

Submission to Productivity Commission Inquiry: Data Availability and Use

A Future Beyond the Wall:
Improving Post-release Employment Outcomes for People Leaving Prison
ARC Linkage Project: LP140100329

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For more information on the project, visit our website:
<https://socialsciences.arts.unsw.edu.au/research/research-initiatives/a-future-beyond-the-wall/>

Dear Productivity Commission,

The Future Beyond the Wall research team welcomes the opportunity to provide a written submission to the Productivity Commission's Inquiry into Data Availability and Use. This submission is informed by the authors' experiences of seeking to obtain access to public sector data essential to achieving the aims of our research.

The Future Beyond the Wall project has, as its principal focus, the identification of ways to improve the employment pathways of ex-prisoners. In Australia there is a lack of empirical research in this area. Our project is a first attempt to gather and analyse comparative data from employment agencies and corrective services in Australian jurisdictions that will allow examination of the relationships between in-prison and post-prison vocational education and employment programming, employment, and recidivism. It aims to identify effective elements, strategies, program and policy directions in offender training and employment.

The considerable challenges we have encountered accessing comparable, reliable and robust data requisite to achieving the project's aims highlights an obvious need for improvements in data access, data linkage, and data collection by public sector agencies in this field. Such improvements are critical to the development of evidence-based and effective program and policy directions in education, training and employment for prisoners and ex-prisoners.

In various sections of this submission we draw on national data about adult prisoner participation in education, training and employment in Australia, collated as part of the Future Beyond the Wall project. A report has been circulated to Corrective Services Commissioners in each Australian jurisdiction and is not yet publicly available.

1. Data Linkage: Improving the employment prospects of ex-prisoners

The Productivity Commission is examining the benefits and costs of options for increasing availability of public sector data to other public sector agencies. Where there are clear benefits, the Commission is to recommend ways to increase and improve data linking and availability.

Stable employment is one of the most cited correlates of desistance from crime², and as such the targeted provision of vocationally relevant education, training and employment programs for

² Farrall, S. (2004) Social capital and offender reintegration: making probation desistance focused, In S. Maruna & R. Immarigeon (Eds.), *After crime and punishment: Pathways to offender reintegration*, Devon: Willan.

prisoners and ex-prisoners has been suggested to be a key element in addressing recidivism³. In financial terms alone, the impact of re-offending on the Australian community is costly⁴. The Future Beyond the Wall project has as its principal focus the identification of ways to improve the employment prospects of ex-prisoners, thereby reducing the fiscal and social burden of re-offending.

Access to reliable data about pre-prison employment histories and post-release employment outcomes would provide an extremely valuable foundation toward achieving this aim. Evidence indicates that prison and post-prison education, training and employment programs are most effective if they are properly targeted to those individuals who have been assessed as being at a high risk of recidivating, along with those who have never been employed⁵. Yet reliable data about the employment status of prisoners pre-incarceration and post-release do not exist. As such, it is impossible to accurately match prisoners and ex-prisoners to services and programs that are most likely to improve employment outcomes. The inability to determine the employment status of prisoners pre-incarceration and post-release also makes it difficult to isolate any effects of in-prison work experience and/ or in-prison education and training, whether on future employment or on re-offending.

Collectively these issues point to the benefits of developing data linkage between Centrelink and Correctional Services in order to determine the employment status⁶ of an individual prior to and following incarceration. Such a data exchange is technically feasible, although privacy issues will need to be addressed. A one-way data exchange between these two public sector agencies already takes place in some parts of the country. For example, a system of automatic notification has been set up in NSW whereby Corrective Services NSW informs Centrelink about all persons coming into custody to ensure that Centrelink benefits are ceased from the date the recipient enters custody.

³ Giles, M (2007), The role of education and training in prison to work transitions, In S Dawe (ed), Vocational education and training for adult prisoners and offenders in Australia: Research readings, National Centre for Vocational Research.

⁴ For evidence of the financial cost to government agencies, non-government organisations, communities and families of individuals becoming entrenched in the criminal justice system rather than being engaged in employment and education, see Baldry E, Dowse L, McCausland R & Clarence M (2012) Lifecourse institutional costs for vulnerable groups, FaHCSIA, Canberra, <http://www.mhdcd.unsw.edu.au/mhdcd-projects-studies.html>

⁵ Newton D, Day A, Giles M, Wodak J, Graffam J & Baldry E (2016) The impact of vocational education and training programs on recidivism: A systematic review of the current experimental evidence, *International Journal of Offender Therapy and Comparative Criminology*, p. 17-18, DOI: 10.1177/0306624X16645083

⁶ Employment status would be indicated by receipt of unemployment, single parent, newstart allowance etc.

With respect to the Commission's interest in domestic and international best practice and the measures adopted internationally to encourage sharing and linking of both public and private data, we point to the advanced systems of data linking between public sector agencies operating in Finland. Here, researchers have access to datasets that include the personal identification numbers of convicted individuals that can be linked to data from the Criminal Sanctions Agency, Population Register Centre, Ministry of Employment and the Economy and Finnish Tax Administration.⁷

2. Standardising data collection: Improving the provision and performance of correctional education and training programs

The Commission is examining the options for, and benefits and costs of, standardising the collection, sharing and release of public and private sector data.

It is increasingly acknowledged that access to education and training programs for prisoners is a critical component in ensuring the rehabilitation of offenders, of improving skills and education to maximise post-release employment, and to reducing recidivism⁸. In some jurisdictions the right of prisoners to access education and training programs in adult prisons is legislated, for example in Victoria under Section 47(1) (o) of the Corrections Act 1986. Yet our research reveals that currently in Australia there is no standardised measure of correctional performance in relation to prisoner education and training⁹. This makes it difficult to compare rates of education and training participation. Relatedly, it is difficult to measure the effectiveness of education and training programs, and to identify effective elements, strategies, program and policy directions in offender education, training and employment.

The benefits of standardising the collection of data relating to the provision of education and training programs for prisoners are undeniable. We propose that a valid and reliable measure would involve the nation-wide adoption of: a) uniform eligibility and exclusion criteria for participation in correctional education and training programs; b) a uniform standardised assessment tool to determine target groups for education and training programs; and c) uniform counting methods for prisoner participation in education and training over a one year period.

⁷ Aaltonen, M (2016) Post-release employment of desisting inmates, *British Journal of Criminology*, 56, p. 356-357.

⁸ Victorian Ombudsman (2014) *Investigation into the rehabilitation and reintegration of prisoners in Victoria*, Discussion Paper, p. 20.

United National Office on Drugs and Crime (2012) *Introductory handbook on the prevention of recidivism and the social reintegration of offenders*, Vienna: United Nations.

⁹ *Adult prisoner participation in education, training and employment in Australia 2008-2015*, Unpublished audit report completed as part of the Future Beyond the Wall research project.

With respect to eligibility and exclusion criteria, currently there is wide variation in how eligibility for education and training programs is defined, and what groups of prisoners are excluded. Current exclusion criteria may include hospital patients who are medically unable to participate, fine defaulters who are incarcerated for only a few days at a time, prisoners held at centres where education and training programs are not provided as a matter of policy (for example, 24-hour court cells), prisoners with a sentence length of less than 3 or 6 months, prisoners with a particular classifications such as being on protection or in segregation, and remandees.¹⁰ For example, in South Australia thirty five per cent of all prisoners, including all remandees, are currently excluded from participation. In New South Wales, approximately fifteen per cent of all prisoners are excluded from participation for various reasons, whereas in Western Australia all prisoners are considered eligible and there are no automatic exclusions¹¹. These differences have a correspondingly inflationary or deflationary effect on recorded rates of participation, and for this reason rates of participation as reported in RoGS can be considered at best indicative. A standardised and consistent approach to eligibility and exclusion criteria for participating in correctional education and training programs would facilitate more meaningful comparisons of jurisdictional performance.

The adoption of a nationally agreed standardised education assessment tool by which to determine target groups for participation in correctional education and training programs is also required. Currently all jurisdictions employ some form of initial literacy/ numeracy assessment, but it is not clear what proportion of prisoners are assessed, or at what stage of their sentence. Nor is it known how many in this group are actually engaged in education. Given the fiscal importance of directing finite educational resources to those with the highest need, and the important contribution of education and vocational skill development to enhancing employment and rehabilitative outcomes, the adoption of a standardised initial assessment tool to determine a hierarchy of need for education and training is a key area for improvement¹². Relevant participation rates for prisoners might then be measured in terms of the proportion of eligible prisoners in education assessed as needing education, as well as the proportion of all eligible prisoners in education, in a given year.

Currently there are wide jurisdictional differences in the counting measure used to calculate the number of individual prisoners engaged in education and training over a one-year period. For example, the percentage rates provided by correctional services in Victoria, Western Australia, Tasmania and the Northern Territory are based on the number of people in education and training on a single day as a proportion of the number of eligible people in custody on that day, whereas

¹⁰ Report on Government Services (2015) Corrective Services, p. 8.44

¹¹ *Adult prisoner participation in education, training and employment in Australia 2008-2015*, Unpublished audit report completed as part of the Future Beyond the Wall research project, p. 22.

¹² Victorian Ombudsman (2014) *Investigation into the rehabilitation and reintegration of prisoners in Victoria*, Discussion Paper, p. 20.

the percentage rates provided by other jurisdictions are based on an average of the proportion of eligible prisoners enrolled on the first day of each month for the twelve months of the year (or, in the case of New South Wales, ten months).¹³ The effects of these differences are not known; however to achieve more reliable comparability, uniform counting methods for the participation of prisoners engaged in education and training over a one year period should be adopted nationally.

¹³ *Adult prisoner participation in education, training and employment in Australia 2008-2015*, Unpublished audit report completed as part of the Future Beyond the Wall research project, p. 22.