



Ministry  
of Justice

# Unlocking Potential

## A review of education in prison

Dame Sally Coates

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## Foreword

I started this review with some basic questions: how do we measure the success of prison education; what are the current levels of prisoners' educational attainment; and what happens when education is assessed as not good enough? My first question, though, was more fundamental: who is ultimately responsible for the quality of prison education?

When I have posed this question during the past six months, as part of my work on this review, a small number of senior prison leaders have been confident enough to answer, "we are." In general, however, too often the response has been ambiguous. When it came to the really crucial matter of "who is responsible", I've been told, "it is complicated", or, "it depends." I found that worrying and this report is designed to tackle my concern.

Let there be no doubt. Education should be at the heart of the prison system. My career has been about offering excellent education to the most disadvantaged in society to give them a decent chance in life. Prisoners are in prison because they have done wrong. But once they have served their time, it is just to them and in the interests of their communities that they have the same decent chance. The chance to re-enter society successfully, to find work, to live fulfilling lives. If education is the engine of social mobility, it is also the engine of prisoner rehabilitation.

So I want Prison Governors to be responsible and accountable for education. They should have the freedom to design the right curriculum and choose the delivery arrangement that best meets the rehabilitation needs of the individuals for whom they are responsible.

I want to build the capacity of all who work in a prison to recognise the educative potential of their interactions with prisoners, at all times. That includes teachers, of course, but also extends to officers on the wings, instructors in the gym and workplace, and peer mentors in the library. It is only through a truly prison-wide vision of education, with all staff engaged, that we can drive change.

This culture of education should start from the very first day of a prisoner's time inside. Every prisoner will be subject to rigorous assessment on reception. This will inform a Personal Learning Plan. Prison Governors will then be held to account for the progress of each prisoner in their jail against that Personal Learning Plan, over the whole duration of their sentence. This will mean that prisons, education providers, health providers and probation services must all work together, sharing targets for employment and reoffending outcomes on release.

Governors and all their staff will be aware of the high proportion of learning difficulties and disabilities (LDD) that will be present amongst their prisoners. They will look to adapt all parts of their regime to support these needs, and not just activities traditionally labelled as education.

Improved engagement with employers is vital to ensure that vocational training in prison and basic skills qualifications that prisoners can gain while inside reflect employer needs. Prisoners must be supported effectively to be in a position to find jobs on release.

Employment has been shown to play a key role in reducing reoffending. However, 'employability' should not drive the entire focus of the curriculum. Many prisoners will have previously had unsatisfactory experiences of the classroom. They will need encouragement and support to take their first learning steps. This should include greater provision of high quality creative arts provision, and Personal and Social Development (PSD) courses. Both improve self-knowledge, develop self-confidence and therefore help tackle reoffending.

The nature of some prisoners' offences, or their advanced years, can mean that employment on release is an unlikely prospect. For them, the focus in education should be on settling them into their sentence rather than resettlement.

I believe the current funding arrangements that restrict access to higher level learning for prisoners, and therefore block their educational and personal progression, are self-defeating. They quash aspiration and prevent prisoners from taking personal responsibility for their rehabilitation.

Greater progression must be encouraged. More bespoke learning as well as private study for prisoners can be facilitated by smarter use of ICT. There should be a fundamental review of the overly-restrictive regulations that currently restrict its use across the prison estate.

I have been fascinated by the experience of visiting a wide range of prisons, talking to Governors, teachers and prisoners, meeting with experts, and reading many of the responses to my call for evidence. I am hugely grateful to everyone who has contributed to this review. At times, I have been overwhelmed by the amount of interest and goodwill shown to my work with my panel, but also reassured that so many people share my belief in the power of education to unlock potential and transform lives.

**Sally Coates**

## KEY FACTS

- In 2014/15 academic year, 101,600 adult prisoners participated in prison learning.
- Ofsted's 'Overall Effectiveness' judgements in 2014/15 showed only 2 prisons were 'Outstanding'. Nine Prisons were 'Good', 27 prisons 'Required Improvement' and 7 were 'Inadequate'.
- There are estimated to be over 4,000 teachers (excluding around 1200 'industry' instructors) working in prisons, including private prisons.
- 24% of adult prisoners report having been in care at some point in their lives – compared to an estimated 2% of the general population.
- 42% of adult prisoners report having been permanently excluded from school.
- A larger proportion of prisoners were assessed on reception as having English and Maths at entry level 1-3 (equivalent to expected primary school levels of attainment) than Level 1 and 2 combined (GCSE level).
- Nearly one third of prisoners self-identified on initial assessment as having a learning difficulty and/or disability (LDD).
- Out of 101,600 learners, under the present OLASS (Offenders' Learning and Skills Service) contracts for prison education, only 100 prisoners participated in a full Level 3 course in 2014/15 (equivalent to 'A' level), with none participating at Level 4 or above.
- One fifth of prisoners say they would have preferred to be studying at a higher Level than they were currently.
- Three fifths of prisoners leave prison without an identified employment or education or training outcome.





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## Executive Summary

### Putting education at the heart of the prison regime

1. 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.
2. Improved prison education can transform individual prisoners' lives, but it can also benefit society by building safer communities and reducing the significant financial and social costs arising from reoffending. The cost of current levels of reoffending has been estimated to be £9.5-£13 billion per year<sup>1</sup>.
3. Recognition of the importance of education in prisons appears to have been lost. There are pockets of good practice, with examples of 'Outstanding' education provision, but these are isolated. There does not appear to be any systematic way for prisons and Governors to learn from one another.
4. Education is more than a service provided by OLASS providers in classrooms or workshops. All areas of the prison regime should be considered suitable for learning. My vision for prison education is holistic. It includes:
  - **basic skills development in maths, English and ICT**, through intensive courses, one-to-one support from other prisoners, or embedded in workshop or other work settings (e.g. kitchens and gardens);
  - **high quality vocational training and employability** skills that prepare individuals for jobs on release (e.g. through industrial work and training designed with and for employers);
  - **Personal and Social Development (PSD)**, including behaviour programmes, family- and relationship-learning, and practical skills (e.g. parenting, finance, and domestic management);
  - **proper support for the needs of prisoners with Learning Difficulties and Disabilities (LDD)**;
  - **provision of arts, music and sport activities**;
  - **enterprise and self-employment support and training**;
  - **self-directed study**;
  - **learning facilitated by ICT**, including distance-learning that can support qualifications from entry level up to degree level;
  - **advice and guidance** that ensures individuals make informed choices about education and future employment and career options; and

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<sup>1</sup> MoJ (2015) <https://www.gov.uk/government/publications/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation>

- **‘through the gate’ support** so that individuals can continue to progress through education, training and employment on release, and therefore avoid reoffending.
5. The chapters of this report set out the approach I would like to see taken in seven key areas:
- **Chapter One** covers my fundamental recommendation that Prison Governors, as leaders of a complex environment, should have autonomy in the provision of education, and be held to account for the educational progress of all prisoners;
  - **Chapter Two** discusses the need for a new ‘people’ culture in prisons to support leadership, build routes to attract new talent into working in prison, and ensure professional development for all staff. A large number of people are in contact with each individual prisoner day-to-day. They all have a responsibility to ensure that, in educative terms, every contact matters. This includes regional managers, Governors, the Senior Management Team in every prison, teachers, prison officers, prison instructors and peer mentors;
  - **Chapter Three** explains the personalised approach Governors should take in developing education. The offer must be meaningful for each learner, encourage personal responsibility, and meet the needs of those with learning difficulties and/or disabilities (LDD);
  - **Chapter Four** is concerned with raising aspiration. Education must offer a learning journey that enables educational progress that includes, where appropriate to the individual, industry-standard vocational qualifications and access to Higher Education;
  - **Chapter Five** sets out the case for change to be driven through improved ICT. Digital systems are crucial to enabling the delivery of high quality education to prisoners. If prisoners are, on release, to secure employment, continue to study, or otherwise contribute to society, they must be given the opportunity to use and improve their digital skills in prison;
  - **Chapter Six** explores what should happen to enable more prisoners to move into sustained employment and/or continue education on release;
  - **Chapter Seven** outlines the phased approach and timetable I believe should be taken to reform education.

#### **If we get this right, what would change for prisoners?**

6. If my recommendations are implemented to create a prison regime with learning at its heart, the impact would be far-reaching, with significant benefits for prisoners.
7. From their reception into custody, prisoners will recognise that, if they are willing to take responsibility for their future, their time in jail will be purposeful. Learning opportunities will be focussed on rehabilitation, and designed around the individual needs of each prisoner. Previous experiences, convictions, qualifications and educational achievements will be taken into consideration, including their ability to teach or support others in a peer mentor capacity.
8. Those in custody will be encouraged and drawn into learning in a range of settings and activities that are relevant to their interests, abilities and aspirations. Incentives will be provided for them to both start and succeed in a range of study and education

programmes. Such programmes may, for example, be informal to start off with to build self-esteem and self-confidence. Prison pay for those in education will reflect their commitment to gaining new skills and competences. They will feel that their voice as a prisoner learner is valued and that their achievements in education are recognised and rewarded.

9. The prisoner learning journey will be mapped out more clearly to show each individual exactly how, with a dynamic Personal Learning Plan, what potential there is for progression, and how this will be focussed on the right course at the right time. They will also understand what commitment will be required of them – for example, engaging in the classroom or when on the wing, or taking advantage of many improved opportunities for learning through of online learning and self-directed study courses.
10. Prison learners can expect to be taught in a high quality setting, with excellent teachers, assessors and trainers. They will hear from role models among current and former prisoners, and from potential employers. They can expect, if they are ready, to have far more meaningful and plentiful opportunities for work and higher level education, both via Release on Temporary Licence (ROTL) and on eventual release.
11. Prison learners should not need to be aware of the major improvements to contracts that will deliver this change, but they will experience the benefits and be aware that the most senior leader in the prison – the Governor – is accountable for, and prioritises, education in a new way.

## Summary of Key Recommendations

*A full list of all recommendations can be found in Annex A, and recommendations are also listed at the end of each chapter for ease.*

To put education at the heart of the regime, unlock the potential in prisoners, and reduce reoffending:

1. Every prison must use a consistent and rigorous assessment mechanism to set a baseline against which to measure individuals' academic performance and screen for learning difficulties and/or disabilities (LDD). [Chapter 1]
2. Every prisoner must have a Personal Learning Plan that specifies the educational activity that should be undertaken during their sentence. This should be in a consistent digital format that can follow the prisoner through the system if they move prisons. [Chapter 1]
3. A core set of educational performance measures should be used by all prisons. Such data should be monitored consistently to drive continuous improvement. [Chapter 1]
4. Ofsted should carry out inspections using the same framework as for the adult skills sector, with inspection intervals and follow-up arrangements driven by performance data and levels of performance. [Chapter 1]
5. HMIP (Her Majesty's Inspectorate of Prisons) should give prisons an overall performance measure, with educational performance (as measured by Ofsted) receiving a separate, distinct assessment. This will be made available to the Governor concerned much closer to the 25-day Ofsted timetable in its work in schools and colleges than currently. It should not be possible for a prison's overall performance to be more than one grade higher than the measure awarded for its education provision. [Chapter 1]
6. Governors, senior leaders, teachers, prison officers, instructors and peer mentors must be given appropriate professional development to support them to deliver high quality education. [Chapter 2]
7. The recruitment of high quality teachers needs to be developed. [Chapter 2]
8. A new scheme to attract high calibre graduates to work in prisons for an initial period of two years should be introduced. [Chapter 2]
9. The current mechanism for funding prison education should be revised so that Governors and/or providers can design a curriculum that meets the individual needs and Personal Learning Plan of each prisoner for whom they are responsible. [Chapter 3]
10. Governors should be free to design a framework of incentives that encourage attendance and progression in education. [Chapter 3]
11. Governors and providers should begin from a planning assumption that there will be substantial numbers of prison learners who will have significant learning support needs. Every prison should adopt a whole-prison approach to identifying, supporting

and working with prisoners with Learning Difficulties and Disabilities (LDD).  
[Chapter 3]

12. Governors should be able to use their education budgets to fund learning at Level 3 and above. [Chapter 4]
13. The planned investment in digital infrastructure should be used to enable more flexible learning across prisons. [Chapter 5]
14. The security arrangements that currently underpin the use of ICT in the prison estate should be reviewed. Governors should be allowed to develop an approach that allows suitably risk-assessed prison learners to have controlled access to the internet to support their studies and enable applications for jobs on release. [Chapter 5]
15. The roles and responsibilities of existing organisations supporting prisoners into employment should be reviewed with opportunities to rationalise these roles and responsibilities explored. [Chapter 6]
16. The government should continue to develop an approach that encourages and supports employers to work in prisons and to employ prisoners on release. [Chapter 6]
17. Reforms to prison education provision should be introduced in three phases, linked to wider prison reforms. As part of this, the current OLASS contracts should be extended up to August 2017. [Chapter 7]

## Introduction

1. In September 2015 I was asked by the Justice Secretary to carry out a review on the system of education provision in prisons, and make recommendations for change. The terms of reference for my review are contained at Annex B.
2. This report is directed principally at public sector prisons in England. However, I see no reason why the principles I set out should not have meaning equally for the private estate, and be generally applicable in Wales as well. I was pleased to be able to visit Wales and a number of privately run prisons, during the course of this review, to learn from their experience.
3. In carrying out this work, I am aware that my proposals form part of a much wider reform agenda set out by the Secretary of State for Justice and the Prime Minister<sup>2</sup>. Once delivered, this will truly transform the way prisons operate in this country. The planned creation of six reform prisons, with Governors free from central control and quickly able to start to test some of my key principles, is an exciting beginning. I am therefore conscious that future commissioning arrangements for education in the prison estate will need to be flexible to accommodate continued reform in the prison, further education (FE) and skills funding sectors. The landscape is evolving.
4. The proposal to move policy responsibility and the circa £130m budget for prison education in England from the Department for Business, Innovation and Skills (BIS) to the Ministry of Justice (MOJ) is also very welcome. I am delighted that negotiations for this are underway. Good use must be made of this money. My recommendations are intended to support more local decision-making, with Governors empowered to achieve more, and better, with the finite resources at their disposal.
5. I quickly learnt during this review that data collected in prisons is not of a quality that provides conclusive evidence as to the value of specific interventions. This is also true of international evidence<sup>3</sup>. Where data is available, I have included it. Many of my reflections, though, have been informed by talking to prisoners, practitioners and prison staff, supported by the many (over 500) responses to my call for evidence. I have also undertaken in-depth discussions with experts in a range of education-related areas. Where I cite examples of interesting practice in this report, they refer to what I have observed, or been told. I do not claim they are the best examples, or that they are conclusively proven to achieve good outcomes.
6. I have led the work of this review, but it could not have been carried out without the tremendous support of my expert review panel. It consisted of: Simon Boddis, Rod Clark, Olivia Dorricott, Paul Joyce, Lucy Kinder, Simon Marshall, Seamus Oates, Natasha Porter, Mark Read, Andy Rogers, David Russell, Peter Stanford, James Timpson, Richard Ward and Sheila Willis. I would also like to thank the MoJ

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<sup>2</sup> <https://www.gov.uk/government/speeches/prison-reform-prime-ministers-speech>

<sup>3</sup> As part of the review, the Education and Training Foundation (ETF) carried out a short review of the international evidence. ETF (2016) *Reducing reoffending - can we assess the contribution of prison education? A short investigation into what we can learn from other countries about reducing reoffending and prison education*



secretariat - Duncan Prime, Roger Stevens, Jess Brown and Daniel Gold - for planning the meetings, arranging the visits and collecting the evidence.

## Chapter 1: A clear accountability framework

### My vision

- 1.1 Prison Governors should be given new autonomy in the provision of education, and be held to account for the educational progress of all prisoners in their jails, and for the outcomes achieved by their commissioning decisions around education and their leadership of the prison. It is, to me, self-evident that every prison needs a consistent, fully functional digital platform to support the performance management and delivery of education.

### Current Context

#### A brief history

- 1.2 To understand why I encountered so much ambiguity in answering my initial questions (who is ultimately responsible for the quality of prison education; how do we measure its success; what are the current levels of prisoners' educational attainment; and what happens when education is assessed as not good enough?), it helps to understand the history of education provision.
- 1.3 The need to provide education is built into Prison Rules. The funding and policy responsibilities have moved from the Home Office to the Department for Education (DfE) and currently to the Skills Funding Agency (SFA), which is part of the Department for Business, Innovation and Skills (BIS). Budgets used to be held by Governors, but are now administered by the SFA. It has put in place the Offender Learning and Skills Service (OLASS) arrangements, which are currently in their fourth iteration.
- 1.4 OLASS arrangements are currently in place in England for all those aged 18 and over in prisons, except for eight<sup>4</sup> of the private prisons (where education remains part of the price-per-place contract). Provision in Wales is different, reflecting the Welsh Government's devolved education responsibilities. In addition to OLASS, the National Offender Management Service (NOMS) supplements the education on offer with workshops and industry facilities. These are sometimes sourced centrally, and sometimes developed by Governors locally.
- 1.5 When OLASS 4 contracts were let by the SFA in 2012, the expectation was that Governors would play a more central role in deciding the curriculum and in holding the provider to account. However, the constraints of the contract limited flexibility and many Governors do not appear to have taken up this leadership challenge.
- 1.6 There are currently four OLASS contractors: three colleges (Milton Keynes College, NOVUS - part of the Manchester College group - and Weston College); and one private provider, PeoplePlus (part of the Staffline Group - formerly A4e).

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<sup>4</sup> HMP Altcourse, HMP Rye Hill, HMP Ashfield, HMP Dovegate, HMP Lowdham Grange, HMP Bronzefield, HMP Forest Bank and HMP Peterborough

1.7 OLASS providers have to provide a core education offer made up of four elements:

- **a mandatory assessment of maths and English attainment** on reception to custody;
- **basic skills:** English, maths and English for Speakers of Other Languages (ESOL);
- **vocational qualifications;**
- **employability skills**, which include a wide range of team working, personal, social and other skills.

#### How is success measured?

1.8 It was not clear to me from my visits how managers locally assess the success of the education arrangements. Many Prison Governors and senior managers seemed to feel powerless and, as a result, did not see it as their responsibility to judge success. In the absence of proper measures, many Governors appeared to view success as facilitating learner attendance at classes. OLASS providers meanwhile frequently viewed success in terms of drawing down the funding available to cover their costs (80% of their funding is based on learners' completing a course of study and 20% on the level of achievement they attain).

1.9 The OLASS data available is mostly about participation, and is taken from attendance records of courses. Even on this measure, Her Majesty's Inspectorate of Prisons (HMIP) frequently report on the failure of prisons to fill the educational activity spaces they have available. What I do know is that:

- In 2014/15 academic year, 101,600 adult prisoners were participating in prison learning (up 7% on the previous year);
- 81,800 were participating on courses below Level 2; 19,300 on full Level 2 and 100 on full Level 3<sup>5</sup>;
- Nearly 40% of adult prisoners who participated in OLASS-funded learning in 2014/15 participated in English and/or maths.

1.10 Ofsted works alongside HMIP to inspect education. Their assessment forms part of the final HMIP report on a prison. In terms of the quality, Ofsted's assessment is that too much education in prisons is poor, or needs improvement.

1.11 HMIP published 45<sup>6</sup> reports on adult prisons in England during the academic year 2014/15. Of the 39 specific judgements on the OLASS provider's activity:

- 2 were 'Outstanding';
- 14 were 'Good';
- 19 were 'Requires Improvement';
- 4 were 'Inadequate'.

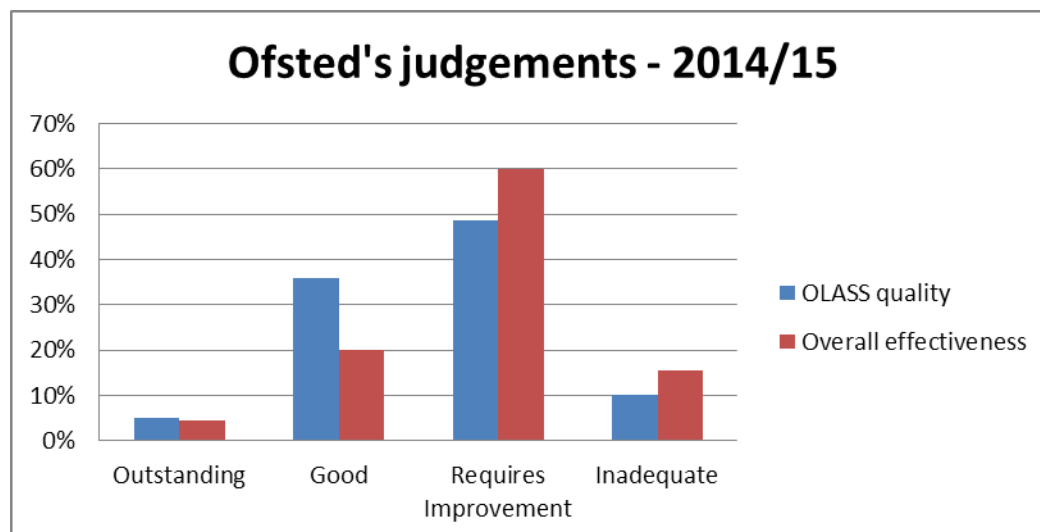
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<sup>5</sup> SFA (2015) <https://www.gov.uk/government/publications/learner-participation-outcomes-and-level-of-highest-qualification-held>

<sup>6</sup> Four inspections were of non-OLASS private prisons. In two cases, Ofsted did not make a specific judgement on OLASS because of recent changes in delivery responsibility.

Ofsted's 'Overall Effectiveness' judgements in the same period (incorporating consideration of the prison's leadership and management in respect to education) showed:

- 2 prisons were 'Outstanding';
- 9 prisons were 'Good';
- 27 prisons were 'Requires Improvement';
- 7 prisons were 'Inadequate'.



1.12 Ofsted points to a worrying decline in performance over the last two years, which they suggest is largely driven by the failure of prisons to facilitate prisoner attendance at classes. The current mechanism to rectify poor performance is long-winded and has proved ineffective (see further discussion below).

1.13 Given this landscape, some immediate changes should be made to ensure that accountability is clear. I am totally supportive of the Justice Secretary's push for Governors' autonomy. There must be no confusion or continued opportunity for buck-passing. Governors should be given responsibility for education budgets and contract management so that they have total responsibility – and the necessarily accompanying accountability – for the quality of education in their prisons and for its effectiveness. To enable this, however, Governors need to be properly trained, supported and incentivised. Good practice should be rewarded and shared.

1.14 Governors must be autonomous *and* accountable, but they cannot operate unilaterally. There will need to be some practices that are centrally mandated to ensure consistency. Many prisoners will continue to move between establishments as they progress through their sentence, or to access offending behaviour programmes, or as their risk assessment changes, or to prepare them for release. As well as being able to respond to that on-going 'churn' in the system, the education offered in prisons also needs to enable the smooth movement of prisoners to colleges, training providers and employers in the community upon release. Below, I outline what I think these minimum system requirements are, along with my proposals on performance measures, inspection reform and a discussion on how sanctions should work.

## Minimum system requirements

### A Basic Skills Assessment (including screening for LDD<sup>7</sup>)

- 1.15 In every prison that receives remand or newly-sentenced prisoners, all prisoners should (as OLASS providers have been required to do since August 2014) receive a mandatory maths and English assessment on reception. This should be undertaken with the assessment tool mandated from the centre to ensure consistency across the estate (public, private and reform prisons). This tool should be operated to allow a clear assessment of the level at which an individual is working. It must also provide a baseline level of education that will underpin arrangements to demonstrate progression and educational ‘value-added’ for the individual concerned. This will be part of the new prison league tables (although we must recognise that some prisoners may be unable or unwilling to complete the assessment to the best of their abilities, and some may refuse to participate). If prisoners have other qualifications (e.g. they have specific professional, vocational or academic skills), the assessment process must record these. To support this, I would like the government to consider amending legislation so that when someone is given a prison sentence, their National Pupil Database record can be transferred to the prison without requiring their consent. This would mean that a prisoner’s existing academic qualifications and identified LDD would be disclosed. It could be used to inform their Personal Learning Plan.
- 1.16 Unless a newly received prisoner has an Education, Health and Care Plan (EHCP), the mandatory assessment must include screening for LDD. There should be a presumption of additional support and adaptation being provided whenever the screen indicates a need. Governors will need to be able to justify why longer-sentenced prisoners do not go on to get a full assessment. Without that assessment, targeted support arrangements cannot be applied properly. Given the high levels of LDD in the prison population, it would seem sensible to ensure all materials and regime instructions are written as clearly as possible. Governors should be specifically scrutinised for the progression and inclusion of this important group within the activities available in the prison.

### A shared Personal Learning Plan

*“An individual learning plan should be an active document that forms a key part of sentence planning so that educational development and training become central to rehabilitation.” [Prison Teacher]*

- 1.17 Many prisoners currently have learning plans but evidence shows that their use - and the extent to which they are reviewed, shared by partners and integrated with sentence plans - is variable<sup>8</sup>. I accept entirely that the rigour of the proposed

<sup>7</sup> LLDD (learners with learning difficulties and/or disabilities) is the term most usually used in adult learning contexts, though the term used in legislation is SEND (Special Educational Needs and Disability). SEND is often frowned upon when used for adults – I am told it is deemed a derogatory term by the sector. Hence we have used the term LDD throughout.

<sup>8</sup> HMIP, HMI Probation & OFSTED (2015) *Resettlement provision for adult offenders: accommodation and education, training and employment*: <http://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2014/09/Resettlement-thematic-for-print-Sept-2014.pdf>; Prisoners Education Trust (2014) *Brain cells: listening to prisoner learners*: <https://fbclientprisoners.s3.amazonaws.com/Documents/Reports/PET%20Brain%20Cells%203%20Report%20LR.pdf>.

Personal Learning Plan and the time devoted to its development should be proportional to the risk/length of sentence and level of study undertaken. Nevertheless, such Personal Learning Plans should always be in a format, and held on an IT platform that enables the following: different providers to log achievements against the plan (including those beyond traditional learning delivery, such as completing a basic reading scheme, or acting as peer mentor); data to be lifted for monitoring purposes; the plan to remain available on transfer between prisons and be made accessible to the prisoner on release. Crucially, it needs to be developed with the engagement of the prisoner. They must have ownership of it and have regular access to it, via appropriate ICT, while in prison. Data-sharing arrangements to support the development of plans based around the SFA's Learner Records Service are underway at HMPs Liverpool and Peterborough. We must learn – and apply – lessons from those pilots.

- 1.18 It is important that prisoners feel both that they have real ownership of their Personal Learning Plan and that they have responsibility for engaging in the necessary activity to achieve it. The Personal Learning Plan represents a genuine commitment on behalf of the prison to each prisoner's development. Prisoners' ambitions to see commitments in their learning plans fulfilled should be welcomed. They should have a clear route for escalating concerns and complaints if they feel they are not being delivered. Ultimately, this should involve an escalation route beyond prison management.

### **A core prison curriculum**

- 1.19 Currently there is too much variation between the requirements of different awarding bodies. Education in prisons should be underpinned by a coherent set of basic skills qualifications (English, maths and ICT) that enable a learner to progress to Level 3 and beyond, even if they move across the prison estate to a place where education is supplied by a different provider. At the moment, prison learners may have to start courses again if they move part-way through a course because their new prison's education provider uses a different awarding body. Some of the current awarding bodies have expressed willingness to work together to agree a core curriculum with consistent standards and materials. These would include e-learning material to support the qualifications that could be made available on every prison's digital platform. As part of this collaboration, I believe the potential for a flexible 'adult' modular GCSE should be considered as part of the curriculum as the GCSE brand is more familiar to some employers.

### **A core set of performance measurements**

- 1.20 Any framework for accountability requires an agreed set of measurements that effectively capture the outcomes the Prison Governor as commissioner is looking to achieve through education. These can be supplemented by management information enabling shorter-term assurance and contract management, focussing on quality and the way in which education is delivered.

### **Outcome Measures**

- 1.21 In his speech on 8 February 2016, the Prime Minister indicated he would like to measure the effectiveness of prisons by the level of reoffending on release, employment outcomes and educational progression. I welcome this challenge. I have been surprised at the current lack of robust data. Developing a suite of outcome measures to enable meaningful comparisons to be made between prisons

(particularly between those with similar cohorts of offenders) is vital to drive improved performance. It will also assist in planning and prioritisation. In schools the RAISEonline system records demographic and performance data to enable comparison between individual schools. I suggest a similar approach be developed for use in prisons so that Governors have a much clearer grasp of the educational profile of the prisoners for whom they are responsible. However, I appreciate that this will not be easy to achieve: most prisons are more complex organisations than most schools; the cohort is made up of adult learners of different ages; and almost all start with widely-varying levels of educational achievement and enter - and exit - the system at different times. Of course, for some time we are likely to have very little in the way of historical trends data, but the recommendations I make throughout my report are aimed at both immediate improvement and at long-term transformation of the quality of prison education. This is clearly a recommendation to support the long-term, though that does not mean there should be delay in its implementation.

- 1.22 The key measure for education needs to be progression against the baseline assessment of basic skills made on reception to prison, measured against the expected progress of each individual in their Personal Learning Plan. This last aspect is the equivalent of a RAISEonline 'value-added' measurement. At a high level, this will be in terms of the number of prison learners completing the aims on their Personal Learning Plan. I would expect Ofsted inspectors to look closely at a sample of such plans to check they are sufficiently stretching and to validate the extent to which they are monitored and updated over time. An interim measure to check on educational effectiveness would be for education providers in each prison to use more frequent, low intensity testing to measure the progress of individual learners. Some of the best performing FE colleges already have good systems for tracking performance but they are unable to transfer them to the prison environment because of the limits (in terms of capacity and security restrictions) on prison ICT. This has to be addressed and I would like to see a new ICT-based education performance management system tested with a view then to rolling it out across all prisons in the estate.
- 1.23 When collection of data is improved, progression measurements should be used by the overall commissioner of prisons (the Justice Secretary) to compare the performance of prisons. I have seen how data can drive up performance in schools. I am also interested in the proposal to publish 'prison league tables'. In the first two years, I think it is appropriate to focus on the best performing 25% of prisons (rather than publishing them all) to celebrate success and stimulate the sharing of learning.

### **Operational Performance Measures**

- 1.24 Outcome measures will need to be underpinned by a common set of assurance measures that the Prison Governor, and their regional or operational managers, can use to manage the delivery of education in an individual establishment. These measures will show whether the commissioned services are on track to deliver the agreed outcomes. Assessing how well the data from these measures are used by local managers to manage individual prison performance will be helpful both for the inspection process and for the senior management scrutiny, which will underpin the overall accountability framework. As proposals for reform prisons are developed, I would expect to see something similar to a school or college governing body developed to provide independent support, scrutiny and challenge at individual prisons.

- 1.25 New assurance measures need to be more meaningful than the current OLASS payment arrangements. These can incentivise the wrong commissioning and delivery behaviours. Levels of attendance (as a measure of how engaging the learning is) and achievement (as a measure of the quality of delivery) will still be important elements in a basket of indicators. They should not, however, overshadow in importance the more fundamental measures of achievement of outcomes for individual prisoners. The risk if they do is that this could lead to the cherry-picking of learners assessed as likely to be successful without regard to their individual learning goals.

### **Quality Measures**

- 1.26 In my vision of a learning prison, ‘how’ education is embedded throughout the regime is very important. Ofsted already measures the effectiveness of the prison’s leadership and management in supporting education (currently referred to as ‘learning skills and work’). This focusses on how the prison facilitates education, the breadth of the curriculum, the quality of teaching, personal development and the outcomes for prisoners from learning and work. Going forward, I want to see the mark of how education is embedded in a prison also include: a strong and effective approach to developing the professionalism of teachers and managers (see Chapter 2); and measures to ensure that the voices of prison learners as users of education are listened to and acted upon in improving what is provided. These areas must also be key lines of enquiry for inspection.

## **What should inspection look like?**

### **Current context**

- 1.27 Under the current inspection system HMIP is the lead inspectorate. Ofsted contributes specialist inspectors to evaluate the quality and effectiveness of education provision.
- 1.28 Working relationships between HMIP and Ofsted inspectors are good but I believe there are areas that should be reformed in order to match the inspection regime to the importance the Justice Secretary – and I – attach to education for those in custody. We should not accept lower standards being applied to prison education than to adult education in the community.
- 1.29 Ofsted inspectors use the same common inspection framework as used in the Further Education and skills sectors to evaluate the quality and effectiveness of the education provision in a prison. But, at present, Ofsted’s judgement only contributes to the HMIP rating awarded for ‘Purposeful Activity’. Consequently, if education provision is poor but ‘Purposeful Activity’ overall is graded more positively, or if other outcomes are graded more positively, the improvement requirements for the education provision may get lost. They may not get sufficient priority or focus. A poor education assessment as part of a generally positive prison inspection will not lead to the inspectors returning quickly. That is wrong, and not something any of us would tolerate in other education settings.



### What needs to change?

- 1.30 Prisons self-evidently need to be secure and safe and all staff must treat prisoners with respect. Indeed, without safety and respect education cannot be successful. It is therefore right that prison inspection has a strong focus on these fundamentals. However, the quality and effectiveness of education should be placed alongside these elements as one of the 'key function' judgements that inform any overall assessment. I also believe that an overall performance rating or specific judgement about the performance of the prison (reflecting the effectiveness of its leadership and management) would hold Governors more clearly to account. I find it inconceivable that any prison should be judged as performing at the highest level if educational performance 'Required Improvement' or was 'Inadequate'.
- 1.31 The report format and level of detail in any prison inspection of education provision should be equivalent to that used in the reports of the Further Education and skills sectors, with providers inspected using the same evaluation criteria. Inspection reports should also assess employment links and opportunities alongside education to reflect a more integrated vision of progress 'through the gate' (currently they are considered separately). Reports should be published as soon as practicably possible after the inspection and within a defined timescale. I make a clear recommendation that Ofsted's judgements on prison education should be published more quickly than the current 18 week expectation and better reflect the 25 day timescale that applies to the publication of its mainstream inspection reports. Where there is a separate inspection of education that is not part of a wider prison inspection (*see below*), the report should also be published to that same shorter timetable. Another option that should be explored to complement the final HMIP report would be for a formal letter from HMIP and Ofsted to be sent to the Prison Governor, in advance of report publication, setting out their judgements on the quality of an education provider's performance in cases where immediate action (e.g. to terminate a contract) is necessary. To streamline the inspection process and promote the sharing of skills, Ofsted could also consider sending inspectors to work with HMIP on secondment.
- 1.32 It is right that the HMIP inspection schedule for prisons is based on risk assessment arrangements. I am not convinced that education risk currently looms sufficiently large in that judgement. Similarly, decisions about the need for, and/or the timing of, HMIP inspection are not sufficiently influenced by education judgements or data. Swift re-inspection – if necessary by Ofsted alone – should be undertaken of any prison where education provision has been judged as 'Requires Improvement' or 'Inadequate'. In the same way, if Ofsted's judgement is that a prison's education arrangements are 'Good' or 'Outstanding', inspectors' time should not be wasted on re-inspection because of other failings in the establishment.

### How should assessment link to re-inspection?

- 1.33 Prisons rated as 'Inadequate' or 'Requires Improvement' for the overall effectiveness of education should be expected to receive support from operational managers and regional managers (where appropriate) to improve their performance. The inspection regime will monitor any prison rated as 'Inadequate' or 'Requires Improvement' frequently and will re-inspect within a defined timescale.
- 1.34 Prisons rated as 'Good' or 'Outstanding' for the overall effectiveness of learning, skills and work provision will be expected to maintain or improve their performance and to share effective practice with peers. They should be subject to less frequent – or 'lighter touch' – Ofsted re-inspection based on a risk-assessment model.

## What if education performance doesn't improve?

### What happens now?

- 1.35 The current OLASS arrangements have a sanctions regime that matches that for mainstream adult skills providers. The Skills Funding Agency (as holder of the OLASS contract) will intervene when one of three triggers are tripped:
- inadequate inspection outcomes;
  - the provider fails to meet Minimum Standards of performance;
  - the provider's financial health and/or financial control is inadequate.
- 1.36 The immediate implications of an intervention trigger are the issue of a Notice, applying additional conditions of funding, and a requirement on the provider and prison to develop a joint action plan with clear measures and milestones. Next steps are escalation, if the conditions are not met, or lifting of the Notice if matters improve.
- 1.37 However, I am not convinced the current arrangements have sufficient teeth. I am not aware of a provider being removed despite a number of poor inspection reports. The current process is too long-winded, and data to judge performance against the Minimum Standards criterion emerges infrequently, meaning a trigger is only activated long after the event.

### What needs to change?

- 1.38 In the past, it was hard to disentangle the prison and provider performance but since 1 September 2013 Ofsted has helpfully published a specific judgement on the OLASS provider's performance for all inspections.
- 1.39 Given this, I maintain that Governors should be judged on the basis of whether or not their commissioning decisions deliver expected and planned progress on the high level performance outcomes. It will be for the Governor (as commissioner) to judge and manage the performance of the provider/providers he or she appoints. There is no role for the centre to intervene in this autonomous relationship, save for that brief period when the current OLASS contracts are being extended, when the Governor's autonomy is not therefore fully in place. Thereafter, once education delivery is by providers unequivocally selected by the Governor, poor provider performance does not excuse the Governor from overall accountability. We should expect Governors to manage their providers' performance actively, applying contractual sanctions, pressing for key staff to be replaced, and re-tendering where necessary. Prison leadership (or the operator in the case of a private prison) should be held to account for their success or lack of success in achieving educational outcomes and be recognised and rewarded or face sanctions (ultimately removal) accordingly.

## A summary of this chapter's recommendations

- Every prison must use a consistent and rigorous assessment mechanism to set a baseline against which to measure individuals' academic performance and screen for learning difficulties and/or disabilities (LDD).
- Every prisoner must have a Personal Learning Plan that specifies the educational activity that should be undertaken during their sentence. This should be in a consistent digital format that can follow the prisoner through the system if they move prisons. This plan should be informed by initial assessment, be subject to regular review, be integrated with the sentence plan, be owned by the prisoner, be shared with key agencies and be accessible on release. Where appropriate the plan should be directed towards an agreed employment pathway.
- A core set of performance measures should be used by all prisons. Such data should be monitored consistently to drive continuous improvement. The performance data from the top-performing prisons should be shared to celebrate their success and encourage healthy competition.
- The government should explore legislation to enable data on individuals sentenced to custody to be shared so prisons can access prisoners' previous records of educational attainment from the National Pupil Database.
- Awarding bodies should work together to agree a core basic skills curriculum for all prisons. This will lead to consistent standards and supporting materials with progression better supported when prisoners move across the estate, are released or go to a job or a different education provider/establishment. This might include new 'adult' modular GCSEs in English and maths.
- Ofsted should carry out inspections using the same framework as the adult skills sector, with inspection intervals and follow-up arrangements driven by performance data and levels of performance.
- HMIP should give prisons an overall performance measure, with educational performance (as measured by Ofsted) receiving a separate, distinct assessment. This will be made available to the Governor concerned much closer to the 25-day Ofsted timetable in its work in schools and colleges than currently. It should not be possible for a prison's overall performance to be more than one grade higher than the measure awarded for its education provision.
- An 'Inadequate' or second 'Requires Improvement' judgement on the overall effectiveness of a prison's education arrangements should lead to specific action urgently to improve the leadership and management of the prison.

## Chapter 2: Building the capacity of all those who work in a prison

### My Vision

- 2.1 My vision for learning to be at the heart of regime requires a whole-organisation approach to education and to workforce development. Professional development for all staff - including Governors and their Senior Leadership Team, teachers, prison officers, instructors and peer mentors - will be a crucial part of reform and rapid change.
- 2.2 Effective practice and innovation should be captured, shared and rewarded across the prison estate. New talent must be attracted into leadership, teaching and officer roles to support the goal of having education at the heart of the regime.
- 2.3 Teachers will design lessons that inspire learners. Prison officers and industry instructors will encourage prisoners to participate in education, while peer mentors will receive acknowledgment, training and rewards to support them and those they help to learn and develop.

### Current Context

- 2.4 The prison system is currently centrally managed with tightly prescribed rules and practices. There is growing sharing of effective practice through the professional networks supported by the Education and Training Foundation (ETF)<sup>9</sup> but this will need to be greatly expanded to support the reforms I want to see.

### Leaders (including Governors, the Senior Leadership Team and 'middle' leaders)

- 2.5 Leaders must have the right tools to do the job required of them. I have spoken to many current Prison Governors who are excited by the prospect of getting more control of education, but they also recognise that they will require significant personal development to make them effective in using this responsibility to best effect. Most do not currently have the skills and capacity to innovate and drive improvements to education in a more autonomous world. Training and development in commissioning and contract management will need to be considered as part of a Governor's annual assessment and Personal Development Plan.
- 2.6 New structures of support will be required to help Governors make the right commissioning choices and be effective in holding their providers to account. Most prisons used to have their own Heads of Learning and Skills (HOLS) sitting as a member of their Senior Leadership Team, but this is no longer the case. While there is still good expertise at regional level, and in some individual establishments, there will need to be reinvestment in staff. It is vital that all Governors involved in the commissioning and contract management of education receive support from

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<sup>9</sup> The Foundation has a dedicated website including a newsletter that features effective practice across the sector and signposts to resources <http://offender-learning.excellencegateway.org.uk/news-and-events>

properly qualified experts who can help ensure that education informs all core planning around the prison regime.

- 2.7 Despite the fact that Governors do not currently 'own' the OLASS contracts, the panel has seen some excellent examples where determined Governors have built cultures in their prisons that support education.

#### **Good Practice in Unlocking Potential**

The panel visited HMP Dartmoor where, even in the face of potential closure and with a challenging environment and mix of prisoners - the prison's leadership had made real changes to embed education across the regime. These included introducing a compact that enabled vulnerable prisoners to be integrated into education (elsewhere the panel saw them treated as a separate group in education, with a very limited curriculum and range of options as a result).

*"The management of learning and skills had greatly improved... managers had developed increasingly effective collaborative working relationships ... [and] attendance at education and vocational training activities had improved. The education, training and work environment was impressive and the quality of what was provided was good. There was good use of peer mentors. It was good to see prisoners' success publicly celebrated. Prisoners made real progress and there was a good focus on the literacy and numeracy skills that would help them obtain jobs or further training on release."* [HMIP report 2014]

- 2.8 Shared middle leadership training for staff working in different parts of the prison, (such as Heads of Learning and Skills, Heads of Reducing Reoffending and Heads of Security) should be developed to support a consistent prison culture and vision. In secondary education, middle leaders (e.g. Heads of Year, Heads of Department) support and develop pedagogy and curriculum expertise, ensuring all teachers can access high quality continuous professional development (CPD) linked with pathways of career progression. The charity Teaching Leaders has been specifically established to develop outstanding middle leaders in the schools' sector. I want to see similar attention given to supporting the development of similar staff in prison.
- 2.9 As reform prisons begin to be established, leaders in individual establishments should have the freedom (but not compulsion) to work together. I would anticipate the potential for specialist leader roles (e.g. in literacy, employment brokerage or special needs support) across clusters of prisons in order to share expertise and increase economies of scale.

#### **Good Practice in Unlocking Potential**

Wirral Metropolitan Borough Council has adopted an innovative multi-agency approach to supporting leadership that recognises that public services are inextricably linked. A public sector leadership board has been developed that includes leaders from the local authority, fire and rescue, police, social landlords, health service and the FE College. The project and its modules allow participants to understand the borough/local area from the perspective of each of the services. Middle leaders from each organisation benefit from specific support and develop networks to enable them to see the links between the different services.

2.10 This sharing of expertise currently happens across multi-academy trusts<sup>10</sup>. At small scale it is starting to happen amongst professionals involved in prison education where thematic practice development groups have been established.

### **The teaching workforce**

2.11 The fact that prison teaching can be a rewarding career was obvious when I spoke to teachers. Many talked about the satisfaction they got from what they referred to as *“sowing the seeds of change”* in their prison learners. Others told me: *“You get these light bulb moments”, “no two days are the same”* and *“it’s hard work but worth it when you witness achievement.”*

2.12 However, I found that the same teachers were also worn down by the challenges and barriers they face in prisons. They voiced concern to me and the panel about the huge number of variables outside of their control. Among their comments were: *“contact hours [usually 3 hours] are too long”, “you have to second guess the funding regime and qualifications to be permitted”* and *“there’s no investment in equipment and classrooms are not fit for purpose.”*

2.13 As part of this review, the Education and Training Foundation (ETF) conducted an analysis of teacher workforce data<sup>11</sup>. This revealed that:

- There are estimated to be over 4,000 teachers (excluding the circa 1,200 industry instructors) working in prisons (including private prisons);
- There is an average of over 30 teachers per prison;
- The majority of teachers in public sector prisons are female (62% - which is comparable with the mainstream FE sector);
- Most staff in public sector prisons work full time (56%), which is different from the mainstream FE sector where more work part time (55%);
- There is less staff turnover in prisons than in mainstream FE;
- Staff tend to be older in prisons than in mainstream FE. The most common age band in public prisons is 50-54, but is closely followed by the 45-49 group;
- Teachers in prison tend to be paid less than in mainstream FE. The largest number are in the £24,000-£27,000 range, with only around 10% earning over £30,000 per year.

2.14 Lower levels of pay in the prison sector than in other FE sectors was a key issue raised during my call for evidence by the University College Union.<sup>12</sup> On prison visits, I was told that this had a direct impact on the ability of providers to recruit staff in the south east in particular. Furthermore, progression routes into leadership (which would normally see teachers enhance their pay in other sectors) lack clarity

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<sup>10</sup> e.g. Harris Multi Academy Trust employs subject consultants to coach and mentor teachers and subject leaders across all Harris schools

<sup>11</sup> ETF (2015) Offender Learning Dashboard

<sup>12</sup> The UCU survey *Prison Educators: professionalism against the odds* (2014), a comparison of survey data with the SIR data for teaching and learning, showed a higher proportion of salaries at the lower end of the salary scale for prison educators compared to FE staff.

and structure. For prison teachers there isn't usually the option – as there is for new secondary teachers – of progressing to be a head of year or a head of subject.

- 2.15 As well as issues around pay and the challenging working environment, prison teaching has a low profile and status that must deter many experienced teachers from working in prisons. Very few Initial Teacher Training (ITT) or Post Graduate Certificate in Education (PGCE) entry routes has a prison teaching option. Most prison teaching jobs do not appear in the mainstream teacher recruitment press.
- 2.16 Prisons also have to compete with community colleges for high quality staff to teach vocational subjects. High quality vocational teaching is currently a challenge across the whole of FE as using (rather than teaching) a trade attracts a higher salary.
- 2.17 Even when teachers are recruited, the date on which they can start work in prisons is slowed down by security clearance. This means that, if a Counter Terrorist Check (CTC) is required, 3-5 months can pass before a new teacher is in post (more if they have to serve out a notice period with previous employers). I would like work to be carried out to clarify current procedures and explore how the security clearance process can be streamlined. I understand that CTC clearance is done for all sensitive occupations on a national basis so it may be difficult to prioritise teachers over other equally important roles in government or security. I would still, however, question whether more could not be done to avoid losing good quality teachers through the long delays currently experienced.

### **Building the capacity of the teaching workforce**

- 2.18 There needs to be a threefold strategy to develop the teaching workforce. It should look at: (i) attracting and training new teachers; (ii) attracting experienced teachers; and (iii) providing high quality professional development for the existing workforce.

#### **To attract 'new' teachers**

- 2.19 Prisons and providers should seek proactively to develop links with teacher training colleges and universities so as to encourage students to consider placements in prison. Weston College is, for example, working to develop placement programmes for mature PGCE students from the University of the West of England. It has new placement schemes starting this year with the University of Plymouth and Bath Spa University.
- 2.20 There should also be an option for teachers to train 'on the job' in prisons. In the schools' sector, the move is increasingly towards school-immersed teacher training courses, with pay during the training period, such as Schools Direct and Teach First. Providers and/or clusters of prisons could consider the potential to develop a 'Prison Direct' teacher-training approach that might be particularly appealing for career changers or those with industry experience who can support high quality vocational training.

#### **To attract experienced teachers**

- 2.21 Better publicised routes need to be created into prison teaching for experienced teachers and practitioners in industry. One possibility to be explored is a marketing campaign, targeted at existing teachers, to promote the rewards of prison teaching and challenge some of the negative stereotypes. More should be made of the opportunities prison teaching offers, including for part-time working. Better links should be fostered with current organisations such as the National Teaching

Service. The Education and Training Foundation (ETF) has already published a new guide to getting into prison teaching. This should be widely promoted<sup>13</sup>.

### **To build capacity in existing teachers and education managers**

- 2.22 I would like to see more work to build on existing professional groups to support prison educators to network across sectors. I have mentioned the work of the ETF but also see no reason why Teaching School Alliances<sup>14</sup> should not develop work with prison education departments so that outstanding colleges and schools near to individual prisons can share curriculum expertise in literacy and numeracy, and explore the potential for secondment opportunities.
- 2.23 Clearer progression routes should also be developed through to senior leadership in prisons, or with the education provider, in order to recruit and retain the most talented teachers and instructors from other sectors. There are many aspiring middle leaders in FE colleges and schools (particularly those in rural areas where leadership opportunities are fewer) who may be encouraged to work in middle leadership positions in prisons. They could support the embedding of education across the prison if they were attracted by the potential to progress as a prison educator.

### **Prison Officers and Instructors**

- 2.24 NOMS has a phrase that “every contact [in its prisons] matters.” I believe this is particularly important for prison officers and instructors (who support work in prison industry and production). These roles have the most direct contact with prisoners who are unable or unwilling to participate in formal education. I was very struck by one officer I met who had been the catalyst in encouraging a prisoner to learn to read and write by recognising the need, and then giving the basic encouragement and support necessary to start him on that road.
- 2.25 The current training regime for new prison officers has recently been extended to 10 weeks. NOMS should develop the training regime to ensure it has a stronger emphasis on supporting the vision of prisons as learning environments with education at their heart.
- 2.26 The leadership regime in a prison should work to develop officer and instructor roles as part of a strategy to improve education. Blending roles, exchanging learning and opening up progression routes between teachers, instructors and officers should become more commonplace.
- 2.27 There are current initiatives to train officers to teach basic skills. I believe NOMS should expand this approach and support more officers and instructors to obtain formal teaching qualifications. Where common or shared training has been offered on LDD (e.g. staff at Feltham YOI were recently trained in autism awareness and the establishment has recently received an autism accreditation), this has been enthusiastically taken up. I am very supportive of the recent initiative to increase the capacity of instructors to embed English and maths into workshops in fun and creative ways that sidestep potential learners’ reluctance to go back into a

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<sup>13</sup> <http://repository.excellencegateway.org.uk/fedora/objects/etf:2290/datastreams/RESOURCE/content>

<sup>14</sup> <https://www.gov.uk/guidance/teaching-schools-a-guide-for-potential-applicants>



classroom setting. Sessions have been offered in each of the regions across the prison estate in England and have been well received.

- 2.28 One firm proposal I am committed to develop is the establishment of a new scheme which would encourage graduates from top universities to work as prison officers for an initial period of two years. It will operate in a similar way to the 'Teach First' initiative, which has trained graduates to work as teachers in schools. The role I envisage would primarily cover the core officer functions of security, supervision and support, but it would also add a specific brief to develop education across the regime through activities such as reading groups, hobby groups, developing Personal Learning Plans and coordinating peer mentors. For those who find the role rewarding, there should be potential to switch into NOMS' own graduate scheme, which is designed to support progression to senior leader and Governor roles.

### Developing Peer Mentors

- 2.29 The contribution that prisoners themselves can make to the education workforce must not be overlooked. The scope for prisoners to assist other prisoners in their learning is huge and far from being fully realised. Research shows that peer mentoring can deliver benefits to mentors themselves<sup>15</sup>. The Prison Reform Trust's report 'Time well spent'<sup>16</sup> focussed on the contribution that prisoners can make as active citizens. Its recommendation that prisons should have a strategy for expanding the opportunities available in this area is still valid and one I wholeheartedly support.
- 2.30 On my visits, I have seen prisoners working as champions of education on the wing, supporting education as classroom assistants, delivering reading and maths schemes, providing resettlement support and working as assessors to identify prisoners with LDD. I haven't seen prisoners actually teaching but I am told this can happen and see no reason not to encourage this. Those given such roles should be supported out of the public purse to undertake teaching and information, advice and guidance (IAG) training at an appropriate, professional level. This will increase their skills and value to the prison as well as increasing their chances of employment on release, and thereby reduce reoffending.

## A summary of this chapter's recommendations

- Governors, senior leaders, teachers, prison officers, instructors and peer mentors must be given appropriate professional development to support them to deliver high quality education.
- The recruitment of high quality teachers needs to be developed. Focus should be on both the training and recruitment of new teachers, and on the recruitment of high quality teachers from other sectors (e.g. Further Education, schools and Industry) to teach in prisons. As part of this work Governors might prompt their education providers to adopt a 'Prison Direct' approach where teachers can be trained 'on the job'.

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<sup>15</sup> See – for example - HMIP (2016) *Life in Prison: Peer Support. A findings paper by HM Inspectorate of Prisons* <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/01/Peer-support-findings-paper-final-draft-1.pdf>

<sup>16</sup> PRT (2011) *Time Well Spent* <http://www.prisonreformtrust.org.uk/ProjectsResearch/Citizenship/TimeWellSpent>

- A new scheme to attract high calibre graduates to work in prisons for an initial period of two years should be introduced. The role should be as a prison officer with an additional remit to support education at the heart of the prison regime.

## Chapter 3: A personalised and inclusive approach to learning

### My Vision

- 3.1 Every prison should develop a personalised approach to the delivery of education that addresses basic skills deficits and encourages personal responsibility. The curriculum, and the way in which education is delivered, must be informed by the individual needs of prisoners (and those held on remand).
- 3.2 There should be no restriction on the use of education funding to support the creative arts, Personal and Social Development opportunities, and family or relationship courses. These can be used to engage prisoners in education and support them to make progress against their Personal Learning Plan.
- 3.3 Governors and providers should use a range of methods to deliver education in prison that might include embedded learning, blended learning (including much greater use of ICT than currently) and peer mentors. Learning support to enable the additional needs of those with LDD will be provided.

### Current Context

*“Prison populations are diverse and a ‘one-size-fits-all’ approach will not achieve the outcomes desired. Inductions and individual learning plans are essential to ensure each prisoner reaches their learning goals and potential. A personalised approach takes time to understand the individuals’ previous learning experiences and achievements and involves thorough assessments of learning levels and types.” [Prisoner Learning Alliance – from the call for evidence]*

- 3.4 One of the most complex challenges for Governors is to provide a learning offer that meets the needs of the wide range of individuals for whom they are responsible.
- 3.5 Prisons are not like schools where a cohort of students are legally required to attend lessons, where a class will be made up of those of the same age, subject to an academic core curriculum, with exams at set times and detailed assessment to measure progress along the way.
- 3.6 The adult prisoner population contains specific educational challenges. Data from a variety of sources reveals that:
  - 24% of adult prisoners report having been in care at some point in their lives – compared to an estimated 2% of the general population<sup>17</sup> ;
  - 42% report having been permanently excluded from school<sup>18</sup>;

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<sup>17</sup> Williams, Papadopoulou, & Booth (2012) *Prisoners’ childhood and family backgrounds*  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278837/prisoners-childhood-family-backgrounds.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf)

- 47% report having no qualifications<sup>19</sup> ;
  - Only 20% of working-age prisoners released in 2010/11 were in P45 employment one month before their prison sentence<sup>20</sup>;
  - 13% report never having had a job<sup>21</sup>;
  - A greater proportion was assessed on reception as having English and maths levels at Entry Level 1-3 (equivalent to primary school) as opposed to Level 1 and 2 combined (GCSE Level)<sup>22</sup>, although for maths this statistic is also true of the general adult population;
  - Nearly one-third self-identified as part of their initial assessment as having a learning or difficulty and/or disability (LDD)<sup>23</sup>;
  - Only a small number currently complete higher-level learning. Out of 101,600 learners, only 100 prisoners participated in a full Level 3 course in 2014/15 with none participating at Level 4 or above under the OLASS arrangements<sup>24</sup>
- 3.7 The demographics of the prison population have also changed over recent years, with reducing numbers of young adults and women, and rising numbers of older offenders.
- 3.8 On 30 June 2015, there were 86,193 prisoners, of whom 3,904 were women (down from 4,267 in 2010), 5,050 were 18-20 year olds (down from 8,578 in 2010), and 11,980 were aged over 50 (up from 8,263 in 2010).
- 3.9 The SFA and NOMS currently work with providers to try and ensure the education provision in each prison is shaped towards the needs of prisoners there and the designated function of the prison. The delivery of short courses and basic skills is prioritised in local prisons, where the average stay can be a few weeks. There is more vocational skills education and industry/production work in training prisons. In prisons with life and long-sentenced prisoners, the focus is often on 'settlement' activities – where prisoners can learn skills that will keep them occupied. In resettlement and open prisons, the attention switches towards vocational training and employability skills.

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<sup>18</sup> Williams, Papadopoulou, & Booth (2012) *Prisoners' childhood and family backgrounds* [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278837/prisoners-childhood-family-backgrounds.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf)

<sup>19</sup> The MoJ paper on the pre-custody employment, training and education status of newly sentenced prisoners (2012) <https://www.gov.uk/government/publications/the-pre-custody-employment-training-and-education-status-of-newly-sentenced-prisoners>

<sup>20</sup> MoJ & DWP (2014) Linking data on offenders with benefit, employment and income data. <https://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share>

<sup>21</sup> The MoJ paper on the pre-custody employment, training and education status of newly sentenced prisoners (2012).

<sup>22</sup> See BIS (2015) *OLASS English and Maths Assessments: participation 2014/15*, at Further Education library: Education and training <https://www.gov.uk/government/statistical-data-sets/fe-data-library-education-and-training>

<sup>23</sup> See BIS (2015) *OLASS English and Maths Assessments: participation 2014/15*, at Further Education library: Education and training <https://www.gov.uk/government/statistical-data-sets/fe-data-library-education-and-training>

<sup>24</sup> SFA (2015) Statistical First Release. <https://www.gov.uk/government/statistics/learner-participation-outcomes-and-level-of-highest-qualification-held> .

3.10 Despite attempts to tailor the approach, the current payment mechanism can limit the Governor's ability to shape the curriculum to their cohort of learners. My experience (supported by responses submitted to the review) is that the funding mechanism (with payments based on course completion and accreditation) incentivises the system to focus predominantly on short courses. These do not meet the needs of many longer-sentenced prisoners, who may be able to progress to higher level courses. (I discuss the challenges around progressing to higher levels of education in the next chapter.) The payment mechanism also makes it more complex to fund additional support for individuals with LDD, and acts as a disincentive for non-accredited subjects such as creative arts or Personal and Social Development courses to be run. This is a loss because I believe such courses can be important in engaging and supporting the more reluctant learners.

### **Developing the personalised offer**

3.11 It is not my intention to be prescriptive, or tell Governors what types of education best meets the needs of their learners. Yet having visited a wide range of prisons and spoken to a lot of stakeholders, I do want to make some personal observations as to how the type of education, the way in which it is delivered, and the incentives used can better support more prisoners to learn. Crucial to this is the ability of Governors to address the 'design' of the prison - in terms of the way its lay-out facilitates learning, and the way in which time is allocated for lessons. I hope such matters will be addressed as part of the wider programme of reform.

3.12 Education must do more than simply address deficits in basic skills. Prisoners must be offered a learning journey and encouraged to take responsibility for it. The best way to incentivise prisoners to learn is to deliver education in an engaging way that makes sense to the learner, and enables meaningful progress.

3.13 I have spoken to a number of prisoners who have greatly benefitted from Personal and Social Development (PSD) education. I have sat in some classes where prisoners have (perhaps for the first time) been given the space and support to reflect on who they are and what they want to achieve. PSD can be a very effective progression route to more formal education. It can help learners with additional difficulties engage with the prison regime.

3.14 The panel has also seen education that supports healthy relationship and family ties. There is good evidence that strong family relationships can help support prisoners in desisting from crime and thereby reduce reoffending. I would like to ensure there are no barriers to funding family and relationship-strengthening approaches as part of a broad education offer.

3.15 The provision of art, drama and music courses is not a core part of current OLASS arrangements. Where they do operate, and where there have been one-off projects or performances with visiting arts companies, they are often the first thing that prisoners, staff and Governors tell me about. The arts are one route towards engaging prisoners when they have had negative experience of traditional classroom subjects, or struggle with self-esteem and communication. They can be the first step towards building confidence for more formal learning.

- 3.16 Sport can also be a good way to engage prisoners in education. I have become aware of the involvement of Premiership rugby clubs in supporting education in prisons. I would like to see the Football Association and football clubs play a more active role (- several already engage), for example by supporting more coaching and refereeing courses for appropriate prisoners.

#### **Good Practice in Unlocking Potential**

Saracens rugby club has developed the 'Get Onside!' programme. It is a personal development project that uses rugby to engage prisoners at Feltham Young Offenders Institute in West London. By using the core values and ethics of rugby, the 10-week programme provides young men with life skills such as behaviour management, leadership and teamwork. It also contains educational aspects such as CV writing.

- 3.17 There was overwhelming support from our call for evidence for more embedded learning, with basic skills taught as part of workshops or industry, where the skills (measuring a length of wood, learning to spell technical language associated with the trade) are clearly relevant. One of the panel members sat in on a music class at HMP Cardiff where maths was embedded as part of the teaching of basic musical notation, and English skills strengthened by lyric writing and analysis. Again, for the learners the purpose of learning was clear and linked to a subject they enjoyed and which motivated them.
- 3.18 In Chapter Five I talk about the need for better use of ICT. If we get this right, we can support more 'blended learning' approaches, where classroom delivery is supplemented by assignments and testing completed online, and distance-learning better enabled.
- 3.19 Where education happens is important. That is why I am proposing a whole-prison approach. If you remove the barriers and enable prisoners to learn on their wings, or in their cells, they are much more likely to get involved in education. In addition to ICT solutions, I believe there is untapped potential for delivering more education via prison TV and radio. In an era of increasing ICT, this may seem an old-fashioned solution ... but it works. The programmes broadcast by the Prison Radio Association have a huge reach (76% of all prisoners listen every week) and supports learning through campaigns and initiative such as the daily book-club programme, 'Books Unlocked'.
- 3.20 The use of peer mentors to teach basic literacy and maths as well as to encourage learning in general is an excellent way to support learners who may not be ready for the classroom. Research has identified perceived benefits associated with the use of peer mentoring – not only in terms of supporting learning outside of the classroom, but also in supporting the personal development of mentors themselves<sup>25</sup>.

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<sup>25</sup> See, for example, HMIP (2016) (2016) *Life in Prison: Peer Support. A findings paper by HM Inspectorate of Prisons* <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/01/Peer-support-findings-paper-final-draft-1.pdf>

### Good Practice in Unlocking Potential

Shannon Trust reading plans provide a successful, alternative way of learning to read for the many prisoners who have had negative experiences of formal education and struggle to engage in a classroom environment. Prisoners who can read teach prisoners who cannot. The approach allows prisoners to progress at their own pace. They gain confidence in themselves as they develop reading skills.

- 3.21 As elsewhere in the education system, inspirational talks from former prison learners who have succeeded in life after release can be a powerful source of motivation and encouragement for current prison learners. I have heard frequent complaints that such visits are difficult to arrange because of lengthy security procedures. Yet, when a panel member did witness just such a visit in HMP Guys Marsh, the returning ex-prisoner, now training at university in accountancy, was given a spontaneous round of applause by his prisoner audience.
- 3.22 Choice of course and accreditation should be considered and matched to the individual learner. Most prisons use NVQ Level 1s and 2s that are core currency of the FE sector as they can be started at different times of the year and fit with Vocational and Educational Training (VET). However, I see no reason why GCSEs should not be offered if the Governor felt it would provide the best course for a particular learner. Currently the constraints on when you can sit a GCSE make them unsuitable for many prison environments, but I would be very interested in awarding bodies considering the potential to develop a 'modular' GCSE for adults. Where prisoners need a specific course or certificate to make them 'job ready' - e.g. driving theory or Construction Skills Certification Scheme (CSCS) cards - these should be made available. It may be appropriate in some circumstances for prisoners to contribute towards the costs from their pay.
- 3.23 One of the issues frequently raised by teachers in the call for evidence is that lessons are too long (usually 3-3.5 hours). This is largely due to NOMS' centrally imposed core day, designed to support the running of the prison with a leaner staffing structure. Avoiding too-long lessons is another reason why embedding more 'bite-size' learning in workshops can be very helpful.
- 3.24 The amount of 'pay' prisoners get for attending education is an issue that Governors should consider carefully. My own view is that prisoners should be paid at least the same, if not more, than for their other activities. Paying more for education shows that this is what is valued, and also creates additional incentives for prisoners to attend classes. As one respondent to the review explained: *"The pay in education is one of the lowest in the prison. Those learners without access to private funds tend to want to work in the production workshops where they can earn more money."*
- 3.25 Non-monetary rewards that acknowledge achievement, celebrate success, and generate team spirit should also be considered. The panel saw some good examples of awards and graduation ceremonies. Stakeholders suggested in their evidence that the offer of extra gym time and extra visits might be suitable rewards for good educational progress.

3.26 Many respondents (and prisoners we spoke to on visits) raised the point that the prospect of time outside prison incentivises them powerfully to focus on their learning whilst inside. The Justice Secretary's interest in exploring early release options was noted by many stakeholders. It would be something I would support where offenders have shown outstanding commitment to learning and are judged to be at low risk of reoffending. I am aware of examples of early release programmes: in Ireland where prisoners can be released to do community service; in Wisconsin, where prisoners can be released if they agree to an intensive alcohol and drug treatment programme; and in Canada which used to allow life sentenced prisoners to apply to have a jury examine the progress they have made in prison and review parole eligibility. Certainly, the potential to consider educational progress as part of a learning plan to provide evidence of suitability and eligibility for release on temporary licence (ROTL), or release on Home Detention Curfew (HDC) should be explored.

## **The learning needs of specific groups of prisoners**

### **Black, Asian or Minority Ethnic (BAME) learners**

3.27 Ethnicity is an important issue in the criminal justice system but the attainment of Black, Asian or Minority Ethnic (BAME) learners was raised infrequently by respondents to the call for evidence. I am conscious, however, of the significant overrepresentation of BAME individuals in the prison system (just over 25% of the prison population was recorded as BAME in 2015) and was pleased therefore when the Prime Minister recently asked David Lammy, MP, to lead a review to investigate possible bias<sup>26</sup>.

3.28 In schools, BAME attainment has lagged behind that of white counterparts but in recent years the gap has been closing. Despite poverty and, for some, an unfamiliar language, ethnic minority pupils do well in school in general<sup>27</sup>.

3.29 In prisons, comparable data on attainment by race is not available (the lack of robust data has been a bugbear of mine throughout this review, and is something which needs addressing). There is no evidence in terms of participation to indicate that BAME engagement in education is lower in a prison context. If anything, they are slightly over-represented amongst the learner cohort. OLASS participation by BAME learners as a proportion of the prison learner cohort increases as the level of learning goes up<sup>28</sup>.

3.30 Concerns raised with me focussed largely on questions of opportunities for employment post release, and the way in which prison education prepared young black men (in particular) for these.

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<sup>26</sup> <https://www.gov.uk/government/news/review-of-racial-bias-and-bame-representation-in-criminal-justice-system-announced>

<sup>27</sup> Aspirations, Language and Poverty: Attainment and Ethnicity - Simon Burgess, CMPO, University of Bristol [in The Runnymede School Report: Race, Education and Inequality in Contemporary Britain – Runnymede Trust, August 2015]

<sup>28</sup> Offender Learners - All Age Demographic Summary of FE and Skills Participation (2010/11 to 2014/15) – Learner Volumes' - December 2015 SFR update



- 3.31 Prison education cannot solve all the societal issues that impact on BAME learners but it should play an important role by supporting them to make the best use of their time in custody and so prepare them – as for all prisoners – for a crime-free life post release. Governors should ensure that: performance in education is monitored with respect to race (and other protected characteristics); an ethos is maintained that values diversity; there is appropriate BAME representation on prison staff; and BAME ex-prison learners return to speak to current prison learners to inspire and raise expectations.

### Young Adults

- 3.32 Although the number of 18 to 20 year olds in prison is declining (there were just over 5,000 on 30 June, 2015), they can be one of the most challenging group to engage in education. One of the providers explained: *“In our experience, learners in this age group make the least good progress...we partly attribute this to peer and gang-related pressure, which creates additional barriers to engagement. Those accessing learning are more likely to be withdrawn due to security reasons.”*
- 3.33 From my own experience in visiting a young adult establishment, I noticed a lack of maturity that (amongst the learners I met) manifested itself in a lack of willingness to take responsibility for their actions. One blamed going to education for the fact that he then had to see members of opposing gangs with whom he would have an obligation to fight.
- 3.34 Other stakeholders have told me about additional challenges with regard to the expectations of young adults transferring from the secure youth custody estate, where 30 hours of education is mandatory, into adult prisons. As one Head of Learning put it: *“the last thing they want to do is sit in classrooms again.”* This highlights the importance of providing learning with content, and in settings that engage with young adults’ interests and aspirations.
- 3.35 Governors should be aware of the high proportion of prisoners who were previously in local authority care (around 24%). Care leavers are entitled to continuing practical and financial support from local authorities up to the age of 21. It is important, therefore, that prisons identify care leavers and enable them to access all the support they are entitled to under the Children (Leaving Care) Act 2000.

### Women

- 3.36 The number of women in the estate has also been falling (there were 3,904 on 30 June 2015). Women prisoners have a different profile in relation to their offending, and higher prevalence of need in a range of areas, with greater levels than male prisoners of Class A drug use and mental health problems.<sup>29</sup>
- 3.37 Responses to my call for evidence suggested that prisons should avoid stereotyping in the educational courses they offer. In women’s prisons, one correspondent complained, *“hair and beauty reign supreme...there needs to be more mechanical courses for women, and more training around life skills and managing emotions for men.”*

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<sup>29</sup> Light, Grant, & Hopkins (2013) *Gender differences in substance misuse and mental health amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners* <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>

- 3.38 As well as the need to ensure women have access to a broad curriculum, NOMS and education providers have been piloting a more holistic programme that includes PSD and recognises women's caring responsibilities. This programme has been piloted in three women's prisons, with some encouraging initial findings. Both learners and staff believed that participants developed greater confidence and optimism about the future, and many participants perceived positive changes in themselves, such as in their motivation to learn and to find a job upon release.
- 3.39 Employment outcomes for women following short prison sentences are three times worse than for men. Fewer than one in ten women have a job to go to on release.<sup>30</sup> There must be concerted efforts to address this. I have seen good practice from employers like Census Data and Sue Ryder, who work with women in prison and on release. Governors should seek to develop further opportunities for work experience.

#### **Good Practice in Unlocking Potential**

The charity, Sue Ryder, runs a Prison Volunteer Programme that offers volunteering placements in its shops and offices to women (and male) prisoners who are released on temporary licence (ROTL). These placements build confidence, prepare participants for eventual release and increase the skills and experience they can offer employers. Every year, around 400 participants contribute 111,000 volunteering hours with a value of more than £680,000.

#### **Older prisoners, those serving long sentences and sex offenders**

- 3.40 The number of those aged over 50 in custody is rising and is projected to increase to 15,100 by June 2020 (making up 17% of the total prison population). This is because projected shifts to a more serious case mix (e.g. sexual offences) have a larger impact on this particular age-group than on the general prison population.
- 3.41 Although recidivism is lower among older and life-/long-sentenced prisoners, my experience from visits is that engagement in learning that interests and absorbs them can be an important factor in supporting mental well-being and the well-being of the wider prison community, even if in some cases the opportunities for the practical application of their education in a future workplace may be limited. Peer mentoring can be a fulfilling role for longer-sentenced offenders.
- 3.42 Prisoners serving long sentences are likely to require the type of activity that will engage and occupy them as well as provide opportunities for personal development. This will help them develop as constructive members of the prison community ("settling rather than resettling" as one Governor put it to us). Not all of such opportunities can be formally measured and some may not lead to a formal qualification. Examples of this might include support for pastimes such as gardening, chess and painting.

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<sup>30</sup> Prison Reform Trust (2015) *Working it Out – Employment for Women Offenders*

### **Good practice in Unlocking Potential**

The education provider at HMP Rye Hill has worked with the Oxford and Cambridge and RSA awarding bodies to develop 'Moving towards Retirement', a specific older prisoner curriculum. This is intended to prepare individual prisoners for release by focussing on the productive use of leisure time and healthy living alongside basic skills refresher courses.

### **Prisoners with learning difficulties and/or disabilities (LDD)**

- 3.43 Prisoners with LDD can face additional challenges in adapting to prison life and in engaging with prison education. Research has shown that education provision may not always have offered the support those with LDD need in order to participate effectively. They may have issues with communication, interaction, cognition and learning. Many may have additional physical needs and/or mental health difficulties<sup>31</sup>. However, they must be able to access equivalent learning opportunities and receive the necessary support to enable them to engage with education.
- 3.44 Mandatory assessments by the OLASS providers were introduced in August 2014 for all those received into prison in England. These include a test for 'hidden disabilities'. Data for 2014/15 shows that 32% of new prisoners were recorded (as a result of education assessment) and/or self-reported as having LDD.
- 3.45 However, this is likely to be an under-estimate as many prisoners will have become adept at hiding their disabilities, while the nature and range of learning difficulties and disabilities is unlikely to be fully understood by prison staff.
- 3.46 Given the likely high numbers of prisoners with LDD, I believe prisons should adopt a whole-prison approach to ensuring the regime is as appropriate as possible to their needs. For example, all prison information and forms should be written and available in simple, plain English, on coloured paper where appropriate to support those with dyslexia, and with simple illustrative diagrams or images to accompany the text where possible.
- 3.47 Supporting prisoners with LDD will also require building the capacity of the workforce (leaders, teachers and officers) to work with individuals with LDD. I would like to see prisons bringing in expertise from other sectors (e.g. special schools and pupil referral units).
- 3.48 One example that has been brought to my attention is the work of Calderstones Partnership NHS Foundation Trust with NOMS. Since April 2013 this collaboration has helped improve outcomes for offenders who have a learning disability by focusing on the development of a clear framework for practice across prison and community services.

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<sup>31</sup> A learning disability includes the presence of a significantly reduced ability to understand new or complex information. Professional opinion varies, but an adult with an IQ below 70 will usually meet the diagnostic criteria for a learning disability. Learning difficulty or Specific Learning Difference (SpLD) are umbrella terms for a number of conditions, including dyslexia, dyscalculia, dyspraxia and ADHD/ADD. It is not unusual for multiple learning difficulties to be present in an individual. SpLDs affect adults and children across the full range of IQ categories.

### Good practice in Unlocking Potential

At HMP Parc an 'LDD Pathway' had been introduced to improve the management of prisoners with learning difficulties and disabilities. This approach included: providing all staff with awareness training; ensuring close integration with health care; and ensuring prisoners with LDD have a supportive living plan which can be accessed by all staff. The prison has also identified prisoner support mentors for learners who have severe LDD needs and who require one-to-one support within and outside the learning environment.

### Education, Health and Care Plans (EHC)

- 3.49 I have been surprised to learn that local authorities do not have a continuing responsibility to ensure support when someone whom they have identified as having LDD needs goes into an adult prison.
- 3.50 The Children and Families Act 2014 introduced EHC plans (to replace Statements of SEN). These are prepared by a local authority to describe a child or young person's special educational, health and social care needs. Plans apply to persons aged up to 25 and explain the extra help that will be given to meet those needs, and how that help will support the child or young person to achieve the goals they have set themselves in their life.
- 3.51 The SEN Code of Practice sets out the duties applying to services for children and young people with SEN who are in youth custody. Local authorities must be notified when a young person with an EHC plan is detained. They must maintain and review the plan and arrange for special educational provision. I am concerned, however, that these duties "no longer apply once a young person is transferred to the adult secure estate."<sup>32</sup> This issue should be addressed and the same duties on local authorities extended to cover those in the secure adult estate aged up to the age of 25.

### A summary of this chapter's recommendations

- The current mechanism for funding prison education should be revised so that Governors and/or providers can design a curriculum that meets the individual needs and Personal Learning Plan of each prisoner for whom they are responsible. There should be no restrictions on the funding for arts, sports and Personal and Social Development courses (PSD) if the Governor believes these are appropriate to meet the needs of prisoners.
- Governors should be free to design a framework of incentives that encourage attendance and progression in education. These might include increased pay, more time out of cell, and release on temporary licence (ROTL).

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<sup>32</sup> Footnote 13 *Special educational needs and disability code of practice: 0 to 25 years*  
*Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities*  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf) paras 10.146 – 10.148:

- The early release of certain categories of offenders when they have demonstrated exceptional progress in education should be explored.
- Governors and providers should begin from a planning assumption that there will be substantial numbers of prison learners who will have significant learning support needs. Every prison should adopt a whole-prison approach to identifying, supporting and working with prisoners with Learning Difficulties and Disabilities (LDD). This means that: (i) prison and provider staff must include those appropriately trained and qualified to develop and meet the additional support needs of prisoners; (ii) all prison information, forms and digital systems should be available and/or be designed in simple, plain English, with suitable adaptations to support those with dyslexia, and illustrative diagrams or images to accompany the text where possible; and (iii) prison inspection should explicitly cover the prison's effectiveness in meeting the needs of prisoners with LDD.
- Education Health and Care Plans (EHCP) that apply in secure youth custody and require local authority action should be extended to cover those in the secure adult estate aged up to the age of 25.

## Chapter 4: Higher-level learning

### My vision

- 4.1 Education should be aspirational. It must offer a learning journey that is truly transformational and enables progression to higher levels. These include industry-standard vocational qualifications at Level 3 and above as well as university degrees. There should be arrangements in place in prisons to support prospective learners in making applications for such courses, and with the practicalities of studying via distance-learning.

### Current context

*There is a 'glass ceiling' beyond Level 2 for prison learners, with anything above that seen as 'at best an optional extra rather than a coherent progression route for students'. [Open University – from the call for evidence]*

- 4.2 The need to support prisoners to access Further and Higher Education was raised by over a third of respondents to my call for evidence. Higher education supports individuals to increase their career prospects and earnings on release, and thereby reduces reoffending and so benefits the wider community. Ministry of Justice statistics from the Justice Data Lab show that prisoners who have undertaken distance learning to Further and Higher Education levels go on to reoffend on less than a matched control group<sup>33</sup>. And the Longford Trust reports that the targeted support it provides for serving and ex-prisoners to undertake Higher Education courses at universities results in fewer than 5% of recipients of its awards reoffending.
- 4.3 The number of prisoners currently completing higher level learning is, however, low and the numbers are falling. BIS records that in 2014/15 OLASS providers delivered only 200 qualifications at Level 3 or above for the total prison population of around 86,000. This is a fall of more than 85% on the number (1,400) delivered in 2012/13. This was the last year before Advanced Learner Loans were introduced, with prison learners being required to take out such loans to cover the costs of such Level 3 or above courses<sup>34</sup>. Perhaps unsurprisingly a recent study of 343 OLASS learners, commissioned by BIS showed that a fifth of prison learners would have preferred to be studying at a higher level than they were currently<sup>35</sup>.
- 4.4 There are at present 1,036 prisoners in England and Wales taking Higher Education courses with the Open University (OU). This represents a fall of 42% since 2011/12, the last academic year when such courses were funded for prison learners out of the public purse. Now all prison learners wanting to take full OU modules must self-fund (each OU module costs around £2,700 and six are generally required for a degree). The number of prison learners doing OU modules has fallen every year

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<sup>33</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/459470/prisoners-education-trust-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459470/prisoners-education-trust-report.pdf)

<sup>34</sup> Skills Minister in an answer to a Parliamentary question on 10 February 2015

<sup>35</sup> Prior Qualifications of Adult OLASS learners 2015

since 2012. This is particularly disappointing since OU prison learners have a 75% completion rate and an 88% pass rate. 528 prisoners in England and Wales are receiving a student loan this academic year. Assuming a degree takes a prisoner six years to complete, and this is the third year of the student loans' system, it might reasonably be expected that such learner numbers would stabilise at around 1,060, a long way short of 2011/12 levels.

- 4.5 Other organisations play a part in facilitating prisoner learners at Level 3 or above, but the numbers they are able to support are also low. The Prisoners' Education Trust (PET) supported 1,275 prison learners on courses at Level 3 or above in 2015. These include both conventional academic courses (such as 'A' levels) and more vocational study, including enterprise and business start-up.

### **The barriers to learning at Level 3 and above**

- 4.6 The barriers to learning at Level 3 and above arise from a lack of leadership, support (funding, teaching, advice and guidance) and encouragement for prisoners to raise their aspirations.
- 4.7 On many of the visits I made to prisons of all categories, I was repeatedly told by prisoners, prison officers, education staff and even Governors that there was no support available for those keen to undertake learning at Level 3 and above. "OLASS doesn't fund Level 3."
- 4.8 Although Ofsted inspectors consider educational progression of prison learners in their inspections, there is currently no structured framework of targets or measures to assess whether learner progression is being delivered.
- 4.9 OU course completions and pass rates are also not included in targets or Key Performance Indicators for OLASS providers (or the National Careers' Service) and do not drive payments. Further and Higher Education in general are not regarded as a priority, unless individual Governors – as some do – push the providers to honour all their contractual obligations.

### **Funding for providers and students to support Level 3+ learning**

- 4.10 I have mentioned the problems arising from the way in which the current OLASS contract operates in previous chapters. Advice and support for prisoners to do HE and distance learning – such as Open University (OU) courses – are an overhead that the providers have a financial incentive to minimise. Given this, it is to the credit of some providers and their staff that this work is actually supported by cross subsidy in some establishments.
- 4.11 The other – perhaps more fundamental – problem is the requirement that prison learners now must pay for Level 3+ courses. Under the principle of requiring equivalence with community provision outside the prison, OLASS funding is not available for anyone 24 years old or over (moving, for some, to 19 or over from this summer) for study at or above Level 3. So students are required to take out an Advanced Learner Loan (the FE equivalent of Student Loans).
- 4.12 Full Open University modules used to be funded from the public purse, initially via the Prisoners' Education Trust and, as the learner progressed, via a student grant. Today's system, however, requires students, in common with their mainstream peers, to apply for loans for OU modules.

- 4.13 Prison learners are usually very reluctant to take out such loans because of their fears of emerging from prison with larger debts than they had on entry. Many are without family or other support that might reassure them in taking on debt. There are also other good reasons. As one submission put it: *“Students taking out loans in the community will know that they will be able complete their course. Prisoner learners, though, will have to take the risk that they may be transferred to another prison without warning during their course and end up in another establishment where that course may not be available.”*
- 4.14 Even if a prisoner is willing to take out a loan, those with more than six years until their earliest date of release do not qualify (with the minimum period of imprisonment set at trial – the sentence tariff – treated as the earliest release date for prisoners with indeterminate or IPP sentences). Learners in the community outside prison who have already received a student loan cannot receive a second one, and this is also true for those who have received a student loan before being jailed and who then may wish to apply for a second one when inside. There are at present no loans available for postgraduate study. Often the only funding available for those facing such practical obstacles is from voluntary sector organisations such as PET and the Longford Trust. They report much greater demand than they can meet.

## **What needs to change?**

### **The performance framework**

- 4.15 The need to ensure that many more prison learners are supported to progress to higher levels of education performance should be reflected in any performance regime (discussed in Chapter One). I believe that measures for Governors (as commissioners) and providers need to include: the progression of prisoners beyond Level 2, where this is part of their Personal Learning Plans; the extent, quality and effectiveness of Level 3 provision in the prison; and assessment of their success in building partnerships with external providers of Further Education and Higher Education, based on best practice.

### **Funding for delivering prison courses at Level 3**

- 4.16 Prisoners will have often missed out on opportunities to get a full education at school. Prison Governors should therefore have freedom to use their education budget to commission Level 3 and above courses in their prisons to meet prisoner aspirations and achieve rehabilitative outcomes. They should not be constrained by funding rules which can currently make it uneconomic to deliver Level 3 and above courses, or by the need to line up individual loans for every prison learner. There should also be a presumption that wherever possible prisoners undertaking higher level study should not be moved from their current prison if this will make it impossible for them to continue their studies. However, the costs of classroom delivery of such Level 3 and above courses are high, while the range available in any prison is likely to be limited. This suggests that Governors should also be free to use their resources to make more use of distance-learning alternatives, which will cost less.



### Support for distance-learning approaches

- 4.17 Distance-learning provides a route to higher level learning that can offer a wide range of subject matter for an individual student without relying on there being a cohort of fellow learners in their prison. A learner can progress through the levels and carry their study materials with them from prison to prison.
- 4.18 There are existing arrangements for supporting this study route – including an element of Government funding to supplement charitable funding of the courses via Prisoners' Education Trust. This greatly reduces the cost implications for any one prison in promoting distance-learning, especially if taken together with centrally-negotiated supplier discounts. While such central subsidy may seem to dilute the general principle of devolution to Governors, it would offset a built-in disincentive for any individual Governor to fund long-term, part-time study at Level 3 or above for a prisoner who may well have moved on before completion.
- 4.19 Prison Governors should be encouraged to fund the time taken by their education team to explore, promote and support distance-learning opportunities. It represents a major route for meeting the aspirations of Personal Learning Plans. They should also be encouraged to maximise the use of existing prisoner and ex-prisoner learners to provide support for their peers.

#### Good practice in Unlocking Potential

The 'Open Academy' is a college within HMP Swaleside based on one of the wings (A-Wing). Prisoners can work, study and live on A-Wing in an atmosphere of mutual study and shared knowledge. Any prisoners involved in education, distance learning and self-study can apply to live on A-Wing and use its IT and educational resources

### Funding for Higher Education

- 4.20 I gave serious thought to recommending greater funding from the public purse for all learning at Level 3 and above – including undergraduate degrees – without requiring prison learners, as currently, to take out a loan or self-fund. A strong business case could be made for such a policy, especially where there is evidence that prison learners were prepared to make a financial contribution themselves to the costs, or forfeit a proportion of their prison wages.
- 4.21 However, even if a link between higher education and reduced reoffending is proven, it is difficult in practice to release those savings for reinvestment. There are also issues of equity between prison learners and other learners in the community, who are required to take out student loans. In the current economic and fiscal climate, therefore, it is hard to see that this policy could be funded without diverting resources from other prison education provision. There are, however, some smaller steps, at more limited cost, that should be taken to facilitate HE learning.
- 4.22 Currently prisoners are prevented from taking out a student loan until the last six years of their sentence due to a requirement in the Education (Student Support) Regulations. This means that prisoners on longer sentences potentially face years of wasted time when, through HE study, they could have been developing skills and attitudes to become valuable members of the prison community. I believe the six-year rule should be relaxed on a case-by-case basis if the Prison Governor

concerned is satisfied that the individual prisoner will benefit from additional time afforded to undertake funded studies towards a degree.

- 4.23 There is also a transitional issue faced by a small number of current OU prison learners. They started their studies before the introduction of student loans and have subsequently continued under the old grant-funded arrangements. This funding option will run out in 2017. Between 20 and 50 individual prison learners are thought to be affected and will be prevented by the 2017 deadline from completing their degrees, generally through no fault of their own. Extending this funding provision in their cases should be considered to allow them to complete their studies and achieve their degrees.
- 4.24 Currently the Prisoners' Education Trust is funded by BIS to cover the cost of 'Access' modules (taster courses) at the OU. These do not result in points that will count towards a degree. They are funded out of the public purse on the principle that they give prisoners a taste of higher lever learning and may raise their aspirations, persuade them to take out a student loan, and progress towards a full degree.
- 4.25 Access modules currently cost around £675, compared to the first full module of an OU degree at £2,700. Some prisoners have the capacity to go straight into doing a full module – that does count towards a final degree – and so are reluctant to do an Access module. They argue that it seems of little relevance to their chosen course of study. I would therefore like Ministers to consider the potential for extending the coverage of public funding (perhaps via a combination of grants and discounts) for all (or a proportion of) the first module of an OU degree, rather than only fund Access modules. Such an arrangement would serve to promote HE study by prisoners. It would also remove the barriers – practical and emotional – that many currently experience to taking out a loan to start out on HE studies.
- 4.26 Overall, there needs to be much better advice available to prison learners around student loans. The four hard-working OU distance-learning coordinators in prisons try to provide some support so that prison learners understand the implications of the student loans system (e.g. that those who take out loans do not have to pay them back until their earnings rise above £21,000). Others advise prisoners too. But my panel encountered much anecdotal evidence on travels round prisons of profound ignorance as to how this potential funding stream worked.

### **Improving ICT to facilitate higher level learning**

- 4.27 ICT in prisons needs to improve (see Chapter Five). Prison learners are charged the same amount to take OU or other distance-learning courses as non-prisoners, but they work at a disadvantage because of their very limited internet access. If distance-learning is going to flourish in prisons, the digital platform in each prison needs to afford suitably risk-assessed prison learners greater access (controlled, limited and monitored) to internet sites, including from in-cell terminals. The Open University needs to ensure that all their learning resources are on the current Virtual Campus digital platform available in prisons. There must also be continuity of Virtual Campus access across the estate to ensure that, if learners do move prisons, they can continue their courses.

### **Building on good practice**

- 4.28 Despite the challenges, there are some beacons of good practice emerging where prisons have forged strong relationships with local FE colleges and universities to introduce and promote higher level learning opportunities.

### **Good practice in Unlocking Potential**

Durham University has developed an 'Inside Out' partnership with HMP Frankland whereby students and academics deliver criminology courses to prison learners. Cambridge University criminology department is also piloting a similar 'learning together' approach, including at HMP Grendon. The panel visited HMP Pentonville to witness the graduation ceremony for prison learners studying a HE module alongside Westminster University students. Both groups spoke eloquently about the benefits achieved by breaking down the barriers, challenging perceptions and learning from each other.

4.29 However, these programmes need to be more than isolated initiatives. I would like to see universities working in prisons on the basis they will support progression to full HE opportunities for many more prison learners. I am aware of the 'Prison to College Pipeline Programme' that runs in New York State. It identifies and develops candidates for college while they are in prison, and provides them with mentoring and support to continue in Higher Education on release. One barrier to this in the UK is the current risk- assessment process of students with criminal records that is implemented by colleges and training providers. I discuss this and propose reform in Chapter Six.

### **A summary of this chapter's recommendations**

- Performance measures for Governors (as commissioners) and providers should include:
  - the progression of prisoners in their care beyond Level 2 where this is part of their Personal Learning Plans;
  - the extent, quality and effectiveness of Level 3 provision in the prison; and
  - assessment of their success in building partnerships with external providers of Further Education and Higher Education, based on best practice.
- Governors should be able to use their education budgets to fund learning at Level 3 and above.
- The Education (Student Support) Regulations should be amended to extend student loan eligibility to prison learners with more than six years to run on their sentence who are currently unable to access student loans.
- Public funding used for Access or 'taster' modules at the Open University should be available to support a prisoner opting instead for the first module of an Open University degree.
- Grant funding for part-time OU degrees started before the introduction of the requirement to take out a student loans to pay for such studies should be continued to enable existing prisoners to complete their studies even when they been unable to meet the original timetable for completion.

## Chapter 5: ICT that supports learning

### My Vision

- 5.1 Digital literacy is a key functional skill paving the way to further learning, employment and access to services in the modern world. The relevance and quality of ICT training in prison is every bit as important as that provided in maths, English and vocational skills provision. ICT and digital systems in prison must support more flexible access to learning that is tailored to the needs of individual learners and enables participation in distance and other learning.
- 5.2 If prisoners are, on release, to secure employment, continue to study, or otherwise contribute to society, they must be given the opportunity to use and improve their digital skills while in prison. Such skills form a key part of strategies in Further and Higher education for the wider population. There is a risk that prisoners will fall further behind in a world that demands digital skills in education, training, employment and personal life. Up-to-date ICT and digital systems in prison are also crucial to ensure flexible access to learning, to support progression and to enable effective performance management.

### The current context

*“It makes no more sense to allow someone to leave prison without digital skills than to allow them to leave illiterate.” [Educational consultant & OU tutor].*

*“There is a mentality around IT in prisons that assumes if prisoners are given a paper clip and a piece of tin foil, they will immediately build a modem and use it for illegal purposes.” (prison learner, HMP Grendon, talking to a panel member)*

### Teaching Digital Skills

- 5.3 The current digital learning offer in prisons comprises of basic digital skills training provided by the Virtual Campus (VC) and Prison ICT Academies (PICTAs). The OLASS providers also use a range of Microsoft packages such as Word and Excel. PICTAs are funded by NOMS and there is capacity for NOMS to open three new academies each year. The VC also hosts a range of specialist content for other partners, such as the Common Area Prospectus for NOMS Wales, and a mediated portal for the National Careers’ Service.
- 5.4 Separate to the VC, NOMS has invested in Prison ICT Academies (PICTAs). These offer prisoners the opportunity to learn skills in both practical (programming, networking, wiring, cabling, repair, and maintenance) and functional ICT skills that are basic to any training, education or employment context. The curriculum is taught by qualified instructors, trained to deliver the Cisco curriculum to industry standards supported by Birmingham City University.

### **Good practice in Unlocking Potential**

HMP Stafford operates a 'Content Development Workshop'. It provides a model of prisoner engagement with the current VC that could be more widely developed. Prisoners at the workshop have recently created content for an email and search engine simulator, glossaries for ICT and ITQ, websites, and simulations of shopping and banking sites. Here the VC is giving real ICT skills to prison learners that will support their future employment opportunities.

### **Strengthening the software infrastructure: the Virtual Campus (VC)**

- 5.5 The VC is a secure web-based intranet system. It offers a range of skills (examinations and courses) and employment focussed material (job searches, submitting job applications, CV building and secure relay messaging). Initially, it was designed for the delivery of education, but more recently broader rehabilitative content has been introduced (e.g. relating to family relationships, health and support for breaking addictive behaviours).
- 5.6 The VC gives prisoners secure access to information via a combination of material hosted on VC servers, and access to a limited range of 'white-listed' sites. These are approved internet sites that the VC has authority to access. The VC does not normally provide access to the internet, but this can be enabled in very carefully controlled conditions, supervised by staff (such as undertaking an examination on-line). The VC can also be accessed in the community via a web-portal, giving ex-prisoners ongoing access to material they created in custody (e.g. CVs, job applications).
- 5.7 In theory, the VC has fantastic potential to meet the basic requirement to have a consistent, stable digital platform across all prisons, and into the community, which provides continuity of learning opportunities and progression against each individual's Personal Learning Plan. I believe the provision of such a platform should be one of the centrally-funded and -mandated elements required in a more devolved and autonomous system.

### **Problems with the VC**

- 5.8 In practice, however, it has been the experience of every panel member that each time they visit a prison, they are told that the VC is not fulfilling its potential. In almost all prisons visited by my colleagues, the VC was under-utilised, poorly located (sometimes in rooms that were locked for the majority of the working day) and did not work effectively (in part due to inadequate broadband capacity). Most prisoners have their use of the VC physically supervised by a teacher or prison officer. This is an unnecessary barrier when it is being used as an intranet system. Many prisoners I spoke to had discounted the VC as a tool for learning or to support their rehabilitation. There appeared to be a low level of awareness and lack of training among prison and education provider staff to support its use. Upcoming findings from the evaluation of prison learning have identified similar issues with regard to the VC<sup>36</sup>.

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<sup>36</sup> Ipsos MORI, London Economics and Sheffield Hallam Centre for Community Justice (forthcoming) *Evaluation of prisoner learning: initial impacts and delivery*, commissioned by BIS and MOJ

- 5.9 The VC is available in 105 prisons in England and Wales. Management information shows increasing registrations over time. However, the number of active users and completed activities is worryingly low, suggesting that continued use by prisoners after initial registration is strictly limited. In the third quarter of 2015, there were nearly 30,000 recorded users, but only 10,000 had actually logged in and nearly half of the latter were simply to register as a new user. With a prison population of 86,000, such usage figures show that the current digital offer is falling woefully short of its potential.
- 5.10 OLASS providers currently fund VC content relevant to learning delivery, but this can be impeded by concerns that content is also then available for the use of their commercial competitors. Even the use of free resources on the VC can be difficult given the need for material to be adapted to enable compliance with the technical requirements of an intranet system - and occasionally also because of security concerns over their suitability for use in prisons. Problems over copyright are an additional issue once free material is taken from other sites to be hosted on the VC.
- 5.11 If the numbers of prison education providers grows, as this report envisages, they will individually have even less incentive to invest in developing material for the VC. As it stands, no provider currently has any incentive to develop content for self-directed distance-learning that does not contribute to a qualification for which they are able to draw down funding. Charitable providers are wary of the costs of making content VC-compliant and of subsequently maintaining such content. It is currently challenging to realise the VC's potential to provide the range of content that would be expected in the community.
- 5.12 Applications to host content on the VC are considered and approved by the Virtual Campus Governance Board in order to ensure that all content is suitable for use in prisons. Currently, providers prioritise the delivery of accredited qualifications via the VC but more non-accredited content is now being made available (e.g. BBC Writers' Room which encourages and supports creative writing). I would like to see many more free learning resources added to the VC to widen the content available for prison learners. While I appreciate the need to maintain some central coordination of what goes on the VC, the process needs to go faster, with Governors, or senior education staff in prisons, given limited administrative rights to fast-track onto the VC content relevant to their prisoners.

## **What needs to change?**

### **Strengthening the digital infrastructure to support new ways of learning**

- 5.13 A lot of the ICT equipment I have seen in prisons is outdated. It was purchased in the early days of the first OLASS contracts through a one-off capital investment by BIS. OLASS providers are currently responsible for refreshing and continuing maintenance, but I have seen only sporadic evidence that this is being done.
- 5.14 However, I am writing this report at an exciting time, with NOMS being given capital to develop digital infrastructure across the prison estate. This is hugely to be welcomed. Used effectively to support the education, training and the employment agenda, this investment could transform the scope for prison learners to engage through education with their rehabilitation, and so reduce reoffending.

- 5.15 NOMS is currently exploring the feasibility of providing digital 'In Cell' facilities in all prisons in England and Wales. The services offered would be similar to those provided by the Prisoner Self-Service Custodial Management System (CMS) that has been installed in some (mainly private) prisons. Inmates use kiosks to complete tasks (such as ordering food, PIN phone top-up, booking visits and medical appointments) previously performed by paper-based systems. This builds autonomy through self-reliance, promotes rehabilitation by giving them control over some areas of their life, and prepares them for life on release.
- 5.16 Once the digital cabling is installed, the networks should then be ready to host the delivery of a range of other services. I recommend that the delivery of education resources should be funded as a key and priority strand to this work. It should explore:
- **In-cell learning and use of secure tablets:** 'In Cell' technology would allow prisoners to take more responsibility for their learning, progress faster, and learn away from the classroom environment. Use of tablets would open access to a range of materials that can be pre-loaded onto devices and access to some 'white-listed' sites. Panel members saw the beginnings of access to the VC 'In-cell' at HMP Thameside, and were encouraged by prison learners' reaction to the development.
  - **Video Conferencing:** A number of video/face-to-face conference programmes exist (e.g. Skype) that could greatly enhance the quality of a prisoner's life. Keeping in touch with friends and family is a key factor in maintaining an individual's well-being and has been shown to reduce reoffending. The use of such facilities should be trialled. Video Conferencing could also enable remote learning (like the VLE case study mentioned below), with a teacher from the local FE establishment or HE college working with prison learners via video link.

#### **Good practice in Unlocking Potential**

The pilot of the Level 3+ Distance Learning/Higher Education Virtual Learning Environment (HE VLE) is a good example of the potential of the VC, if well-used. It contains a wide range of content from Level 3 up to first-year degree standard courses in Business Skills, ICT and Marketing. Content from the National Extension College is also being considered. The VLE will be promoted and piloted by the current education providers across a range of prisons, with a view to continuing to populate the VLE with appropriate content based on relevance to employment opportunities, demand and take-up.

The work on the VLE is being integrated with the development of 'In-cell' technology, which is trialling a 'virtual classroom' approach. The virtual classroom enables a single lecturer to deliver tuition to geographically disparate locations, enabling large groups of learners to be taught simultaneously via video-streaming and podcasts. This approach will help to address the issue of creating financially viable groups of higher level learners, regardless of their prison establishment.

## Security and access to the internet

*“We can’t go on with prisons in a pre-internet dark age: inefficient, wasteful and leaving prisoners woefully unprepared for the real world they will face on release. I have not met one prison professional who does not think drastic change is needed.” [Nick Hardwick – former Chief Inspector of Prisons]*

- 5.17 The security of ICT is a prime concern in prisons. Legislation and prison service instructions underpin current practices designed to ensure that it cannot be misused (e.g. to commission or continue criminal activity, groom children and vulnerable adults, or access information counter to rehabilitation such as sites that encourage extremism).
- 5.18 However, I believe that the blanket security practices now in operation, that effectively ban internet use in prisons, are putting a major brake on the potential for digital technologies to encourage and enhance learning. Most Prison Governors who responded to a survey commissioned by the Prison Reform Trust and the Prisoners’ Education Trust agreed that prisoners should have secure and controlled access to the internet<sup>37</sup>. I support them wholeheartedly in that view. Internet use is a fact of life in most homes, colleges and workplaces in the modern world. To release prisoners with out-of-date - or no - digital skills reduces their job and education prospects, restricts contact with family and friends, and thereby increases the likelihood that they will reoffend.

“It was unhelpful,” reported HMIP of its recent inspection there, “that in a prison like Kirklevington Grange, whose purpose was to prepare men who have been incarcerated for long periods for entry into the modern world, that prisoners had no access in the prison to the internet. It was ironic that prisoners would have this access when they left the prison on ROTL or release, but unlike every other area of resettlement, very little was done to prepare and test them for this in the supervised environment of the prison. This was something over which the prison had very little control.”

- 5.19 Restrictions around internet access impact heavily on teachers. Many told me that they were unable to use potentially valuable internet resources as part of their lessons. These restrictions need to be reviewed, removed where possible, and reduced elsewhere. The current situation is a disincentive to the recruitment of the sort of talented, inspirational teachers I would like to see working in prisons.
- 5.20 The current requirement for VC users to be physically supervised in many prisons is unnecessary given it is a secure system that is monitored by software programmes 24/7. It should be applied only to those prisoners where there is particular cause for concern.
- 5.21 A further driver to greater internet access in prisons comes as many examination bodies increasingly move to online access and on-line examinations only. Without it, prison learners will be at an additional disadvantage in gaining the qualifications they will need to avoid reoffending in the future.

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<sup>37</sup> PRT/PET (2013) Through the gateway: How computers can transform rehabilitation



## **A summary of this chapter's recommendations**

- The planned investment in digital infrastructure should be used to enable more flexible learning across prisons. As part of this there should be a prompt and rigorous strategic review of the Virtual Campus (VC) to assess if and how it can be made fit for purpose. The review should: assess the nature and cost of the infrastructure required to enable the VC to work effectively in all prisons; consider where terminals are sited in prisons to ensure all prisoners have regular access; and explore how the process for administration and vetting of content can be streamlined to enable a broader range of education resources to be uploaded more quickly, with individual Governors having some administration rights. There should also be work carried out to accelerate the testing and use of 'In-cell' or tablet learning technology (including the capability to provide teaching via video-links).
- The security arrangements that currently underpin the use of ICT in the prison estate should be reviewed. Governors should be allowed to develop an approach that allows suitably risk-assessed prison learners to have controlled access to the internet to support their studies and enable applications for jobs on release.

## Chapter 6: Better support for employment, education and training on release

### My Vision

- 6.1 Prison Governors must take the lead in integrating assessment, resettlement, education and employment support services, and – through their commissioning decisions – ensure education providers develop links with local or specialist colleges and universities to enable prisoners to continue education on release.
- 6.2 Vocational education has to link clearly to labour market needs, and include delivery of core employment skills as part of preparation for release. It must include training on how and when to disclose convictions, and be supported by an employer engagement and brokerage function that supports and incentivises employers to engage with prisons and employ offenders on release. It makes absolute sense for training and transferable work skills to be better embedded into prison industry.
- 6.3 To support all this, good quality engagement with employers is required to ensure that vocational training and basic skills qualifications reflect labour market gaps and employer needs, including the key agenda of preparing prisoners for apprenticeship opportunities on release.

### Current Context

*“Investment in prison education is limited and potentially wasted if it stops at the prison gate.” (University and College Union)*

- 6.4 Current outcomes for offenders on release, which pre-date the introduction of recent rehabilitation reforms, are not good. 46% of all prisoners will reoffend within a year of release – this rises to 59% for short-sentenced prisoners.
- 6.5 MoJ data shows that gaining employment is associated with reduced reoffending. Prisoners sentenced to less than one year in custody who were in employment in the 12 months post-release reoffended 9.5 percentage points less than a matched comparison group. Prisoners sentenced to one year or more, and who were in employment in the 12 months post-release, reoffended 5.6 percentage points less than a matched comparison group.<sup>38</sup>
- 6.6 Prisons report that just over a quarter of prisoners enter employment on release, compared to a current UK employment rate of 74.1%<sup>39</sup>. The percentage of prison leavers with an education or training place to go to at the end of their sentence is

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<sup>38</sup> MoJ & DWP (2014) *Linking data on offenders with benefit, employment and income data*: <https://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share>

<sup>39</sup> Management addendum [http://www.ons.gov.uk/ons/key-figures/index.html#Labour Market](http://www.ons.gov.uk/ons/key-figures/index.html#Labour%20Market)

reported to be just 16%. Therefore, approximately three fifths of prisoners leave prison without an identified employment or education or training outcome<sup>40</sup>.

### **Coordinating resettlement support and tracking outcomes on release**

- 6.7 The need to improve outcomes for prisoners on release was recognised by the Coalition Government's 'Transforming Rehabilitation' work. It led to the establishment of Community Rehabilitation Companies (CRCs) in 2015 to work with prisons to provide a 'through the gate' resettlement service and supervision in the community for nearly all offenders released from custody. In the course of our fieldwork, several Governors reported a lack of engagement by CRCs to date, but I have been frequently reminded that these relationships are still in their early stages.
- 6.8 CRCs are, however, just one part of a sometimes crowded multi-agency picture of service provision in prison that doesn't always integrate as well as it should. Other agencies involved in supporting offenders' successful outcomes on release include: the OLASS provider; the National Careers Service, which is currently commissioned by BIS to deliver careers guidance and advice; Employment and Benefits Advisors (EBAs), who provide benefits advice on behalf of Jobcentre Plus; NOMS Co-Financing Organisation (CFO), who provide employment support; and voluntary sector agencies who have a long and proud record of work in this area. The DWP is currently working with the MoJ to review the current role of EBAs, particularly in light of the introduction of CRCs.
- 6.9 All of these agencies are tasked with doing various assessments and plans that include: a basic custody screening on reception to prison; the creation of a resettlement assessment and plan, delivered by the CRC; an education assessment and plan delivered by the OLASS provider; and in many cases a careers assessment from the National Careers Service. I have mentioned earlier in this report the need for assessments to be integrated and combined into a sentence plan and Personal Learning Plan.
- 6.10 Prisoners we spoke to were frustrated at being asked the same questions by different agencies working in the prison. In my opinion, the whole process needs streamlining with clear accountability and responsibility, backed up by access to data linked to sustained employment, training and education outcomes on release. Recognising the apparent degree of duplication, I propose that a rapid assessment is made of the roles and responsibilities of existing organisations supporting prisoners into employment. Opportunities to rationalise these roles should be explored.
- 6.11 Although CRC contracts are managed centrally by NOMS, I would like to see Prison Governors having a dialogue with contract managers regarding the quality of the 'through the gate' element of the CRC service offered in his or her prison. The Governor must be able to raise concerns on delivery. With the suggestion that prisons should be more accountable for outcomes on release, CRCs should also be encouraged to collect and share employment and training outcome data so that the impact of 'in prison' rehabilitation services can be better assessed. The DWP is trialling 'without consent' data sharing pilots at HMPs Peterborough and Liverpool to

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<sup>40</sup> MoJ Information Release (2015) *National Offender Management Service Annual Report 2014/15: Management Information Addendum*:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/449925/mi-addendum.pdf\\_-\\_Adobe\\_Acrobat\\_Pro.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/449925/mi-addendum.pdf_-_Adobe_Acrobat_Pro.pdf)

improve inter-agency coordination. I hope this approach is successful, and can then be more widely rolled out.

- 6.12 Another opportunity for evaluating and learning from outcomes may arise from MoJ's arrangements for the sharing of data with the Police National Computer (for re-offending) and DWP/HMRC records (for P45 employment). IpsosMORI is using the same data, alongside OLASS data, to evaluate the effectiveness of previous rounds of OLASS provision. I look forward to seeing the results when they are published later this year.
- 6.13 Part of the IpsosMORI research has already identified that partnership working was better when resettlement services were co-located and used shared systems or had data sharing agreements in place.<sup>41</sup> The range of support services in prison clearly work most effectively when the Governor takes a coordinating role, and enables the co-location of partners where possible. We saw this working well at HMP Isis and at HMP Hatfield.

## What needs to change?

### Teaching the vocational skills that meet industry needs

- 6.14 As with education, training and skills outside prisons, it is vital that what is taught or learned is relevant to rehabilitation and employment. There are some good examples of prisons and education providers providing vocational training linked to labour market gaps. Yet there still appears to be a significant amount of vocational education and training that is undertaken without clear reference to the impact it will have on an individual's future employment.
- 6.15 One recently released ex-prisoner I spoke to described his training as being totally unsuited to the urban environment to which he was returning. "It was", he told me, "as useful as being trained how to herd giraffes." One issue that has been frequently raised is the reluctance of providers to change courses because of the difficulty they experience in finding appropriate teachers/instructors and their reluctance to make current staff redundant. While I appreciate the need to support the existing workforce, such concerns cannot be a reason to continue to run courses that don't meet the needs of prisoners. Providers must look at upskilling and diversifying the workforce to meet needs.

#### **Good practice in Unlocking Potential**

(i) The charity Bounceback works with Land Securities and Lend Lease to run a 'dry-lining' training centre for inmates at HMP Brixton prison. It has been developed to meet the urgent need for trained 'dry-liners' in the construction sector. The project is expected to train around 100 prisoners per year.

(ii) Milton Keynes College has developed an 'employment academy' approach that links training to employment. The college identifies employers who are willing to take on offenders and then tailors an academy curriculum to meet the needs of that employer. At

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<sup>41</sup> Provisional, emerging findings from Ipsos MORI, London Economics and Sheffield Hallam Centre for Community Justice (forthcoming) *Evaluation of prisoner learning: initial impacts and delivery*, commissioned by BIS and MOJ

HMP Hewell a cohort of prisoners have chosen to join the 'employment academy' in railway engineering with the employer RMF. It supplies workers to the rail industry. RMF interviews prisoners prior to them joining the academy to assess their suitability. They then complete all the qualifications needed to secure employment with RMF (with tutors supplied by RMF), and undertake work experience with the company while on ROTL. Almost all the men who complete the academy programme are then offered work by RMF on release.

(iii) NOVUS has adopted an approach to ensure that motivated prison learners are given additional support and 'employment passports' that record and link their achievements directly to employment pathways.

(iv) High Street chains Timpson and Halfords have set up company-branded workshops as academies to train prisoners for future employment in their business.

- 6.16 Prison Industry (supervised by NOMS instructors rather than OLASS staff) exists separately to OLASS provision, but in my view should be better integrated with education and vocational training. (In Chapter Two, I discussed the potential to upskill instructors to enhance their ability to support 'education.')
- In an average 'training' prison, where the population is more stable and prisoners are serving longer sentences, approximately a third of prison activity places are allocated to education, with the remaining two thirds comprising of industry work or other prison work such as laundry and cleaning. It is therefore important not to neglect the learning potential of these placements.
- 6.17 Around 70% of work in prison is for the internal prison market (e.g. making boxer shorts, welding cell doors, printing leaflets) with 5% sourced from other government departments (e.g. MoD). The remainder comes from commercial partners. Such commercial work generates income, which is important, but some of it is very menial (rag-ripping and sandbag-sewing are two examples of 'industry' that the panel has seen). In this context, the teaching of routine and getting-up in the morning may have some value for prisoners, but prisons should ensure there is some element of progression. Where prisoners are carrying out wing cleaning, they should also be enabled and encouraged to gain transferable skills and qualifications.
- 6.18 Some commercial partners are training prisoners to work both in prison and on release. Census Data is a good example, with over 200 prisoners working for them at any one time. All who graduate from their programme are guaranteed a job on release. The numbers of prisoners getting interviews and jobs with other partners that source work from prisons, however, remains disappointingly small. There should be a presumption that employers who make financial gains through commercial prison contracts should consider prisoners for employment.
- 6.19 'Work' in prison should be closer to a traineeship. The best models I have seen sequence education, training, real work experience in prison (and on ROTL if appropriate), followed by employment on release with commercial partners.
- 6.20 Given the amount of maintenance that needs to go into keeping prisons running, as well as the potential expansion and upgrade of the estate, it would seem sensible to explore how prisoners could be trained and 'employed' in-prison by current facilities, maintenance and construction providers. I would like to see NOMS and/or Governors enter into proactive negotiations to address this issue.

### **Good practice in Unlocking Potential**

The Clink is a charity that supports prisoners through training (undertaking NVQs in cookery or catering that equip them to work in the kitchen or front of house) and into production. Prisoners provide commercial services by working in one of the charity's restaurants for paying customers, or by producing food for the Clink's events catering service while in prison. Prisoners are then released on ROTL to continue working in the Clink restaurants, and they are then supported into employment. There are Clink restaurants at HMPs Brixton, Cardiff, High Down and Styal.

### **Providing employability skills**

- 6.21 The importance of core employability skills, such as communication and reliability, as well as basic skills such as literacy, has been identified by research with employers who take on former offenders<sup>42</sup>. Many employers I have spoken to say that the ability of individual prisoners to present appropriately, be organised, accept and provide feedback in a positive way, and engage constructively with colleagues is an important factor in their hiring decisions.
- 6.22 This type of personal development is covered in a number of CRC/education courses delivered in preparation for release. In Kent and Sussex prisons, there is a 'Steps to the Gate' programme with Novus, the National Careers Service and the CRC working together to provide appropriate advice and guidance in the last 12 weeks before release. Offenders also need training on when and how to disclose convictions. This is run by some education providers, as well as by some CRCs.
- 6.23 Several voluntary organisations, including the charity Unlock, and Nacro's Aeneid Project, offer practical solutions to address the challenges of supporting job-seekers with criminal records into employment. They provide support to both job-seekers and to organisations that can offer them training and employment opportunities.

### **Release on Temporary Licence (ROTL)**

- 6.24 I am aware there has been a reduction of approximately 41% in the use of ROTL between the first quarter of 2013 and the second quarter of 2015. This followed a review and change in policy after three high-profile ROTL failures in 2013.
- 6.25 My view is that the current practice should be reviewed to streamline the risk assessment and decision-making process regarding approval of ROTL to give more discretion to Governors. The ability to release appropriately risk assessed prisoners on temporary licence to complete education and work in the community is an important tool to support education and work.
- 6.26 One of the challenges in supporting continuation of a prisoner's education into the community is that he or she is unlikely to be released at the right time of the academic year to enable smooth transition. Appropriate use of ROTL can help to

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<sup>42</sup> Metcalf, Anderson & Rolfe (2001) *Barriers to employment for offenders and ex-offenders*: DWP Research Report 155:  
<http://webarchive.nationalarchives.gov.uk/20130128102031/http://research.dwp.gov.uk/asd/asd5/155summ.asp>

ensure that prisoners could start a course in the community in line with the academic seasons.

- 6.27 Employers like Sue Ryder, who gave evidence to the review, reported that they are desperate for changes to be made in the current ROTL regime. They view ROTL positively, as it enables them to test prisoners' attitude and suitability for work, with a view to then giving them full employment on release.

#### **Good practice in Unlocking Potential**

HMP Springhill has built a relationship with the nearby Oxford Brookes University to enable prison learners to attend Higher Education courses on day release, and then to continue with their studies there on release. Sometimes the newly-released prison learner is given university accommodation and bursaries. HMP Standford Hill has also built a productive relationship with Canterbury College, who deliver construction and ICT courses in buildings adjacent to the prison.

#### **Support for continued education**

- 6.28 Currently the links between prisons (and their education providers) and colleges and universities in the community are not always strong. I accept there is a challenge in building relationships where prisoners are released to different parts of the country, but some more systematic referral mechanism would be helpful.
- 6.29 One of the major barriers for prisoners in continuing education on release is the safeguarding and risk assessment practice of universities and other education providers. I have heard from many ex-prisoners of the difficulties they have had in continuing their education at Further and Higher Education levels because their application for a place to study is turned down on the grounds of the risk they pose, without a clear justification being offered, or the right to a face-to-face appeal.
- 6.30 I believe it is vital that UCAS (the Universities and Colleges Admissions Service), individual universities, VET providers in Further Education, and the Quality Assurance Agency for Higher Education (QAA) ensure smooth transition for prisoners on release. The current voluntary guidelines on fair, proportionate and transparent practice in assessing the suitability of those with criminal records to access further and higher education courses (published in February 2014 by Supporting Professionalism in Admissions<sup>43</sup>) should be rigorously and universally implemented.
- 6.31 The Prime Minister has set out his intention to 'ban the box' for civil service roles (so that applicants do not have to declare their criminal convictions at the initial recruitment stage). Colleges and universities in receipt of public funds should be challenged to match this ambition.

#### **Employment Brokerage**

- 6.32 Despite there being huge labour market need, there is still a stigma in knowingly employing offenders. According to a 2010 CIPD survey, only 12% of employers had employed somebody with a criminal record in the previous three years. One in five

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<sup>43</sup> [http://www.spa.ac.uk/documents/AdmissionsPolicies/SPA\\_Admissions\\_Policy\\_Good\\_Practice\\_2014.pdf](http://www.spa.ac.uk/documents/AdmissionsPolicies/SPA_Admissions_Policy_Good_Practice_2014.pdf)

employers (19%) had deliberately excluded those with a criminal record when recruiting. Jobs fairs in prisons can help to get around these issues. By definition, employers who come along and engage will know they are dealing with prospective employees who have a criminal record.

- 6.33 The Employer Forum for Reducing Reoffending (EFfRR) established by NOMS, and chaired by panel member James Timpson, brings together at regular meetings employers who are interested in giving jobs to offenders. Those joining up are offered mentoring by firms with experience in employing offenders. This is an excellent network, but it is still small in scale. It would be beneficial to replicate it at a regional level. One proposal I would be interested to explore is the development of a Charter Mark for employers who demonstrate a willingness to support offenders back into employment.
- 6.34 There are some emerging examples of CRCs developing their work to support employment. Given the strong links between employment and reoffending, I would expect these initiatives to grow.

#### **Good practice in Unlocking Potential**

In Derbyshire, Leicestershire, Nottinghamshire and Rutland, a Work Programme provider is the owner of the CRC contract. The CRC can therefore take advantage of the functional skills, apprenticeship and traineeships delivery that the provider already offers. The CRC has also developed a 'candidate pool' to link appropriate prisoners with job vacancies offered by employers in its extensive network.

- 6.35 Prisoners who are unable to gain a job immediately on release are currently mandated to join the Work Programme if they want to claim Job Seekers' Allowance. This gives individualised employment support to each prisoner. However, the Work Programme will be changing in 2017 and it seems unclear if ex-prisoners will continue to be a priority for the next iteration of the scheme. Ministers should press to ensure they are.

#### **Support for Self-Employment**

- 6.36 All OLASS providers are currently commissioned to deliver support and training for enterprise and self-employment. It can be a key route for offenders where the nature of their offending may make them unsuitable or unlikely to get jobs with employers.
- 6.37 BIS recently operated an 'Enterprise Pilot' scheme in five prisons. It offered intensive support and a loan to prisoners to start up their own businesses. Evidence from the pilot suggested that participants needed to be carefully selected to ensure they were able to engage effectively in this type of scheme<sup>44</sup>.

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<sup>44</sup> BIS (2015) *Evaluation of the Enterprise Pilots in Prisons*  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/464712/BIS-15-535-evaluation-of-enterprise-pilots.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/464712/BIS-15-535-evaluation-of-enterprise-pilots.pdf)



## **A summary of this chapter's recommendations**

- The roles and responsibilities of existing organisations supporting prisoners into employment should be reviewed with opportunities to rationalise these roles and responsibilities explored. This should be supported by improved data sharing protocols. Data should be collected and reviewed to evaluate the success of the CRCs and other agencies in supporting ex-offenders obtain and sustain employment, training and/or education on release.
- The government should continue to develop an approach that encourages and supports employers to work in prisons and to employ prisoners on release. This should include encouraging current facilities, maintenance and construction providers to prisons to support the training and 'employment' of prisoners, both in-prison and on release. There should be a similar expectation that businesses using prisoner labour in jails should consider suitable prisoners for employment on release. The impact of this recommendation in terms of work opportunities created and taken up should be measured.
- The development of a charter mark for employers who demonstrate willingness to support offenders back into employment should be explored.
- The University and Colleges Admissions Services (UCAS), individual universities, colleges and training providers should review their current system for risk assessments on those with criminal convictions to ensure that all applicants are treated in a just and transparent way.
- ROTL should be routinely used at the Governors' discretion as part of his or her autonomous powers to facilitate access to education in the community and to enable training and employment.
- The government should consider how employment support for ex-prisoners can continue to be provided when the Work Programme is reformed in 2017.

## Chapter 7: A Timetable for Change

### My Vision

- 7.1 I strongly believe that the reforms put forward by the panel will result in better education outcomes and that the ultimate impact will be reduced reoffending. I recognise that, if education is to be at the heart of the prison regime, our recommendations will need to be sequenced and aligned with wider reforms to the prison system, Further Education sector, and the introduction of new devolution arrangements, particularly for the adult education budget.
- 7.2 I therefore propose that the reforms to education will need to be introduced in phases linked to a number of wider reforms. As the timings of many of these reforms are not yet known, I therefore set out what we believe to be the priorities in sequencing our reforms.
- 7.3 I recognise that these reforms will require proper consideration of resourcing as well as a clear commitment to workforce and market development so that the right leadership culture, capacity and capability exist to see them implemented in a sustainable manner.
- 7.4 I propose three phases of reform. Each phase will build on the next, but does not need to wait for the previous phase to be completed before activity can start. In particular, planning for any new services should start at the earliest possible opportunity to ensure continuity of access to provision. I would also expect that systems will need to be put in place to gather and share evidence on implementation learning, outcomes and good practice. The proposed three phases of reform are:
- An 'early wins' phase;
  - A transition phase;
  - A new service delivery phase.

#### Early wins phase (April – July 2016)

- 7.5 The panel's visits to prisons have demonstrated to me that there is considerable scope for current OLASS arrangements, and other provision working within the prison, to operate more effectively under the more visible leadership of the Prison Governor.
- 7.6 I believe that a number of early wins can be achieved in the remaining period of the current OLASS contract to July 2016. In particular I believe Governors can and should take immediate steps to ensure that the role of education within the prison is understood in its broadest sense (see my definition on page 3), and that there is visible leadership and senior management buy-in to this. This might include encouraging Governors to use their existing discretion over such matters as prisoner pay and considering representation of education on their Senior Leadership Teams so that education is prioritised as part of the prison regime.

- 7.7 This 'early wins phase' aligns with the planning of provision for the next academic year (2016/17) and I would expect to see Governors demonstrating more consistent visible leadership in this planning process. That might mean fuller engagement with the full range of local partners including, for example, education providers (both OLASS and non-OLASS), prison industries, employers, the National Careers Service, and Community Rehabilitation Companies. There must be a consistent and shared vision of the education needs of the prison and of how provision supports this.
- 7.8 During this phase, I also recommend that the rapid review of the digital offer to support education, as set out in Chapter Five, is undertaken. Particular priority should be given to reviewing and removing, where appropriate, overly restrictive barriers to existing ICT in terms of physical access, appropriate supervision and the functionality of the ICT to bring it more into line with comparable services available to learners in the community. Clearly, I recognise that there will always be some prisoners for whom access to any form of ICT must be carefully restricted and supervised. However, access for all should not be determined by the restrictions necessary for some.
- 7.9 In preparation for the post-transition phase of delivery, I would expect on-going consultation with Governors - and through them with employers - to inform the design of education services and to identify preferred commissioning models.
- 7.10 In addition, this period offers an opportunity to explore how the good practice identified as part of the review, and highlighted in this report for its capacity to unlock potential, can be shared across the estate. Such sharing of good practice should be a routine part of the usual business of the prison system. Mechanisms to support this should be explored.

#### **Transition Phase (August 2016 - July 2017)**

- 7.11 In order to align my recommendations with the introduction of reform prisons, and initial changes to the prison estate, I recommended in my interim report that the current OLASS contracts be extended for a maximum of one further year. This would extend them until July 2017.
- 7.12 Such an extension does not mean that I expect there to be any delay in introducing key reforms to the governance, accountability and performance of education services. During this transition phase, in addition to retaining current good practice such as the mandated screening of all prisoners for maths and English, I would expect to see:
- Governors of reform prisons given the full budget for their education services and the ability to opt out of all, or part of, their OLASS arrangements and choose their own providers;
  - Changes to the formal governance framework for OLASS contracts to ensure that commissioning of education, and contract management of provision in individual prisons, is led by the Governor, and that education is prioritised at the heart of the prison regime;
  - Identification of shared local performance measurements between providers and Governors, which will focus the regime on provision of a clear and holistic offer;

- Flexibility over the balance of the use of each individual prison's education budget, based on qualifications and Personal and Social Development relevant to the needs of its learners and local employers;
- Increased focus on identifying and sequencing interventions to address barriers to engaging with education, such as LDD, addiction or mental illness;
- Increased ability for Governors to bring in specialist and vocational skill development providers to be more responsive to changing local labour market needs, and to integrate this as part of an overall education offer;
- Creation of the new scheme to recruit high calibre graduates to work in prisons for two years.

7.13 In addition, during this period I would also expect that there will be opportunities to:

- Learn early lessons from the engagement of new reform prisons with the market and in securing different types of education provision;
- Undertake market engagement activity to stimulate interest in delivering prison education services, including with local employers;
- Explore how governors can facilitate access to higher level qualifications (Level 3 and above);
- Increase integrated recording of Personal Learning Plans as part of existing prison sentence planning tools;
- Pilot 'In-cell' technology and explore opportunities to roll this out.

### **New Service Delivery Phase (from August 2017)**

7.14 I would expect that, in line with the wider implementation of prison reform, we will move to all governors having full freedoms over the choice of education providers for their prisons.

7.15 In reaching full implementation of these recommendations, I recognise that the key to success will be to ensure that Prison Governors and the wider prison workforce fully understand the rationale for change. They should be supported and resourced to make them confident in taking on new roles and responsibilities.

7.16 Following the end of the OLASS contracts, there are a number of issues that will affect the ability to move straight to my preferred end-state for education in all prisons. These include:

- The capability and capacity of Prison Governors, their Senior Leadership Team and the prison workforce to lead and deliver these reforms;
- Further reforms to the adult skills sector and Further Education provision;
- The maturity of the market of providers in all parts of the country to ensure all Governors have the broadest possible opportunities to engage with a wide range of providers of education services to reach a judgement on which best meets the needs of their prison learners;
- Uncertainty over the implications of future changes to the prison estate, including the opening of new establishments, the closure of some existing ones, and changes in the functions of others;

- Creation of a digital prison estate with the necessary infrastructure to support 'In-cell' provision.

7.17 I therefore expect a flexible service model, which can adapt and respond to changes over time. It can allow prisons to move to the intended end-state in a staged, staggered manner, possibly based on greater earned autonomy linked to demonstrating the necessary capability. I do not feel it appropriate to set a firm date by which I would expect all prisons to reach the intended end-state. I would, however, expect this to align with the overall timescales for wider prison reform. As all prisons work towards my end-state, I would expect to see as soon as possible:

- Education budgets and contract management arrangements resting unambiguously with Governors so they can choose their own mix of providers to meet the needs of their prison learners and local employers;
- A new accountability framework for Governors, setting out their autonomy and accountability, including step-in arrangements in the event of poor performance;
- A new minimum performance framework and payment mechanism;
- Governors having access to timely performance information and the ability to track outcomes through custody and on release;
- A range of new locally-agreed contracting arrangements with Governors able to introduce a broader range and diversity of local and specialist providers, delivering education interventions in custody, and supporting employment activity through the prison gate into the community;
- Introduction of new ICT to support education, including 'In-cell' technology;
- Cohorts of the new graduate scheme entrants being placed in prisons.

7.18 The implementation of these education reforms will need to be accompanied by the gathering and sharing of evidence on learning, outcomes and good practice. I am aware that an evaluation strategy is being developed for the wider prisoner reform plan. Evaluation of education reforms should form part of this strategy.

7.19 Implemented in the right way, I am confident that the reforms proposed in this report can unlock the potential of Governors as leaders in putting education at the heart of our prisons. By doing so, it will also unlock the potential of our workforce, employers and prison learners. As a consequence, prisoners can be helped to raise their aspiration, turn their lives around, avoid reoffending, and make our communities safer.

## **A summary of this chapter's recommendations**

- Reforms to prison education provision should be introduced in three phases, linked to wider prison reforms. As part of this, the current OLASS contracts should be extended up to August 2017.
- Evaluation of the education reforms should be considered as part of the evaluation strategy for overall programme of prison reform.

## Annex A: All recommendations

1. Every prison must use a consistent and rigorous assessment mechanism to set a baseline against which to measure individuals' academic performance and screen for learning difficulties and/or disabilities (LDD).
2. Every prisoner must have a Personal Learning Plan that specifies the educational activity that should be undertaken during their sentence. This should be in a consistent digital format that can follow the prisoner through the system if they move prisons. This plan should be informed by initial assessment, be subject to regular review, be integrated with the sentence plan, be owned by the prisoner, be shared with key agencies and be accessible on release. Where appropriate the plan should be directed towards an agreed employment pathway.
3. A core set of performance measures should be used by all prisons. Such data should be monitored consistently to drive continuous improvement. The performance data from the top-performing prisons should be shared to celebrate their success and encourage healthy competition.
4. The government should explore legislation to enable data on individuals sentenced to custody to be shared so prisons can access prisoners' previous records of educational attainment from the National Pupil Database.
5. Awarding bodies should work together to agree a core basic skills curriculum for all prisons. This will lead to consistent standards and supporting materials with progression better supported when prisoners move across the estate, are released or go to a job or a different education provider/establishment. This might include new 'adult' modular GCSEs in English and maths.
6. Ofsted should carry out inspections using the same framework as the adult skills sector, with inspection intervals and follow-up arrangements driven by performance data and levels of performance.
7. HMIP should give prisons an overall performance measure, with educational performance (as measured by Ofsted) receiving a separate, distinct assessment. This will be made available to the Governor concerned much closer to the 25-day Ofsted timetable in its work in schools and colleges than currently. It should not be possible for a prison's overall performance to be more than one grade higher than the measure awarded for its education provision.
8. An 'Inadequate' or second 'Requires Improvement' judgement on the overall effectiveness of a prison's education arrangements should lead to specific action urgently to improve the leadership and management of the prison.
9. Governors, senior leaders, teachers, prison officers, instructors and peer mentors must be given appropriate professional development to support them to deliver high quality education.
10. The recruitment of high quality teachers needs to be developed. Focus should be on both the training and recruitment of new teachers, and on the recruitment of high quality teachers from other sectors (e.g. Further Education, schools and Industry) to teach in prisons. As part of this work Governors might prompt their education

providers to adopt a 'Prison Direct' approach where teachers can be trained 'on the job'.

11. A new scheme to attract high calibre graduates to work in prisons for an initial period of two years should be introduced. The role should be as a prison officer with an additional remit to support education at the heart of the prison regime.
12. The current mechanism for funding prison education should be revised so that Governors and/or providers can design a curriculum that meets the individual needs and Personal Learning Plan of each prisoner for whom they are responsible. There should be no restrictions on the funding for arts, sports and Personal and Social Development courses (PSD) if the Governor believes these are appropriate to meet the needs of prisoners.
13. Governors should be free to design a framework of incentives that encourage attendance and progression in education. These might include increased pay, more time out of cell, and release on temporary licence (ROTL).
14. The early release of certain categories of offenders when they have demonstrated exceptional progress in education should be explored.
15. Governors and providers should begin from a planning assumption that there will be substantial numbers of prison learners who will have significant learning support needs. Every prison should adopt a whole-prison approach to identifying, supporting and working with prisoners with Learning Difficulties and Disabilities (LDD). This means that: (i) prison and provider staff must include those appropriately trained and qualified to develop and meet the additional support needs of prisoners; (ii) all prison information, forms and digital systems should be available and/or be designed in simple, plain English, with suitable adaptations to support those with dyslexia, and illustrative diagrams or images to accompany the text where possible; and (iii) prison inspection should explicitly cover the prison's effectiveness in meeting the needs of prisoners with LDD.
16. Education Health and Care Plans (EHCP) that apply in secure youth custody and require local authority action should be extended to cover those in the secure adult estate aged up to the age of 25.
17. Performance measures for Governors (as commissioners) and providers should include:
  - the progression of prisoners in their care beyond Level 2 where this is part of their Personal Learning Plans;
  - the extent, quality and effectiveness of Level 3 provision in the prison; and
  - assessment of their success in building partnerships with external providers of Further Education and Higher Education, based on best practice.
18. Governors should be able to use their education budgets to fund learning at Level 3 and above.
19. The Education (Student Support) Regulations should be amended to extend student loan eligibility to prison learners with more than six years to run on their sentence who are currently unable to access student loans.

20. Public funding used for Access or 'taster' modules at the Open University should be available to support a prisoner opting instead for the first module of an Open University degree.
21. Grant funding for part-time OU degrees started before the introduction of the requirement to take out a student loans to pay for such studies should be continued to enable existing prisoners to complete their studies even when they been unable to meet the original timetable for completion.
22. The planned investment in digital infrastructure should be used to enable more flexible learning across prisons. As part of this there should be a prompt and rigorous strategic review of the Virtual Campus (VC) to assess if and how it can be made fit for purpose. The review should: assess the nature and cost of the infrastructure required to enable the VC to work effectively in all prisons; consider where terminals are sited in prisons to ensure all prisoners have regular access; and explore how the process for administration and vetting of content can be streamlined to enable a broader range of education resources to be uploaded more quickly, with individual Governors having some administration rights. There should also be work carried out to accelerate the testing and use of 'In-cell' or tablet learning technology (including the capability to provide teaching via video-links).
23. The security arrangements that currently underpin the use of ICT in the prison estate should be reviewed. Governors should be allowed to develop an approach that allows suitably risk-assessed prison learners to have controlled access to the internet to support their studies and enable applications for jobs on release.
24. The roles and responsibilities of existing organisations supporting prisoners into employment should be reviewed with opportunities to rationalise these roles and responsibilities explored. This should be supported by improved data sharing protocols. Data should be collected and reviewed to evaluate the success of the CRCs and other agencies in supporting ex-offenders obtain and sustain employment, training and/or education on release.
25. The government should continue to develop an approach that encourages and supports employers to work in prisons and to employ prisoners on release. This should include encouraging current facilities, maintenance and construction providers to prisons to support the training and 'employment' of prisoners, both in-prison and on release. There should be a similar expectation that businesses using prisoner labour in jails should considered suitable prisoners for employment on release. The impact of this recommendation in terms of work opportunities created and taken up should be measured.
26. The development of a charter mark for employers who demonstrate willingness to support offenders back into employment should be explored.
27. The University and Colleges Admissions Services (UCAS), individual universities, colleges and training providers should review their current system for risk assessments on those with criminal convictions to ensure that all applicants are treated in a just and transparent way.
28. ROTL should be routinely used at the Governors' discretion as part of his or her autonomous powers to facilitate access to education in the community and to enable training and employment.



29. The government should consider how employment support for ex-prisoners can continue to be provided when the Work Programme is reformed in 2017.
30. Reforms to prison education provision should be introduced in three phases, linked to wider prison reforms. As part of this, the current OLASS contracts should be extended up to August 2017.
31. Evaluation of the education reforms should be considered as part of the evaluation strategy for overall programme of prison reform

## **Annex B: Terms of Reference**

The Lord Chancellor and Secretary of State for Justice has commissioned a review of prison education in England and Wales to examine how it supports effective rehabilitation of different segments of prison learners (for example young adults, older prisoners, female offenders, short sentenced prisoners and longer sentence/life sentenced prisoners).

The review has been established to examine:

- The scope, quality and effectiveness of current education provision in prisons and Young Offender Institutions (YOIs) holding young adults. In particular the review will consider how provision supports learner progression and the successful rehabilitation of different segments of prison learners;
- Domestic and international evidence of what works well in prison education which demonstrably supports rehabilitation of different segments of prison learners;
- Options for future models of education services in prisons which emphasise effective rehabilitation of different segments of prison learners.

The review will consider:

- The current scope and range of curricula being delivered including identifying particular strengths and gaps in current provision and the role that prison governors can play in commissioning and supporting the effective delivery of education that supports rehabilitation.
- Access to education, levels of participation and methods to engage those who present with barriers to participation such as prisoners with learning difficulties and/or disabilities;
- Identification of the most effective teaching and delivery models for education in prison settings which supports rehabilitation, including making the best use of different prison environments and facilities to deliver effective education;
- The quality of teaching including how to recruit and retain the best teachers in prison and how to promote clear career pathways and continuing professional development amongst prison education leaders, managers and teachers;
- The increased use of technology in prison education;
- The assessment and recording of educational progress made by prisoners in support of their rehabilitation including consideration of effective measures;
- The potential to increase the direct engagement of employers in shaping prison education and the role CRCs and other professionals can play in providing advice and making links to local employment opportunities and/or supporting the continuation of education after release;
- The incentivisation of prisoners to participate in, attend and achieve at education.

The review will consider the views of key stakeholders, including: prison learners, education providers, governors and other custodial staff, employers, probation services, Inspectorates as well as others with expertise or interest in education services in the adult and youth prison systems. The review will also consider the recommendations of the joint

evaluation commissioned by MOJ and BIS from Ipsos MORI to evaluate the effectiveness of the current Offenders' Learning and Skills Service (OLASS) (initial findings due December 2015) as well as relevant domestic and international research studies and literature on education in prisons.

The review will need to take account of the broader direction for prisons which will be set through separate work the Secretary of State for Justice has commissioned to develop a prison strategy and consider how prison education should be delivered within that context.

Support to the review will be supported from within the MoJ and NOMS working together with BIS.

An interim report setting out the review's initial findings is expected to be submitted to the Secretary of State for Justice by the end of January 2016 with a final report setting out the review's findings and recommendations expected by the end of March 2016. The initial report should specifically advise on commissioning arrangements from (academic year) 2016/17.

## Annex C: Acknowledgements

I would like to thank all the Governors, staff and prisoners who we spoke to on our visits.

As part of the review I and/or the panel visited:

HMP/YOI Belmarsh, HMP Brixton, HMP/YOI Cardiff, HMP Coldingley, HMP Dartmoor, HMP & YOI Drake Hall, HMP/YOI Durham, HMP/YOI Elmley, HMP/YOI Forest Bank, HMP Guys Marsh, HMP/YOI Hatfield, HMP/YOI High Down, HMP/YOI Hollesley Bay, HMP/YOI Isis, HMP/YOI Lewes, HMP Lindholme, HMP Onley, HMP/YOI Parc, HMP/YOI Peterborough, HMP Spring Hill, HMP Standford Hill, HMP Swaleside, HMP/YOI Thameside, HMP Wayland, HMP Whatton, HMP Whitemoor and HMP/YOI Wormwood Scrubs.

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## Annex D: An illustration of the range of individuals who can influence a prisoner's education







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