



**Justice Select Committee**  
**Inquiry into Prisons: Planning and Policies**  
**A response from the Prisoner Learning Alliance**  
**(Chair and Secretariat provided by Prisoners Education Trust)**  
**March 2014**

This submission on behalf of the [Prisoner Learning Alliance](#) (PLA) addresses the following areas of the Committee's inquiry:

- The impact of lower operational costs on prison regimes, access to education, training and other purposeful activity, the physical environment, safety and security
- The ongoing re-configuration of the prison estate and the implications of the Transforming Rehabilitation programme
- The extent to which the Government's aspiration for "working prisons" has been achieved

**1. The impact of lower operational costs on prison regimes, access to education, training and other purposeful activity, the physical environment, safety and security;**

Prisoners Education Trust and the PLA know that learning in prison works. This was recently evidenced in [Justice Data Lab results](#)<sup>i</sup>, which showed a statistically significant (and sizeable) impact on reoffending levels from having received a PET grant for a distance learning course. We would therefore argue that the prison service needs to prioritise support for a wide range of learning opportunities in prisons and our response to the Committee's questions are informed by that priority.

- 1.1 The MoJ are implementing significant cost savings as part of the 'fair and sustainable' agendas and benchmarking. The PLA heard evidence that this was making it harder on the ground to achieve rehabilitation outcomes in custody. Although the MoJ may be making initial savings in the prison estate, if this makes it harder to achieve rehabilitation and desistance outcomes, then the predicted savings as a result of reduced reoffending will not be achieved. A balance needs to be struck between the two competing policy agendas in order for the economics to add up.
- 1.2 One Governor who spoke to the PLA said; *"The challenges are cuts in funding, staffing cuts, low staff morale and being expected to do more with less. It is the most difficult time I have experienced in 25 years. I would like a 'utopia' where a high level of education, training and work are available to prisoners, but in reality all we can do is teach prisoners about doing an honest day's work and sticking to a job which involves doing the same tasks each day. With another 5 million being taken out of the budget this year, partnerships are key. We have a contract to repair bed sheets and iron dressing downs. I realise this is low level work, but the contract has an output that can make us a profit"*.
- 1.3 Prison officers who attended an expert roundtable told us about the difficulties in getting prisoners to education due to cuts in prison staffing levels.
- 1.4 The PLA were also told about specialist prison officer staff, for example those who provide sports courses in the gym, being moved back onto the wings for generic duties as staff are cut reducing the amount of embedded learning available. For examples of using embedded learning within sports see PET's Fit for Release report<sup>ii</sup>.

- 1.5 Another participant from the voluntary sector said they had noticed staff cuts making it harder for charities providing learning activities to gain access and be escorted; sometimes they would arrive but not be allowed in. One recommendation was to increase the ability of such organisations to carry keys.
- 1.6 A prison teacher told the PLA that due to staffing cuts, association time was being severely restricted, with prisoners having to decide between coming to education or taking a shower. Learners who valued education and came to class apologised for smelling as they had not washed for several days.
- 1.7 Similar concerns were echoed in the HMIP Annual Report 12-13<sup>iii</sup>, which was based on 37 full inspections and 11 short follow up inspections. The report highlighted that staff shortages were undermining prisoners' chances of making the most of learning opportunities. Furthermore, half of all prisons failed to use their available places effectively, leaving prisoners unnecessarily without work or training.
- 1.8 The Ofsted 2012 - 2013 Further Education and Skills report<sup>iv</sup> also reported that training and education was not enough of a priority for prison governors and other senior staff. They argued that accountability for the quality of provision (which was judged to be the worst across the whole of the FE and skills sector) should be addressed urgently. Despite Ofsted's negative findings, they also saw pockets of excellent practice in prisons (p.11). The most effective provision was vocational training where the prison worked in close partnership with employers.
- 1.9 Safety was highlighted as an issue of concern in the HMIP Annual Report 2012 - 2013<sup>v</sup>. Safety was found to be not good enough in a quarter of prisons and there were significant concerns about safety in about half of local prisons.

## **2. The ongoing re-configuration of the prison estate and the implications of the Transforming Rehabilitation programme;**

### **Configuring prisons to support Transforming Rehabilitation**

2.1 Under Transforming Rehabilitation prisons will be divided into two types; resettlement and non-resettlement prisons. Resettlement prisons are intended to be local to where the prisoner will be released. The MoJ state that *"It is envisaged that the creation of resettlement prisons will present opportunities to create better continuity of service for offenders, in relation to wider mainstream and co-commissioned services. For instance, MoJ is testing, with the Department of Health, an 'end-to-end' approach to tackling addiction from custody into the community"*. This 'end to end' approach should also be applied to education and training. There needs to be a joined up approach between the relevant departments; MoJ, BIS and DWP for this approach to work.

2.2 It appears that prisoners will start their sentence in a resettlement prison, but if they are serving longer than six months in custody, they will be transferred to a non-resettlement prison and return to their resettlement prison three months prior to release. This would mean a shift in curriculum focus for different prisons. OLASS contracts will need to be sufficiently flexible to respond to the differing needs of the two types of prison populations.

2.3 Resettlement prisons, being the first port of call for a prisoner, will also need to take a greater role in ensuring there is sufficient induction and assessment processes and to developing a learning plan, as this should then determine which non-resettlement prison a prisoner attends that would best meet their learning needs.

2.4 In resettlement prisons education providers will be working with short sentenced prisoners with limited time for learning and competing priorities to sort out other resettlement issues such as accommodation, benefits, children and support for addictions if relevant. However there will also need to be a focus on planning for transition to education, training or employment (ETE) after release. In

order to make the most of the short time available, some learning opportunities should be available at evenings and weekends and in-cell.

2.5 In non-resettlement prisons, with longer sentenced prisoners, there may need to be additional flexibility to support distance learning (which has been found to significantly reduce reoffending rates<sup>vi</sup>) and higher level qualifications to enable progression for those who have time to reach higher levels. Non-resettlement prisons are also likely to be working or training prisons, therefore the contracts will need to enable providers to provide vocational and embedded learning to go alongside work activity.

2.6 Non-resettlement prisons may have more very long sentenced prisoners and therefore will need to ensure that informal and unaccredited creative learning opportunities are available for those prisoners to be able to cope with their sentences.

2.7 In non-resettlement prisons there will be longer-sentenced prisoners providing a more stable population with more time to focus on learning. However there is a danger that due to the current focus placed on the beginning and end of the sentence, there is a gap in learning in the middle of the sentence. Time spent in a non-resettlement prison is valuable time to learn knowledge, skills and personal development. If left until a prisoner arrives back at a resettlement prison in the last three months this will be too late and valuable time to be engaged in learning, working towards the process of desistance, will have been wasted.

2.8 Longer term prisoners coming back to resettlement prisons at the end of their sentence may have started a course of learning in the non-resettlement prison and therefore require support to complete that course of study and take the appropriate assessment to gain the qualification.

### **Joining up CRC's and education**

2.9 CRCs, paid by their ability to reduce reoffending, will be interested to work with OLASS providers to ensure the learning in prison is preparing prisoners towards desistance. However currently OLASS providers have no incentive to consider whether the learning and curriculum they provide contributes to desistance. They are encouraged to think about employability, although are paid by numbers of accreditations rather than by outcomes. A new BIS document on qualifications titled 'Getting the Job Done'<sup>vii</sup> highlights that funding mechanisms based on purely on numbers of accredited qualifications does not always produce the best outcomes. In the PLA's report [Smart Rehabilitation](#)<sup>viii</sup>, we detail how an outcome based funding model rather than an output based funding model for prison education would be more beneficial.

2.10 The Ministry of Justice<sup>ix</sup> has stated that there is a 'complex relationship' between employment and reducing reoffending and that there are other factors which contribute to the process of desistance. This could therefore lead to conflict between the CRC who will favour a desistance-led approach and the OLASS providers who will favour an accreditation / employability-led approach.

2.11 Under current TR arrangements CRCs will not have a say in the education and training provision in non-resettlement prisons. However, what happens in non-resettlement prisons will impact the CRCs' ability to achieve their reducing reoffending results. If the time in the non-resettlement prison has been used productively, including access to learning, the prisoner in question will be in a better position to prepare for resettlement than a prisoner who has not been engaged in learning. By aligning the focus on rehabilitation outcomes of primary and secondary desistance for both the OLASS provider and CRC, this should enable them to work closer together for the benefit of the prisoner learner whether at a resettlement or non-resettlement prison. Without this, there risks an approach which focuses solely on the final months of a sentence and valuable time earlier in the sentence to engage and progress with learning has been lost.

2.12 Another issue is the mismatch in contract lengths which adds additional complexity. The contract length for CRCs will be 7 to 10 years, with the option to extend by up to 3 years. Currently OLASS contracts are for 3 years, with the option to extend. The PLA roundtables heard from practitioners about the disruption caused each time the contracts are re-tendered and the length of time it can take to 'bed-in'. OLASS providers also told us that the short contract terms can disincentivise investment in capital projects, such as vocational training or social enterprises. Another disadvantage of shorter contract terms is that it prevents the collection of longitudinal data about 'what works'. This does not matter when the focus is on output measures such as number of accreditations, however if there is a move towards outcome desistance based measures, then shorter contracts will make longitudinal data collection of outcomes more difficult. These considerations must of course be balanced with the need to hold providers to account and therefore if contract terms were lengthened, other strong measures of accountability would need to be in place.

2.13 Another concern about the contract length for CRCs is that prisoners who will not be released within that contract term may 'fall between the gaps' as CRCs have no incentive to be interested in that prisoner as they will not impact their payment by results. Therefore mechanisms should be in place to ensure longer sentenced prisoners have access to learning, despite not being released within the contract term.

2.14 Under TR prisoners subject to Multi Agency Public Protection Arrangements (MAPPA) and those who pose highest risk to the public will be managed by the new National Probation Service, rather than by the CRCs. Therefore NPS will need to work more closely with the education provider to ensure that these 'high risk' and MAPPA prisoners are able to access appropriate learning.

2.15 Given that these prisoners are most likely to find it challenging to find traditional employment and may be suited to self-employment support, an OLASS approach solely focused on employment is likely to exclude these prisoners. Therefore, a 'whole-person' and desistance-led approach to learning would be of benefit, for example by ensuring that Offending Behaviour Programmes are combined with appropriate personal and social development and other learning activities to ensure the soft skills / intermediate outcomes are practised and developed over time. Therefore in formulating sentence plans and learning plans there should be mechanisms to ensure a joined up approach between the Offender Management Unit and OLASS providers to meet the needs of these prisoners.

### **Coordination between prisons**

2.16 Coordination between prisons is vital to minimise disruption to learning, particularly to ensure smooth transitions between resettlement and non-resettlement prisons and through the gate. Mechanisms for sharing good practice between prisons needs to improve in order to increase efficiency and achieve better outcomes across the prison estate.

2.17 Transfers between prisons have always been disruptive to learners. Under Transforming Rehabilitation prisoners with longer sentences will transfer at least twice, from a resettlement to non-resettlement prison and then back again. Therefore urgent attention needs to be paid to ensuring a smooth transition, through preparation, planning, communication and adequate IT systems.

2.18 Transfers from resettlement to non-resettlement prisons should where possible be an active choice to a prison which can best meet the learning needs of a prisoner. This will require resettlement prisons to have up to date information about what is on offer in other prisons in order to be able to advise the prisoner appropriately.

### 3. The extent to which the Government's aspiration for "working prisons" has been achieved

3.1 The Ministry of Justice, through 'One 3 One Solutions', have an agenda of increasing the volume of 'work' into prisons. The 'One 3 One solutions' website explains that one of the benefits of work in prisons is to *'Extend their skills and collaborate within a team, build their CV and develop self confidence. We have developed the provision of training and qualifications inside prison so that it links to vocational opportunities available outside'*. However, research that the PLA carried out during summer 2013, including three expert roundtable events with over 50 practitioners, governors, prison officers, voluntary sector organisations and learners indicated that this is not always the case and that opportunities to embed functional skills or industry-recognised qualifications within prison workshops were missed. One roundtable participant said that when a new workshop was built in their prison, the promised adjoining classroom was not built, making embedding learning impossible given the noise of the machines. One prisoner who responded to a recent PET education survey (to be published in May 2014) said; *'As this is a working prison the education is secondary with courses very limited in time and content'*

3.2 In our PLA publication [Smart Rehabilitation](#)<sup>x</sup> we advocate for 'working prisons' and 'learning prisons' to exist together and suggest ways which this could happen. For example; government departments responsible for co-ordinating these policies could write into work contracts that embedded learning be available as well as opportunities for prisoners working in industries to work and learn part time. Another option would be to enable them to accumulate 'annual leave' to spend doing learning activities. A culture of learning opportunities outside of the core work day, would better replicate a working day in the community as many people work in the day but have access to learning and educational activities at evenings and weekends to develop them as a 'whole person'. To develop prisoners as 'whole people' a similar approach should be taken.

3.3 Other suggestions for improving the work in prisons include; better links to outside jobs, apprenticeships inside prison and having work contracts which have qualifications and learning as a clause. 'Unskilled' prison industries should be phased out as there is no evidence to suggest that this kind of work improves employability, whereas there is evidence that having qualifications and soft skills does. For example Ipsos MORI and London Economics on behalf of BIS found that 35% of men and 29% of women who had undertaken further education and skills training indicated that they had got a better job, while 18% of men and 12% of women indicated that they had received a promotion<sup>xi</sup>. Furthermore, there is evidence (endorsed by the MoJ) that employment, particularly where it offers a sense of achievement, satisfaction or mastery, can support offenders in stopping offending<sup>xii</sup>.

3.4 On the Ministry of Justice website page titled [Working Prisons in Action](#)<sup>xiii</sup>, three examples are given of prisons where progress has been made, including HMP Manchester, which has a printing industry workshop for 35 prisoners and an average working week of between 30 and 40 hours. In September 2013 PET published its bi-annual Prison Education Survey, which was distributed to all prisons through the Inside Time newspaper. We received almost 350 responses from prisoners about their experiences of learning and work and the results will be published late spring in a report titled Brain Cells 3 (Brain Cells 2 can be viewed [here](#)). One respondent from HMP Manchester wrote about his work in the print workshop, where he has been employed since it opened in March 2010. Since then, learning has not been available, although prisoners have been told that an NVQ level 2 in printing would be made available to them. He says; *'I would love to do an NVQ, so on leaving prison I could work in the print industry but it looks like I will have to move prisons before I can gain a qualification'*.

3.5 When asked the question what would have made learning easier, 56% of the sample (183 respondents) said equal wages with those working in the prison. As a result, progressive prisons are adjusting their pay structures for prisoners, to ensure prisoners engaged in learning alongside work

are paid more than prisoners not engaged in any form of learning. This is good practice we would like to see nationally.

3.6 61% (200 respondents) said they would like more opportunities to learn in the evenings and weekends. This would enable them to do prison work in the day and also engage in learning which we know reduces reoffending.

3.7 One example of good practice is HMP Swaleside's wood workshop where prisoners make fire resistant doors to be used throughout the prison estate. In the workshop learners have the opportunity to take Woodwise and City and Guilds qualifications and employment skills are embedded into sessions. They also have classrooms with IT access attached to their workshops and gym to enable embedded learning to take place.

The PLA would be happy to provide further input. Please contact Nina Champion, Head of Policy at Prisoners Education Trust: [nina@prisonerseducation.org.uk](mailto:nina@prisonerseducation.org.uk)

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<sup>i</sup> Ministry of Justice (2013) Justice Data Lab Re-offending analysis: Prisoners Education Trust. London: Ministry of Justice. Source: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/270084/prisoners-education-trust-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270084/prisoners-education-trust-report.pdf)

<sup>ii</sup> Meek, R., Champion, N., & Klier, S. (2012) Fit for Release. London: Prisoners Education Trust.

<sup>iii</sup> HMIP (2013) HM Chief Inspector for Prisons for England and Wales Annual Report 2012 – 2013. London: The Stationery Office. Source: <http://www.justice.gov.uk/downloads/publications/corporate-reports/hmi-prisons/hm-inspectorate-prisons-annual-report-2012-13.pdf>

<sup>iv</sup> Ofsted (2013) Further Education and Skills Report 2012 – 2013. Manchester: Ofsted.

<sup>v</sup> HMIP (2013) HM Chief Inspector for Prisons for England and Wales Annual Report 2012 – 2013. London: The Stationery Office. Source: <http://www.justice.gov.uk/downloads/publications/corporate-reports/hmi-prisons/hm-inspectorate-prisons-annual-report-2012-13.pdf>

<sup>vi</sup> Ministry of Justice (2013) Justice Data Lab Re-offending analysis: Prisoners Education Trust. London: Ministry of Justice. Source: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/270084/prisoners-education-trust-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270084/prisoners-education-trust-report.pdf)

<sup>vii</sup> Department for Business, Innovation and Skills (2013) Getting the Job Done: The Government's reform plan for vocational qualifications. London: BIS. Source: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/286749/bis-14-577-vocational-qualification-reform-plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/286749/bis-14-577-vocational-qualification-reform-plan.pdf)

<sup>viii</sup> Champion, N (2013) Smart Rehabilitation: Learning how to get better outcomes. London: Prisoner Learning Alliance. Source: [http://www.prisonerseducation.org.uk/fileadmin/user\\_upload/PLA\\_Smart\\_Rehabilitation\\_Report\\_PROOF3.pdf](http://www.prisonerseducation.org.uk/fileadmin/user_upload/PLA_Smart_Rehabilitation_Report_PROOF3.pdf)

<sup>ix</sup> Ministry of Justice Analytical Series (2013) Transforming Rehabilitation: a summary of evidence on reducing reoffending. London: Ministry of Justice. Source: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243718/evidence-reduce-reoffending.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243718/evidence-reduce-reoffending.pdf)

<sup>x</sup> Champion, N (2013) Smart Rehabilitation: Learning how to get better outcomes. London: Prisoner Learning Alliance. Source: [http://www.prisonerseducation.org.uk/fileadmin/user\\_upload/PLA\\_Smart\\_Rehabilitation\\_Report\\_PROOF3.pdf](http://www.prisonerseducation.org.uk/fileadmin/user_upload/PLA_Smart_Rehabilitation_Report_PROOF3.pdf)

<sup>xi</sup> Department for Business, Innovation and Skills (2013) BIS Research Paper Number 104. The Impact of Further Education Learning. London: Department for Business, Innovation and Skills. Source: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69179/bis-13-597-impact-of-further-education-learning.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69179/bis-13-597-impact-of-further-education-learning.pdf)

<sup>xii</sup> Ministry of Justice Analytical Series (2013) Transforming Rehabilitation: a summary of evidence on reducing reoffending. London: Ministry of Justice. Source: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243718/evidence-reduce-reoffending.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243718/evidence-reduce-reoffending.pdf)

<sup>xiii</sup> <http://www.justice.gov.uk/about/noms/working-prisons/working-prisons-in-action>