



Towards integrated supports for jobseekers exiting prison

VACRO's response to the proposed licensing system for the New Employment Services Model: Discussion paper.

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About VACRO

VACRO is Victoria's oldest and only specialist service provider to clients of the correctional system and their families, having provided support to disadvantaged people since 1872. VACRO has a strong history of working with government and community organisations to develop innovative services. Its programs encompass a broad and holistic approach to assisting those in transition from custody to the community. We provide support and information for people caught up in the criminal justice system and their families. For the purposes of this submission, we would particularly like to highlight ReConnect, a support program funded by the Victorian Government and delivered by VACRO in the Western portion of the state (the Barwon South West and Grampians regions covering all or part of the Geelong, Hamden, Western Districts, Grampians and Eureka Jobactive regions). Through ReConnect, VACRO provides targeted, intensive post-prison reintegration outreach and support for people with high level needs. It provides responsive, individual support for the critical period of transitioning into the community. VACRO's ReConnect case managers witness many clients who exit prison into homelessness, or into insecure accommodation which eventually becomes unviable.

VACRO delivers the Department of and Education, Skills and Employment's Time to Work Program in Barwon Prison, Beechworth Correctional Centre, Dame Phyllis Frost Centre, Dhurringile Prison, Fulham Correctional Centre, Hopkins Correctional Centre, Judy Lazarus Transition Centre, Langi Kal Kal Prison, Loddon Prison Complex, Marngoneet Correctional Centre, Kareenga, Port Phillip Prison, and Tarrengower Prison.

VACRO also operates two social enterprises: the 'Second Chance Coffee' kiosk at the Sunshine Magistrate's court; and the 'Second Chance Cycles' bicycle workshop in Collingwood. Both programs offer practical work experience to people on community corrections orders, parole, and day release from prison.

Introduction

VACRO welcomes many of the directions in the discussion paper as they relate to people in the criminal justice system. For obvious reasons, the paper does not include detailed discussion of this cohort, so our aim in this submission is to provide a detailed commentary on how our clients can best be assisted by the new system.

First, we briefly comment on the key elements in the discussion paper relating to people in the criminal justice system. We then set out some of the significant issues facing people who are looking for work post-prison and then propose design elements that we believe must be included in the final employment services model.

Throughout this document we refer to our clients as people first, followed by the relevant categorical descriptor. We would recommend not labelling this cohort as 'offenders' as it is important to see their offending as one small part of a much bigger picture.

Recommendations

Specifically for people leaving the criminal justice system, the new Employment Service Model Licence should:

- As proposed in the discussion paper, provide a specialist response for justice involved people that addresses entrenched disadvantage and 'multiple and complex needs'
- Support through-care: from pre-release to post release for justice involved people.
- In addition to specialist licences in regions with high concentrations of people leaving the criminal justice system, enable licences for specialist providers to deliver 'services without borders' to job seekers, both pre-release and in the community (in tandem with generalist providers).

More generally, the new Employment Service Model Licence should:

- Ground policy frameworks for employment services in capability and place
- Adopt a theory of change to structure performance indicators
- Address disadvantage by encouraging employment service integration with other place-based social services
- Avoid caps on 'market share'
- Encourage communities of practice amongst licensees to support horizontal accountability and capacity building
- Disentangle employment services from the Targeted Compliance Framework

1. Key Elements of the Discussion Paper related to the criminal justice sector

Drawing on VACRO's experience as a criminal justice services provider, we would like to highlight the following three elements of the discussion paper:

(1) CAPACITY FOR PROVIDERS TO USE A MIXTURE OF DIGITAL, PHONE AND FACE-TO-FACE ENGAGEMENT DEPENDING ON THE NEEDS OF THE JOBSEEKER.

COVID-19 has required us to adapt our services, including a shift from face-to-face engagement to video calls and other digital communication. We have found that, in many instances, our engagement with participants have been enhanced by these shifts and we aim to continue to use digital forms of engagement in some circumstances after restrictions have been lifted.

Nevertheless, digital communications have limitations and are less suitable for some clients. The option to choose the most appropriate means of engagement for each client is valuable.

(2) RECOGNISING THE VALUE OF SMALLER LOCAL PROVIDERS HAVING STRONG NETWORKS WITH EMPLOYERS AND SOCIAL SERVICE PROVIDERS IN THEIR LOCAL AREA

VACRO is relatively small when compared to other social services. Our scale has enabled us to develop strong networks with social services, clinicians and community members in many smaller towns and centres in Victoria's west. These networks allow our workers to provide more integrated and comprehensive supports to people exiting prison and their families. The value of local community connections has not been sufficiently valued in employment services commissioning, which has tended to place pressure on smaller and mid-sized agencies to merge if they are to compete with larger providers. These processes tend to damage the relationships between social services and local communities (Mallett, 2017).

(3) SUPPORT FOR SPECIALIST PROVIDERS AND FOR DESIGNATING PEOPLE EXITING PRISON AS A SPECIALIST COHORT

People exiting prison and those engaged with the criminal justice system face a number of specific issues that differentiate them from other jobseekers. These include the difficulty of finding employers who will hire workers with a criminal record; conditions imposed by parole and community corrections orders; and the challenges of adjusting to life outside. It makes sense for employment support providers to have expertise in responding to these issues.

(4) RECOGNISING THE IMPORTANCE OF PROGRESS TOWARDS EMPLOYMENT

We welcome the intention to figure 'progressing job seekers towards employment' as an indicator of performance. In our assessment, the specific mechanisms used and the theory of change operationalised within the performance measurement framework are of critical importance and will weigh heavily on the quality of the system overall. We develop this topic further in the sections below.

2. Key Policy Challenges

This section sets out some of the challenges we have taken into consideration within the recommendations that we propose. It begins with a case study that exemplifies many of these issues before going on to address them individually.

A CASE STUDY

VACRO's work tends to focus on people exiting prison with few resources, opportunities and supports. We have constructed the case study below to reflect many of the issues our participants typically encounter:

Jason is 36 years old and completing a 2 year sentence at Loddon Prison, his third time inside. Jason has been involved in the criminal justice system since he was 16 and left school at Year 8. He is one year through his sentence and has been in four prisons so far.

Jason is shy, he has never held a job, applied for a job or done a job interview. He has completed a few generalist education courses in his first year and has commenced his

Certificate I in Access Vocational Pathways with a view to completing a Certificate II in Warehousing & Storage. His reasoning skills are quite good but his communication skills are at a low level. Jason requires time to build awareness and confidence with his soft skills while he is completing his vocational skills. He has never been assessed for cognitive, intellectual or psychosocial disabilities.

Upon his release Jason intends to live with his partner, with whom he has one child, in a regional Victorian town. They both have children from previous relationships, although they live elsewhere and contact is sporadic. The couple have little income, no savings and few assets of value. Jason's partner is having difficulty meeting her participation requirements in the Parents Next program and is at risk of having her welfare payments suspended. During his current period of imprisonment Jason's partner and their child have visited twice and he has received no other visits. His family has a history of entrenched disadvantage and his brother and uncle have also spent significant time in custody.

While Jason does not know it, his partner feels ambivalent about Jason's return to the house. Jason has a network of criminally active friends in the town and few other social supports. Jason has disclosed alcohol and other drug issues with health workers in prison and intends to participate in clinical counselling upon his release. Jason will face a range of parole conditions that are likely to interfere with other commitments during the first months of release.

This case study contains many of the dynamics that need to be taken into consideration if the new model of employment services is to be successful. These are set out in further detail in the sections below.

(1) ENTRENCHED DISADVANTAGE AND 'MULTIPLE AND COMPLEX NEEDS'

People in contact with the justice system are often described as having 'multiple and complex needs', but without elaboration, this label might obscure more than it reveals. People in contact with the justice system frequently have 'low educational achievement, dysfunctional family backgrounds, extreme poverty, [negative] companions, marginal and shifting housing arrangements, repeated contacts with criminal justice and mental health professionals and exposure to a range of treatment modalities' (Giordano et al., 2002, p. 1052). Many also face further intersecting forms of disadvantage such as an undiagnosed cognitive and intellectual disabilities or an Indigenous background; and are embedded in socio-economically marginal places. The issues are 'multiple' in the sense that no single programmatic response is likely to make a significant difference on its own. They are 'complex' insofar as the outcomes of any intervention could not be predicted; and insofar as these issues all have personal, policy and programmatic causes and remedies (valentine, 2016).

(2) SPECIALISATION, SCALE AND PLACE

Over 1000 people leave Victoria's prisons each month (Corrections Victoria, n.d.), the vast majority without a job to go to. If distributed evenly across the state, this cohort would most likely be too few in number for specialist employment services to be viable in any specific region. However, people who come into contact with the justice system are disproportionately based in places that are economically marginal and have concentrations of social problems (Vinson et al., 2015). Siting specialist employment services in these places might provide sufficient numbers of

participants to make services more viable, but achieving positive outcomes will be more difficult amidst concentrated disadvantage and limited employment opportunities.

Nevertheless, VACRO believes that many jobseekers who are in contact with the justice system can gain significant advantages by engaging with a specialist employment services provider. This position is grounded in our post-release support work, where almost none of our participants receive or choose to accept support from the current employment services. In our experience, those who do gain work are successful through their own efforts or those of the post-release support team rather than through the opportunities afforded by employment services. The challenge, then, is to provide specialist employment services to individuals in a way that effectively engages with the broader challenges of concentrated disadvantage in place.

(3) CONCEPTUALISING SUCCESS AND MEASURING PERFORMANCE

The current emphasis on job attainment outcomes for payment is detrimental to the pace and level of support required by people in contact with the justice system. Many have a long journey ahead and require deep and sustained investment and support if they are to become competitive in the labour market. The imperative to quickly progress through the system tends to displace rather than resolve deeper issues. We support the intention to assemble the pre-conditions of employability, but stress that to achieve this for those with complex needs, VACRO considers that there should be a separate payment model for specialist service providers in terms of being linked to different outcomes and timelines.

These payments should be linked to outputs for specialist cohorts such as:

- Able to read and respond to requirements of a job ad (and increments towards this)
- Able to confidently complete a job interview (and increments towards this)
- Able to consider and answer questions appropriately (and increments towards this)
- Participating in effective partnerships and collaborations at the level of place
- Participating in and co-ordinating multi-agency and multi-disciplinary practitioner teams for individual clients

(4) FRAGMENTATION AND LACK OF INTEGRATION

The current social services available to people like Jason, whose case study we presented above, tend to be oriented to institutional mandates rather than individual situations, fragmented and without frameworks for collaboration. Where needs are 'multiple'—that is, there are needs that single-issue services are ill-equipped to address—they are managed by a proliferation of referrals rather than a reorientation of supports to individual priorities (Clarke & Burkett, 2019). The results are expensive, ineffective and insofar as they are connected to the Targeted Compliance Framework, punitive (Mallett, 2019).

(5) 'SUPPORT' WITHIN THE TARGETED COMPLIANCE FRAMEWORK

It has been well established that the Targeted Compliance Framework is 'disempowering' and 'operates as a barrier to engagement and trust' with disadvantaged people who use social services (Mallett, 2019, p. 3). Mutual obligation requirements create a working scenario that is distrustful and stressful, causing this cohort to disengage with employment support programs

unless forced. On the other hand, social services that develop relationships of reciprocal trust and accountability are better equipped to enable transformative change (Cottam, 2018).

(6) LACK OF CONTINUITY

Most prisoners in Australian states and territories engage in some form of prison industry employment, vocational training or other activity designed to prepare them for employment upon release (Hardcastle et al., 2018). Continuity of relationships with individual workers or participation in specific programs is difficult since prisoners are frequently moved within the system. Upon release, employment services become a matter for the Commonwealth and state-funded employment services, while the responsibility of the justice system tends to terminate at the gate (Baldry, 2016). Although there are some exceptions—including those afforded by the Time to Work program—relevant insights about individual circumstances tend not to transfer across the institutional barriers. Information held within the correctional system about an individual's strengths, interests and aptitudes; qualifications, work history, skills and competencies; and health issues, vulnerabilities and triggers are lost (Kinner, 2020). Subsequent encounters with government funded agencies are affected by distrust so barriers to participation tend to go undisclosed.

(7) FINDING EMPLOYERS WHO WILL HIRE WORKERS WITH A CRIMINAL RECORD

It is widely recognised that having a criminal record is a barrier to employment for people who are in contact with the criminal justice system. Background checks take a psychological toll on people with a criminal record, and they typically don't have an opportunity to explain the nature of their conviction or the progress they have made since. Breaking into white-collar and better quality work can be particularly difficult, providing a disincentive for people with a criminal record to pursue higher education. Jobs where background checks are not performed or convictions are not a barrier tend to have poorer employment conditions and job quality (Hardcastle et al., 2018).

(8) DILEMMAS IN THE SPACE BETWEEN PLACE-BASED NETWORK COMMISSIONING AND MARKET IDEOLOGY

The current employment services system was designed around a quasi-market framework which used competition between providers to drive efficiency and flexibility. Unfortunately, the model failed to live up to expectations and performed especially poorly for the jobseekers who were harder to place and required greater support to achieve employability (Considine et al., 2011).

Since that time, social policy theory and practice has shifted towards decentralised and horizontal governance and commissioning frameworks (Carey et al., 2015; Levi-Faur & Klijn, 2012; Marsh et al., 2017). These new models have been described as 'experimentalist'. Experimentalism 'emphasizes interventions in which the central government affords broad discretion to local administrative units but measures and assesses their performance in ways designed to induce continuous learning and revision of standards' (Sabel & Simon, 2011, p. 53). A shift towards experimentalism is observable in Commonwealth place-based and network-based policy making for: regional economic development (Commonwealth of Australia et al., 2019, 2020; Department of Infrastructure Transport Cities and Regional Development, 2020; KPMG, 2014); integrating social services (Department of Education and Training, 2016; Department of Social Services, 2018; Homel et al., 2019); and Indigenous partnerships (Altman & Johns, 2008; Department of Families Housing Community Services and Indigenous Affairs, 2012; National Indigenous

Australians Agency, 2020; Wunan Consulting, 2015). We note that none of these policy frameworks use quasi-market language to refer to commissioned services.

One of the challenges that experimentalist models present to policy makers is how to ensure accountability for the use of public funds in the context of limited vertical controls over how services are delivered and performance is assessed. Shergold has summarised the dilemmas of reconciling network governance commissioning with traditional notions of vertical accountability: 'the challenge is to facilitate more innovative governance arrangements that allow sufficient local discretion without sacrificing the need to centrally account for money spent and outcomes achieved' (Shergold, 2013, pp. 8–9).

We note that the proposed model indicates elements of experimentalism, but retains remnants of the quasi-market approach, which are evident in the language around a provider 'market' and sector 'competition'. While these 'market' concepts may have been included as mechanisms to discipline low-performing providers, they risk perpetuating the ineffective characteristics of the existing system. The policy design challenge then is to ensure adequate accountabilities and value for public money without resorting to discredited quasi-market mechanisms.

3. VACRO's vision for employment services for people exiting prison

Our vision for employment services for people who are in contact with the criminal justice system is grounded in the capability approach, which is a framework for conceptualising wellbeing; and the theory and practice of network governance and place-based responses to geographic concentrations of disadvantage.

Our vision is set out in three sections below. The first section proposes the capability approach as a framework for measuring performance and for understanding the connections between employability and other life domains. The second section proposes network collaboration as a form of accountability and quality assurance; and for integrating employment services with other social services in place and with relevant specialist providers elsewhere. The final section sets out some further design considerations responding to the policy design puzzle detailed above.

(1) GROUNDING PERFORMANCE INDICATORS IN THE CAPABILITY APPROACH

It is well established that the current emphasis on job attainment outcomes is detrimental to the pace and level of support required for this cohort to move towards employability. Acknowledging reference in the Discussion Paper to measuring expansions in jobseeker capabilities, we recommend that this can be operationalised with the capabilities approach, a theory of welfare and wellbeing (Nussbaum, 2011; Sen, 1980, 1999, 2002).

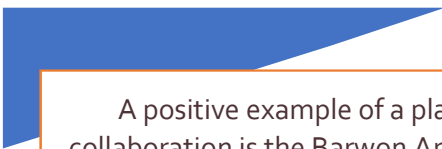
There are three elements of the capabilities approach of particular significance for employment services: capacities, opportunities and goals. Capabilities arise from a mutually complimentary fit between these three elements; and capability expansions can result from changes within or between them. Appendix 1 details the capability approach and unpacks capacities, opportunities and goals, and their implications for measuring progress towards employability.

(2) COLLABORATION AS A FORM OF ACCOUNTABILITY AND QUALITY ASSURANCE

In section 2(8) above, we noted Shergold's summary of the dilemmas of reconciling network governance commissioning with traditional notions of vertical accountability: 'the challenge is to facilitate more innovative governance arrangements that allow sufficient local discretion without sacrificing the need to centrally account for money spent and outcomes achieved' (Shergold, 2013, pp. 8–9). A resolution to this dilemma has been proposed by Marsh and colleagues: 'accountability should entail a justification of local results against local targets in the context of priorities and themes determined by the centre' (2017, p. 445). To this extent, VACRO proposes that providers are selected for the panel and licenses, and have their performance evaluated and monitored, with reference to their accountabilities within collaborative networks. That is, the model should contain incentives for collaboration with existing services rather than incentives for all-encompassing one-stop shops. As discussed above, vertical integration and over-expansion of national services is incompatible with place-based, experimentalist and collaborative approaches to addressing concentrated disadvantage. We provide some examples of how this might be done for VACRO's specialist cohort below.

Integrating with other social services at the level of individual cases

In VACRO's vision, collaboration between social services at the level of place would be complimented by their collaboration at the individual client level. This is necessary because it is



A positive example of a place-based collaboration is the Barwon Area Integrated Family Violence Committee, bringing together services from family violence, health, Indigenous, housing, corrections, legal, CALD and others.

unlikely that employment services will have the resources to achieve significant change across the necessary life domains without working with other relevant services. The strength of these networks could be assessed with an instrument such as the Collaborative Health Assessment Tool (Salignac et al., 2019), which includes measures for mutual accountabilities between agencies.

In practice, this would require a number of local services to agree to participate formally in for example, 'Delivering complex supports to increase employment capabilities'. Service should include housing, health, family and employment services.

Communities of practice

Communities of practice are another process for ensuring service providers are held accountable for the quality and effectiveness of their work. Communities of practice already play a critical role


in the Commonwealth-funded *Transition to Work* model (Brown et al., 2017). Communities of Practice can be formed by networks of agencies working with similar cohorts in different places. They can provide a forum for sharing effective approaches and novel ideas, developing a consensus around current best practice, and a structure for continuous improvement (Keys & Bond, 2020).

Communities of Practice are in keeping with research on 'experimentalist' policy design. For example, Sabel and Zeitlin suggest a 'recursive process of provisional goal-setting and revision based on learning from the comparison of alternative approaches to advancing them in different contexts' (2012, p. 1). In this respect, communities of practice can also be an important source of insight for government funders as they refine and develop their commissioning frameworks and policy settings.

(3) CRITICAL DESIGN CONSIDERATIONS

Through-care employment support without borders

Clients of (State government-run) correctional systems require a State-wide response that can commence in prison to capitalise on this environment of structure and access to education, training and employment. To respond to all people leaving prison, this new employment model should be able to service all prisons, as men and women are frequently moved between prisons when in custody. Similarly, up to 40% of participants will exit prison to regional Victoria, requiring a flexible response state-wide post-release. Commencing at least 3 months before release but preferably up to 12 months, employment support for people exiting prison should focus on increasing individual capacity in soft skills, building knowledge on workplace environment skills and improving motivation and confidence through group work and practice interviews with real employers during prison based job fairs and through video interviews.



For Jason, employment appointments may occur in tandem with drug & alcohol appointments at his local community health centre. His partner and child may also attend her medical appointments in the same location with consent across all components to share relevant updates to support the best outcomes.

Because relationships are the primary ingredient of successful transitions, enabling staff continuity is important (Hardcastle et al., 2018). Wherever possible, participants should have access to their post-release worker pre-release. While most states and territories have work preparedness programs in prisons such as TAFE courses (Hardcastle et al., 2018), these do not

support prisoners to build relationships with the reintegration workers and employers who will be working with them in the areas where they intend to settle and integrate. The new Commonwealth model will need to:

- Engage people before they leave the prison system and maintain contact with them when they move prison. Digital components of the new model will work exceptionally well in this scenario and will enable through-care.
- Link with an employment services worker near the client's post release location when the client is preparing for release. Because this is necessary to identify the community supports they will require, this link should be established based on the location that the client nominates and it should not be dependent on whether the client has a confirmed post-release address.

We believe that people who leave prison and settle in places with no specialist employment service provider could be supported by a specialist outreach worker in collaboration with the generalist provider in the relevant area. This makes the requirement for work 'sites' less important than the flexibility to service clients at multiple community sites including generalist employment organisations.

Because of the unique needs of employment seekers leaving prison, VACRO recommends that the Model include a 'services without borders' licence for specialist services providers. The licence would permit a specialist provider for people leaving prison to:

- Work state-wide and both pre- and post-release – following an individual from prison to community.
- Provide specialist responses in tandem with other employment service providers.
- Deliver employment services 'in place' at community service locations.

This aspect of the Model would enable a specialist service provider to work with clients pre-release and then to work together with a generalist provider post-release in regions where demand for a specialist provider is insufficient (while working solely with the client in regions where a specialist licence is made available, should that be the client's preference).

Although we are proposing that specialist and generalist service providers would work together with common clients, we believe that this would only work in practice if there is a specific 'service without borders' licence that includes additional funding to support the more intensive nature of this service.

We believe that this proposal is essential for delivering effective job seeker support to people leaving prison, because of the necessity of a through-care model of support that begins in prison. The proposal will only work if generalist providers can rely on a specialist provider to deliver the pre-release support at disparate prisons located across the State.

Jobseeker and employers can select employment services by quality and integrity

In our vision, jobseekers will be drawn to the employment services that can offer them supports that are meaningful and relevant to their situation and will be motivated to stay engaged through integral relationships with their workers. Employers will be drawn by the agencies who can provide suitably skilled recruits with access to the networks, resources and supports that are necessary to sustain their transition to employment. Given the scarcity of employers willing to take on people with a criminal record, collaborating well with the few who do is essential. The quality and integrity of employment services will be facilitated when providers who successfully support jobseekers through their transitions towards employment are enabled to thrive and expand, and those who do not succeed exit the sector.

In our view, the diversity and dynamism of the sector should be driven by the diversity and dynamism of the frameworks that measure progress and performance for different cohorts, places and contexts, not by imposing limits on 'market share' within specific regions. Government can periodically make new licenses available where specific regions lack well performing providers overall or for specific cohorts. Generalist providers should only deliver a service to clients of the correctional system if they have implemented specific strategies for working with them or if the job seeker selects them.

Appendix 1 – Operationalising a Capability Approach for employment services

The capability approach was developed by economist Amartya Sen (1980) to challenge the dominant ways of measuring inequality. After considering the limitations of measuring poverty through income, Sen proposed that we measure ‘capability’ instead. Capabilities are defined as ‘opportunities to achieve particular states of being or undertake particular activities... the whole set of combinations of functioning which the individual could achieve, should he or she wish, including the one combination she or he is actually achieving’ (Burchardt, 2004, p. 738). The capability approach has been employed in the Transition to Work practice framework for supporting young people into employment (Brown et al., 2017) and social enterprises in Australia (Farmer et al., 2020) and the UK (Cottam, 2018). It has also been used to theorise the multiple social disadvantages experienced by people in prison and their families (Condry, 2018; Farrall et al., 2010).

Capability-informed and other social services designed to respond to multi-dimensional disadvantage typically use a set of life-domains to structure practice and evaluation. For example, a theory of change might use the life domains of:

- Housing & home
- Health & wellbeing
- Family & relationships
- Work & learning
- Community & networks
- Finances

In our proposed framework, each domain has a corresponding goal, capacity and opportunity. Although the process may vary between programs, the general intention is for the goal in each domain and their corresponding capacity and opportunity to be set with each individual participant.

Most relevantly for this submission, the logical framework includes capacities and opportunities that job seekers would identify as being pre-conditions for them to be employable. Assessments about the extent to which participants have achieved progress towards goals for each domain could contribute to evaluation and performance monitoring. Where progress within specific domains depends upon government policy—such as income support for clients who are unemployed or housing for those who are homeless—data about client situations are less meaningful for monitoring the performance of employment programs but can inform the design of more effective systems of social support.

CAPACITIES

Individual capacities can be understood as a person’s skills, competencies, discernments, cognitively and embodied dispositions and cultural compatibilities and so on. Capacities can become capabilities when they enable an individual to grasp the opportunities that are available in their environment.

In our experience, basic capacities in each of the life domains outlined above are necessary preconditions for sustaining employment. Investing in the change and growth of a person's capacities is the primary goal of many social services: for example, mental health, alcohol and other drug services have an exclusive focus on individual capacities. The innovative aspect of the capabilities approach is the systematic alignment of these capacity expansions within individual goals and with collectively produced opportunities.

OPPORTUNITIES

Opportunities can be conceptualised as the structural and collective pre-conditions for capabilities to be realised. As Sen puts it: 'Individual freedom is quintessentially a social product' (Sen, 1999, p. 31). The pre-conditions for specific capabilities can be established with infrastructure—for example, the capability to participate in a video call requires a broadband internet connection—or through public resources such as housing, so that people without the financial means to access housing privately can secure social housing, and so on. While some services for people experiencing disadvantage focus their efforts on changing people's capacities only, the capability approach directs equal attention to the opportunities through which participants can express their capacity. Lack of opportunities tends to constrain the development of capacities. Within the capability approach, places with concentrated disadvantage can be understood as experiencing a socially and spatially concentrated lack of opportunities, which results in intergenerational low capacity and, ultimately, limited capabilities.

Having the opportunity to access the basic elements of wellbeing in each of the domains listed above is necessary to achieve wellbeing and sustain employment. The capabilities approach provides a framework for us to understand why it is not feasible to require people who lack the basic enablers of functioning to participate in employment; and why employment services must support people to assemble these basic elements if they are to successfully progress them towards employability.

GOALS

It is well known that goals and preferences formed within constrained circumstances tend to be more limited than those formed in circumstances of abundance. For this reason, capability-informed employment services can expect that people will set themselves higher goals as their capacities and opportunities expand (Burchardt, 2009). Within the capability approach, the freedom for a person to choose what they want to be and to do is an important freedom in itself (Sen, 2002) so it is important to focus on goals that participants actually value.

Someone who has the skills and the opportunity to work, but is not yet 'ready to change' and opts out of opportunities might need support to overcome personal barriers and develop employment goals. Personal goals are closely associated with self-concept and feelings of confidence and self-esteem. Social services that support disadvantaged people to develop their capacities and opportunities across multiple domains can succeed in building a genuine and realistic goal to find work. One example—a transitional labour market program offering intensive, well-resourced, full-time pre-employment jobs and integrated personal support—described its participants shifting from self-identification as 'unemployed' to being a 'worker' or 'looking for work' after six to twelve months. Fifty-nine percent were employed at the time of the evaluation and a further 12% were in sustained education. In addition eighty-six percent of participants experienced some form

of positive personal development as a result of participating in the program (Barraket & Tyrrell, 2008, pp. 7, 28).

References

- Baldry, E. (2016). *Adult Prisoner Participation in Education, Training and Employment in Australia, 2008–15*. UNSW, Deakin University, Edith Cowan University.
https://www.arts.unsw.edu.au/sites/default/files/documents/Audit_prisoner_participation_in_industries_and_education_20082015_FINAL.pdf
- Barraket, J., & Tyrrell, L. (2008). *Working for renewal: An evaluation of Mission Australia's UREEP, a social enterprise and transitional labour market program*. Victorian Department of Planning and Community Development; The Centre for Public Policy, University of Melbourne; Mission Australia.
- Brown, D., James, S., Mallett, S., McTiernan, N., Orchard, N., & Cull, E. (2017). *Transition to Work Community of Practice: Practice Guide*. Brotherhood of St. Laurence.
http://library.bsl.org.au/jspui/bitstream/1/11439/1/brownetal_bsl_2017_transition_to_work_community_of_practice.pdf
- Burchardt, T. (2004). Capabilities and disability: The capabilities framework and the social model of disability. *Disability & Society*, 19(7), 735–751.
- Burchardt, T. (2009). Agency Goals, Adaptation and Capability Sets. *Journal of Human Development and Capabilities*, 10(1), 3–19. <https://doi.org/10.1080/14649880802675044>
- Carey, G., McLoughlin, P., & Crammond, B. (2015). Implementing Joined-Up Government: Lessons from the Australian Social Inclusion Agenda. *Australian Journal of Public Administration*, 74(2), 176–186. <https://doi.org/10.1111/1467-8500.12096>
- Clarke, R., & Burkett, I. (2019). Anticipating Precarity and Risk in Social Innovation Design for Entrenched Place-Based Disadvantage. *Design and Culture*, 11(1), 85–108.
- Condry, R. (2018). Prisoners' Families and the Problem of Social Justice. In *Prisons, Punishment, and the Family*. Oxford University Press.
<https://doi.org/10.1093/oso/9780198810087.003.0002>

- Considine, M., Lewis, J. M., & O'Sullivan, S. (2011). Quasi-Markets and Service Delivery Flexibility Following a Decade of Employment Assistance Reform in Australia. *Journal of Social Policy*, 40(4), 811–833. Cambridge Core. <https://doi.org/10.1017/S0047279411000213>
- Corrections Victoria. (n.d.). *Monthly time series prisoner and offender data*.
<https://www.corrections.vic.gov.au/monthly-time-series-prisoner-and-offender-data>
- Cottam, H. (2018). *Radical help: How we can remake the relationships between us and revolutionise the welfare state*. Hachette UK.
- Farmer, J., De Cotta, Kilpatrick, S., Barraket, J., Brennan-Horley, C., McKinnon, K., Adler, V., Kamstra, P., Emery, S., Kennedy, M., Munoz, S-A., & Roy, M. (2020). *Mapping the impact of social enterprise on disadvantaged individuals and communities in Australia's regional cities*. Swinburne University of Technology.
https://www.swinburne.edu.au/media/swinburne.edu.au/research-institutes/social-innovation/our-research/AA_MAPPING-THE-IMPACT-SOCIAL-ENTERPRISE-FINAL-REPORT.pdf
- Farrall, S., Bottoms, A., & Shapland, J. (2010). Social structures and desistance from crime. *European Journal of Criminology*, 7(6), 546–570. <https://doi.org/10.1177/1477370810376574>
- Giordano, P. C., Cernkovich, S. A., & Rudolph, J. L. (2002). Gender, crime, and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology*, 107(4), 990–1064.
- Hardcastle, L., Dowse, L., McGillivray, J., Newton, D., Rowe, S., Crosbie, J., & Giles, M. (2018). *A qualitative study of the experiences of ex-prisoners who are seeking employment, the experiences of practitioners who work with ex-prisoners who are seeking employment and models of practice used*.
<http://unsworks.unsw.edu.au/fapi/datastream/unsworks:51557/bin861b4odo-f314-43ob-8995-f6b2ce65de1c?view=true&xy=01>
- Keys, D., & Bond, S. (2020). *Finding that spark: What works to achieve effective employment services for young people?* Brotherhood of St Laurence.
https://library.bsl.org.au/jspui/bitstream/1/12012/1/BondKeys_Finding_that_spark_TtW_CoP_evaluation_2020.pdf

- Levi-Faur, D., & Klijn, E.-H. (2012). *New Public Management and Governance: A Comparison*. Oxford University Press.
- Mallett, S. (2017). *Reforms to human services: Response to the Productivity Commission*. Brotherhood of St. Laurence.
http://library.bsl.org.au/jspui/bitstream/1/9385/1/BSL_subm_Prod_Comm_Reforms_to_human_services_2017.pdf
- Mallett, S. (2019). *ParentsNext: Submission to the Senate's Community Affairs References Committee Inquiry*. Brotherhood of St Laurence.
http://library.bsl.org.au/jspui/bitstream/1/11132/1/BSL_subm_ParentsNext_Senate_inquiry_Feb2019.pdf
- Marsh, I., Crowley, K., Grube, D., & Eccleston, R. (2017). Delivering Public Services: Locality, Learning and Reciprocity in Place Based Practice. *Australian Journal of Public Administration*, 76(4), 443–456. <https://doi.org/10.1111/1467-8500.12230>
- Nussbaum, M. C. (2011). *Creating capabilities: The human development approach*. The Belknap Press of Harvard University Press.
- Sabel, C., & Simon, W. H. (2011). Minimalism and experimentalism in the administrative state. *The Georgetown Law Journal*, 100, 53–93.
- Sabel, C., & Zeitlin, J. (2012). Experimentalist Governance. In D. Levi-Faur (Ed.), *The Oxford Handbook of Governance*. Oxford University Press.
- Salignac, F., Marjolin, A., Noone, J., & Carey, G. (2019). Measuring dynamic collaborations: Collaborative health assessment tool. *Australian Journal of Public Administration*, 78(2), 227–249. <https://doi.org/10.1111/1467-8500.12386>
- Sen, A. (1980). Equality of what? *The Tanner Lecture on Human Values*, 1, 197–220.
- Sen, A. (1999). *Development as freedom*. Anchor Books.
- Sen, A. (2002). *Rationality and freedom*. The Belknap Press of Harvard University Press.
- valentine, kylie. (2016). Complex Needs and Wicked Problems: How Social Disadvantage Became Multiple. *Social Policy and Society*, 15(2), 237–249.
<https://doi.org/10.1017/S1474746415000342>

Vinson, T., Rawsthorne, M., Beavis, A., & Ericson, M. (2015). *Dropping off the edge 2015: Persistent Communal disadvantage in Australia*. Jesuit Social Services / Catholic Social Services Australia. dote.org.au