

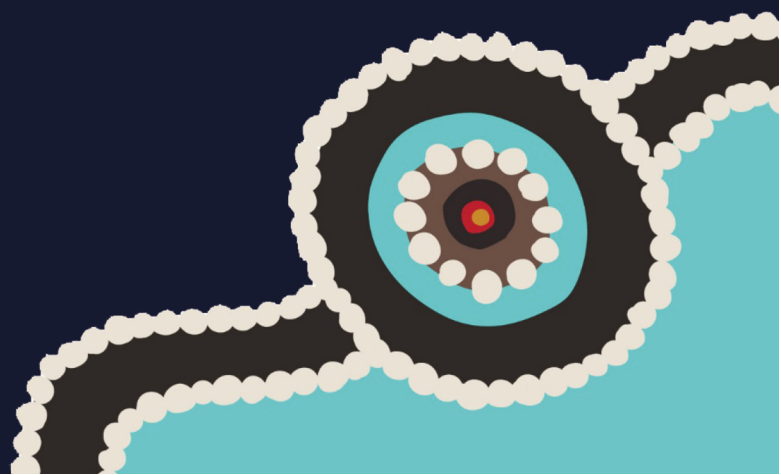


Australian Government
Department of Employment
and Workplace Relations

Prison Employment Services for First Nations Peoples

Discussion Paper

July 2023





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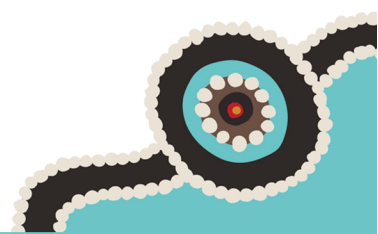
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Acknowledgement of Country

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

Note on terminology

Australian Aboriginal and/or Torres Strait Islander people are referred to interchangeably in this report as First Nations people and, in some instances, Indigenous Australians. 'Indigenous' has been used when the term forms part of a name.



Introduction

The Australian Government provides the Time to Work Employment Service (TWES) which aims to assist adult, sentenced First Nations people in prison to access the support they need to better prepare them to find employment and reintegrate into the community upon their release. TWES commenced in 2018 and is funded until 30 June 2024 in non-remote areas and 31 October 2024 in remote areas. We are working in partnership with stakeholders and First Nations people on future services to support the needs of First Nations people who are leaving incarceration and looking for work.

An evaluation of TWES found that the current program is not working as well as it could and that the TWES model could be reconsidered (NIAA 2021). For example, it has only been partially successful in addressing service coordination challenges between jurisdictions, and has not resulted in high rates of post-release connection to providers. Further information about TWES and the evaluation is available at [Attachment A](#).

We are looking to develop a new way to help First Nations people who are incarcerated to connect to employment post release. This includes through supports that are delivered by First Nations organisations, tailored to the unique circumstances of an individual prison and an individual, and that provide greater support post release.

Ensuring First Nations peoples have social and economic outcomes equal to all Australians is a key objective of the National Agreement on Closing the Gap. The National Agreement was developed and agreed in partnership with Aboriginal and Torres Strait Islander people and all levels of government. Central to the National Agreement are four Priority Reforms, which are changing the way governments work with Aboriginal and Torres Strait Islander people and communities. These are:

Priority Reform One: Formal Partnerships and Shared Decision Making

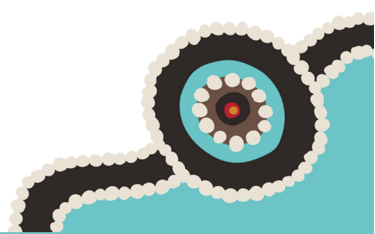
Priority Reform Two: Building the Community-Controlled Sector

Priority Reform Three: Transforming Government Organisations

Priority Reform Four: Shared Access to Data and Information at a Regional Level

The Priority Reforms are an important consideration when looking at the potential design of future Government-funded prison-to-work services. In addition to this public discussion paper, we are undertaking targeted engagement with key stakeholders, including Aboriginal and Torres Strait Islander organisations. In responding to this discussion paper, we encourage you to consider how the Priority Reforms can be applied to the design of a new program, including for example, strengthening the community-controlled sector to deliver services.

The National Agreement on Closing the Gap also encompasses socio-economic outcomes and targets. A well-designed prison-to-work program will support the achievement of Outcomes 7 (youth participation) and 8 (employment). It will also contribute to Outcomes 10 and 11 (criminal justice) by reducing reoffending. This is because a smooth and successful transition from prison to work helps



prevent reoffending and reduces the rates of incarceration of First Nations people. Government funded and government-coordinated supports can play a large role in making the prison-to-work transition smooth and successful.

Objective

The aim and objective of this engagement process is to identify how future services could be designed to achieve:

- Increasing numbers of First Nations people making successful transitions from prison to work; and
- Increasing the number of First Nations organisations delivering services to First Nations people.

Who can contribute?

We are seeking views from everyone who wants to help shape services for First Nations people who are incarcerated. We want to hear from current and past TWES participants, and from other First Nations people who have been incarcerated, who can provide insights into the barriers, challenges and opportunities for getting back into work after release.

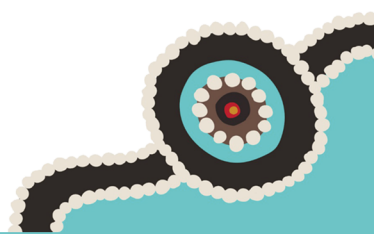
We also want to hear from people who have helped people in prison or after their release, through their work or volunteering. There are hundreds of community groups, businesses and advocacy bodies who have experience supporting First Nations peoples who have been imprisoned to re-enter the workforce, and we acknowledge that their experiences of effective practices will be invaluable.

Employers play a key role in offering opportunities for people who have been incarcerated. We are keen to hear from employers about their experiences and how we can help them to employ more First Nations people who have been incarcerated. We also want to know from employee bodies such as unions about any ways that workplaces can better support First Nations people who have experienced a prison sentence.

Anyone can contribute, including individuals, governments at all levels, social enterprises, community organisations, advocacy groups, employers and unions. As well as seeking views through this discussion paper, we are meeting with key stakeholders and asking our contracted providers to help us seek the views of participants.

To inform your submission, this discussion paper includes:

- Information on the key trends on First Nations peoples' imprisonment, including highlighting the growing rates of incarceration of First Nations women.
- An overview of current Government-funded employment support services.
- Information on what works when designing a successful prison-to-work program.
- Discussion topics exploring some of the key issues.



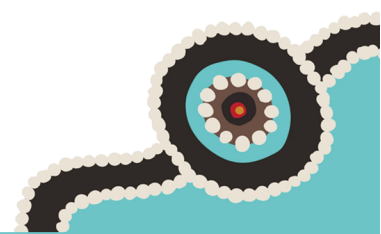
We want to hear from you. We have provided a list of core discussion questions below to help guide your submission.

Discussion questions:

1. How should the Priority Reforms from the National Agreement on Closing the Gap be embedded in a Commonwealth-funded prison employment service?
2. How can we design and deliver a culturally competent service?
3. What sorts of supports does the service need to provide to participants while they are in prison?
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)?
5. How can the service help employers to hire First Nations people who have been incarcerated?

We would also like to hear from you on any other areas we should explore. Please see the ***How to Provide Feedback*** section for information on how to make a submission in response to the issues and questions raised in this paper.

Submissions in response to this discussion paper will close on **16 August 2023**.



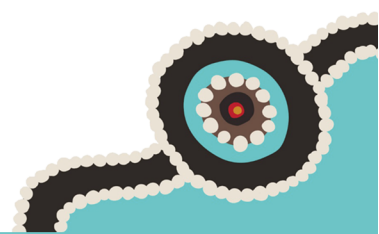
National Agreement on Closing the Gap

The National Agreement on Closing the Gap was developed in genuine partnership between Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks). It aims to enable Aboriginal and Torres Strait Islander people and governments to work together to overcome the inequality experienced by Aboriginal and Torres Strait Islander people and achieve life outcomes equal to all Australians.

The National Agreement includes 19 socio-economic targets across 17 outcome areas that have an impact on life outcomes for First Nations people. Within the National Agreement on Closing the Gap, Targets 7, 8, 10 and 11 are directly impacted by efforts that support improving employment transitions for First Nations people who have been in prison.

Table 1: Relevant Closing the Gap Outcomes, Targets and Progress (Productivity Commission 2023a)

Target	Outcome	Description	Progress
7	Aboriginal and Torres Strait Islander youth are engaged in employment or education.	By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15–24 years) who are in employment, education or training to 67 per cent .	Nationally in 2021, 58.0 per cent of Aboriginal and Torres Strait Islander people aged 15–24 years were fully engaged in employment, education or training. This is an increase from 57.2 per cent in 2016 (the baseline year).
8	Strong economic participation and development of Aboriginal and Torres Strait Islander people and communities.	By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25–64 who are employed to 62 per cent .	Nationally in 2021, 55.7 per cent of Aboriginal and Torres Strait Islander people aged 25–64 years were employed. This is an increase from 51.0 per cent in 2016 (the baseline year).
10	Aboriginal and Torres Strait Islander people are not overrepresented in the criminal justice system.	By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent .	Nationally at 30 June 2021, the age-standardised rate of Aboriginal and Torres Strait Islander prisoners was 2,222.7 per 100,000 adult population. This is an increase from 2,142.9 per 100,000 adult population in 2019 (the baseline year).
11	Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system.	By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by 30 per cent .	Nationally in 2020–21, the rate of Aboriginal and Torres Strait Islander young people aged 10–17 years in detention on an average day was 23.2 per 10,000 young people in the population. This is a decrease from 31.9 per 10,000 young people on an average day in 2018–19 (the baseline year).



Key facts and trends on First Nations imprisonment

First Nations people do not experience the same employment outcomes as other Australians, with First Nations ex-offenders experiencing an even wider gap. We recognise that people with experience of incarceration often encounter a range of barriers to employment, and these barriers may be multiplied for First Nations people.

While First Nations people accounted for 3.2 per cent of the Australian population at the 2021 Census, during 2021–22, First Nations people accounted for 31 per cent of the average daily prisoner population (Productivity Commission 2023b).

Several factors impact imprisonment rates including the level of criminal activity, changes to justice policies and practices, and social and economic factors such as poverty, levels of substance abuse, unemployment, and levels of social and community connectedness. First Nations people experience these socio-economic barriers more than the broader Australian population due to deep-rooted, intergenerational disadvantage.

At 30 June 2022, among Aboriginal and Torres Strait Islander people in prison:

- 91 per cent (11,744) were male
- 9 per cent (1,156) were female
- The median age was 33.0 years
- 78 per cent (10,025) had experienced prior adult imprisonment (ABS 2023b).

The number of First Nations people in prison varies widely between states and territories in Australia. While the largest number of First Nations people in prison is in New South Wales, the largest proportion (relative to the non-Indigenous prisoner population) is in the Northern Territory (see Figure 1 below). While the Northern Territory has the largest proportion where 85 per cent of the prison population is Aboriginal and/or Torres Strait Islander, Victorian has the lowest proportion at 10 per cent.

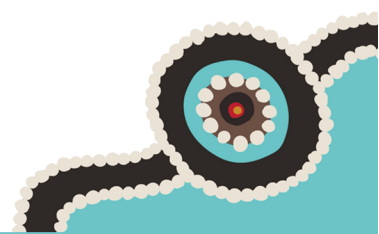
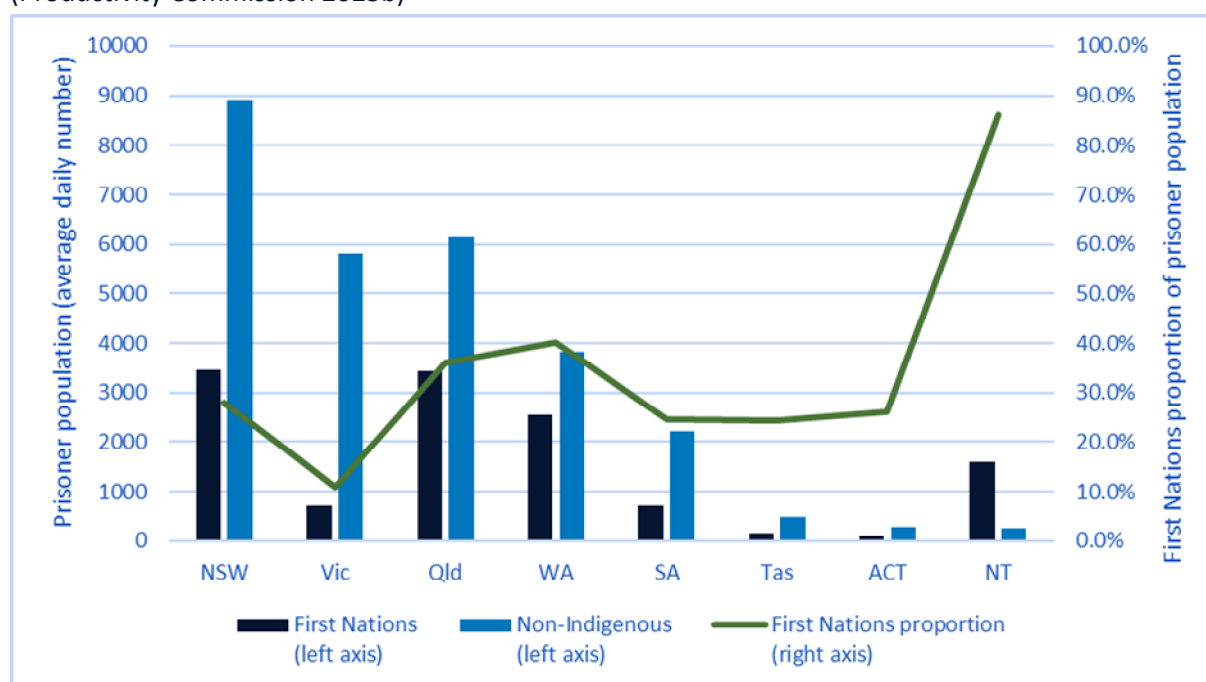
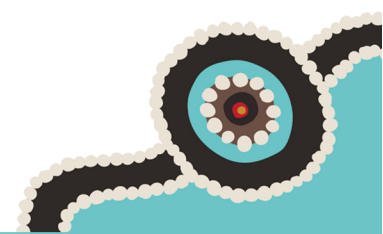
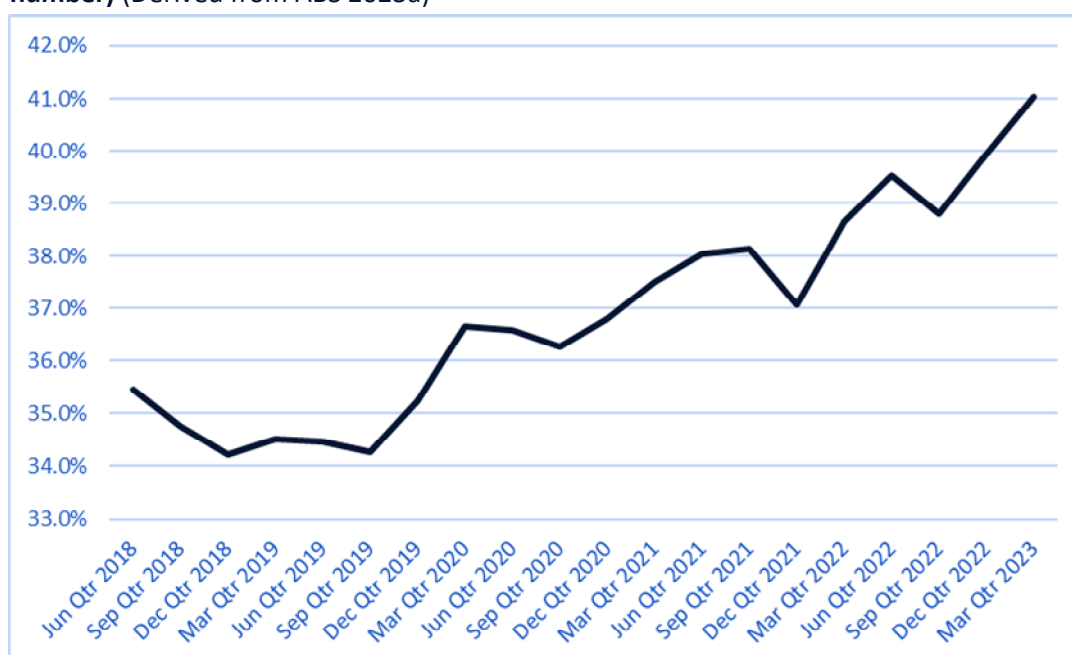


Figure 1: First Nations and non-Indigenous prisoner population, 2021–22 (average daily number)
(Productivity Commission 2023b)



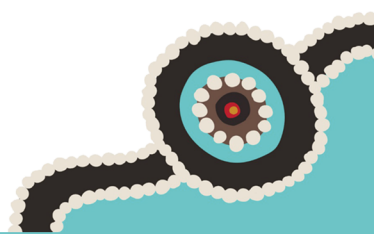
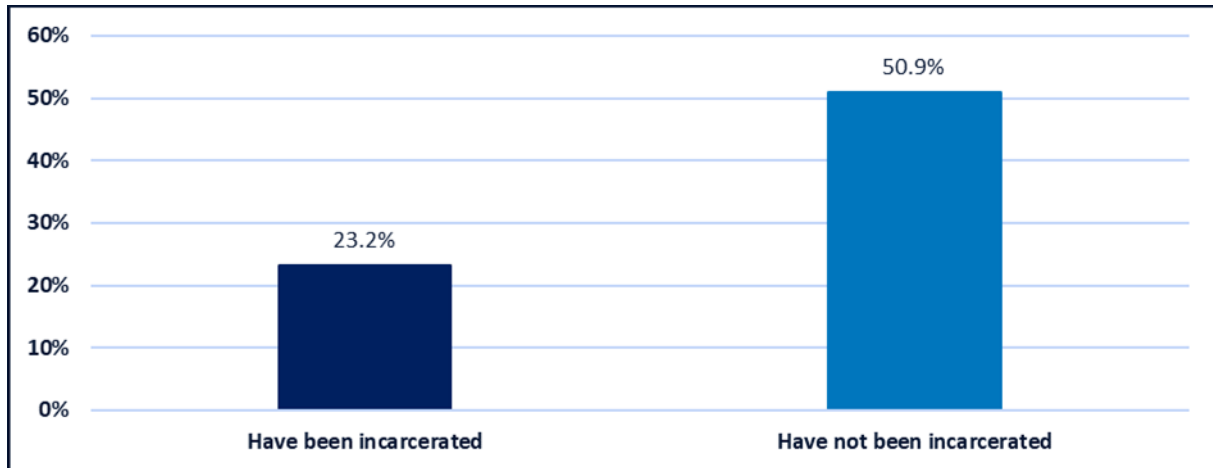
While only 9 per cent of Aboriginal and Torres Strait Islander people in prison were female, there is a concerning trend toward increasing proportion of First Nations women in prison. According to the Committee for Economic Development Australia, “while the overall numbers of female prisoners are lower than men, they have grown by more than 60 per cent over the last decade, considerably faster than growth in the male population” (CEDA 2022).

Figure 2: First Nations women as a proportion of all female prisoners, quarterly, 2018–23 (average daily number) (Derived from ABS 2023a)



We know that First Nations ex-offenders can experience poorer prison-to-work transitions post release. The *National Aboriginal and Torres Strait Islander Social Survey 2014–15* found that First Nations people aged 15–64 years who had never been incarcerated experienced better employment outcomes than those who had been imprisoned (see Figure 3 below).

Figure 3: Employment to population ratio for Aboriginal and Torres Strait Islander people (ABS 2015)



Australian Government employment supports

The Australian Government delivers employment services to all Australians who require them, noting that pre-employment and employment services are not the only support services available to help people who have been in prison address barriers to employment. The Australian Government has several programs that help First Nations people who have been in prison to re-engage in employment, as outlined in the table below. It will be important that any new prison employment service complements these existing and future programs, including a new remote jobs program.

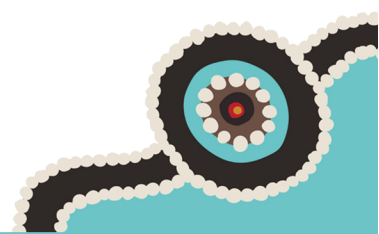
Table 2: Australian Government employment programs

Department/Agency	Employment programs
Department of Employment and Workplace Relations	<p>Workforce Australia, including Workforce Australia – Transition to Work</p> <p>ParentsNext¹</p> <p>Time to Work Employment Service (non-remote areas)</p> <p>Pre-Release Prisoner Initiative (in Workforce Australia)</p>
Department of Social Services	<p>Disability Employment Services (DES)</p> <p>Pre-Release Prisoner Initiative (in DES)</p>
National Indigenous Australians Agency	<p>Community Development Program²</p> <p>Indigenous Skills and Employment Program</p> <p>Time to Work Employment Service (remote areas)</p> <p>Adult Through-Care (ATC) Program</p>
Services Australia	<p>Facilitates income support assessment and referral to employment services for people in prison (up to 21 days prior to release)</p> <p>Conducts an Employment Services Assessment (ESAt) for TWES participants</p>

The primary Australian Government intervention for First Nations people in prison is the Time to Work Employment Service. TWES is currently administered in 65 non-remote prisons by the Department of Employment and Workplace Relations (DEWR), and in 8 prisons in remote regions, by the National Indigenous Australians Agency. Each prison has one TWES provider delivering services. TWES is currently due to cease on 30 June 2024 (and 31 October 2024 in remote areas). Further information on TWES is at [Attachment A](#).

¹ The Australian Government has announced that ParentsNext will be ending from 1 July 2024 and a new voluntary program will be developed to take its place.

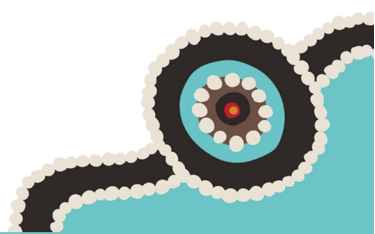
² The Australian Government will replace the Community Development Program and is working in partnership with First Nations people as the replacement program is developed.



Regardless of whether a person has participated in TWES, after release from prison, they then participate in one of the other employment services, depending on their circumstances. For example, a person with a disability may participate in Disability Employment Services, a person aged 15-24 may participate in Workforce Australia – Transition to Work, or a person whose usual residence is in a remote area may participate in the Community Development Program. For those who participate in TWES, the TWES provider helps ensure a smooth transition by arranging a Facilitated Transfer Meeting between the participant, the TWES provider, and their new post-release employment services provider.

Employment services are predominantly an Australian Government responsibility. However, state and territory governments have responsibility for corrective services and may provide their own employment related support services, both pre and post release. This demonstrates the importance of Australian Government in-prison programs and interventions being designed to complement state and territory servicing and not be duplicative.

Individuals need assistance to look for work upon release and navigate the services they need, be they state government and Australian Government services. It is important that any potential Commonwealth funded First Nations prison-to-work service is well targeted, complements state and territory supports, and addresses known policy gaps.

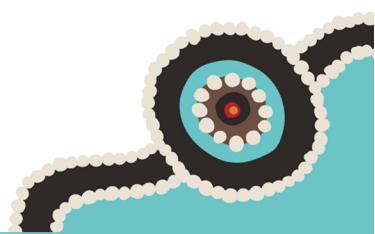


Discussion topics

With existing Australia Government First Nations in-prison employment supports due to cease in 2024, there is an opportunity to consider new approaches. We have an opportunity to inform a new model of service that supports individuals to boost their participation in the economy and improve their financial stability, which can have flow-on effects for their families and communities. Any new service that helps to support more First Nations people who have been incarcerated to enter the workforce would contribute to the achievement of Targets 7, 8, 10 and 11 in the National Agreement on Closing the Gap.

As listed in the Introduction of this paper, the five discussions questions to guide your submission are outlined below, with additional information in the following pages to help provide the context for each question.

1. How should the Priority Reforms from the National Agreement on Closing the Gap be embedded in a Commonwealth-funded prison employment service?
2. How can we design and deliver a culturally competent service?
3. What sorts of supports does the service need to provide to participants while they are in prison?
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)?
5. How can the service help employers to hire First Nations people who have been incarcerated?



1. Embedding the Priority Reforms

The National Agreement on Closing the Gap requires changing the way governments work with First Nations people. Any new approaches for Australian Government funded prison to work supports must align to the four Priority Reforms. This discussion paper and the associated consultation with key stakeholders aims to incorporate the views of First Nations people, which is an important step.

The Priority Reforms and Outcomes are outlined in the table below (PM&C 2020).

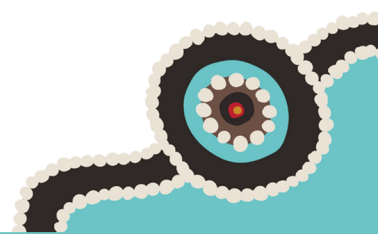
Table 3: National Agreement on Closing the Gap: Priority Reforms and their Outcomes

Priority Reform	Outcome
Priority Reform One: Formal Partnerships and Shared Decision Making	Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.
Priority Reform Two: Building the Community-Controlled Sector	Building the community-controlled sector: There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.
Priority Reform Three: Transforming Government Organisations	Improving mainstream institutions: Governments, their organisations and their institutions are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund.
Priority Reform Four: Shared Access to Data and Information at a Regional Level	Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally-relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

Consistent with **Priority Reform One**, alongside this discussion paper, DEWR and the National Indigenous Australians Agency will work in partnership with the National Indigenous Employment and Training Alliance, their members and other First Nation bodies to inform the design of a potential Commonwealth prison-to-work service.³

Programs designed by, developed for and delivered by First Nations people achieve better outcomes. We also know that First Nations owned organisations are 70-80 per cent more likely to employ First Nations staff and provide culturally safe working environments. **Priority Reform Two** highlights the need to consider whether Aboriginal Community Controlled Organisations (ACCOs) have a role in improving cultural competence for providers or in delivering services directly. We are interested in

³ Noting that the Australian Government retains responsibility for funding decisions as per clause 32(c)(vi) of the National Agreement on Closing the Gap.



your views around the interest of ACCOs and other First Nations owned organisations in delivering employment services for First Nations people in prison or post-release, and their capacity to do so.

In alignment with **Priority Reform Three**, we are committed to ensuring our services are culturally safe and are responsive to the needs of Aboriginal and Torres Strait Islander people. The Australian Institute of Health and Welfare (AIHW) identified, among several approaches as best practice for supporting Indigenous ex-offenders into work, that programs should incorporate Indigenous knowledge and practices – particularly those involving Indigenous facilitators or traditional elders in delivery (AIHW 2012). We are seeking views on how we can ensure any future services for First Nations peoples in prison and post-release are culturally safe and responsive to participants' needs.

We are interested in views on how we can further implement **Priority Reform Four**, particularly in relation to any future program for First Nations people who are or have been in prison. For example, what meaningful data could be collected and shared in future, to inform Aboriginal communities and organisations, including data on longitudinal outcomes?

Discussion Question 1:

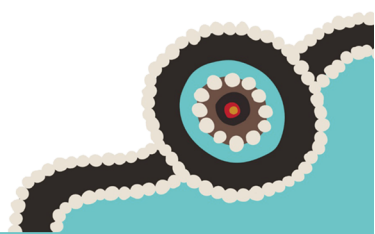
How should the Priority Reforms from the National Agreement on Closing the Gap be embedded in a Commonwealth-funded prison employment service?

2. Culturally competent services for First Nations people in prison

There are 73 prisons across Australia where the Australian Government provides TWES. However, each of these prisons are different and the circumstances and experiences of inmates will vary markedly across prisons and jurisdictions. Also, TWES is only currently available to adult prisoners with a known release date, not to prisoners on remand or young people in youth justice system. While criminal justice systems can be similar across jurisdictions, arrangements for administering justice and in-prison supports can differ across state and territory boundaries. This reinforces that a one-size-fits-all approach will unlikely be effective and supports would need to be flexible to respond to the unique circumstances of a given prison and their inmates.

We are interested in investigating models of support that are empowering for participants. We want future services to be strength-based and to reflect the resilience of First Nations peoples and communities, and to acknowledge how connection to community and to Country can empower individuals to thrive.

The development of a supportive, non-judgemental relationship between one key support worker (usually the case manager) who considers individual and cultural preferences is critical to good outcomes (Hunter and Jordon 2010). Evidence suggests that culturally competent service delivery is best achieved through employing First Nations people in case management roles (HoRSCATSIA 2011). As noted by the AIHW in 2012, engaging Aboriginal communities and Elders in a program may also help to ensure the program is culturally competent and supports the needs of the participants. There are many benefits in the delivery of employment services by First Nations people for First Nations people. However, supports need to be flexible in recognition that individuals are often incarcerated in a different region to where they would normally reside.



We are interested in understanding your views on how to achieve flexible and culturally competent approaches that respond to the diverse needs of an individual prison and participants. You may wish to share your vision of a good experience for a First Nations person accessing this support, what would encourage First Nations peoples to engage, and what skills a person providing support should possess.

Discussion Question 2:

How can we design and deliver a culturally competent service?

3. Addressing vocational and non-vocational needs

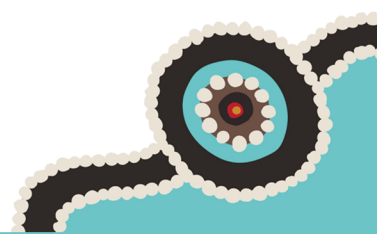
The vocational and non-vocational needs of First Nations people in prison are diverse. Recognising this diversity may be key to delivering a service that is tailored or flexible enough to meet individual needs. First Nations people who are in prison can face many non-vocational barriers to employment, directly and indirectly, upon release. These are not the same for everyone, but may include low levels of education, unstable housing, physical and mental health problems, drug or alcohol addiction, social exclusion, impulsivity/lack of self-control, lack of 'soft skills' when dealing with people on a day-to-day basis, debt, family dysfunction and trauma experienced in or out of prison (Valentine and Redcross 2015; Visher and Travis 2003; Petersilia 2003).

While employment is important for reintegrating and for economic independence, these other essential social, cultural, and personal concerns may take priority in accessing support prior to and at the time of release from prison.

While prisons offer education and vocational training programs, participation is low and will differ from prison to prison. In 2021–22, only 23.7 per cent of eligible people participated in education and training while in prison (noting that participation may have been impacted by COVID-19). While incarcerated, many people can try work experience – either in-prison or on work release. Compared with education and training opportunities, there is a much higher take-up of work experience programs with 70.7 per cent of eligible First Nations prisoners (and 80.1 per cent of eligible prisoners overall) participating (Productivity Commission 2023b).

Research has consistently shown that education programs reduce reoffending, largely through the increased employment opportunities that higher education brings, but also the fostering of social connections and workplace habits such as punctuality, positive reception to feedback and the ability to meet deadlines (Ellison et al. 2017; Tønseth and Bergsland 2019; Pelletier and Evans 2019; Mackenzie 2006).

Often, it is practical support that helps an individual build their vocational and non-vocational skills and re-establish themselves in society. This can include assistance to obtain identification documents, open a bank account, gain a drivers' or forklift licence, connecting individuals with housing and other social services, public transport allowance, or supplying a reference for a job or rental application.



Social support is especially important in the early stages of reintegration because a lack of roots in community and a lack of positive social connections raises the risk of reoffending (Harding 2014; Edwards 2021). Many of these supports are provided in prison by the states and territories but will differ from jurisdiction to jurisdiction.

Women and men who are in prison may have different support needs. Women in prison commit less serious crimes and serve shorter sentences than men. Two-thirds of women in prison are mothers, and they are more likely than men to be the primary or sole caregiver (Corrective Services NSW 2021). These differences lead to a range of different support needs for women that the design of any future prison employment service should consider.

Some First Nations people who are in prison may also be interested in entrepreneurship and have business ideas they would like to pursue after release. In these cases, the supports that are needed may be different. Upskilling in business acumen and connecting to small business supports will be a priority for these individuals.

We are interested in identifying any policy gaps and how existing supports can be better coordinated within the states and territories and with the Commonwealth to place the First Nations prisoner at the centre of the supports they need.

If you wish to provide feedback around what specific supports should be delivered by any new program, and how this could operate, that would be welcome. You may wish to tell us how you consider an ideal service would operate, what the eligibility criteria should be, how payment models may be structured, or how performance could be monitored.

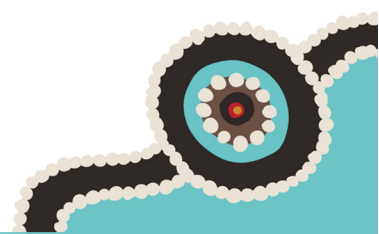
Discussion Question 3:

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

4. Post release support

Post release support is essential to improving connection to community and supporting better socio-economic outcomes for people who have been in prison. While individuals may not be immediately job ready, connection to government social services and to community services can help bridge the gap until they are ready to seek and enter into employment. Typically, early intervention employment programs for people who have been in prison fail in part because individuals only start receiving services after release (Cook et al. 2015).

The common element across successful reintegration models is case management support focused on individual needs, where the continuity of care or supervision for participants is throughout and beyond their time spent in prison. Extending employment focused assistance from several months pre-release to several months post release, may help decrease the time it takes for individuals to get a job. Reintegration is the responsibility of state and territory governments, but there may be some elements to inform potential future prison-to-work supports for First Nations peoples.



We are interested in your views on how government services at all levels of government could be better aligned to support First nations prisoners post release (including where individuals move to a different region to where they were incarcerated).

Discussion Question 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)?

5. Overcoming employer bias

The effectiveness of any well design and implemented First Nations specific prison-to-work support will not be fully maximised unless there are jobs for participants to move into post release. However, employers can be reluctant to hire someone with a criminal record.

Employers undertake police checks as a means of reducing the risk of theft, fraud or other criminal activity performed by a potential new employee. However, the use of criminal record checks can lead to individuals being excluded or disqualified from employment opportunities irrespective of the relevance of their criminal history (RMIT University 2020). Criminal record checks have increased by around 30 per cent in the last five years, with the Australian Criminal Intelligence Commission reporting that over 6.2 million checks were processed in 2020–21 alone (ACIC 2021).

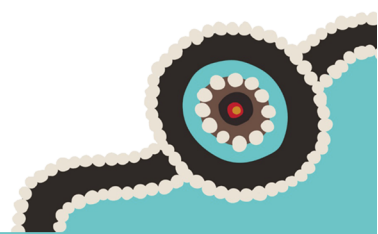
The Australian Human Rights Commission has guidelines for employers on when it is appropriate to ask about a criminal record, and how to screen job applicants appropriately and fairly. These guidelines are available at <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/human-rights-record>.

A survey in 2017 found that, of employers who had knowingly hired someone who had a criminal record, 78 per cent reported positive outcomes, stating that the person had successfully integrated into the business because they were:

- Hardworking and a team player.
- Liked by their colleagues and customers.
- Appreciative of the opportunity.
- Able to demonstrate they had the right skills for the job.

Of those employers who reported a negative experience, it was most commonly due to performance issues (29 per cent) which included absenteeism and bad behaviour. Employers also reported negative experiences due to the individual reoffending and engaging in substance abuse (23 per cent and 16 per cent respectively) (Department of Jobs and Small Business 2017).

Employers commonly reported the need for job applicants to be honest about their criminal record, with many employers wanting to know about any convictions as early as possible (either on the résumé or at the interview). There were some employers who said that if the applicant was upfront

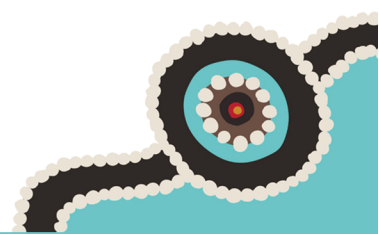


and honest about their criminal history when applying, depending on the nature of the offence and the nature of the job, they would 'give them a go' (Department of Jobs and Small Business 2017). Some employers working in industries that prohibit employment of a person with a criminal record reported terminating employment because the employee did not disclose their criminal history which was subsequently identified in a police check.

DEWR is interested in views on how the Australian Government can break down employer bias and instil greater confidence in employers to employ First Nations ex-offenders.

Discussion Question 5:

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



Next steps

Responses to this discussion paper will be used to inform the consideration and design of potential future Commonwealth prison-to-work services.

How to provide feedback

If you have any questions about the discussion paper or how you can make a submission you can contact us at TWESconsultation@dewr.gov.au.

- Submissions on this discussion paper are due by 16 August 2023.
- You can make a submission:
 - via the DEWR website at www.dewr.gov.au/time-work-employment-service/consultations/have-your-say-improving-prison-employment-services-first-nations-peoples
 - Email to TWESconsultation@dewr.gov.au
 - Post to

TWES Consultation

Department of Employment and Workplace Relations

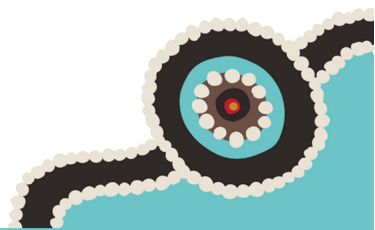
GPO Box 9828

LOC: 12M4 Canberra ACT 2601

DEWR welcomes stakeholders' views on any issues raised in this discussion paper. You can provide your views through making a submission. Please ensure personal information is not provided in your submission.

While submissions may be lodged electronically or by post, electronic lodgement is preferred. For accessibility reasons, please submit responses via email in a Word or RTF format. An additional PDF version may be submitted. If you wish to submit your response in a different format, please contact TWESconsultation@dewr.gov.au to coordinate this response. You will receive an email acknowledging receipt of your submission within one business day.

All written submissions will be used by DEWR for the purposes of informing the Australian Government regarding stakeholder views on future investment in Indigenous-specific employment programs and policies, subject to DEWR's Privacy Statement and Copyright Notice, set out on pages 21 and 22.



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Collection of your personal information is collected for the purposes of considering your feedback on the policy development of the First Nations prisoner and ex-offender employment services and any future research and/or reviews of this initiative.

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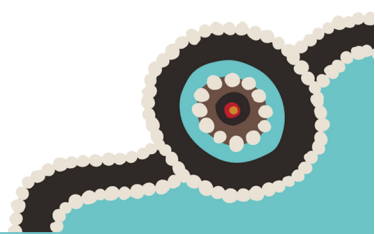
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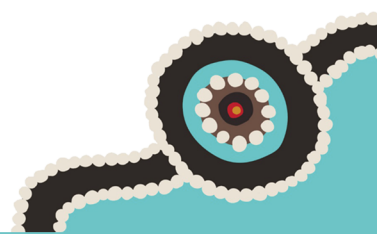
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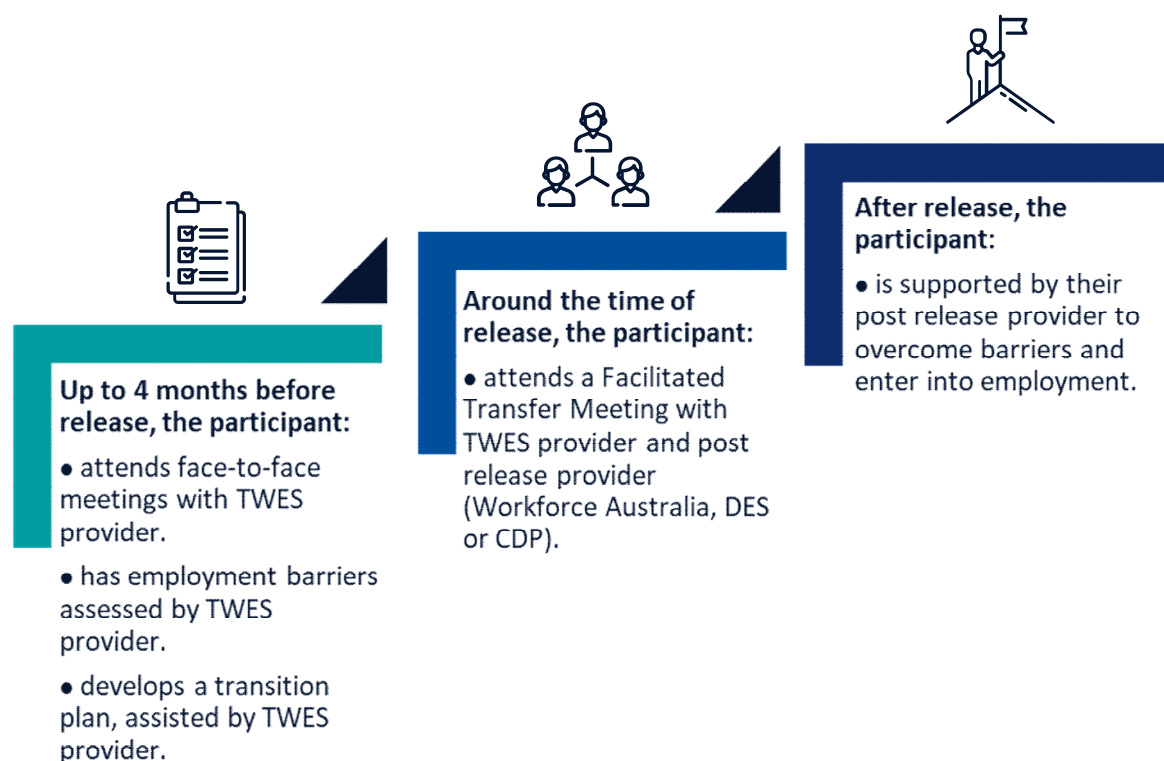
Attachment A: Time to Work Employment Service

Description

TWES assists adult, sentenced First Nation prisoners to access the support they need to better prepare them to find jobs and reintegrate into the community upon their release from prison. TWES commenced in 2018 and was designed to address the findings of the *Prison to Work Report*, in particular Finding Five: “there is a lack of timely, coordinated and quality engagement with First Nations prisoners from employment and welfare services” (COAG 2016). In non-remote areas, TWES is currently due to cease on 30 June 2024 and 31 October 2024 in remote areas.

TWES is currently administered in 65 non-remote prisons by the Department of Employment and Workplace Relations (DEWR), and in 8 prisons in remote regions, by the National Indigenous Australians Agency. Each prison has one TWES provider delivering services.

Figure 4: Steps toward employment for First Nations prisoners in TWES



TWES evaluation findings

An evaluation of TWES was completed on 30 June 2021 and made 10 key findings, which found that the program was not successfully achieving its aims (NIAA 2021). The evaluation found that the program had low take-up rates (noting it is a voluntary program) and low success rates in connecting participants to employment services after release. It was also found only to have partially succeeded in addressing the service coordination challenges between jurisdictions identified in the Prison to Work Report (COAG 2016).

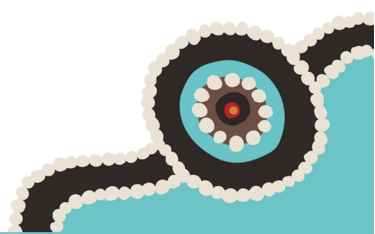
Some participants noted communication challenges with their providers, and stated that the program was not ever clearly explained to them. The evaluation identified that it would be beneficial to increase the recruitment of Aboriginal and Torres Strait Islander staff among TWES providers, or have greater involvement by Aboriginal Liaison Officers.

Some TWES providers noted challenges in the logistics of arranging Employment Services Assessments (ESAs) to be conducted, and difficulties connecting prisoners to post-release services, particularly in cases where post-release addresses were not yet known.

The full evaluation is available at: www.niaa.gov.au/resource-centre/indigenous-affairs/evaluation-time-work-employment-service-twes-final-report.

Findings for Objective 1: Understand the design and implementation of TWES:

- **Key Finding #1:** TWES was developed following extensive consultation with Aboriginal and Torres Strait Islander stakeholders through the Prison to Work report, but the evaluation found limited evidence of how Aboriginal and Torres Strait Islander stakeholders were consulted during its design and implementation. The overall design of TWES did align service provision to the core [Indigenous Advancement Strategy] IAS values of respect, collaboration and strengths based.
- **Key Finding #2:** Just over half of participants who join TWES do not connect with a post-release employment service provider within 13 weeks of their release. Increasing the number of participants who do connect with post-release employment service providers is challenging under the current model.
- **Key Finding #3:** TWES Providers would benefit from having more time with participants before they are released, to build a relationship with them and deliver all of the core service activities.
- **Key Finding #4:** TWES Providers inconsistently understood how some aspects of TWES work.
- **Key Finding #5:** Most TWES participants are not receiving an Approved Transition Plan or a Facilitated Transfer Meeting with their referred post-release employment service provider before they leave prison.
- **Key Finding #6:** TWES has evolved to complement state-based prison programs, and has been shown in some jurisdictions to target highly disadvantaged prisoners who cannot access other training and employment opportunities.

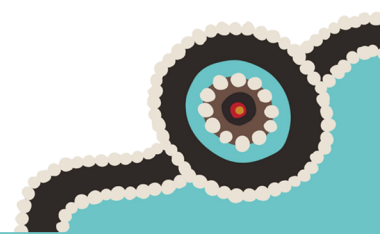


Findings for *Objective 2: Understand the impact of TWES:*

- **Key Finding #7:** TWES Providers could strengthen cultural appropriateness by improving how the program is communicated and delivered to participants including through an increased role of Aboriginal and Torres Strait Islander prison staff.
- **Key Finding #8:** Some of the key assumptions underlying the TWES program logic do not hold in practice, which limits the potential for TWES to improve how employment service providers engage with ex-offenders.

Findings for *Objective 3: Understand how to improve TWES:*

- **Key Finding #9:** TWES is only partially successful in addressing the service coordination challenges identified by Prison to Work [(COAG 2016)]. The respective roles of Commonwealth and State/Territory Governments in supporting ex-offenders through the post-release transition period should be reconsidered.
- **Key Finding #10:** Commonwealth and State/Territory Governments need to address data limitations and data linkages to enable better monitoring and evaluation of employment, recidivism and long-term outcomes.



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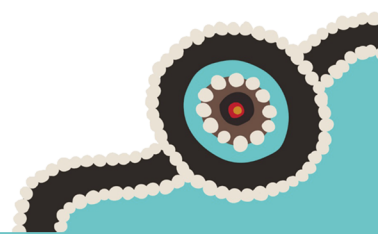
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