

Employment and Employability in Scottish Prisons: A Research Briefing Paper, Feb 2018

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Introduction

Ever since the birth of the prison in the eighteenth century, the role and function of employment in prison has been contested. Indeed, the rationales for prison employment have been conceptualised in a wide range of conflicting forms, including as: an additional punishment; a tool for rehabilitation; a means of enforcing security; an exploitative source of revenue for the prison system or private industry; a strategy for reducing prison upkeep and maintenance costs; or simply a way to pass time (Burnett and Chebe 2010; Thompson 2011; Black 2008; Piacentini 2004; Simon 1999; Lightman 1982).

While debates continue about the purposes and functions of employment in prisons, the association between unemployment and subsequent reoffending is well established. Notably, 'prisoners who had problems with both employment and accommodation on release had a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems' (Grimwood and Berman 2012: 49). Employment is therefore a key factor in both reducing re-offending post-release (Sampson and Laub 1993, Tripodi, Kim and Bender, 2010) and in supporting reintegration more broadly, having positive outcomes for individuals and families (Hoare and Machin, 2010; Richie, 2001), as well as wider social benefits in the form of reduced crime, re-incarceration and its attendant costs. There is also evidence for a relationship between employment and time between episodes, rather than odds, of re-incarceration (Tripodi et al., 2010); as those who obtained employment upon release spent proportionately more time in the community before re-incarceration than those who were unemployed.

Desistance research also recognises a significant relationship between participation in employment, the accumulation of human and social capital and desistance (Savolainen 2009; Weaver, 2015), and the importance of citizenship and reciprocal relationships (Maruna and LeBel 2009; Weaver 2015). Nonetheless, barriers to employment for ex-prisoners remain and include transport difficulties, lack of recent employment experience and limited work history, issues surrounding transitions (from prison to community, from benefits to work), a lack of skills and or qualifications, low self-esteem, confidence and/or motivation (Graffam et al., 2012). There is some evidence that employment and training within prison may be a factor in addressing these barriers and to supporting desistance. However, there is a lack of qualitative research exploring how such schemes are experienced by those who participate in them, particularly in a UK or Scottish context. Wider research suggests that most employability schemes and employment in prisons is poor quality, low-skilled and fails in meaningful ways to assist in the transition from prison to community and, ultimately, to affect processes of desistance, future employment and reintegration (Kethineni and Falcone, 2007; Calavita and Jenness, 2015).

More research is therefore required to develop a theoretically nuanced account of what prison work is for, how it is experienced, and what form it should take. In what follows, we provide a summary of the limited research into employment and employability in prisons, to engage with and explore how

Scotland/the SPS addresses the need for, and right to, employability and employment in prison and how employability and prison work is experienced by prisoners and the impacts on prospects for desistance and reintegration. Our overarching aim is to create networks of informed expertise across Scotland's penal estate and to (in)form public policy in regard to employability and employment strategies in prisons to shape debates on the use(s) of employment and outcomes of employability in prisons. To start this conversation, this paper seeks to answer the following four questions: Why does it matter? Where have we got to so far? What could we do differently? and, How do we get there?

Why does it matter?

The complex relationship between (un)employment, offending and desistance

There have been a number of evidence reviews of the research into the connections between unemployment and offending behaviour (e.g. Sapouna et al 2015; Boyle 2007; Crow 2006; Webster et al., 2001). These reviews suggest a complex relationship between unemployment and offending. There are high rates of unemployment amongst the prison population; on average, two in three prisoners are unemployed at the point of imprisonment, a rate of 13 times the national average (Social Exclusion Unit 2002; Brunton-Smith and Hopkins 2014). Further, there is a large body of evidence suggesting that employment can play a key role in the desistance process (Farrall 2005; Laub and Sampson 2003; Uggen 2000; Bouffard et al 2000). These studies suggest that social bonds, stable income and a sense of self-worth developed through employment may help to promote desistance.

Cromwell, Olson and D'Aunn (1991: 83) argued that 'desistance [is] associated with the disintegration of the adolescent peer group and with employment and the ability to earn money legitimately' (see also Wright and Cullen, 2004). Conversely, others have observed that employment also provides opportunities for offending (Hirschi, 1969; Sviridoff and Thompson, 1983; West and Farrington, 1977). Nevertheless, whilst employment may reduce the likelihood of re-offending, a lack of employment does not necessarily correlate with an increase in offending. Indeed, as Maruna (1997) observed the connection between unemployment and crime is not sustained when applied to women, who have historically been disadvantaged in terms of employment, but remain marginally represented in crime statistics. Age has also been cited as a factor in determining the impact of employment on criminality (Hagan and McCarthy, 1997); Uggen (2000), in an analysis of data from a national work experiment in the US, found that those aged 27 or older were more likely to desist when provided with employment. Uggen inferred from this that the meaning attached to employment and participation in crime may change with age. Similarly, problematising a social control interpretation of the role of employment in influencing behavioural change is Skardhamar and Savolainen's (2012) quantitative research on the timing of behavioural change and participation in employment, which identified that rather than triggering desistance, participation in employment emerges as a consequence of desistance.

Indeed, it is increasingly acknowledged that employment in and of itself does not produce desistance. Rather it is the meaning and outcomes of either the nature and/or quality of the work or participation in employment, how these influence an individual's self-concept and social identity and how these interact with a person's priorities, goals and relational concerns, that can explain this relationship (Owens 2009; Savolainen 2009; Weaver, 2015). Farrall (2005) similarly suggests that work, and as part of that, associational belonging, can be a mechanism for rebuilding who one is and forging who one will become. As Owens states, the impact of work goes beyond the effects of obtaining an income or even the injection of a daily or weekly routine; 'employment is part of the idea of what is acceptable' (Owens 2009 p.50) and communicates that one has a place in the world and a role to play – be it in society or even in one's own family. It does not, then, necessarily follow that addressing unemployment will, in

and of itself, reduce re-offending. This is because the relationship between desistance and employment is reciprocal, in that those individuals most likely to be in employment may also be those most likely to desist (McSweeney and Hough 2006). Furthermore, the quality and stability of employment is important, as insecure employment may not necessarily be supportive of desistance. In order to successfully reduce reoffending, employment support must be offered together with holistic support to address other issues such as addictions, poor mental health or learning disabilities (Laub and Sampson 2003, Fletcher 2011, Sapouna et al 2015). Recent reviews of the literature conclude that the most successful models for supporting ex-prisoners into employment are those which co-ordinate work both in the prison and the community (Sapouna et al 2015; Shapland et al 2012), suggesting that prison-based employment projects may have an important role to play in promoting desistance¹.

The Efficacy and Effects of Employability Programmes and Employment in Prisons

Perhaps surprisingly, there is scant research exploring the effectiveness of prison work programmes, either in promoting employment post-release or in reducing re-offending (Cox 2016: 414; Graffam et al., 2012; Richmond 2009, 2012, 2014b). Establishing the effectiveness of prison work programmes in reducing recidivism can be challenging, as security measures and selection procedures often lead to prison workers being amongst the least likely to reoffend (Bouffard et al 2000; Lightman 1982).

There is some evidence to suggest that prison employment initiatives can have a positive impact. Saylor and Gaes (1997) adopted a quasi-experimental approach, matching those who had volunteered for prison-based employment but had not been offered an opportunity with those who had. These authors found that those who were employed whilst in prison committed fewer disciplinary offences before release, were 14% more likely to be employed 12 months post-release, and were 24% less likely to re-offend after a follow up period of 8-12 years (rising to 33% for those involved in vocational training or an apprenticeship whilst in custody).

Some support for Saylor and Gaes' conclusion that prison-based employment can reduce reoffending is found in a meta-analysis conducted by Bouffard and colleagues, who found that while the most methodologically rigorous studies did not find statistically significant differences in recidivism rates between those who participated in prison employment and those who did not, small reductions in reoffending (of between 2-5%) have been reported (Bouffard et al 2000). Similarly, drawing upon the analysis of administrative data collected on 1,217 individuals released from 46 US prisons between 1996 and 2001, Cox found that participation in the Prison Industry Enhancement Certification Program (PIECP) have been found to experience higher wages and higher rates of employment upon release, particularly for women. However, PIECP participation does not seem to increase the *duration* of employment and rates of job-loss remain high (Cox 2016). While this may in part, reflect the increasing precarity of the world of work, the authors argued that prisoners may require more support to develop the "soft" skills which may help to maintain employment (Cox 2016).

Interestingly, drawing on an analysis of the Spanish Social Security data of 3225 released prisoners, Alós et al found that prison work is associated with improved employment outcomes, but also higher recidivism (Alós et al 2015). They argue that this reflects a complex picture whereby some participants in prison work programmes have a genuine desire to desist, while others may be less motivated and

¹ This perhaps also suggests that employment for prisoners need not necessarily be restricted to within the prison, as community ties could be fostered by day release or release on temporary licence. As most prisoners granted work leave adhere to the relevant conditions of their release and use this time constructively, temporary release schemes can serve an important rehabilitative function (Cheliotis 2009). A systematic review of the literature has also shown that work release programmes can reduce recidivism, and improve employment outcomes post-release (Cheliotis 2008).

view these initiatives primarily as a means of passing time (Alós et al 2015). Further, Alós et al., conclude that the employment outcomes of *all* prisoners (whether they participated in prison based employment or not) are very fragile, with a large majority being unable to sustain employment in the long term (Alós et al 2015, see also Cox, 2016).

This need to recognise both the heterogeneity of the prison population and the importance of wider structural factors is reflected in the work of Kerry Richmond who analysed data on a large sample of female prisoners in the US (n= 1,685 women participating in prison industries and 1,685 control cases), utilising propensity scores to limit selection effects. This methodology found no significant differences in re-arrest rates between the two groups at three years post-release, and no significant difference in “survival times” before return to custody (Richmond 2014a). Richmond notes that her findings contrast with earlier work on the effects of female prisoners’ participation in prison industries; O’Brien and Bates (2005), for example, found a significant negative relationship between employment in prison industries and re-arrest, something that Richmond attributes to the failure of this earlier study to control for selection bias. Importantly, Richmond argues that the contrast between her results and more positive reviews of the literature is that female prisoners may have particular gendered issues around drug use, lack of child care and experiences of low-paid employment that shape the outcomes (Richmond 2014a).

With regard to prison-based training, there have been a number of reviews of the evidence of the effectiveness of these programmes. The most recent of these, conducted by Ellison et al., (2017), argues that the literature to date suggests a larger and stronger body of evidence pointing towards the positive effects of prison based education than employment, however causal links remain difficult to establish. Importantly, they observe that there is a dearth of UK research into prison-based education, and a general lack of detailed studies that might allow conclusions to be drawn as to what type of education or employability/vocational intervention is effective, who might benefit most or how and when this should be delivered.

In sum, the evidence that prison-based employment can promote successful desistance is mixed², something which is perhaps unsurprising given the complex and multifaceted relationship between employment and desistance. There is some evidence to suggest that prison-based employment can reduce re-offending, however the strongest findings often arise from studies with methodological weaknesses (Saylor and Gaes 1997; Bouffard 2000; Wilson et al 2000). Conversely, others have found that these interventions are not successful in reducing reoffending, or are unlikely to be successful for particular groups (Alós et al 2015; Richmond 2014a; Pandeli 2015). The evidence of the effectiveness of vocational training programmes is stronger, but issues pertaining to methodological weaknesses and a lack of literature from outside the US persist (Ellison et al 2017; MacKenzie 2006; Aos 2006).

This dominance of US based research and the wide-spread use of systematic reviews and meta-analysis has also led to limited qualitative research into the experiences of those taking part in prison-based employment and training (Abrams and Lea 2016); a factor which may contribute to the lack of theoretical insight as to *how*, *why* and *for who* such initiatives might be effective that are noted by Wilson et al (2000). As discussed below, this lack of qualitative research, and in particular studies of Scottish or UK prisons, also limits our understanding of how prison employment and employability is experienced by those who undertake it.

Despite this lack of research, there is some evidence that some prison work can help to develop skills and competencies. Prison employment may enhance personal development and build confidence and

² Indeed, the Ministry of Justice has concluded that “Overall, evidence on the effectiveness of employment /education programmes in reducing reoffending is mixed/promising” (MOJ 2014)

self-esteem (Simon 1999; Richmond 2014b), while providing a temporary respite from the most difficult elements of the prison regime:

One of the common themes among all of the inmates interviewed is how appreciative they are of the opportunity to work for...because it makes them feel as though “they are not in prison anymore” ...regardless of the specific type of industry, [working] makes them feel as though they are part of society again. Even if only for a few hours a day, the work environment is such that they feel as though they are a person again and not an inmate (Richmond 2014b: 239).

These arguments highlight the *potential* for prison-based employment to foster feelings of citizenship, wellbeing and inclusion. However, the extent to which this is achieved, and sustained, may depend on the quality of employment and training offered and the presence or nature of follow up support. Where employability training is less than engaging, these potential benefits may remain elusive (Abrams and Lea, 2016). Similarly, prison work often comprises low-skilled tasks or activities that contribute to the running of a large institution, such as laundry, kitchens and maintenance (Crook 2007). Efforts to re-create “outside” working conditions in a closed environment are problematic, as there are inherent tensions in attempts to create a prison industry that is both economically profitable and competitive, efficient and profitable, and also rehabilitative, but does not exacerbate security and control problems (Legge 1978). Indeed, the structure of the prison regime and the facilities available can lead to short working hours and an insufficient number of work placements (Simon 1999).

Consequently, many prisoners may find themselves engaged in employment that has little relevance to the outside labour market, or in fields where there is already an excess of potential employees (Cook 2007; Bouffard et al 2000; Richmond 2014b). Where prison work does engage with the community, this is often framed in terms of “giving something back” to the community, for example by repairing bicycles, rather than by a close connection to the interests of the prisoner or the needs of local employers (MacKenzie 2006; Piacentini 2004). Indeed, the SPS acknowledges that the breadth of opportunities available to those in custody has decreased in recent years, and that those provided may not be aligned to the needs and interests of individual prisoners or resemble potential employment opportunities in the community (SPS 2014; 2013).

There have also been criticisms that employment opportunities offered to female prisoners are highly gendered and limited to “domestic” or feminised tasks such as cooking, laundry, sewing or secretarial work (Richmond 2012; Wilkinson 2004). Writing within a UK context, O’Keefe has argued that while women in prison are often highly motivated to engage in employment and employability activities, these are often tokenistic, under-resourced, over-emphasise basic skills and are not tailored to the needs of the individual woman or local job-market; and consequently often experienced as boring or frustrating (O’Keefe 2007). A Home Office Survey of 567 women in custody supports these conclusions: most prison employment opportunities for women were focused on tasks contributing to the running of the institution such as cleaning (24%), kitchen work (16%) or gardening (16%); only 9% of respondents worked in roles that involved training in a recognised vocational qualification; the majority earned less than £10 per a week; and only 29% of respondents felt their work experience within prison would help them to find employment upon release (Hamlyn and Lewis 2000).

Where have we got to so far?

Prison Rules

In Scotland, prison-based employment must be delivered in accordance with the [Prison Rules](#), which regulate the governance of Scottish prisons and, in particular, participation in and exemptions from prison-based employment. Prisoners are entitled to be paid for undertaking work (up to 40 hours a week), education or counselling “at such rates and in accordance with such conditions as may be

specified in a direction by the Scottish Ministers” (Prison Rule 86). In practice, however, the SPS has a Prisoner Wage Earning Policy, which specifies the rates at which prisoners should be paid for various forms of purposeful activity (SPS 2012). This ranges from £5 per week at the lower end of the pay scale to £18-£21 for those working in more demanding roles, as well as bonus schemes, while those who refuse to work or “who by their own actions make themselves unemployable” receive no payments (SPS 2012). As the Review of Purposeful Activity notes, this policy is “complex and subject to various interpretations across the estate... [leading to] disparities between prisons” (SPS 2014: 113).

Prison-based employment, education and vocational training in Scotland are all part of a wider programme of purposeful activity which includes: work, education of any kind, including physical education, counselling and other rehabilitation programmes, vocational training, work placements outside the prison, and any activity which is designed to assist the prisoner’s reintegration into the community following release³. The number of individuals engaged in Purposeful Activities across the Scottish Prison Estate is, however, unclear. Moreover, the exact form that employment and vocational training opportunities take within a prison are shaped by individual Governors and prison staff, and therefore vary across the prison estate (Scottish Parliament 2013). Examples of types of employment currently provided by the SPS show a diverse range of activities that engage the public and private sectors. This is summarised in Table 1, below.

Table 1: Examples of Purposeful Activity in Scottish Prisons

Type of Work	Examples
Repair Work	bicycles, recycling machinery, prison waste, clothing etc
Production/Assembly Work	manufacturing garden sheds, benches, Post Office trolleys, textiles
Commercial Partner Work	Freedom Bakery
Packaging Work	tea and coffee work parties
Establishment Services	passmen, kitchen, laundry, gardens, horticulture

As the number of purposeful activity hours offered per convicted prisoner across the estate is one of the SPS’s Key Performance Indicators, it is possible to gain an overview of purposeful activity each year from their annual reports. This data, from the year 2012 when an average measure of number of purposeful hours per a convicted prisoner was introduced, is summarised below.

Table 2: Hours of Purposeful Activity Undertaken p/a (adapted from SPS 2016; 2015; 2013)

	2012/13	2013/14	2014/15	2015/16
Purposeful activity hours (total)	6,902,716	6,909,481	7,092,767	7,045,779
Purposeful activity hours (per prisoner)	21	22	22	23

Importantly, these figures refer to *all* purposeful activity, not just employment, so the number of hours that prisoners are engaged in work or vocational training is likely to be lower. Indeed, access to, and

³ This latter point is from an FOI request rather than the Prison Rules as they appear online: <http://www.sps.gov.uk/FreedomofInformation/FOI-4633.aspx>

uptake of, purposeful activity (in the form of employment, education and training opportunities) has consistently been raised as a concern and a priority by HM Chief Inspector of Prisons for Scotland (most recently HMCIPS 2016; 2015). One particular challenge for the SPS is supporting the large number of prisoners, particularly those serving remand or short-term sentences, unable to access out-of-cell activities in the establishments inspected that year, as Table 3 illustrates:

Table 3: Percentage of time spent in purposeful activity (adapted from HMCIPS 2011)

Prison	% out at activity	% in halls (inc. pass jobs)
Glenochil	37	63
Peterhead	50	50
Addiewell	60	40
Corton Vale	35	65

In light of these concerns, there has been considerable activity by both policy makers and the SPS on the topic of purposeful activity: the *Justice Committee Inquiry into Purposeful Activity* (2013) and the *SPS Organisational Review and Review of Purposeful Activity* (2013).

The *Justice Committee Inquiry into Purposeful Activity* (Scottish Parliament, 2013), considered how purposeful activity was functioning across the prison estate, identifying examples of best practice and challenges not only in accessing activities but also in specifying what purposeful activity actually comprised. The Justice Inquiry found that provision was very patchy and that this was compounded by difficulties caused by prison design and restrictions on movement, overcrowding, timetabling problems, the transfer of prisoners between establishments, a lack of suitably trained staff and staff absence or illness were identified as further barriers to purposeful activity (Scottish Parliament 2013). Prisoners' attitudes towards work, histories of other social difficulties such as addictions and poor experiences of education, and unrestricted access to televisions were also identified as challenges (ibid). A new *Learning and Skills Strategy* was implemented in 2016 to develop education innovation in prisons and embed third sector organisations into the provision of purposeful activity.

The *SPS Organisational Review and Review of Purposeful Activity* echoed the Justice Committee's recommendations particularly in informing the SPS's strategic work in this area. The Justice Committee report acted as a catalyst for the SPS's review of purposeful activity which is firmly grounded in the SPS Organisational Review (launched in December 2013) (SPS 2014). The Organisational Review called for a more "holistic" approach to purposeful activity, encompassing a broader range of activities that include wellbeing, citizenship, volunteering and reparation, life skills and resilience, offending behaviour and learning and employability. In light of this, the Organisational Review recommended that the SPS develop a Strategy for Purposeful Activity to meet the needs of all prisoners and called upon the SPS to undertake a review of the activities currently available to ensure that they not only support resilience and independence, but also: support the individualised, rather than individualistic, nature of the desistance journey and encourage the development and building of individual and community assets. The Activity Review should take account of the need to align prison and community supports and activities as well as access to universal services (SPS 2013: 88).

Consequently, purposeful activity is now redefined to include a broader range of activities and includes any activity or constructive interaction which promotes citizenship; develops learning and employability skills; builds life skills and resilience; addresses well-being; and motivates personal engagement with both prison and community based services (SPS 2014: 9). In addition to broadening the definition of purposeful activity, the Review of Purposeful Activity is critical of the current designation of all time spent out of a cell in a work-like environment as purposeful activity "even if it does nothing more

productive than provide a place to go to during the core working day, or through cleaning and catering, supports the operation of the prison regime” (SPS 2014: 90). The Review also highlights that prison workshops can be over-reliant on internal contracts to sustain their activities and that security measures and other features of the prison regime mitigate against being able to offer a “work-like” environment and working hours. As a result, activities may not be aligned to the needs and interests of individual prisoners; the work offered may not prepare prisoners for employment in the community nor match the expectations of employers; and the most skilled and complex tasks are often undertaken by officers (SPS 2014). These concerns are echoed in the Organisational Review, which notes that the range of employment opportunities in prisons have been reduced over recent years as a means of promoting efficiency (SPS 2013: 90).

Importantly, both the Organisational Review and the Review of Purposeful Activities highlight literature demonstrating links between community employment and reduced reoffending (such as Sapouna et al 2011), and argue that improvements to the current provision of purposeful activity must be made. Both documents are also clear that it will not be possible, or even desirable, for the SPS to deliver these reforms in isolation. For example, the Organisational Review recommends that SPS explore the opportunities for diversifying and improving the quality vocational training, including potentially employing prisoners as apprentices in the SPS itself. The Organisational Review also highlights the potential of partnerships with social enterprises (such as Homeboy Industries and the Delancey Street Foundation) and private companies (such as Timpsons), and the role of such social enterprises in providing prison-based training and employment, discussed in more detail below.

In sum, there appears to be consensus between the SPS and the Scottish Government that there is a need for reform and modernisation of employment, training and other purposeful activities in prisons and, as part of that, a move towards a more mixed economy of provision. This is underpinned by a shared understanding that improving opportunities for employment is likely to reduce reoffending, but also that this is only one part of a complex process. Yet, despite this consensus, the theoretical and conceptual underpinnings of the Review of Purposeful Activity and the Organisational Review appear to be conflicting. For example, the Organisational Review set out the new vision for the SPS, centring around the key aim of *Unlocking Potential, Transforming Lives*, with a new mission of “*providing services that help to transform the lives of people in our care so they can fulfil their **potential and become responsible citizens***”. The wording of the new SPS mission is significant, and suggests the adoption of a model of rehabilitation whereby citizenship is something an individual in custody must work towards through personal reform, rather than an unconditional social state (Kaufman 2015). This conceptualisation of those in custody as requiring transformative support to fulfil their potential has been critiqued as positioning the prison service as central to providing rehabilitation while obscuring a continued focus on managing individual and institutional risk, leading to support needs becoming a justification for delayed sentence progression and further punishment (SPARC, 2017). Similarly, this view of those in custody as needing to “become responsible citizens”, together with the broadening of the definition of purposeful activity, may perhaps provide a justification for limited opportunities to engage in “real” work. Thus, while recommendations that prison-based employment should be diversified, modernised and properly remunerated are welcome, it perhaps remains to be seen how this will manifest in practice, and the extent to which workers will be recognised as “real” citizens.

What could we do differently?

While the range of training and employment within prisons is limited, the current UK policy context has created a more diverse range of opportunities to be offered in prisons, often in partnership with outside

organisations (Murray 2012). This might include engaging with private industry, or partnerships with the charity or third sector, and perhaps the most well-known of these partnerships is between the Prison Service and Timpsons, who recruit directly from prisons and have prison-based Timpsons workshops (Murray 2012). There is little research in a Scottish context, investigating how this policy shift towards a mixed economy has manifested in practice, perhaps reflecting the relevantly recent nature of the SPS Organisational Review and Review of Purposeful Activity. There is a small amount of literature raising important theoretical questions about the purpose and structure of these initiatives (Weaver 2016; Weaver and Nicholson 2012), and development of initiatives such as the *Freedom Bakery* in HMP Low Moss, which trains prisoners in artisanal baking, are occasionally cited to illustrate broader theoretical arguments (Armstrong and Maruna 2016). Many, but by no means all, of these initiatives are framed in terms of working with social enterprises.

In 2011, Cosgrove et al., conducted a review of social enterprises working with people with convictions in England and Wales⁴. The authors identify 17 social enterprises that are working (or have worked) with individuals in the criminal justice system, 11 of which offered training or employment in prison (Cosgrove et al 2011). While it is not practicable to replicate this discussion in full here, the range of activities such initiatives encompass is perhaps of note. These include growing fruits, flowers and vegetables (Erlestoke Social Enterprise); recycling electrical goods and office furniture (The SOFA Project, HMP Leyhill); needlework (Fine Cell Work); media production (Inside Job Productions, HMP Downview and Storybook Dads); and providing telephone advice for clients of Oxford Citizens Advice Bureau (HMP Springhill) (Cosgrove et al 2011). However, while this is illustrative of the potential such schemes may have to deliver more meaningful training and employment in prisons, details of how these operate in practice and the perspectives of prisoners themselves remain missing.

One such project which is perhaps worthy of further discussion is the graphic design social enterprise *Barbed* which was run by the Howard League in HMP Coldingley from 2005-2008. The Howard League sought to recruit prisoners as *employees*, providing them with their own contract and employing them under the same conditions as other Howard League staff. Thus, the Howard League provided their 11 employees with sick pay, holiday pay, grievance, disciplinary, pay and promotion procedures, and it was hoped that employees would pay tax and National Insurance although this proved unworkable (Howard League 2008). As the Director of the Howard League, Frances Crook, explains, employees also made financial contributions towards a charitable fund to represent the living costs incurred by employees in the community:

Because prisoners are not permitted to contribute to their keep ...their contract stipulates that a contribution of 30% of their wages is paid into a separate fund that is managed by a representative from the prisoner/workforce, the Howard League and the prison. This tidy sum is being dispensed towards helping families keep in touch and enhancing the visiting experience, particularly for children (Crook 2007: 305).

Employees at *Barbed* received training to deliver graphic design services to clients in the community, and participants reported this provided them with skills, a sense of purpose, and optimism about their future (Howard League 2008). However, *Barbed* was brought to a close in 2008 because the “*prison ethos and prison rules made securing the profitability of the business ultimately impossible*”, as movement of employees to other prisons, lockdowns, random drug-testing and staff training restricted the hours of profitable work (Howard League 2010). This highlights some of the challenges facing social enterprises and other organisations seeking to work in a prison environment. Despite the relatively short life of *Barbed*, the Howard League continue to advocate for the introduction of similar models

⁴ They also discuss social enterprises working with the criminal justice system in Italy and Sweden, see also Weaver and Nicholls 2012 here.

which can provide “real” work for prisoners, and have been vocal in their criticism of the failure to adopt such a model at the newly built “super prison” HMP Berwyn in Wrexham. As the running of the prison workshops has been contracted out to Interserve, a large, multi-national construction company, the Howard League suggest that *“the only winners will be the company that gains the contract. They will win taxpayers money.”* (Howard League 2017).

The Howard League are not alone in expressing concerns that private industries providing employment within secure institutions operate primarily for profit, rather than for the benefit of their employees (Burnett and Chebe 2010; Black 2008). For example, in England and Wales, the introduction of the Incentives and Earned Privileges scheme has been argued to provide a means for introducing higher standards with regard to the products produced by workers, increasing the opportunities for private sectors to exploit prison labour (Black 2008). Such heightened standards in quality and profitability have also been suggested to exclude prisoners who do not already have the relevant skills required, thus undermining the rehabilitative potential of prison work (Gandy and Hurl 1987). It has also been argued that the industries that are most able to operate successfully within a prison environment will be risky jobs of low social value, and that insufficient attention has been paid to the health and safety of prison workers (Jackson 2011).

Criticism surrounding the profits generated for private companies through low paid prison labour has been particularly pronounced in the US, where incarcerated workers may be paid as little as \$0.20 an hour (Thompson 2011). This, together with deductions being made from wages for “room and board” and low levels of corporate regulation, have led some to draw comparisons between contemporary prison labour and indentured servitude under slavery (Thompson 2011; Alexander 2010). While there are notable and important differences between the criminal justice systems in the UK and the US, where much of this literature originates, the Howard League have been critical of current procedures whereby private companies will agree a contract of works with the prison, rather than the individual prisoner, effectively negating any responsibilities they would have to the individual as an employee (Crook 2007).

Prison work is also often poorly paid and, as noted above, prisoners in Scotland may earn approximately between £5-12 per a week (Scottish Parliament 2013). Such low pay and reward for compliance with institutional demands rather than the quality of work produced has been suggested to reduce not only the status of prison work, but also the effectiveness of such programmes in reducing recidivism as motivation to excel in such programmes is inevitably undermined (Lightman 1982). The failure to pay a wage that might reasonably meet the costs of living have been argued to be infantilising (Legge 1978), and it has been observed that the average prison wage across the UK is less than the average child receives each week in pocket money (Black 2008). Yet, despite these “pocket money” wages, prisoners often face high costs for telephone calls and other items from the prison “canteen” (Crook 2007). This often leads to those in custody becoming reliant on their family for financial support, which can place considerable pressure on house-hold budgets (Codd 2008; Light and Campbell 2006). Internationally, practices around remuneration for work in prison vary. The *Standard Minimum Rules for the Treatment of Prisoners* provide for ‘a system of equitable remuneration of work of prisoners’ under which prisoners are allowed to spend at least part of their earnings and to send a part to their family, while another part is set aside by the administration for the prisoner on release’. Italian laws, for example, specify that prisoners should be paid two thirds of the national contract with deductions made for subsistence and they also receive holidays and social security (Weaver, 2016).

The way in which prison labour is paid in the U.K. has also been criticised. For example, Frances Crook, Howard League for Penal Reform, has drawn attention to the lack of formal employment rights afforded to prisoners:

Prison work currently is paid, in effect, cash in hand – a practice that in the community might well be a criminal offence. This encourages and legitimises the practice of employers paying cash that avoids all the fiscal responsibilities incumbent on outside employers. Tax, national insurance, employers' contributions towards pensions are all unknown concepts inside prisons. Prisons are effectively supporting the notion that the State sanctions the informal economy (Crook 2007: 303).

Similarly, it has been argued that entitlement to social benefits such as unemployment insurance and pensions are an important part of civic identity, and that retaining these whilst in custody could play a key role in successful outcomes upon release (Stern 2002). Baroness Stern goes on to highlight that while greater protection of these rights is offered in countries such as Russia, Austria and Spain, prisoners in the UK are effectively “*severed from the protection of employment law*” (Stern 2002: 136). Given the tensions between private corporate interests and the rights of individual (and potentially vulnerable) prisoners, it has been suggested that labour unions have had an important role in preventing the exploitation of prison workers and maintaining worker moral (Gandy and Hurl 1987). Indeed, prison-labour unions have both a historical precedent and a current relevance that continues today.

Cumulatively, these factors have been suggested to “invert” the central characteristics of employment: job roles are determined by security concerns and availability rather than skills, experience or interest; the work available may be unchallenging and there are few mechanisms for rewarding competence; and finally, privileges are more likely to be lost as a consequence of being a “bad” prisoner, rather than prison worker (Legge 1978; see also Howard League 2008). Further, rather than promoting feelings of autonomy, it has been noted that prisoners can experience their treatment in the “workplace” as infantilising and disrespectful (Simon 1999: 109). Legge further argues that the “reward inversion” in prison work is also evident in the lack of Trade Union rights and low prison pay, something that is often justified on the grounds of lesser eligibility and the need to make restitution to victims (Legge 1978). Importantly, such repetitive, boring and poorly rewarded work has been suggested to reinforce the relative excitement and rewards of a criminal lifestyle (Crook 2007) and which, we might infer, is unlikely to enhance notions of citizenship as intended (e.g. SPS, 2014).

A recent ethnographic study of “orange collar workers”, or those conducting privately contracted work in a privatised UK prison, supports these arguments. This research found that, rather than being rehabilitative, these initiatives function primarily to occupy the time of prisoners and to raise profits for the private companies involved (Pandeli 2015). Pandeli argues that these workshops train prisoners in declining industries, such as manufacturing, and promote a masculinised working culture that is incompatible with the growing service industry. While many of Pandeli’s participants valorised wealth, consumerism and entrepreneurialism, she argues that prison industries reinforce to prisoners the unachievable nature of their desired lifestyles through legitimate, but increasingly low-paid, precarious and insecure work (Pandeli 2015).

All of this would suggest that simply providing *any* employment will not necessarily reduce recidivism on release or support desistance, and that the *nature* and *quality* of employment is likely to be much more effective (Fletcher 2011; Laub and Sampson 2003; Sapouna et al 2015). Such arguments also lend weight to critiques of the continued focus on promoting individual employability and “job readiness” amongst those in custody and the lack of recognition of the structural barriers to employment that will be faced on release (Abrams and Lea 2016; Bumiller 2015). These critiques highlight the disproportionate weight placed by such programmes on the need for the individual to change, a denial of structural inequalities and discrimination, and a failure of reintegration schemes to engage in job *creation* (Abrams and Lea 2016; Bumiller 2015).

There is a need for caution, then, that current policy developments are not constructed as an unquestionable good that will improve training and employment within prisons or engender the

intended outcomes. As the case of Wrexham prison perhaps illustrates particularly well, while much of the policy rhetoric may focus on social enterprises, the ambiguity in this term can comfortably encompass both small co-operatives and global corporations who self-identify as having a “social purpose” (Weaver and Nicholson 2012). Interestingly, Jewkes and Moran (2015) raise similar issues in their critique of the “greening” of the prison system, whereby a number of initiatives provide “green-collar” training, providing prisoners with skills while meeting environmental needs, both in a UK and US context. One example given is the Dartmoor Rehabilitation Project, where in partnership with the Forestry Commission, prisoners carry out forest maintenance activities, while in HMP Oakwood, prisoners have been trained to repair and maintain rail tracks (Jewkes and Moran 2015). Although the latter was received positively in the inspection of HMP Oakwood (HMCIP 2013), Jewkes and Moran caution against uncritically embracing the “greenwashing” of the prison, arguing that the promotion of the green agenda conceals the preservation and expansion of the prison estate, while generating a profit for private corporations.

Indeed, even amongst non-governmental organisations and the not-for-profit sector there can be a considerable diversity of organisations, which may adopt and enact dominant narratives of punishment and citizenship to varying degrees (Armstrong 2002; Kaufman 2015). For example, Kaufman identified two typologies of NGOs within working the criminal justice system: those that adhered to classic narratives of re-entry that emphasise the need for individual change, and more overtly political organisations who worked toward the inclusion of former prisoners as citizens:

Most striking is how the NGOs’ diverse visions of ex-prisoners’ citizenship relate to the types of prisoner incorporation they provide. NGOs that closely reflect state policy goals emphasize their role as social control agents and frame citizenship as a condition toward which an ‘offender’ can progress via program completion and good conduct. NGOs that move beyond the state’s policy goals treat prisoners unconditionally as members of church or political communities with entitlement to rights. These agencies communicate that ex-prisoners are citizens who already deserve membership in their organizations (Kaufman 2015: 548).

A potential mechanism for delivering employment support to those in the criminal justice system as *citizens* rather than ‘offenders’ is the development of social co-operatives (Weaver 2016; Weaver and Nicholson 2012). Social co-operatives are distinct from the social enterprises or prison-industry partnerships discussed above as they are owned by their members, oriented to job creation and work integration and provide mutual support in prison, through-the-gate and on release (Weaver and Nicholson 2012). While reducing reoffending is not the sole aim of such a model, the evidence suggests that they create a social and relational context that is enabling of desistance and social integration (Weaver 2016). An additional benefit of such an approach is that through the sharing of power (shared ownership), co-operative models also guard against the exploitation of their members, thus avoiding the criticisms of private-industry expansion into the prison system discussed above. Yet despite these benefits, the potential of social co-operatives in a UK context remains under explored (Weaver 2016).

How do we get there? What questions should we be asking?

While it is not yet known how the policy developments discussed above will manifest in practice, this shift in rhetoric raises a number of important issues which warrant greater attention. The first is how (far) does the construction of employment and training in prisons relate to ideas of citizenship? Are individuals engaged in employment in prison understood as employees in prison, or prisoners who work? For example, should prisoners be paid an “outside” wage, as advocated by the Prison Reform Trust (2010)? Should they pay tax? What employment rights do (or should) they have? Should prison

workers have labour union protection? If the individual works for an external company, should the contract of employment be made with the individual or with the prison? How can a failure to provide these entitlements be theorised and understood? The shift towards partnerships with commercial enterprises, and the consequent potential for exploitation, makes these questions all the more urgent. However, there is also a conceptually important point here. Prison based employment and training is often framed in terms of promoting desistance by fostering responsible civic identities. Yet, if prisoners are to work like “responsible” citizens, what civic rights should be given in return? Further, what are the implications for desistance of a failure to realise these rights?

Secondly, while policy activity in this area in Scotland tends to be framed in terms of the SPS Organisational Review, the connections between similar policy developments in England and Wales and a wider context of fiscal austerity are clear, as the Ministry of Justice is explicit in its aims to reduce the costs of imprisonment (Ministry of Justice 2010). It would seem then that just as there is a need for “through the gate” services, there is also a need to explore the effects of prison-based training and employment in a context of diminishing services and increasing low-quality and precarious employment in the community. An increasingly competitive job market also raises questions about the impact of a criminal record on employability prospects, and the extent to which this might confine those who have been in custody to low-quality or insecure employment (Bumiller 2015). It is also impossible to separate wider policies of austerity from benefit reform. Given that many prisoners experience poor physical and mental health before incarceration, it is perhaps reasonable to assume that large numbers will be claiming disability or sickness benefits. However, entitlements to such benefits are increasingly stringently policed and for which there are substantial financial sanctions for failure to comply with requirements. Thus, questions arise as to whether or not prison work may affect benefit entitlements; if the individual does not work in prison, the family may have to provide greater financial supports; however, if they do work, how might this impact on the benefit entitlement of families?

Finally, the potential for significant changes in *how* prison-based employment and vocational training is delivered also raises questions as to how these programs will be monitored and evaluated. The SPS does not have the data available to provide a breakdown of the number of individuals engaged in purposeful activity. As the definition of purposeful activity seems set to become wider, and potentially more organisations will become involved in delivery, it may be more difficult to determine the true extent of employability and vocational training in prisons as this may be obscured by an increasingly diverse range of activities being included under this term.

In sum, the historically contentious nature of employment and training within prisons persists. There are unanswered questions as to the purpose of such schemes, how they are experienced, what impact they might have, how they should be developed, and also why these issues might matter with regard to broader questions of citizenship, autonomy and community.

Conclusion

This briefing paper has summarised the academic literature on employment and training in prisons to inform understandings of, and generate dialogues around, how prison-based employment programmes and employment are constructed and understood, their outcomes, and how they are experienced by participants. With regard to the former, the research on employment and employability in prisons is limited. Much of this literature originates from the US, and is consequently dominated by quantitative studies of the impacts of such programmes. While the difficulties of measuring the impact of such programmes and the consequent methodological weaknesses are widely acknowledged, it can be cautiously concluded that these programmes can have small positive effects on re-offending and future

employment, with vocational training appearing to have a greater impact than employment alone. There is also a consensus that high quality employment, holistic support and close links with the community are likely to improve outcomes. However, there is still little evidence as to which interventions might be most effective, at what time or for whom.

As there is a dearth of Scottish research in this area, it is difficult to construct a clear picture of what employment and employability looks like and might become in Scottish prisons. A lack of qualitative research also means that we know little about how contemporary prison-based-employment or training is experienced by those who participate in such schemes. The older literature suggests that employment and training within prison is often low-skilled, repetitive, poorly paid, and has little connection either to individual interests or the local labour market. An examination of recent Scottish policy documents, including prison inspections, suggests that these short-comings of prison-based employment have persisted. Perhaps unsurprisingly, then, this issue has attracted a recent flurry of policy attention from both the SPS and the Scottish Government, suggesting a renewed energy to make progress in this area. Notably, this recent policy activity has embraced the potential of partnerships with third-sector and commercial organisations as a means of improving employment and vocational training within prisons.

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