

Written evidence submitted by the Prisoner Learning Alliance (PLA)

Prisoner Learning Alliance submission to the Education Select Committee Inquiry – are prisoners being left behind?

January 2021

The Prisoner Learning Alliance¹ (PLA) is a network of organisations and individuals with expertise in prison education. We use our collective voice to advocate for improvements and to hold the government to account. We have over 170 members across the sector including education providers, professional bodies, voluntary sector organisations and individuals. The Prisoners' Education Trust provides our secretariat. We very much welcome the opportunity to respond to this inquiry. When drafting this response, we held focus groups and had individual conversations with our members.

In broad terms, our submission covers the following areas:

- Purpose of education and the curriculum
- Data gaps and evidence of the impact of education
- Additional learning needs,
- Skills and training for employment
- Apprenticeships and ROTL
- Attendance and incentivising education
- Resources and contractual arrangements
- Infrastructure population pressure and digital technology
- Public and private prisons
- Sentence length and transfers
- Conclusion

In summary, our key concerns are:

- The urgent need to prioritise of greatly improved digital access
- A genuinely holistic approach to prison education as per the Coates Review
- Sufficient resources and contractual arrangements that are aligned with education commissioning in the community
- A more varied curriculum, with academic and creative provision as standard
- Integration of functional skills into vocational training
- longer-term analysis of the effectiveness of different forms of prison education, with better data-matching between department

¹ <https://prisonerlearningalliance.org.uk/>

What is the purpose of education?

The Coates Review² described the purpose of prison education as:

Education in prison should give individuals the skills they need to unlock their potential, gain employment, and become assets to their communities. It is one of the pillars of effective rehabilitation. Education should build social capital and improve the well-being of prisoners during their sentences.

The PLA's Theory of Change³ describes how prison education can support well-being; build human capital, through creating the motivation to change and social capital, through supporting, belonging and engagement. Prison education also builds knowledge, skills and employability and contributes to the development of the whole-person.

The PLA supports the holistic view of prison education as set out in the 2016 Coates report⁴. In large part, this remains an effective blueprint for the delivery of prison education.

Understanding the purpose of prison education leads to consideration of what the curriculum could or should contain. Discussions with our members highlight their concern that the current contracts make the creative, holistic, pastoral and social elements of education more difficult to provide. PLA members are very clear that the current curriculum does not meet learners' needs. We need a wider range of content delivered in classes as well as through distance learning and (ideally) online. Functional skills could be taught in a more practical and accessible way and vocational training, which incorporates functional skills, is strongly supported. Peer-to-peer projects are helpful for people who feel less comfortable in formal education settings. Despite the recommendations in the Coates Report, there is still too little variety in course provision and qualifications at level 3 or above are scarce.

National education policy needs to recognise that employability is not a priority for all, or even a possibility for some prisoners. Concerningly, there are growing numbers of people who are not realistically expected to be released, growing numbers of elderly prisoners and people serving longer sentences. Education options that enrich lives, build engagement and develop social and cultural capital are more essential than ever.

What data exists to demonstrate the effectiveness of education and training in prisons and on prisoner attainment, and what international comparisons are available?

There is a range of evidence on the effectiveness of education and training. Almost all of it is broadly positive. There is a need for more up to date and for more in-depth analysis, for example on which kinds of programme are most effective, and on longer-term outcomes. We do not currently have up-to-date information about outcomes in prison education. The last year of data we have on assessment, participation and achievements levels is for 2017/18, prior to the PEF (Prison Education Framework). It would be useful to have data for both the

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf

³<https://www.prisonerseducation.org.uk/resource/theory-of-change-for-prison-education/>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf

last year of the OLASS contract and the first year of the PEF contract, just before Covid-19 struck, as this is not yet available. A new education monitoring database (Curious) was introduced in April 2019 and our understanding is that real time data should be available at some point. Similarly, we have no detailed data on outcomes for the Dynamic Purchasing System (DPS), also introduced in April 2019, and used by prisons to purchase additional bespoke education provision.

Although there are some research studies, evidence regarding the effectiveness of prison education and training programmes is too sparse. There is also a challenge about what constitutes effectiveness. Is this value for money (cost benefit analysis), a reduction in recidivism or an educational outcome, such as a qualification or something less tangible, like a transferable skills or self-development? Education and learning are complex processes, and not always confined to taught classes. It is sometimes difficult to single out and identify outcomes that can be realistically attributed to specific education processes.

However, the detailed analytical evidence we do have focuses mainly the impact on reoffending rates and on the likelihood of finding employment – and is largely positive⁵. For instance, research carried out regarding prison learners showed they were significantly more likely to be in P45 employment than non-learners one year from release⁶. It also found that people who had participated in education were significantly less likely to reoffend within 12 months of release (by 7.5% points). This study linked administrative data from BIS, MoJ, Department for Work and Pensions and HM Revenue and Customs to estimate the impact of prisoner learning on post-release re-offending, employment and learning outcomes. These findings are reinforced by the most comprehensive international study, the Rand report⁷, which found prison education improves chances of not returning to prison, and reduces risk of reoffending by 13%.

The Ministry of Justice defines the success of all prison programmes and interventions against whether they reduce reoffending. The Justice Data Lab,⁸ part of MoJ's statistics team will carry out analysis for organisations working with prisoners to help assess the impact of their work on recidivism. Results for a number of programmes are available, including for the Open University⁹, Prisoners' Education Trust¹⁰ and City and Guilds¹¹.

There is no data on whether prison leavers go on to any training or education. Resettlement data that is currently collated from NPS/CRCs on employment outcomes should be expanded to include educational and training outcomes.

⁵⁵ <https://journals.sagepub.com/doi/10.1177/0264550517699290>

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708156/evaluation-of-prisoner-learning-initial-impacts-report.pdf

⁷https://www.rand.org/pubs/research_reports/RR266.html#:~:text=Correctional%20education%20improves%20inmates'%20chances,recidivating%20of%2013%20percentage%20points.

⁸ <https://www.gov.uk/government/publications/justice-data-lab>

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816039/JDL_Open_University_report.pdf

¹⁰ <https://www.prisonerseducation.org.uk/wp-content/uploads/2019/04/Justice-Data-Lab-PET-employment-and-benefits-outcomes.pdf>

¹¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769869/City_Guilds_Report.pdf

The PLA would like data matching agreements between all relevant departments as standard. Alongside the departments mentioned above, a formal link between the National Pupil Database and MoJ would be extremely helpful. This would enable any correlation between alternative education provision, school exclusions and involvement in criminal justice to be systematically tracked.

How well are additional learning needs met by the prison education and youth custody systems, including SEND and language and communication needs?

There are substantial numbers of learners with learning support needs (research consistently shows this is around a third of all prisoners). It is very disappointing that after many years of advocating for a standardised national screening tool for LD/D (learning difficulty and/or disability) this has still not happened. While there are pockets of good practice, it is unusual for a prison to have a whole-prison approach to identifying, supporting and working with prisoners with LD/D.

In practice, this would mean information-sharing agreements with the relevant outside bodies with whom the learner had previously worked. It would also mean appropriately trained prison and provider staff with the time and resources to meet the needs of learners and that all prison information, forms and digital systems were available in easy-read and with suitable adaptations.

We have a specific concern about Education Health and Care Plans (EHCP) - while they apply in secure youth custody and thus, require local authority action, they do not apply in adult custody. We believe they should cover those in the secure adult estate aged up to 25, to ensure equivalence to the community.

We are also concerned that current contracts do not resource enough additional learning support. While initial screenings are taking place, prisons do not always have the resources for follow-up adaptations or ongoing individual support and we believe there are not enough SENCOs¹² in post to meet the need.

Does education in prisons deliver the skills needed by employers and what more can be done to better align these?

Prison education does not currently deliver the skills our economy and industries need. This is despite many policy initiatives and some notable good practice with individual employers and companies¹³.

One challenge is that while education providers deliver education, HMPPS prison industries group oversee workshops and training. In practice, this means that functional skills are not always embedded into technical skills training. There are very few industry standard vocational qualifications at Level 3 and above available in prisons. Transferable skills acquired in workshops are rarely identified and recorded and our research has identified that industry staff do not always have teaching qualifications¹⁴

¹² Special Educational Needs Coordinator

¹³ <https://shiftdesign.org/case-study-timpson/> <https://hacro.org.uk/employers-who-hire-ex-offenders/>

¹⁴ <https://fetl.org.uk/publications/leadership-in-prison-education-meeting-the-challenges-of-the-new-system/>

There are examples of positive practice, for instance, the recently published IMB report for HMP Frankland¹⁵ states

There has been a clear strategy to increase vocational learning opportunities, providing a planned link between learning in the classroom and the workshop. Of the 491 prisoners employed in workshops, 74 are also attending education classes.

Every wing has prisoners employed as cleaners and painters. Education supports the holders of these roles, through one-to-one support and training opportunities

The Coates review found that prison workshops compete with the community for industry staff. Empty workshops are not an uncommon sight in prison, either because staff cannot be recruited to teach, or officers are not available to oversee the prisoners. The regime and infrastructure in prisons needs to undergo substantial change and improvement if more companies are to be attracted into working in prisons.

The New Futures Network¹⁶ is beginning to improve engagement with business and has successfully secured partnerships with some high-profile employers. However, their service is not yet embedded across prisons and we have no data about their impact to date.

How might apprenticeships work for those in custody?

The MoJ's 2018 Education and Employment Strategy¹⁷ set out the Prisoner Apprenticeship Pathway as a vocational route to gaining qualifications and work experience, part of the government's aim to create three million apprenticeships by 2020. So far, however, little progress has been made in implementing the pathway across the prison estate.¹⁸ The pathway is meant to provide an alternative route for prisoners to gain qualifications and work experience. The expectation was that learners engaged on the pathway would receive the necessary training while in prison and then a 12-month apprenticeship on release, thereby guaranteeing a job and income. Although in theory, prison governors have the necessary autonomy to commission and set up apprenticeship pathways, there is no funding available and no real guidance or support to do this.

Release on Temporary Licence (ROTL)¹⁹ should be used as a key part of any apprenticeship and employment strategy. Ideally, people would be on temporary release daily to attend placements/jobs in the community so that apprentices are able to become familiar with and start working at their placement before they are released from prison.

How can successful participation in education be incentivised in prisons?

¹⁵ <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/12/Frankland-2018-19-annual-report-for-circulation-to-upload.pdf>

¹⁶ <https://offenderemployment.campaign.gov.uk/>

¹⁷ <https://www.gov.uk/government/publications/education-and-employment-strategy-2018>

¹⁸ <https://www.theyworkforyou.com/wrans/?id=2020-02-21.18578.h&s>

¹⁹ <https://www.gov.uk/guidance/release-on-temporary-licence>

There are indubitably prisoners who are disengaged, and many who have negative prior experience of formal education. However, our experience also tells us that prison life is often extremely tedious and the majority of prisoners will take opportunities that mean time out of their cells, especially if they are relevant to their interests, abilities and aspirations. We believe there are a large number of motivated and determined prisoners who would be enthused about education, if the opportunities were more appropriate. It is noticeable that the majority of Ofsted inspections comment on the good behaviour of prisoner learners. However, it is harder to motivate people when their access to activity is constantly undermined. Sometimes attending education pays a lower rate than other activities, providing a positive disincentive. The PLA believes that education should be paid at least the same, and paying more for education demonstrates its value, supports the status and profile of education in the prison, creating aspiration and additional incentives for prisoners to attend classes.

The recent IMB report of HMP Wormwood Scrubs mentions poor attendance at education;-

Wing staff are asked to check with prisoners why they failed to attend.....The Board has seen little evidence of dissatisfaction with the education classes on offer, and reasons for failing to attend are often related to scheduling issues with other activities. Some prisoners also miss education classes because of concerns that they will meet rival gang members.

This example highlights two very common challenges with education attendance – timetabling multiple activities simultaneously and ‘keep apart’ processes, when prisoners are deemed to be at risk from or a risk to others and unable to attend activities.

Prison education is more effective when it is integrated into the prison, when Governors involve senior education staff in key decision and information sharing meetings and when education teams are involved in any core planning around the regime allocation and activities.

Governors set the culture in prisons, and they can incentivise education by demonstrating their personal commitment to learning and creating a learning culture, monitoring attendance and engagement of prisoners, and recognising achievement. More work is necessary to highlight the importance of education to wing and residential officers, so they can identify and recognise the impact on safety and order and to understand the link between good educational outcomes and successful resettlement.

What should happen when prison education is not meeting standards?

It is notable that while Ofsted often find prison education is not meeting standards, they do not take regulatory action, as they do with community providers. Assessments of poor performance by Ofsted inspectors are often related to problems with allocation and attendance. It would be unfair to hold education providers accountable for poor attendance rates caused by prison officer shortages. Education, like most services in prison, depends on good relationships, leadership, communication and adequate prison officer staffing.

The reality is that there are many contractual measures that aim to hold both education providers and Governors accountable for education. While these create an administrative burden, there is little evidence that they improve performance or lead to better outcomes. In theory, the current PEF contracts give Governors/contract managers the flexibility to penalise education providers if they are not satisfied with the outcomes for learners. However, the contracts are drawn so tightly that if providers lose income the only change they can realistically make is to cut teaching hours. Governors are expected to assess the

quality of education and teaching as part of their management of the education contract. However, we query how realistic this expectation is in addition to Governors' other complex and substantial duties.

Monitoring and performance management frameworks must be proportionate. Governors' and education providers' distinct responsibilities must be clear so that they can be held to account in a more meaningful way. Measures that are clear about how a prisoner's progression can be assessed and include partnership working including with higher and further education institutions would be welcomed by the PLA.

The current inspection process is that HMI Prisons liaise with and coordinate prison inspections, which Ofsted inspectors attend as part of the whole prison inspection. We believe that Ofsted inspections of prison education could be more aligned with further education inspection in the community, with inspection intervals, follow-up arrangements and support visits driven by performance data. The Ofsted framework has changed, which we very much welcome but only a handful of prisons were inspected under the new framework before the Covid crisis, so it is not yet possible to draw conclusions about the impact of the new inspection framework.

Are current resources for prison learning meeting need?

This question needs to be seen in the context of the extreme learning need within prisons. There is substantial research in this area, so we will not detail this in this submission, but the key point is that any needs analysis, which informs education delivery, must take account of the additional resource needed to ensure levels of engagement and additional support needed. Prisoners are probably the single largest group where the education system has failed. The resources needed include enhanced funding, but also stability and consistency in funding and responsibility.

As with public services generally, HMPPS has experienced significant cuts to its budget in recent years. From 2010–11 and 2014–15 its budget reduced by around 20%. Although there have been some slight increases since then, these have been almost entirely cancelled out by the effects of inflation. Significant staffing shortages have undermined rehabilitation activities, including access to education. The funding and policy responsibilities for prison education have moved from the Home Office to the Department for Education (DfE) and then to the Skills Funding Agency (SFA), (part of the Department for Business, Innovation and Skills (BIS) and then to the Ministry of Justice.

Education funding has stayed at the same level for the last five years (approx. £129 million), and been guaranteed at the current level for the life of the PEF contract, 2019-2023. Funding was allocated to the Department for Education as ring-fenced provision by H M Treasury in the Spending Review of 2015, and was transferred to the Ministry of Justice via machinery-of government change in 2016-17. The Treasury had asked the Ministry of Justice to review spending on education services at the end of 2019-20, following a new assessment of the services provided under the PEF and DPS. Nothing has been published and we believe that the December 2019 election and the forming of the new government, Brexit and Covid have derailed plans to review the contracts. The PLA still hope that the Treasury review will be forthcoming.

Following the recommendations of the Coates Review, a new commissioning system²⁰ was introduced for the delivery of prison education in England. Although the stated policy aim of this was to support ‘Governor autonomy’, in fact the contracts covered groups of prisons, and were with MoJ procurement, meaning individual Governors did not choose their education provider. Governor autonomy remains more rhetoric than reality. In addition, the current PEF contracts are universally criticised by our members. Uncertainty around numbers attending classes makes pricing and bidding for contracts very challenging and therefore this is a big risk for potential providers. This reduced the competition to a narrower range of potential providers who can buffer those risks. It is notable that all the successful bids for PEF contracts were from incumbent providers, Potential frameworks setting targets for numbers of qualifications or courses completed may therefore be out of the control of education providers, and yet they are held accountable for these measures in their contracts. Some completion times allocated for courses have been reduced, making teaching and learning more pressurised. Teachers’ pay and contractual rights have been reduced and prison teachers tell us they do not feel valued.

The DPS, the commissioning system for Governors to purchase additional education provision, is criticised for being bureaucratic. Many voluntary sector organisations who had previously had contracts with prisons for creative and other work have not secured contracts through the new process. There is no way of knowing what contracts are forthcoming, meaning organisations cannot plan or budget. The expectation was that the DPS would be used for ‘enrichment’ and smaller, short-term activities. In fact, much of the budget (55%) has been spent on Information Advice and Guidance provision.

How does the variability in the prison estate and infrastructure impact on learning?

Population pressures, officer staffing, varying security restrictions, access to support services, and risks associated with violence all impact on a prison’s ability to deliver education. Prisons that are more stable, with fewer changes in population often perform better. There are numerous challenges in ensuring that prisoner learners can access education. Time out of cell remains problematic in many understaffed prisons, particularly local and category B/ C trainers. The impact of this is that there are not always enough officers to safely move prisoners around the establishment and people cannot always get to the activities they have been allocated. All prisons have large numbers of different teams and departments offering different interventions, programmes and courses. It is important, but very difficult to coordinate these effectively.

The most significant infrastructure disadvantage in prisons remains lack of access to digital technology. A full roll-out including in-cell technology is PLA member’s’ number one priority. Many members tell us of their considerable frustration and the negative impact on teaching, communicating with learners, accessing resources and developing courses without technology. In classrooms, staff struggle with the resources they are permitted, many of which are outdated or infantilised. In addition, many course exams are online only, meaning prisoners cannot complete them.

²⁰ Four education providers (Novus, PeoplePlus, Weston College and Milton Keynes College) were awarded the new Prison Education Framework (PEF) contracts to provide all core education programmes across the prison estate (with the exception of some privately-run prisons) from April 2019. In Wales, education is still delivered by HM Prison and Probation Service (HMPPS) staff

HMPPS desperately needs a digital strategy and the ability to provide courses online. The lockdown has highlighted the 'digital divide' between prisoners and the rest of the community. Secure intranet and internet for education and other purpose can be provided as evidenced in our briefing²¹, which outlines a number of successful international examples. There is a huge development need, not only for prisoner learners but for some prison officers and teachers as well. Some prison teachers have struggled to work from home during lockdown, without the right resources or IT skills. While PEF providers have updated IT in education departments as a contractual requirement, this does not go far enough, and because access to education departments is so limited, in-cell technology is essential.

Allowing digital technology would transform learning in prisons, massively increasing the range of opportunities and enabling learners to work at their own pace. The range of assistive technology available, if introduced with adequate tutor resources could also effectively support people with additional learning needs. There is high support for digital technology among PLA members, but there is also a real concern that it might further limit association, time out of cell and face-to-face tutor time. Education has a pastoral and social role and the transferable skills acquired through attending education are crucial for any group – and possibly, more so for prisoners who may not have had opportunities to develop these skills in other contexts.

How does provision compare in public sector and privately run prisons?

Provision is variable in both public and contracted out prisons. However, for some contracted out prisons, there are fines connected to poor times out of cell, which incentivises employing sufficient staff to provide and supervise activities. The 14 contracted out prisons have different arrangements for education with most providing education through the parent company. Two previously private establishments have fairly recently been taken back into public management (HMP Birmingham and Medway STC) because of concerns about extremely poor performance.

However, the ability for prison and education managers to use resources and staff flexibly, appears more common in some contracted out prisons and in Wales. This works both ways – while education can be better supported and more integrated into the prison, we know that during Covid, education staff in HMPs Peterborough, Parc and Prescoed took on wing based/residential duties to support the running of the prison. In Wales, where education funding is devolved, there are improved strategic approaches and more creative thinking, and the opportunity to develop links with local FE colleges.

There is no real detail yet about the Prison Education Service, which was a government manifesto commitment and mentioned in the white paper on sentencing²². While this potentially brings opportunities to create more consistency and better provision, we hope that the prison education sector including PLA members will have the opportunity to be consulted effectively on any changes.

²¹ <https://prisonerlearningalliance.org.uk/resource/the-digital-divide-lessons-from-prisons-abroad/>

²² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918187/a-smarter-approach-to-sentencing.pdf

How effective and flexible is prison education and training in dealing with different lengths of sentences and the movement of prisoners across the estate?

Prison education departments have an extremely difficult job, in trying to provide appropriate learning opportunities for people who may be in prison for a few weeks, through to others serving sentences of many, many years. Some women's prisons have created extended induction courses to support women who are in prison for a very short time, possibly even a few days. At the opposite end of sentencing, the IMB at HMP Whitemoor ²³commented on provision for men with very long sentences:

134 prisoners are aged 29 years or under and of those, five are only 21. There is no national policy guidance for dealing with these young men with very long sentences, whose mental health must be affected by the prospect of spending most of their active lives in prison.

The Board considers that the increasing number of young men with very long sentences necessitates a wider range of more challenging and stimulating education and work opportunities

The long-term and indeterminate prisoner population has grown exponentially, and is predicted to grow further. Opportunities for higher-level distance learning are not readily available or offered in a systematic way. Even with standardized qualifications in core subjects and a small number of providers, education provision remains fragmented, with little co-ordination between establishments. There is little chance of providing life-long, continuous or progressive learning across prisons at the moment and our assessment is that provision for long-term prisoners is woefully inadequate.

Transfers of prisoners take no account of their progress in education, their educational needs or their aspirations. Prison education does not have sufficient standing to inform decisions about where prisoners are located. Prison population pressures and the need to ensure enough spaces for prisons taking people from court are paramount. While we understand this is incredibly logistically difficult, we would like a process that enables prisoners to be on an 'education hold' and not eligible for transfer in certain specific circumstances. In addition, learners are reassessed by education staff on each transfer, which is not necessary if assessments have been recently completed.

Conclusion

Lockdown and the lack of access to education for prisoners has highlighted how fragile delivery can be. Even in more normal times, prison education suffers from the wider operational and resource challenges prisons faces. There is a huge need to provide the investment and resources to support education. Fundamentally, wherever the budget and oversight responsibility lie, we would like prison education to be fully aligned with adult education and part of all DofE strategies and policies on further education, training and skills.

Prison education, serving as it does some of the most marginalised and disadvantaged in society, is often overlooked. We need to position learning and opportunity more centrally within our prison cultures, and to recognise the transformative potential of prison education and its role in building bridges between prisons and the communities that surround them. Digital technology would transform learning but maximising the opportunities for social

²³ <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2019/10/2019-WhitemoorAR-FINAL.pdf>

education will both support prisoners to manage daily life in prison and facilitate a more successful return to society.

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