

Workshop 29: **“What works” - a New South Wales correctional perspective**

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Part I

The mission statement of the New South Wales Department of Corrections is to reduce re-offending through the secure, safe and humane management of offenders. What role does education play in reducing re offending?

There is little dispute that education contributes to the safe, secure and humane containment of offenders by reducing boredom, increasing literacy skills, improving vocational competencies, fostering pro-social attitudes and values, and facilitating a re-engagement with learning that is more positive and personally affirming than the negative school memories described by many offenders. The effect of education on reducing recidivism in New South Wales' goals is less certain, mainly because there is no research data on this question. However, evidence from other studies suggests that, far from 'Nothing Works', education conducted while in custody does have a positive and measurable effect on reducing recidivism.

Evidence for the effect of education on recidivism

The Three State Recidivism Study by Steurer, Smith and Tracy (2001) found that inmates who had participated in education while in custody had a 29% lower rate of recidivism during 3 years after release from custody, than a similar number of inmates who had not participated. This study is significant because of its large size (almost 3200 subjects were included), because of the methodologically thorough way it was conducted, and because of the large number of variables collected (over 500) which provided important background information on each subject of rich interest to other service providers. What makes the reduction in the rate of recidivism in this study even more compelling, is that most of the subjects demonstrated factors shown by other research as high risk indicators for recidivism. For example, they were mostly male (87%), mostly single (only 12% reported being married), more than half had family members or close friends who had been incarcerated, most had unstable and erratic work histories, with long periods of unemployment, most had previous criminal histories with on average 5 felony arrests and 2 previous incarcerations in prison, and less than half had completed high school or year 10, while less than 5% had received any vocational education.

Another US study conducted by Fabello (2000), based on an even larger sample of 25,980 inmates from Texan prisons, also concluded that education does make a difference. This study was limited to offenders serving their first sentence, released from custody in 1997-98. The sample of 25,980 was tracked for 2 years after release, and their rates of

recidivism were mapped against the educational success achieved during incarceration and against other variables such as age, type of offence, race/ethnicity and gender. The conclusion was that education achievement did reduce recidivism, independent of the effect of other factors.

Detailed examination of the various categories of educational achievement mapped onto age and type of offence suggested to Fabello and his team that education efforts are most effectively directed at young offenders (who are both high risk re-offenders and also capable of advancing faster with less instruction) rather than at inmates with the most significant educational deficits who are usually disproportionately older. This is because the older group takes longer to increase their education achievement scores, and because, as inmates age, recidivism decreases, thus targeting education resources at this group may have limited potential for lowering recidivism rates. (The Commissioner's concept of a school for young offenders now being planned by NSW Corrections reflects a similar conclusion.) Significantly for Texan policy development, Fabello concluded that gains in education for a targeted few makes a better strategy than limited gains for many. Also of significance is Fabello's conclusion that "efforts to strengthen employment job placement services for inmates earning vocational certificates may result in more releasees getting jobs in their area of training and aid in achieving lower recidivism rates" (p. 34).

There were some disturbing implications for vocational education delivery in Fabello's finding that inmates who earned a vocational certificate in prison had similar recidivism rates to those who were eligible but did not earn a vocational certificate: 4213 who earned a vocational certificate had a recidivism rate of 16% (i.e. 685), 113,761 who were eligible but did not earn a vocational certificate had a recidivism rate of 15% (i.e. 2070). Indeed, "[w]ith the exception of younger non-property offenders, inmates who earned a vocational certificate had a higher recidivism rate than inmates who did not earn a vocational certificate". (p. 22). Approx 77% of all releasees who earned a vocational certificate were employed in the year following their release, however only 21% were employed in their vocational field of training. The inmates most likely to obtain employment in their field of training were machinists/welders, the next most likely group were carpenters and building construction workers. Fabello suggests that the lack of correlation between vocational field of study and employment gained post-release may partly explain why vocational education does not seem to reduce rates of recidivism. It may also partly explain the high rates of unemployment for releasees after 2 years and low wages earned by those in employment.

Additional support for the notion that education does make a difference comes from an historical overview of interventions directed at reducing recidivism in the Canadian correctional system. In a challenging paper, Stephen Duguid (2001) suggests that correctional policies and practices have turned full circle over the last 50 years, from a Medical model to an Opportunities model to a Cognitive Skills model and now back to a 'new' Medical model informed by DNA studies and developments in brain physiology. I don't want to buy into a debate about the efficacy of Cognitive Skills as a means of decreasing the recidivist tendencies of high risk offenders. However, I want to point to Duguid's assertion that throughout these cycles, professionals inside correctional centres have known "from direct experience that many programmes, treatment or otherwise, did work in that they were often decisive in changing a prisoner's life" (p. 27), that a 1979 study of recidivism from the British Columbian post-secondary program showed remarkably high success rates, and that a follow up study 15 years later of 650 prisoner-students who had participated in the secondary British Columbian programme demonstrated continuing low recidivism success. Among the 80% who successfully

completed 3 years of release, 57% of the 117 in the highest recidivism risk category were successes after 3 years, while virtually all the men in the lowest risk category were successful (results for both highest and lowest risk groups were much higher than predicted). Duguid compares this with a follow-up study of 2125 prisoners in a Cognitive Skills programme: 44.5% of the 1444 who had successfully completed the Cognitive Skills Programme were readmitted to prison within a year, compared to 50.1% for the 379 in the Control Group, a reduction of 11.2% in recidivism. When the group was analysed in terms of high and low risk of re-offending, it was the low risk group who accounted for most of the programme's success – despite the primary focus of Canadian Corrections on high risk offenders.

The Australian context

I have spent some time summarising these studies because of the dearth of similar research in Australia which could inform Correctional policies and practices. There have been significant changes of direction and refocussing of limited personnel and fiscal resources in New South Wales Corrections, partly in to the exponential increase in the NSW prison population (from less than 5000 in 1991 to 8174 on 28 September 2003). A Martian may suggest that tackling the complex socio-economic causes of crime in our increasingly divided society might have greater long term efficacy on crime rates than trialling ways to reduce recidivism, but there is little sign of the concerted and co-ordinated effort from government departments that this would require. While our prisons do offer education and training for employment as pro-social and pragmatic strategies for crime-free survival in the community, investment in appropriate education and employment opportunities before offences have been committed would seem a more sensible policy.

To cite just one study in support of the argument that education helps reduce crime, the NSW Bureau of Crime Statistics and Research Report on Unemployment Duration, Schooling and Property Crime found that the number of home break ins in NSW would be 16% (i.e. 11,000 offences) lower if long-term unemployment among males aged 15-24 years was eliminated and those in long-term unemployment had successfully completed year 12. Reducing unemployment without increasing the school retention rate produced only marginal reduction in crime, however even if only 50% of those currently among the long-term unemployed had completed year12, the reduction in home break ins would have been nearly 10%, while a targeted labour market program that created permanent jobs for these young men would reduce the number of annual home break ins by more than 8%. As Dr Don Weatherburn says, “reducing crime is not just about apprehending and punishing offenders, it's also about getting young men through school and into a decent job”. (Media release dated 7 January 2003, <http://www.lawlink.nsw.gov.au>) AEVTI's increasing focus on both basic and vocational skills and Throughcare links to employment opportunities reflects a similar view.

Rhonda Booby will be providing details of the new initiatives being implemented to coordinate and improve correctional programs in NSW centres. Before this, I will give an overview of developments in the Adult Education & Vocational Training Institute (AEVTI), the department's Registered Training Organisation for offender education and training.

Summary of RTO development: 1994 – 2003

From its establishment in 1994, AEVTI has undergone a series of changes that have resulted today in a more effective and professional Registered Training Organisation with a clearer focus on meeting the priorities determined by the Department.

Following its establishment, the inherent usefulness of providing offenders with nationally accredited certificates with considerable latitude for individual choice was recognised by the department and AEVTI enjoyed three years of progressive development. By 1998, however, the Medical model (cf: the circle of models described by Duguid) had become the dominant paradigm (and the effectiveness of education and vocational training provision came under close scrutiny. This led to the commissioning of a major review into education services within NSW corrections (Gonczi 1999), which looked at future directions for the education and training of offenders.

Two main issues coloured the department's perception of AEVTI at the time of the Gonczi Review. First was a sense that the six monthly contracts by which the majority of teaching hours were delivered did not comply with a changing industrial relations landscape or with the principles of public sector management. Second, was a belief that AEVTI was out of step with departmental thinking and in some ways stood apart from the department. Senior management thinking was moving from the more traditional definition of successful correctional education in terms of participation rates, completion rates and meaningful occupation, to a definition which targeted high risk inmates and reducing recidivism. At that stage, neither AEVTI nor field staff had shifted their thinking or language to meet this change. By the end of 2000, senior management were seriously considering outsourcing the majority of direct teaching and limiting AEVTI's role to that of coordinating and supervising face-to-face teaching within the centres.

However, the crisis was averted, and AEVTI did survive! In a climate where outsourcing and casualisation dominate, the NSW Department of Corrective Services took the unprecedented step of converting a contract teacher budget into permanent part and full-time positions. The result is recorded in the Crown Employees (Education Employees Department of Corrective Services) Consent Award, signed off in November 2002.

One of the most significant reasons for AEVTI's survival was the determination of field and head office staff to demonstrate that AEVTI could integrate effectively within what would become the Offender Services and Programs division. In negotiations, the new consent award became the vehicle for providing the elements of flexibility and responsivity which had been seen to be lacking. This is most clearly shown in the duties of teachers outlined in the award. Where contract teachers had been paid exclusively for face-to-face teaching, the new award extends the teacher's working day, with four hours teaching and three hours dedicated to case management, supporting Throughcare initiatives and a range of duties related to teaching. This means that the teacher is now an active participant in the correctional centre's core business with a much wider range of activities.

The new award also allows greater flexibility for service provision. Because they are now permanent staff members, teachers can undertake duties related to teaching when lockdowns occur. Classes can be rescheduled if events preclude access to inmates. The award also doubles the hours Correctional Education Officers teach, resulting in an increase of total teacher time from 158,000 to 165,000 hours.

Where needed, the department has provided financial assistance to upgrade the qualifications of contract teachers selected for permanent positions. This offer reflects another dimension of the current emphasis on integration, in terms of strengthening the professional base of the various service delivery areas (including AOD and Welfare) and simultaneously improving the will and ability to work towards a common department goal. The department is to be congratulated for rejecting the generalist model of service

providers, which would negate the importance of specialist knowledge by a 'one size fits all' approach to correctional needs.

As well as employing its own staff, AEVTI also collaborates with NSW TAFE in course delivery, through a Memorandum of Understanding which was initiated in 1994 and is renewed every 3 years. At present 75% of the total number of teaching hours is delivered by permanent AEVTI teachers and Correctional Education Officers. The remaining 25 % is delivered by TAFE teachers on short-term contracts. This collaboration between AEVTI and TAFE in education provision is close and complementary. Historically TAFE teachers provided vocational courses, while AEVTI was responsible for literacy and numeracy, art and craft, and life skills. As AEVTI has expanded the number of accredited courses on its scope, this division has become less clear cut; however TAFE teachers are still responsible for most courses in Hospitality and Catering, Fitness Instruction, Carpentry and Building and higher level qualifications.

The 'client' group that AEVTI is servicing is probably typical of offender populations throughout Australia, with a disproportionately high number of Aboriginal males, and a disproportionate number of young males in general. In the year 2001-02, most offenders had left school without completing year 10 (46% of females, and 53% of males); many had poor school records and a history of at least one expulsion (29% of females and 39% of males), about 1 in 10 had attended 'special schools' (8% of females and 11% of males), over half had been unemployed in the 6 months period prior to incarceration (64% of females and 45% of males); while 23% of females and 7 % of males had been unemployed for over 10 years, and 9% of females and 12% of males had never worked. Approximately 40% of this inmate population are enrolled in at least one education course, 2651 in basic education, 1750 in vocational courses, and 89 in higher tertiary courses (2002-03 figures). Courses are also run for special needs groups such as Aboriginal and Torres Strait Islanders (538 students), NESB (727), Young Adult offenders (850), Women (327), Intellectual Disability (83) and Aged and Frail (136).

While AEVTI endorses the principle enunciated by the Council of Europe in 1989 that the individual's right to education is fundamental to the benefit of both the individual and the community, AEVTI is pragmatic about the importance of targeting education to the real needs of both individual and community. It is important that vocational education be linked to areas of job growth (as Fabello's study suggests), and that offenders in rural centres or who will be returning to live in rural communities get appropriate skills (ditto for urban dwellers). Aboriginal offenders have particularly high levels of unemployment and for this reason, as Rhonda will detail, an Aboriginal Employment Officer has recently been employed with the brief to 'find jobs' for 20 inmates in her first year.

Part 2

In August 2000 the department's Board of Management initiated a review of Inmate Services and Programs. The first of four terms of reference for the review was "*To assess effectiveness of (and barriers to) integration of services in the current delivery structures*".

The review made a number of recommendations which over the years have been modified and developed. Currently our proposed restructure includes the following major aims:

- emphasis on the departmental mission of reducing re-offending
- compliance with the current research literature on what works to reduce offending

- reorganisation of the delivery of services so that service provision is based on whole of sentence case plans targeting offending behaviour
- avoidance of over-servicing and “shopping” for services.

To achieve these aims we are introducing a number of changes, including:

- a head office restructure to enable the establishment of a Program Development Unit
- the use of the Level of Service Inventory-Revised (LSI-R) as the primary method of assessing an inmate’s risk of re-offending
- whole-of-sentence case plans focussed on addressing offender behaviour but also including non offence related needs
- Throughcare, or an emphasis on transition into and out of custody and establishing links and supports in the community
- targeted accredited programs to address offending behaviour
- an emphasis on group format delivery of programs
- caseload allocation across all Offender Services and Programs (OS&P) staff
- abolition of the distinction between Welfare and AOD officers

The new approach will be supported by the introduction of new technology associated with e- case management. Amongst other improvements, this will address issues related to access to information and will assist in the development and implementation of whole-of-sentence case plans.

The current situation

Currently in our correctional centres we have a range of OS&P staff providing services and programs to inmates. These include psychologists, welfare officers, AOD officers, correctional education and senior correctional education officers and teachers. They provide services on a 1:1 basis and run programs that have been developed or acquired by a number of different processes. As a result there has been a lack of consistency across the state in the provision of programs and services, and mapping program pathways has been difficult as the content of courses and programs completed by inmates has not been clear from the records of courses completed. As a result inmates may have completed a number of courses with the same name (eg anger management) but there has been no easy way of knowing whether they were the same course, or of knowing what and how to build onto the courses to extend learning or to help to apply it.

Educational programs have been different as they are standardised and accredited as is required of AEVTI in its status as a Registered Training Organisation. As far as inmates’ learning programs are concerned, Correctional Education Officers ensure that inmates follow a planned sequence of educational endeavour based on their individual needs and abilities.

The creation of an inmate case plan is currently the responsibility of a team comprising custodial and OS&P representatives. The team meetings are time-consuming for staff but often permit only short discussions with each offender. A recent survey indicated that during these meetings the inmate was present for an average of only 7 minutes to discuss future case plans. Whilst this might be acceptable if the inmate was well known to the team members the fact is that the OS&P membership is determined by roster and might include staff who have had no contact with the inmate whose case plan is being determined.

“What Works” in reducing re-offending

Many of the changes to the current situation have been based on the “what works” literature, the key elements of which are:

- assessment of the risk of re-offending
- identification of dynamic risk factors (or criminogenic needs) – i.e. those factors that increase the risk of re-offending and if addressed will result in a reduced risk of re-offending
- matching of the type of risk and the level of risk with the nature and intensity of programs
- delivery of accredited programs

Risk and need assessment

The department has identified the Level of Service Inventory–Revised (LSI-R) as the most appropriate instrument to be used to assess the risk of re-offending and to broadly identify the areas which need to be addressed to reduce that risk. However, the LSI-R will not replace all other assessments. Screenings to identify risk of suicide, family and social issues, transitional needs and security classification will also be maintained. Drug and alcohol and psychological assessments will continue to be completed where necessary as will educational assessments.

The assessments will provide the basis of whole of sentence case plan which will map the offender’s progression through the system based on the need to complete programs addressing dynamic risk factors and to prepare for release to the community.

Case Load Allocation

The assessment and case plan will be prepared by an OS&P staff member, and OS&P staff members will also be allocated caseloads of inmates whose case plan they will monitor in respect of OS&P issues. Custodial officers will also continue to hold caseloads of inmates and will be expected to interact with those inmates in wings and to maintain entries on case files.

This OS&P staff includes teachers. Previously teachers in the department were employed on a casual basis and their responsibilities were limited to teaching. If they were unable to teach, as in the case of lock-downs due to insufficient custodial staff or industrial action, there was no work that they could do, despite their being paid for the hours they would have taught. Under the new award, as Jo has outlined, teachers are employed as permanent staff and have case management responsibilities as part of their job. Not only does this make them an integral part of the OS&P team’s case management endeavour, it also enables us to make better use of the relationship forged between teacher and student.

Corrective Services Industries (CSI) overseers are also involved in the case management of inmates through the implementation of the Employability Skills Framework initiative. This framework allows for the documentation of attained skills and attitudes gained in the correctional centre work place, which the inmate is then able to utilise on release. AEVTI is now working closely with CSI to provide education in a vocational context as well as commencing a traineeship program.

Offender Programs

The participation of offenders in programs will be determined by their case plan. The department will be making a distinction between programs directed towards reducing re-offending and those directed towards inmate safety and wellbeing. Programs directed towards reducing re-offending will be accredited. All other programs will be subject to approval through the Program Development Unit.

While accredited programs will be characterised by a group work approach, there will also be scope for individual intervention. Some interactions will continue to require a 1:1 approach including assessment, crisis work, motivational interviewing and casework. The frequency and nature of individual intervention will be determined by the case plan.

Under the program accreditation system we would expect to have fewer programs, but to target offenders in need of the programs through the assessment process. Educational programs will not be subject to the program accreditation procedures as they are accredited by virtue of the RTO status of AEVTI. This of course has the added advantage of allowing offenders to complete, in the community, programs commenced in custody.

In my thinking educational programs sit on the boundary of criminogenic-need directed programs and “human rights” programs. As Jo has outlined, there is a body of literature that supports the notion that provision of both basic and vocational education can reduce recidivism, especially if it is linked with real life opportunities; it is also true that in many cases offenders will need to undergo literacy programs before they will be able to participate in programs designed to address offending behaviour. However many of these programs will focus on addressing the offence related needs of high to medium high risk inmates. This is both because of resource limitations and also because the “what works” literature suggests that it is more efficacious to provide programs for medium to high risk offenders. However where an inmate reveals an educational deficit, it will not be a prerequisite that s/he also be high or medium/high risk to enrol in an education program. This is because education is a basic human right as well as a criminogenic need.

New roles for education

Whilst the head office restructure has left the structure of AEVTI virtually untouched, there will be some different demands placed on it. The Principal of AEVTI will continue to report to me as the Director Offender Services and Programs, but will also be asked to work closely with the Manager of the Program Development Unit to provide advice about educational aspects of program development and about ways of adapting program content to meet the range of learning styles of offenders. Additionally, the teaching skills of AEVTI staff will be utilised to provide training to staff where new skills and knowledge need to be acquired under the restructure.

AEVTI is now focussing more on vocational education and has been funded by the Department of Employment and Workplace Relations (DEWR) to employ an Aboriginal Employment Officer help prepare Aboriginal inmates for employment and to liaise with community based potential employers. AEVTI is working closely with Corrective Service Industries (CSI) in this pilot. Close co-operation with CSI is integral to the work of AEVTI and increasingly teachers are running classes in industries locations and using industry-based content in programs.

Another new development has begun under the personal sponsorship of the Commissioner, Ron Woodham, in the form of a “school” to be located at the John Morony Correctional Centre. Aimed at young offenders who have not achieved Year 10 education, the school will operate according to a curriculum that delivers basic education as well as offence-related courses. The Principal of AEVTI will also be the Principal of the school and additional teachers will be employed to increase the education component of the programs.

AEVTI is moving towards working in an integrated manner with community agencies and departmental staff in correctional centres and community settings to ensure that educational programs provided for offenders address the intrinsic needs of offenders, provide educational opportunity for those assessed at greatest risk of re-offending, and are integrated with the broad range of other programs that address offender needs. Working within an integrated program intervention framework that I have described gives great hope that progress can be achieved in giving offenders the best possible change to break the cycle of criminal activity and obtain the skills and resources required to become contributing members of society.

References

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