

Access to the Work Programme for Prison Leavers from “Day One”

Equality Impact Assessment

October 2011

Equality impact assessment for prison leavers to have access to the Work Programme from “day one” of release

Introduction

1. The Department for Work and Pensions has carried out an equality impact assessment on the proposal to introduce access to the Work Programme for prison leavers from “day one” of release, assessing the proposal in line with the current public sector equality duties.
2. This process will help to ensure that:
 - the Department’s strategies, policies and services are free from discrimination;
 - the Department complies with current equality legislation;
 - due regard is given to equality in decision making and subsequent processes; and
 - opportunities for promoting equality are identified.
3. The equality impact assessment shows how the Department has demonstrated it has paid due regard when developing the proposal to introduce “day one” access to the Work Programme on the grounds of the protected characteristics. These are; race, disability, gender, age, gender reassignment, sexual orientation, pregnancy and maternity, religion or belief and marriage and civil partnerships (in terms of eliminating unlawful discrimination only).

Brief outline of the policy or service

4. Many prisoners experience a lifetime of social deprivation, and lack the skills to break the cycle of re-offending. Prisoners are 13 times more likely to have been in care as a child; and more than half have the reading, writing and numeracy skills of a child of age 11.
5. Furthermore, 60-70% of prisoners were using drugs before prison; 70% suffer from at least two mental health disorders; and half of those released from prison will re-offend within the first 12 months.¹
6. There is a clear social and financial case for delivering more for this group. Estimates suggest that the cost of re-offending by recently released prisoners is between £9.5 billion and £13 billion per year². This equates to a cost of crime in excess of £100,000 per released prisoner. The average cost to convict an offender is £65,000 and the average cost for each year in custody is £40,000.

¹ Social Exclusion Unit - 2002

² National Audit Office, Managing Offenders on Short Custodial Sentences, 2010.

7. Evidence shows that being in employment reduces the risk of re-offending by between a third and a half³. Thus, helping offenders into work is a key element in diminishing the cycle of re-offending for the benefit of society as a whole.
8. Recognising that early intervention is key to preventing re-offending and that those offenders leaving custody have significant barriers to employment, we are bringing forward the mandatory Jobseeker's Allowance entry points on the Work Programme of 9 months and 12 months for **offenders leaving custody**
9. From March 2012, prison leavers who claim Jobseeker's Allowance will have mandatory access to the Work Programme from "day one" of release from prison, with providers helping prisoners from the point of release.
10. Jobcentre Plus advisers will be able to take claims for Jobseeker's Allowance in prison, to start entitlement on release and to facilitate mandatory referral to the Work Programme. The claim would be put in hand, to be triggered on release. In addition, any prison leaver claiming Jobseeker's Allowance within 13 weeks of leaving custody will also be mandatory referred to the Work Programme.
11. Those offenders who have received community sentences and / or served a prison sentence longer than three months in the past will be able to volunteer to go on the Work Programme after 3 months of claiming benefit (subject to Jobcentre Plus adviser discretion). All recipients of Employment Support Allowance (including offenders) and have completed a Work Capability Assessment will also be able to volunteer to go onto the Work Programme, if in the Work Related Activity Group or the Support Group.

Consultation and involvement

12. In formulating the policy on introducing access to the Work Programme for prison leavers from "day one" of release, internal and external stakeholders have been consulted to gauge views on how best to provide additional support to this group, at the earliest opportunity to help break the cycle of re-offending.
13. This proposal is about bringing forward the mandation points of nine and twelve months for prison leavers claiming Jobseeker's Allowance to immediately on release. Stakeholders were consulted as part of the introduction of the Work Programme – information on this is contained in the Work Programme equality impact assessment.
14. In addition to those consulted on the equalities of the Work Programme, in developing the 'day one' proposals we have consulted with Jobcentre Plus and relevant cross government Department's including, The Ministry of Justice (MoJ)/National Offender Management Service (NOMS) and The Department for Business Innovation and Skills. Views have also been sought from the Devolved Administrations.
15. A Virtual Working Group has been formed from the Department's internal stakeholders, including Jobcentre Plus, which will include impacting the development of the policy on our customer groups and staff.
16. Externally, we have discussed our proposal with the Department's Ethnic Minority Advisory Group. We have also informally sought the views of a number of large and small Work Programme Providers to learn from their experience of delivering to this customer group. It is our intention to utilise the Work Programme Provider Forum during

³ Social Exclusion Unit - 2002

the development of this proposal to impact service delivery plans. Informal discussions have also taken place with the Employment Related Services Association (which represents a range of employment focused providers).

17. Further external engagement with stakeholders working with offenders will take place in the lead up to implementation in March 2012.

Impact of introducing access to the Work Programme for prison leavers from “day one” of release

18. To explore the equality impacts of introducing this measure we have considered :

- analysis of MoJ Prison Population data breaking down the prison population by gender, disability, age, ethnicity and religion or belief. As Jobcentre Plus does not currently collate information on all offenders claiming benefit; and
- statistical analysis of current labour market and youth employment figures, to compare the relative impact on age, gender and ethnic minority groups.

Estimated Number of Offenders Eligible for “day one” of release entry to the Work Programme

19. In each year around 80,000 individual offenders leave custody. Table 1 below shows the numbers of prison leavers we would expect to claim Jobseeker’s Allowance and start the Work Programme within 13 weeks of release from prison. We have assumed a March 2012 start date. The “baseline” is the number of Work Programme starts without the policy change.

Table 1 – Estimated number of Prison Leavers on the Work Programme (figures may not sum due to rounding)

Expected Work Programme entries from Day One release policy			
	JSA Prison Leaver	Baseline	Additional
2011/12	3,000	0	3,000
2012/13	34,000	1,000	33,000
2013/14	28,000	4,000	23,000
2014/15	26,000	5,000	21,000
2015/16	26,000	6,000	20,000
Total starts	117,000	17,000	100,000

Age

20. All prison leavers who claim Jobseeker’s Allowance within three months of leaving prison will be mandated to the Work Programme from “day one” of their claim, if aged 18 and over.

21. MoJ Prison Population figures (2009) indicates that 18,133 (26%) of the prison population are in the 18-24 age group and 46,442 (68%) are in the 25-60 age group that could potentially claim Jobseeker’s Allowance (excluding Special Hardship cases).

22. All customers in the Work Programme will be treated fairly irrespective of their age and we expect prison leavers of all age groups to benefit from the flexible and personalised

support to help find employment. Work Programme providers will address the specific employment needs of both younger and older claimants in the labour market.

Disability

23. There is little accurate data available from the Ministry of Justice concerning the number of disabled prisoners. A thematic review by the HM Inspectorate of Prisons on the care and support of prisoners with a disability (March 2009) suggested that 15% of prisoners had self-reported a disability. A Social Exclusion Unit report (2002) suggested that 70% of prisoners suffered from at least two mental health disorders.
24. The HM Inspectorate thematic review found that disabled prisoners were more likely to report potential problems on release, such as difficulty finding employment compared to non-disabled prisoners. They were less likely to know who to contact to help with these problems.
25. The support delivered through the Work Programme will be flexible and personalised, addressing individuals' needs, thereby promoting equality of outcomes. Work Programme providers will be bound through the terms of their contract to not unlawfully discriminate on grounds of disability, and must comply with the Equality Act 2010.

Gender

26. The current gender split in the numbers leaving prison is show in the table below:

Table 4 – Gender Split of Prison Leavers (determinate sentences on completion of sentence or on licence) (Ministry of Justice – 2010)

Gender Split	
Males discharged in 2010 (Adult and Young)	82,028
Females discharged in 2010 (Adult and Young)	7,638

27. Women Offenders make up around 5% of the prison population. Baroness Corsten in her 2007 report of 'review of women with particular vulnerabilities in the Criminal Justice System' noted that there are fundamental differences between male and female offenders and equality does not result from treating everyone the same.
28. Prison leavers claiming Jobseeker's Allowance will be referred to the Work Programme regardless of their gender, and we expect the Programme to benefit customers of both genders in finding employment. The Department will monitor on an ongoing basis the characteristics, including gender, of customers referred to the Programme compared to the overall population of Jobseeker's Allowance customers. Work Programme providers will be bound through the terms of their contract to not unlawfully discriminate on grounds of gender, and must comply with the Equality Act 2010.
29. The Department recognises that a higher percentage of women are carers and this will have a gender impact. Re-establishing caring responsibilities are also a priority for many women leaving prison. Claimants should not be worse off as result of attending the Work Programme. Providers are responsible for childcare and replacement caring costs whilst the claimant is on the Work Programme. The more personalised and flexible support on offer will enable our providers to take into account the gender needs including additional care / child care responsibilities.

Gender reassignment

30. The Department does not currently collect data on customers who have undergone gender reassignment. All participants on the Work Programme, though, will be treated fairly and equally regardless of their gender. The more personalised and flexible support on offer will enable our providers to take each individual's personal circumstances into consideration.
31. Work Programme providers are bound through the terms of their contract to not unlawfully discriminate on the grounds of gender. No negative impacts are expected for those who have undergone gender reassignment.

Ethnicity

32. Table 5 below compares the characteristics of the ethnic minority prison population:

Table 5 – Ethnic minority prison population⁴

% Population in prison establishment by ethnic group	
White	73.2%
Mixed	0.8%
Asian or Asian British	7.2%
Black or Black British	14.5%
Chinese or Other ethnic group	1.7%

33. The Black or Black British ethnic minority group and the Asian or Asian British ethnic minority group are both over represented in the prison population compared to the UK population.
34. The personalised approach of Work Programme providers will contribute to ensuring equality of treatment to claimants from all ethnic minority groups who enter the Work Programme.

Religion or belief

35. Table 6 below compares the characteristics of prison population in England and Wales, based on religion or belief:

⁴ Table 7.22 Offender Management Caseload Statistics 2009, Ministry of Justice

Table 6 - Prison population in England and Wales, based on religion or belief⁵

Population in prison establishments in England and Wales by religion (June 2009)	
All Christian	40,667
• Anglican	21,605
• Free Church	1,187
• Roman Catholic	14,262
• Other Christian	3,613
Buddhist	1,800
Hindu	438
Jewish	218
Muslim	9,952
Sikh	645
Other Religious Groups	492
Non-recognised	262
No Religion	28,898
Not recorded	62

36. We are aware of issues concerning post prison support for the Muslim group. Recent research has identified that the Young Muslim offenders feel particularly ostracized by the wider Muslim community and feel they should be getting more support on resettlement services from Mosques and Community Leaders. There is also a view that the work offered does not take account of their faith or cultural values.⁶

37. All customers in the Work Programme will be treated fairly irrespective of their religion or beliefs. They will not be asked to undertake any activity which goes against their beliefs, and allowances will be made to reflect religious holidays and practices.

Sexual Orientation

38. The Department does not currently collect data on the sexual orientation of customers. All participants on the Work Programme, though, will be treated fairly and equally regardless of their sexual orientation. The more personalised and flexible support on offer, however, will enable us to take each individual's personal circumstances into consideration.

39. Work Programme providers are bound through the terms of their contract to not unlawfully discriminate on the basis of sexual orientation.

Pregnancy and Maternity

40. No data is available to assess if access to the Work Programme from "day one" of release from prison will have a negative equality impact relating to pregnancy or maternity. It is not anticipated that pregnancy and maternity will affect customers' eligibility or take-up because advisers and mentors will offer support tailored to the individual.

⁵ Table 7.25 22 Offender Management Caseload Statistics 2009, Ministry of Justice

⁶ Muslim Youth Helpline – 'Young British Muslim ex-offenders and Resettlement needs' (2011)

Marriage and Civil Partnership

41. All customers in the Work Programme will be treated fairly and equally regardless of their Marriage or Civil Partnership status. In particular, Work Programme providers will deliver more personalised flexible support on offer, and, will take each individual's personal circumstances and commitments into consideration regardless of marital / civil partnership status.

Staff Impact

42. The introduction of mandatory access to the Work Programme for prison leavers, will not involve substantial changes to the role of the Jobcentre Plus Advisors. The proposal involves the introduction of the Jobseeker's Allowance New Jobseeker Interview process into a prison environment. It is currently anticipated that the vast majority of new claims will be taken by experienced Employment and Benefit Advisers (EBA's) already situated in prisons.

43. Successful implementation of this initiative will rely on the National Offender Management Service (NOMS) providing some additional appropriate office space, broadband and phone lines in prisons for Jobcentre Plus staff to conduct interviews. There will also be a requirement for Prison staff to escort prisoners to and from Jobcentre Plus interviews in prison and ensuring a safe environment during the course of the interview.

Monitoring and evaluation

44. The Department will commission a comprehensive, independent evaluation of the Work Programme. This evaluation will gather evidence on:

- **Delivery** – exploring the customer experience and how providers deliver the Work Programme to learn lessons for future policymaking;
- **Performance** – establishing the outcomes and destinations of customers, how fast they leave benefit and how long they stay in work; and
- **Impact & value for money** – assessing the impact of the programme on job entry, retention and benefit off-flows.

45. In addition to measuring the outcome rates and other impacts of the Work Programme for customers in each of the JSA and ESA customer groups, the evaluation will provide an assessment of programme performance and effects by customer sub-group. This analysis will support the Equality Impact Assessment and will contribute to measuring the Work Programme's contribution to combating child poverty and improving the labour market position of disadvantaged groups.

46. Customer characteristics to be captured and analysed include:

- gender;
- age – specifically young people (including those not in employment, education or training – NEETs) and older workers;
- sexual orientation;
- religious belief;
- ethnicity;
- marital (including 'living together') status;

- housing status;
- disability or ill-health (including those with mental health conditions);
- parental status;
- caring responsibilities;
- ex-offenders;
- former members of the UK Armed Forces; and
- those with little or no skills/qualifications.

47. The evaluation will be supplemented with DWP Management Information (MI) to monitor programme performance through a limited number of key measures (e.g. starts, job outcomes and sustained job outcomes). This will be available on a monthly basis and will be used to account for public spend and inform performance improvement. Customer characteristics captured through DWP MI systems include:

- gender;
- age;
- ethnicity;
- marital status;
- disability or ill-health status (where declared);
- parental status; and
- ex-offenders.

48. Where data is available, the diversity breakdown of Work Programme customers will be monitored to ensure any unintended effects are identified and addressed.

49. The management information collected will be used to account for public spend, enable performance improvement and inform evaluation.

50. There is an expectation that there will also be an evaluation of this initiative. Further consideration will need to be given, as to who conducts this work under the new DWP structure, as this would require a research bid in the 2012/13 programme.

Next Steps

51. This equality impact assessment will be regularly reviewed as the policy and the work on regulations progress and account is taken of consultations with internal and external stakeholders.

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