant could begin working to meet their obligations and receiving JobSeeker payments. Meanwhile, the participant would be supported to find meaningful work by a specialised employment service like Second Chance Jobs, which would have the requisite expertise to build relationships with employers on behalf of employees who have experience of the justice system.

Throughout this submission, we have attempted to highlight the importance of trustworthy and culturally safe relationships between Aboriginal and Torres Strait Islander people in the justice system and any worker responsible for supporting them to find employment. This will require the service replacing TWES to be delivered by an ACCO and for the AEW roles to be filled by Aboriginal and Torres Strait Islander people themselves as far as possible. As we have argued above, the Department of Employment and Workplace Relations must work thoroughly with ACCOs to design, develop, and implement this new service.