

Written evidence from Prisoner Learning Alliance (PPG0024)

May 2019

1. The Prisoner Learning Alliance is a network that brings together organisations and individuals with expertise in prison education. We have over 115 members. Our aims are to hold go government to account and monitor the implementation of policy and practice in prison education. We gather and share good practice, enabling the views of prisoner learners and potential learners to be heard more widely and uniting the voice of the sector.
2. We welcome the opportunity to respond to this consultation and have answered the questions to the best of our knowledge. Time has not permitted us to carry out specific consultation on this inquiry with our members. However, this does draw on information gathered by groups of members focusing on specific areas.

What should the role of the prison governor be, what should they be responsible for and to whom should they be accountable?

a What changes have been made since the Government's White Paper 'Prison Safety and Reform' and what have been the challenges and opportunities in implementing these?

- 3 The Prison Safety and Reform White Paper in November 2016 drew heavily on the Coates Report – Unlocking Potential: a review of education in prisons. Following these, plans were made for hugely significant changes in the way prison education was funded and governed. In June 2017, governors were advised by MOJ that they could apply to use up to 10% of the OLASS budget to locally commission education services, in situations where clearly identified needs could not be met under the existing OLASS contracts. Relatively few governors took up this opportunity because there was a tight timeframe to apply, due to restrictions around the general election.
- 4 Initially the OLASS contracts were extended until August 2017. The timetable was then further extended and contracts were modified to cover the period up to end of March 2019. The implementation period as initially envisaged was unrealistic in light of what else was happening in the prison system. There were some legal risks to HMPPS in extending OLASS suppliers contracts and this had to be worked out to ensure compliance with commissioning requirements. Overall, plans to devolve the commissioning of education provision to governors moved from April 2017 to April 2019. We have recently produced a [briefing](#) that assesses progress against the main recommendations in the Coates Report. The new arrangements have the potential to deliver improvements in education but there are many areas where progress is too slow.

b Do prison governors and future governors receive sufficient training and support and what more could be done to improve this, particularly in relation to diversity issues?

- 5 Prisons governors do not receive sufficient training and support. This is particularly apparent when their role and responsibilities change. One current example of this is support with the process of monitoring and managing the recently implemented education contracts, which are now under governor control. The PLA recently carried out a survey

of prison governors and senior managers in the run up to the new education contracts. We received 60 responses. Overall too few respondents (five) felt prepared enough for the start of the new education contracts on April 1st 2019. Only ten respondents felt their staff team had the skills and knowledge needed to manage the contracts and ten staff felt they were getting good support from their region or the centre.

- 6 At our conference of organisations and practitioners within prison education in September 2018, we consulted attendees and members about their priorities for action for the PLA. Training and development with particular attention to leaders within the prison education system emerged as a particularly important theme. We have individual and institutional members who have experience and expertise in engaging prison leaders in leadership development. We have secured funding from the Further Education Trust for Leadership to carry out research about leadership in prison education. The aim of the research will be to identify how leaders can develop a whole prison education culture, engaging all prison and contracted staff (as well as education staff) to support and promote an education agenda across all elements of the prison community and support rehabilitation.
 - 7 In relation to diversity issues, governors need more support to recognise and identify differential outcomes for the prisoners in their care. Cultural Awareness could be increased by using former prisoners, voluntary sector and expertise from academics to develop training and specialist support for governors. To embed equality awareness in the prison system, HMPPS could ensure that POELT training is delivered through an EDI lens.
- c Are there robust recruitment procedures in place to ensure a high quality and diverse range of prison governors?
- 8 The primary role of a prison governor has to be to run a safe and secure prison. However, it is also essential that a governor believes in and promotes the prisoners role in rehabilitation. The role has developed significantly, as prisons become more complicated, more organisations are involved in delivering services, prisons have additional duties of care and prisoners have more complex needs. The current recruitment process is not robust and sustainable enough to ensure an adequate number or quality of governors. There is a level of attrition with people leaving the prison service or, for governors there are opportunities for employment at regional and HQ level which take senior staff away from operational roles.
 - 9 This means that the recruitment planning should always take on over and above the number of governor trainees needed. While the current training and assessment focuses on competence –and this is clearly fundamental - the other fundamental aspect to being a prison governor is the right values. There is no clear process for exploring and assessing a trainee governors values. If the culture of prison is going to change and develop in the long term, it is essential that future leaders of the service have the right core values.
 - 10 Effective workforce planning is not just about recruitment, it is also about developing, training and promoting current staff and it is about succession. The basic problem is that there are just not enough good governors to go round. More needs to be done to spot talent and develop staff with leadership potential. There are things that public sector prisons could learn from the private sector, who do have schemes to support and train staff who can develop into effective prison leaders. Not enough thought is given to the

type of leadership style and type of prison, and whether a governor's skills and attitudes are a good 'fit' for an establishment.

- 11 We often see that a governor who is managing and improving their prison effectively can be moved to another prison that is struggling. While the logic is understandable, this can potentially have two impacts. The prison that loses the governor has a leadership vacuum, progress loses momentum and structures and initiatives that have been implemented before the governor's departure are not taken forward and embedded. Secondly, if the prison the governor moves to is not a good fit for their qualities and capabilities, they are unable to make the changes needed to improve their new establishment and a struggling prison continues to lack stability and effective leadership.

d How effective are the oversight arrangements for prison directors in private prisons and how can these be improved?

- 12 There are controllers based in each private prison. These are HMPPS employees with the job of monitoring the contract and prison conditions. Significant amounts of data are collected to ensure contract compliance. The information about how a prison is doing is therefore available to HMPPS and MOJ. The challenge has been in HMPPS and MOJ acting on the information and taking improvement/enforcement action quickly where needed. This can be seen from recent events in Medway STC and HMP Birmingham. It is extremely difficult and expensive to change contracts for prison services and there is an understandable reluctance to do this. However, the mechanisms for responding to difficulties in private prisons need to be more dynamic, and there needs to be a process that can happen outside of the contract. This would ensure that the provider could be held to account effectively and quickly without the contract needing to be varied.

2. How should the Ministry of Justice and HM Prisons and Probation Service (HMPPS) provide effective oversight of prisons?

a. To what extent is the split of responsibilities between HMPPS and the Ministry clear and coherent?

- 13 The split between HMPPS/MOJ and operational/policy is not clear enough. The process only works effectively where civil servants in both departments are clear on their remits and have good working relationships. There is also significant overlap within the MOJ, with different policy and project teams often working on the same areas without this being coordinated. The policy leads for each area are not always aware of or involved in all of the work that is going on in their areas. The challenge that this creates is that it is not always clear 'where the buck stops' or who should be held responsible for failing prisons.

b. How is the performance of prisons monitored and should other factors be taken into account? What use is made of data and is there a sufficient focus on outcomes for prisoners across the estate?

- 14 There are a number of challenges with the collection and use of data. Alongside the challenges of having sufficient staff trained and available to input the data, there have been ongoing difficulties with IT and database systems working effectively. For

instance, for a long time, prison staff working in equalities were inputting data to the central system but the the equalities data hub did not process the data and returns took a long time coming back to individual prisons. This meant that staff started to use their own systems, which led to inconsistencies in the data being collected. This also meant that HMPPS was unable to have up to date oversight of whether there was any differential treatment of groups of prisoners. Another challenge in prisons is that there may be substantial amounts of data that is collected regularly – but it is not monitored and analysed properly and effectively. Staff, particularly senior staff needed training in understanding data and being able to draw conclusions from it.

- 15 We are cautiously optimistic about the new prison education monitoring system (CURIOUS). Although there are currently some challenges with embedding the system, early indications are positive. As part of the Prison Education Framework contracts, there are duties on all education suppliers to provide detailed managements information and manage performance consistently. Ideally, once the new system is up and running it will give much more secure and almost instant data. In theory, this will mean that monitoring can happen in real time and accountability for contract compliance will be much easier to measure. It does have the potential to provide governors and education providers with up to date data that they can use to monitor prisoners progress and the impact of education. Questions remain about whether this how and when this system will link to NOMIS. There are plans to enable learners to be able to access their own earning plans on the system are this would be an excellent outcome for prisoners.
- 16 We are more concerned about how the monitoring of DPS commissioned services will take place. Governors have been able to set their own outcome measures for each of these contracts. It is therefore difficult to see how HMPPS will be able to measure effectiveness of these services centrally.
- 17 We welcome governor autonomy and the associated delegation of responsibilities. However, this will only be effective with the right top-level performance measures in place.
- 18 There is a strong argument for a performance measurement relating to learning difficulty/learning disability. Around a third of prisoners have self-reported having some additional needs in this area. The 2016 Coates report and many others have argued for a whole prison approach to supporting prisoners with additional learning needs. This could ensure that all prisoners are screened and all departments – health, education, residence, social care etc. share relevant information, assessments and resources to support prisoners. A performance measure or metric that looked at processes for identifying need and screening, appropriate follow up, information and care planning could transform support for this group.
- 19 The Coates report recommended that performance measures for Governors (as commissioners) and providers should include the progression of prisoners in their care beyond Level 2, and assessment of their success in building partnerships with external providers of Further Education and Higher Education. We would recommend that an overall performance measure that assesses how effectively the education, industries and activities provision in a prison is aligned to the needs analysis and the educational needs of the population would be an valuable tool and help to focus governors and

senior managers on delivering relevant and constructive interventions for their populations.

- 20 We would also support a more holistic measure of time out of cell, that looks at not just hours unlocked but at how time is spent and whether this is purposeful and productive, whether sufficient activities places are provided and whether these are high quality, well managed and constructive.

c. Are underperforming prisons properly supported and how is good practice shared between prisons?

- 21 There are already a number of processes for managing underperforming prisons, including the recent Urgent Notification and Independent Review of Progress visits, which have been put in place by HMIP. It is clear though, from examples such as HMP Lewes, that utilising special measures is not always effective. Interventions and initiatives to support failing prisons need to be embedded and sustainable. The new area structure with fewer prisons per group director should mean that prison governors have more support from their region. It should also mean that prison group directors have a clearer idea about what is going on in the prisons they are overseeing. The regional group structure will be fundamental in ensuring that underperforming prisons are identified and offered appropriate support. It is clearly necessary to support underperforming prisons but the reality is that the challenges arising from under resourcing and under staffing can only ever be slightly ameliorated by good management.

- 22 Good practice is shared between prisons in various ways – word of mouth, regional and national events and on the intranet. However, this is not as systematic as it could be and does not take account of the difficulties taking time out of operational duty, which means that staff cannot easily access external events. HMPPS does highlight good practice on the intranet but many officers and prison tutors will have little opportunity to access this on a day-to-day basis.

d Is there effective collaboration between prison, probation and other community services and what are the challenges to improving this?

- 23 This varies massively, but overall coordination between services is not effective enough. Part of the challenge has been that traditionally contracts and remits of services have been drawn too tightly, and not responsive enough to the needs of the population and the existing systems in a prison. This has been most notable with CRCs but can also be true of other organisations who go into a prison to offer a service but can only support power from a specific geographical region, or have other restrictive eligibility criteria for their service.
- 24 The challenges in improving this could be met by shared commissioning and measurement performance. Clearer lines of communication and coordination with a resettlement casework lead for each prisoners (assessed as needing services), who can refer and liaise with other services could be effective.
- 25 We welcome the plans to have a shared metric between NPS/CRC and prisons for accommodation outcomes. We understand that there are similar plans in development for a metric around employment on release. We would like to see this broadened out

to cover education and training opportunities as well, and clear ways of measuring this three months after release, as well as when leaving prison.

e. To what extent are existing arrangements in place for the commissioning of services, such as health and education fit for purpose? Are there appropriate oversight arrangements in place for these services?

26 The new education contracts have been in place for under two months so it is difficult to assess the effectiveness of the new arrangements. However, we would say that they do bring the opportunity for the governor to ensure that the education services coordination and integrated into the rest of the prison. It is the start of a new commissioning and monitoring relationship for prison staff and providers. The new contracts, in theory, have built-in flexibility as if a governor finds that a service is not being delivered through the PEF, they will be able to take action easily, holding the provider to account and asking for an improvement plan. Ultimately, if the provider fails to take action to improve the service, they could lose 5% of their budget for the next quarter. However, none of these arrangements are as simple as they first sound. In practice HOLs and/ HOLSEs will be managing the contracts on a day-to-day basis. The interpersonal dynamics of holding a provider to account and working with their staff team on the ground can be challenging. Governors will also need good data and evidence to show where the service is failing and this means they will need to ensure all the information collected is up-to-date and that staff understand how to monitor data effectively. Governors and SMTs need additional support to be able to meet the challenges of education commissioning and performance monitoring (see also question 2a).

27 We would also like to raise a concern about provision being commissioned through the DPS. We are currently asking service providers and prison staff for feedback and are still collating this. However, overall the feedback received is negative. Respondents have told us that the system is complicated to register on and to use. The contracts can only last up to 12 months, which because of lead in and security-vetting time (which can be a few months) acts as a disincentive for service providers and for prison staff. The time given to respond to bids can be very short and the response time following submitting a bid can be lengthy. It is clear that the DPS is not working as envisaged and that many organisations; particularly smaller voluntary sector organisations are not accessing contracts for services as expected. If a system similar to DPS is to be developed for the new probation service, these difficulties will need to be resolved.