

Transforming rehabilitation?

Prison education: Analysis and options



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March 2016

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Acknowledgements

The author would like to thank the many stakeholders, academics and policy makers who contributed their time and expertise to informing and shaping the research for this report. Particular thanks go to all those who contributed to the expert roundtable held at EPI in December 2015; to Drs Ruth Armstrong and Amy Ludlow for allowing this researcher to observe a 'Learning Together' class at HMP Grendon; and to Sally Benton and Josh Coleman at Nacro, Stephen Evans at the Learning and Work Institute and Dr Gerry Czerniawski at the University of East London for their insightful comments on various drafts. Finally, to Chris Thoug for his invaluable help with analysis.

At EPI, the author would particularly like to thank David Laws for his guidance in shaping the report, and Emily Frith for her tireless advice and editing support.

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Published March 2016 Education Policy Institute

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Executive Summary

Given the role that education can play in enabling rehabilitation of prisoners, EPI's starting point for this report was to investigate how much the promised "rehabilitation revolution" has materialised in this important aspect of the prison regime.

To analyse the performance of prison education since 2010, EPI developed a scorecard which assessed three key performance measures:

1. Access to and participation in education
2. Learning outcomes achieved
3. Quality of education.

Our analysis (presented in Section One) found that overall performance for all three measures has declined or stagnated in recent years. For certain indicators, including the achievement of higher level qualifications and the quality of education provision, performance had deteriorated substantially. There is no sign of a "rehabilitation revolution" if access to and quality of education is measured.

Access and participation

For prisoners' access to education, EPI looked at a proxy measure of time out of cell, which showed little improvement in access to education and purposeful activity.¹ There has been little change in the percentage of prisoners spending 10 or more hours out of cell and in 2014/15 substantially more prisoners spent less than two hours out of cell than those who were unlocked for over 10 hours. This indicates that prisoners do not always have sufficient time in which they are able to access education and work, and this has remained unchanged in recent years.

For an approximate indication of how many prisoners are participating in education, researchers looked also at Her Majesty's Inspectorate of Prisons (HMIP) survey data on how many prisoners said that they were involved in education, including basic skills. This showed a slight decline over the period 2008 to 2015.

In addition, analysis of Skills Funding Agency data shows that those who are participating in education are doing so increasingly at lower levels, and there has only been a small increase in the numbers participating in English and Maths learning below Level 2. The numbers studying for Level 3 qualifications have fallen by nearly two-thirds between 2011/12 and 2014/15, though there has been an increase in those studying for partial and full Level 2 qualifications.²

Outcomes

While the absolute numbers participating in below Level 2 education, including English and Maths, have increased, the achievement of accredited qualifications in English and Maths has actually fallen by 10 per cent between 2011/12 and 2014/15. There has been an increase in Level 2 and especially full Level 2 outcomes achieved, though Level 3 qualification outcomes have fallen by 83 per cent since 2011/12.

1 Figures for Time Out of Cell and Involvement in Education have been taken from the survey data contained in Annual Reports of Her Majesty's Inspectorate of Prisons. This therefore represents a small sample of the prison population, and is approximated to the nearest full figure. They are also figures as self-reported by prisoners, and so can more accurately be seen as a measures of prisoner perceptions/satisfaction rather than harder metrics.

2 A full Level 2 achievement is equivalent to 5 or more GCSEs at grade A* to C. A full Level 3 achievement is equivalent to 2 or more A-levels. See Department for Business, Innovation and Skills, 'BIS Performance Indicators: Total Achievements in full Level 2 or 3 Further Education of people academic age 19 years and over', March 2015

Quality

There has been a significant decline in the quality of education offered, as rated by Ofsted, with a striking increase in the percentage of prisons graded as Requires Improvement or Inadequate since 2011/12. Nearly three-quarters of prisons were deemed to be in this category in 2014/15, the worst result since 2009/10.

EPI has produced a number of recommendations to improve prison education. A top priority should be the collection of sufficient data to enable the system's performance to be monitored at a national level, as a major finding of this study has been the extent to which performance data collected for this sector is either inadequate or unreliable. This is particularly important if the Government plans to grant greater autonomy to individual prison governors: international best practice is for greater autonomy to be married to strong accountability.

The main recommendations for reform, discussed in detail in Section Two of the report, are as follows:

1. Each prison should collect a minimum data set of rehabilitation outcomes for education and employment, including employment and learning status on release and six months after, and these should be published and collated nationally to support performance management and quality improvement.
2. To improve performance, prison governors should be made responsible for education provision in their prisons, and for the achievement of these rehabilitation outcomes.
3. There should be clear entitlements for prisoners and access to education should be prioritised. As part of governor autonomy, more flexibility should be built into the system, to enable prisoners to pursue higher level qualifications where this is clearly linked with improved employment outcomes.
4. Inspection regimes should also be more stringent, with education a limiting factor for overall prison ratings, and a rigorous special measures regime could be put in place for failing prisons.
5. Greater focus should be placed on the needs of particular cohorts of prisoners, emphasising the link with employment. In particular, consideration should be given to a distinct offer for prisoners aged 18-21.

The report also discusses ways in which the frontline delivery of prison education could be better planned and operated, in the light of the current constraints on the prison estate.

Introduction

Policy context

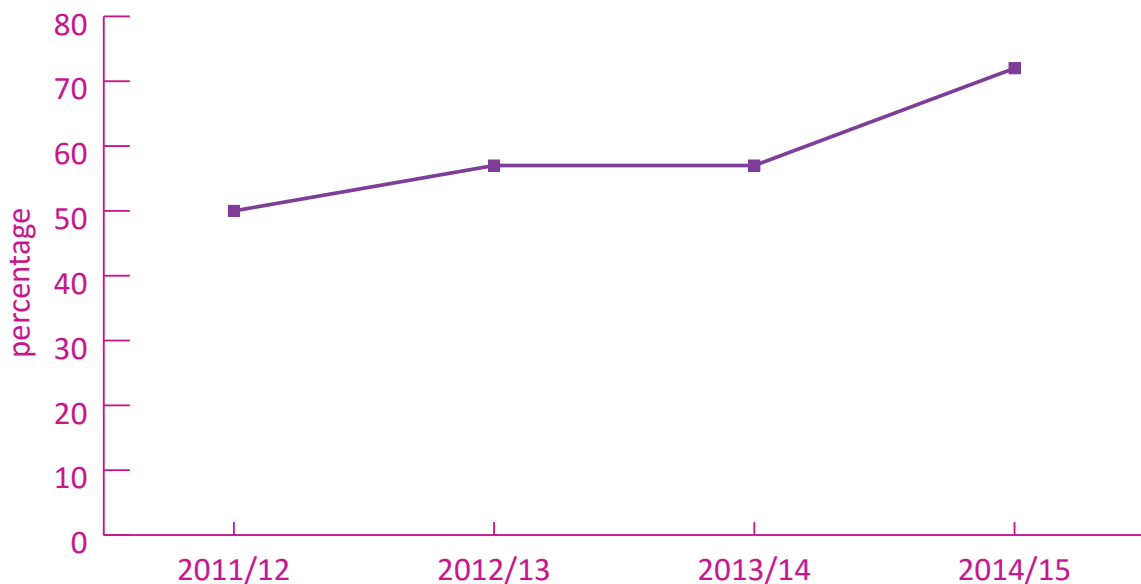
The prison education system in England has been subjected to a high degree of change and reorganisation in recent years. The Coalition Government from 2010-2015 pursued a ‘Transforming Rehabilitation’³ agenda in an attempt to address stubbornly high reoffending rates. A joint review of offender learning launched in July 2010⁴ saw a redesign of outcome targets and funding arrangements for the fourth round of the Offender Learning and Skills Service (OLASS) contracts. These came into effect in August 2012. The Government also rolled out a ‘Virtual Campus’ designed to broaden the range of employment and learning services available in custody.

In spite of these initiatives, educational outcomes for prisoners remain poor and in many respects are declining. There has also been little change in reoffending rates. From the latest figures published in January 2016, the reoffending rate for adult offenders released from prison in 2013/14 was 45.8 per cent.⁵ This is very similar to the rate for summer 2010/11, which was 46.9 per cent.⁶

In education there is some evidence of innovation and improved outcomes, particularly in the women’s estate, but the overall performance of prison education remains well behind the targets and outcomes expected. As EPI’s analysis shows, the barriers to accessing education in prison have increased, participation has remained variable, the number of higher level qualifications being achieved has fallen and there has been little improvement in literacy and numeracy outcomes.

As mentioned above, the most worrying trend has been the deterioration in the quality of education offered in prisons since 2013/14. The graph below illustrates the striking decline in performance.

Figure 1: Percentage of Prisons and Young Offender Institutions graded Requires Improvement or Inadequate 2011-2015



Source: Ofsted Further Education and Skills Outcomes⁷ (Annual Reports)

³ Ministry of Justice, ‘Transforming Rehabilitation: A Strategy for Reform’, May 2013.

⁴ The review was undertaken in partnership by the Department for Business, Innovation and Skills (BIS) and the Ministry of Justice (MoJ). The final report ‘Making prisons work: skills for rehabilitation’ was published in May 2011.

⁵ Ministry of Justice, ‘Proven reoffending statistics Quarterly Bulletin: April 2013 to March 2014’, (2015) p6.

⁶ Ministry of Justice, ‘Proven reoffending statistics Quarterly Bulletin: July 2010 to June 2010’, (2011) p14.

⁷ Data taken from National Archives, Ofsted, Inspection Reports, URL: <http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/inspection-reports/find-inspection-report> The percentage for 2012/13 refers to Ofsted’s judgment on the effectiveness of leadership and management of learning and skills and work activities.

In the light of the continuing poor outcomes for rehabilitation in prisons as a whole, and of education in custody in particular, the Secretary of State for Justice, Michael Gove, has sought to push rehabilitation up the political agenda since taking office in May 2015. He has launched an independent review of education provision in adult prisons and Young Offender Institutions (YOIs) led by Dame Sally Coates. The Prime Minister, David Cameron, has committed the Government to adopting the recommendations of the review,⁸ with the final report expected in late March 2016.

This report therefore analyses the problems of the current system of prison education, and considers options to address these.

⁸ Speech on Prison Reform to Policy Exchange, Rt Hon David Cameron MP, 8th February 2016 URL: <https://www.gov.uk/government/speeches/prison-reform-prime-ministers-speech>

The purpose of prison education

Despite the political rhetoric, recent attempts to create a ‘Rehabilitation Revolution’ have not yet borne fruit: reoffending rates in England and Wales remain high, and the quality of education in prison seems to have been in decline.

Isolating what works to prevent reoffending is complicated, particularly because of the paucity of data tracking outcomes for ex-offenders. Nevertheless, there is a substantial amount of evidence that education promotes rehabilitation. Basic skills education can contribute to a reduction in reoffending of about 12 per cent⁹ according to one study. Other research found that reductions in reoffending caused by custodial education and vocational interventions created savings ranging from £2,000 to £28,000 per prisoner.¹⁰ A US-based study found that prison education led to a reduction in the risk of reoffending by 13 percentage points and a saving of five dollars on reincarceration costs for every one dollar spent on correctional education.¹¹

Education can also prevent reoffending by giving offenders the skills they need to enter the labour market. A survey of prisoners found that 68 per cent believed that the most important factor for helping them to stop offending was employment.¹² The Ministry of Justice concluded in 2013 that ‘evidence suggests that steady employment – particularly if it offers a sense of achievement, satisfaction or mastery, can support offenders in stopping offending’.¹³ By forming a pathway into employment, education can help to secure this outcome. This is borne out by evidence demonstrating the link between educational qualifications and employment. For instance, UK government statistics in 2008 showed that 88 per cent of working age people with a degree were in employment, compared with 67 per cent of those with qualifications at NVQ Level 1 or below and only 47 per cent of those working age people with no qualifications.¹⁴

Just over half of prisoners (53 per cent) report having any qualification, compared with 85 per cent of the working age population.¹⁵ An Institute of Education survey found that prisoner literacy levels were very poor compared to the general population (with only 50 per cent having literacy skills at Level 1 or 2, compared to 85 per cent of the general population).¹⁶ 42 per cent of prisoners also report having been expelled or permanently excluded from school.¹⁷ In addition, the employment market throughout Europe is changing, with a growing demand for higher level skills. It is estimated that by 2020, 16 million more jobs will require high-level qualifications, while the demand for low skills will drop by 12 million jobs.¹⁸

Time in prison, depending on the length and stability of sentence, provides an opportunity to address the gaps in prisoners’ learning and to support them to create the building blocks for successful integration into employment and society on release.

If the ultimate aim of prison education is to prevent reoffending, and employment has been shown as an effective means to do this, the prison education system should focus on education that is clearly linked to employment outcomes, such as vocational training.¹⁹ However, it is important not to disregard the wider benefits of education, such as the development of ‘character and resilience’.

9 Office of the Deputy Prime Minister, Social Exclusion Unit, ‘Reducing re-offending by ex-prisoners’, July 2002, p44

10 NIACE, ‘Lifelong Learning and Crime: An Analysis of the Cost-Effectiveness of In-prison Educational and Vocational Interventions’, 2009, p3

11 LM Davis, JL Steele, R Bozick, M Williams, S Turner, JNV Miles, J Saunders, PS Steinberg, RAND, ‘How Effective is Correctional Education?’, 2014, Summary p20

12 Department for Business, Innovation and Skills/Ministry of Justice, ‘Review of Offender Learning- Making prisons work- skills for rehabilitation’, May 2011, p10

13 Ministry of Justice, Evidence on Reducing Reoffending, 2013, p8

14 Office for National Statistics, ‘Social Trends No. 38’, (2008 edition), p49. See also Ministry of Justice, ‘The pre-custody employment, training and education status of newly sentenced prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners’; Kathryn Hopkins, MoJ Analytical Service, Ministry of Justice Research Series 3/12 March 2012, p14

15 Ibid, pii

16 B Creese, UCL Institute of Education, ‘An assessment of the English and maths skills levels of prisoners in England’, November 2015, p5

17 K Williams, Ministry of Justice, ‘Prisoners’ childhood and family backgrounds: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners’, 2010, p14

18 J Hawley, I Murphy, M Souto-Otero, GHK Consulting, ‘Prison Education and Training in Europe: current state of play and challenges’, May 2013, p12

19 I Brunton-Smith, University of Surrey and K. Hopkins, Ministry of Justice, ‘The impact of experience in prison on the employment status of longer-sentenced prisoners after release: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners’, Ministry of Justice Analytical Series 2014

These 'life skills' can reduce reliance on criminal responses to life's difficulties, and are themselves valued by employers. A survey of employers' views of prison education found that as well as the expected literacy and numeracy skills, employers also rated highly attributes including a positive attitude and the ability to work well with others as influencing their hiring decisions. Indeed, a positive attitude was viewed as more important than having the technical skills to do the job.²⁰ Building up personal skills and capabilities, as well as self-confidence and support networks, are crucial for long-term desistance from crime.²¹

The central purpose of education in prisons is therefore to prevent reoffending, and as a means to do this, to help prisoners into employment. For this report EPI has analysed the performance of the current system in providing high quality and appropriate education for prisoners in order to achieve this goal.

20 CfBT Education Trust and YouGov, 'Employers' perception of best practice in prison education', 2011, p12

21 L Terry with V Cardwell, Revolving Doors Agency, 'Understanding the whole person: Part One of a series of literature reviews on severe and multiple disadvantage', 2015, p5

Section 1: The current prison education system

To assess the performance of the prison education sector, EPI has focused on three key indicators:

1. Access to and participation in education
2. Learning outcomes achieved
3. Quality of education offered

Measure 1: Access to and participation in education

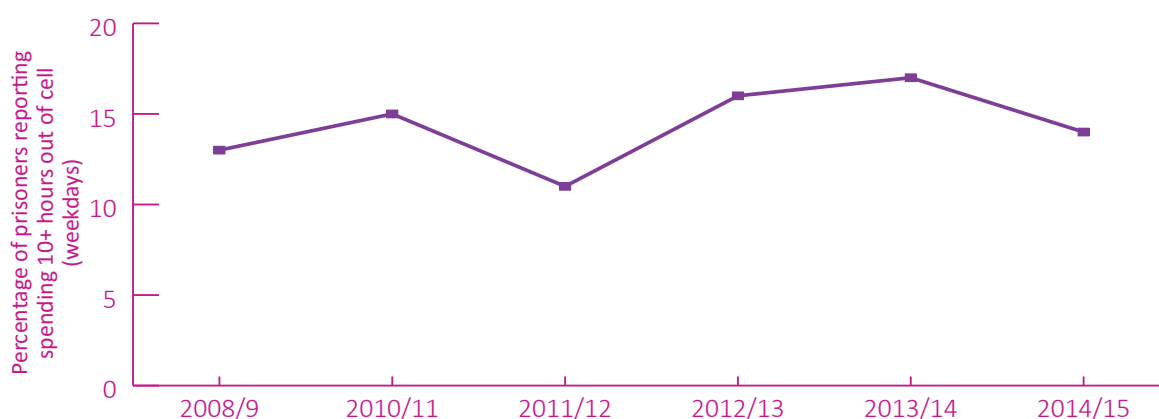
Access

Analysis of available data indicates that prisoners are not always able to access education and other purposeful activity due to the limited time made available.

A new 'core day' was introduced in most adult prisons in 2014-15 with the intention of maximising prisoners' time out of cell while making the most efficient use of staff time. The Prison Service has a public sector benchmark across YOIs and adult prisons (except for the high security estate) for the amount of time prisoners should spend out of cell. This is 10.25 hours unlocked, and 6.25 hours of this are meant to be spent in 'purposeful activity', including education, training and employment.²² However, recent data found that prisoners reported spending only around seven hours per day out of their cells on average.²³ Only 14 per cent were spending the recommended 10 hours out of their cells and there was little information on the number of hours spent in purposeful activity.²⁴ The clearest recent estimate comes from the National Audit Office in 2013, which referred to an average figure of 24.7 hours of purposeful activity per week per prisoner.²⁵

Given that time spent in education is not measured separately, and that there is a lack of data collected on how many hours prisoners spend in purposeful activity, this report uses a proxy measure of "level of hours of potential access to education", based on the 'Time Out of Cell' data collected by HMIP.²⁶ While this cannot be used to extrapolate numbers of hours spent in education and training and represents a limited sample of the prison population as a whole, it does highlight that the time prisoners spend out of their cell - with the opportunity to access education - has seen little improvement since 2008.

Figure 2: Time Spent Out of Cell by Prisoners 2011-2015



Source: Her Majesty's Inspectorate of Prisons Annual Reports 2008/09 to 2014/2015. Note: No data available for 2009/10.

The HMIP reports from which this data is derived do not record the number of hours each individual

22 Ministry of Justice, 'Government response to the Harris Review into self-inflicted deaths in National Offender Management Service custody of 18-24 year-olds', December 2015, p33

23 Ministry of Justice, 'Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR', 29 October 2014, p3

24 HM Inspectorate of Prisons, Annual Report 2014-15, p50

25 A Morse, National Audit Office, 'Managing the Prison Estate', 2013, p28

26 This data is based on surveys of prisoners conducted by Her Majesty's Inspectorate of Prisons.

prisoner spends out of their cell, instead stating the percentage of prisoners stating that they spend 10 or more hours out of cell on weekdays. This has shown virtually no improvement, from 13 per cent of prisoners stating that they spent 10 or more hours out of cell on weekdays in 2008/9 to 14 per cent in 2014/15 (rounded to the nearest full percentage). Time out of cell figures for 2014/15 also show that substantially more prisoners say that they spend less than two hours out of cell on weekdays (21 per cent) than those who were out of cells for 10 or more hours (14 per cent).

EPI also studied Independent Monitoring Board reports for individual prisons, looking at recorded figures on purposeful activity places available and hours spent in purposeful activity (including education, training and work). The variability of the data recorded makes generalisations difficult, but there were indications that places available by prison population for purposeful activity were declining in a number of prisons. Availability of activity places therefore may be another area in which prisoners' access to education and training is becoming more difficult.²⁷

Participation

There are also severe limitations in data measuring participation in prison education. Published figures for 2014/15 indicate there were 101,600 adult offenders in the prison system participating in education.²⁸ However, this figure is virtually meaningless, as prisoners moving between prisons or between prison and the community may be counted as learners multiple times, making accurate calculations of the numbers engaged in learning very difficult.²⁹

From August 2014 mandatory assessments in numeracy and literacy have been introduced for all prisoners on entry to custody. All new entrants to prison are screened using the National Offender Management Service (NOMS) Basic Custody Screening Tool (BCST), and where the outcome from the BCST indicates that an individual is below a Level 2 (GCSE grades A*-C or equivalent) for English and Maths, the NOMS will then refer the individual to the OLASS providers who will carry out the more detailed mandatory numeracy and literacy assessments.³⁰ A study on the mandatory assessments found that for 2014/15, a total of 123,220 assessments of numeracy and literacy levels were carried out by OLASS providers in England.³¹ It is estimated that this represents 90-95 per cent of new prison entrants since August 2014 receiving this assessment.³²

Despite these new assessments, the proportion of prisoners engaging in prison education courses is estimated to be much lower. Estimates of the percentage of prisoners participating in education range from 42 per cent in 2008/9³³ to 23 per cent in 2014.³⁴ The Government has set a target of 50 per cent of prisoners being engaged in learning, but these estimates indicate that it is far from being met.³⁵³⁶

Given the lack of data on proportions of prisoners participating in education, for this report EPI looked at a combination of two data sources. Firstly, Skills Funding Agency data on participation in OLASS provision - in particular the number of learners participating in OLASS-funded education on an annual basis. This was supplemented with figures from the HMIP survey data on those prisoners

27 These figures have been approximated to a survey-wide percentage (estimated to the nearest full figure) from data available in the appendices to HMIP's Annual Reports, available from: https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/?post_type=inspection&s&prison-inspection-type=annual-reports.

28 Skills Funding Agency, Statistical First Release, 'Further Education and Skills: Learner Participation, Outcomes and Highest Qualification Held', 21 January 2016, p14- Please note that these figures refer only to SFA-funded learning through the OLASS providers, and that prison education is wider than the OLASS system alone..

29 The numbers provided by the Skills Funding Agency represent absolute numbers of participants in OLASS education, and do not give an indication of the percentage of the prison population engaged in OLASS learning.

30 Skills Funding Agency, Funding Rules 2015-16, pp100-1.

31 Ibid p6.

32 Estimate provided by the Institute of Education, January 2016

33 R O'Brien, RSA, 'The Learning Prison', 2010, p29.

34 K Hopkins (Ministry of Justice) and I Brunton-Smith (The University of Surrey) Ministry of Justice, 'Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR', p2 .

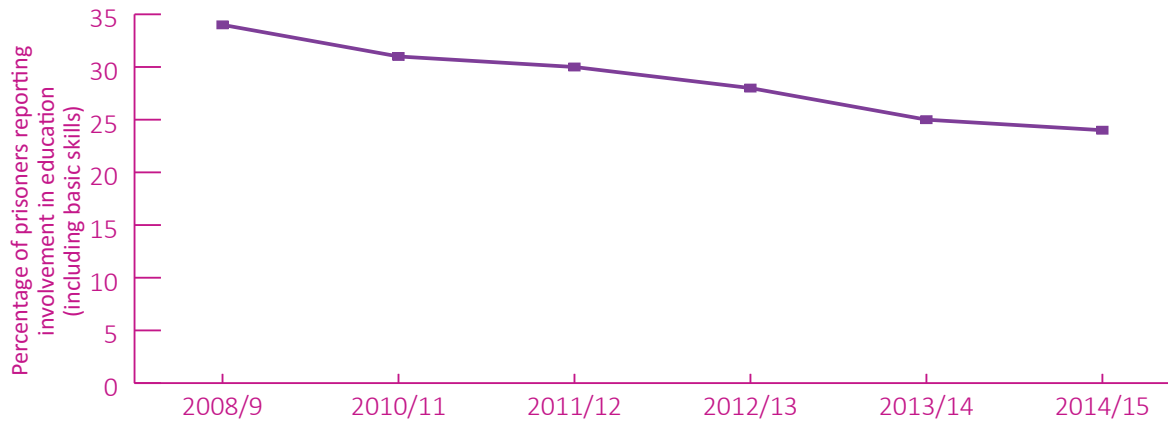
35 Government Response to the House of Commons Education and Skills Committee Report- Prison Education, June 2005, p12 – the 50 per cent target was set in the founding strategy documentation of OLASS, the 'Offender's Learning Journey' in 2004..

36 Such participation figures are frequently based on small-scale surveys or samples of the prison population at a particular point in time, and so provide variable estimates and an inadequate basis on which to extrapolate overall annual participation.

who stated that they were involved in education including basic skills.

The HMIP survey data showed a decline between 2008 and 2015, from 34 per cent in 2008/9 to 24 per cent in 2014/15. Given the limitations of the data sources used, this should not be generalised across the whole prison population.³⁷

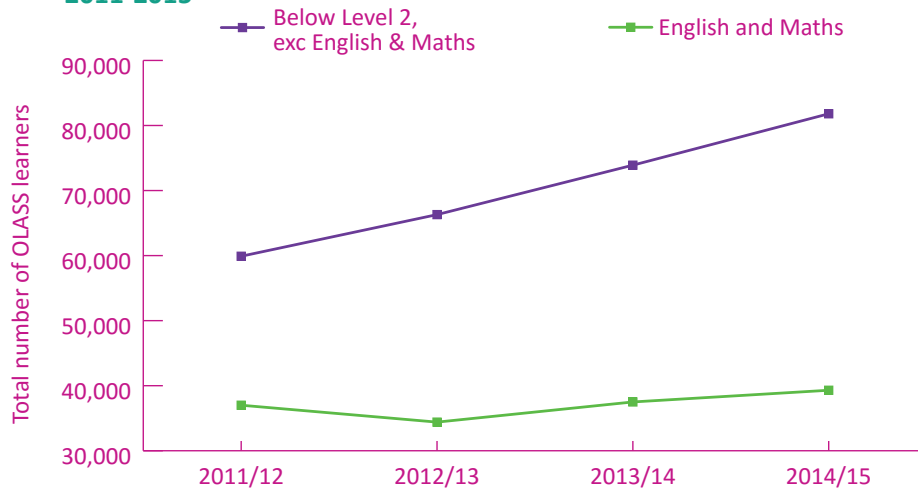
Figure 3: Involvement in Education (including basic skills) 2008-2015



Source: Her Majesty's Inspectorate of Prisons Annual Reports 2008/09 to 2014/2015. Note: No data available for 2009/10.

The numbers provided by the Skills Funding Agency represent absolute numbers of participants in OLASS education, and do not give an indication of the percentage of the prison population engaged in OLASS learning. However, they do give an indication of trends in the numbers participating in particular levels of education.

Figure 4: Participation in OLASS Learning Provision (Below Level 2) in the Adult Secure Estate 2011-2015³⁸



Source: Skills Funding Agency

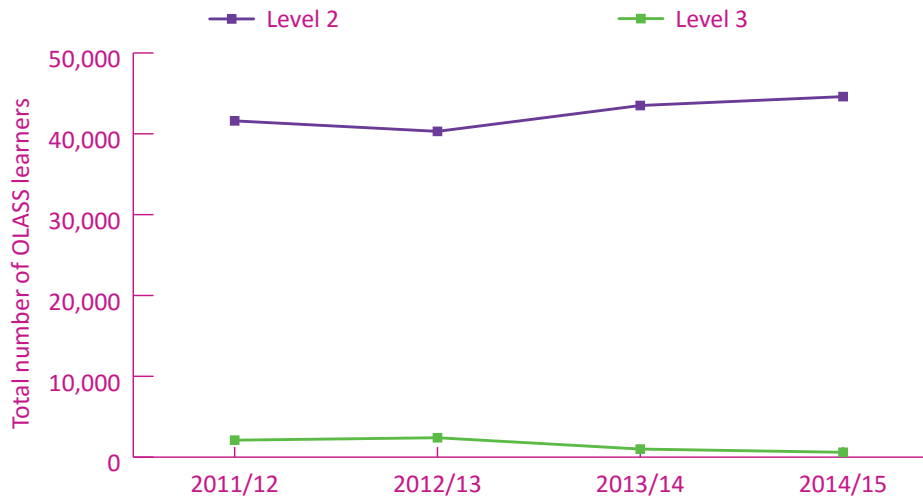
Figure 4 highlights that while participation in below Level 2 OLASS education has risen across the board in recent years, the rise is much higher in subjects other than English and Maths, despite reiterated Government commitments to literacy and numeracy. This suggests less improvement in the numbers of prisoners engaged in learning focused on improving their literacy and numeracy,

³⁷ The HMIP surveys represent a small-scale snapshot survey based on the views of prisoners, and the figures for education do not include those for vocational training.

³⁸ Data for Figures 4, 5 and 6 is taken from Skills Funding Agency, Statistical First Release: 'Further Education and Skills: Learner Participation, Outcomes and Highest Qualification Held', 21 January 2016, Table 10.1.

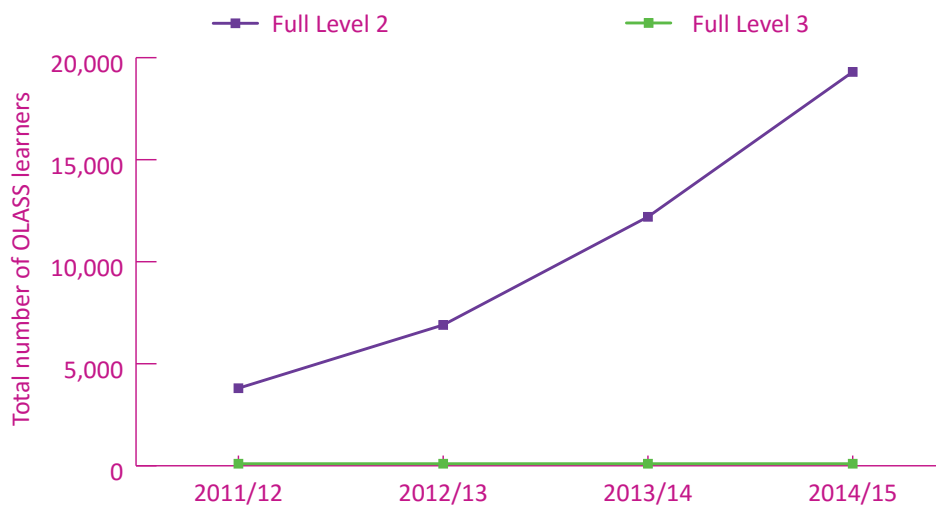
despite this being recognised as crucial for employment and therefore reductions in reoffending.

Figure 5: Participation in OLASS Level 2 and 3 Learning Provision in the Adult Secure Estate 2011-2015³⁹



Source: Skills Funding Agency

Figure 6: Participation in OLASS Full Level 2 and 3 Learning Provision in the Adult Secure Estate 2011-2015⁴⁰



Source: Skills Funding Agency

The absolute numbers of prisoners engaging in learning at Level 2 has risen over the period. However, while there has only been a slight increase in Level 2 numbers, there has been a substantial rise in Full Level 2 qualifications, suggesting that a higher proportion of Level 2 participation now contributes to Full Level 2 than previously.

The numbers participating in Level 3, however, learning have fallen from 2,100 in 2011/12 to 600 in 2014/15 (though participation in Full Level 3 has remained static at 100 participants for both years, bearing in mind the small numbers involved at this level).

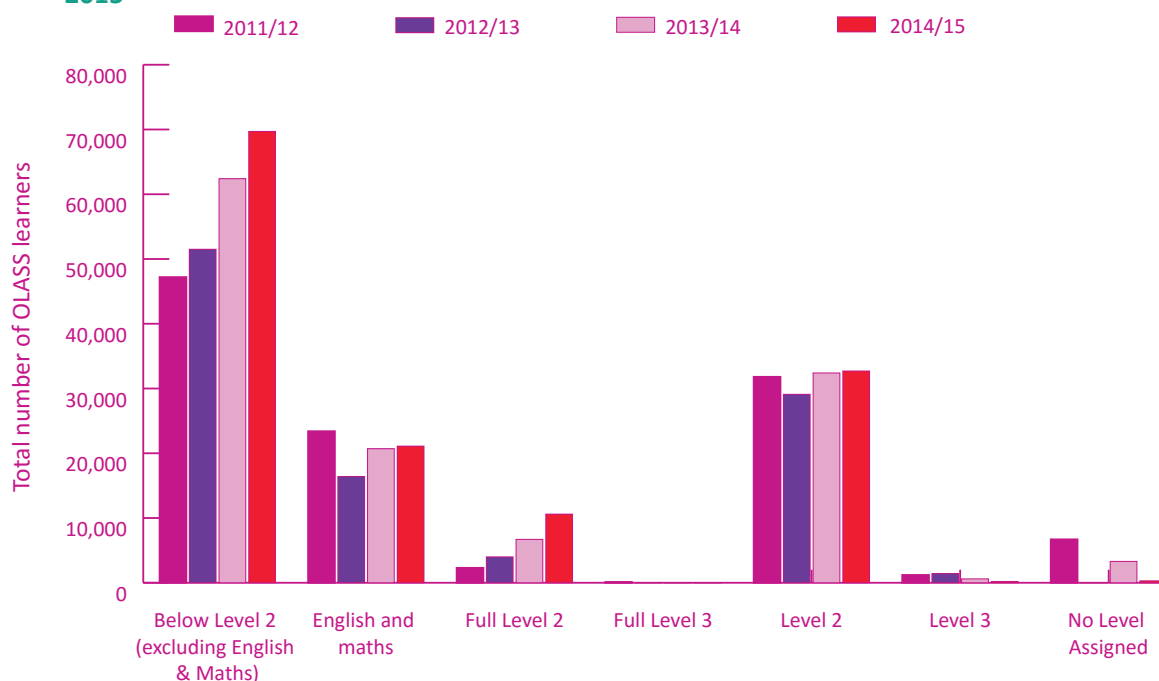
39 Please note that these graphs do not show those prisoners who undertook OLASS learning with 'No Level Assigned' (7800 in 2011/12; <50 in 2012/13; 4500 in 2013/14; 400 in 2014/15).

40 Please note that Skills Funding Agency numbers are rounded to the nearest 100.

Measure 2: Learning outcomes achieved

The current contracts for OLASS education in prisons have the effect of prioritising basic skills or vocational qualifications at Levels 1 or 2. Providers have been expected to focus on prisoners achieving accredited qualifications in a core curriculum.⁴¹ As highlighted by the graphs below, the vast majority of these outcomes are for qualifications below Level 2 (excluding English and Maths),⁴² and it is the increases in these lower level outcomes that has been driving the overall growth in the number of outcomes achieved. The number of Level 3 outcomes supported by OLASS and achieved in prison halved between 2011/12 and 2013/14, from 1,200 courses to 600.⁴³ They then dropped by a further two-thirds in 2014/15 alone, from 600 to 200.⁴⁴ The number of Full Level 3 outcomes (equivalent to two or more A Levels) being achieved remains low, falling from 100 in 2011/12 to fewer than 50.⁴⁵

Figure 7: Qualifications Achieved in OLASS Learning Provision in the Adult Secure Estate 2011-2015⁴⁶



The graphs below show the trend in outcomes achieved for both below Level 2 qualifications and Level 2 and Level 3 courses. There has been a substantial increase in the number of below Level 2 outcomes achieved (from 70,600 in 2011/12, to 90,800 in 2014/15, a 29 per cent increase). However, this increase is the result of a rise in achievements excluding English and Maths (from 47,200 to 69,700, a 48 per cent increase), while English and Maths learning outcomes achieved

41 Learning and Skills Council, 'Developing an Improved Learning and Skills Offer for Offenders in the Community', September 2009, p5; email correspondence with the Skills Funding Agency.

42 Skills Funding Agency, Statistical First Release, 'Further Education and Skills: Learner Participation, Outcomes and Highest Qualification Held', 21 January 2016, Table 10.2

43 Ibid. See also, N. Champion, Prisoners' Education Trust, 'The Future of Prison Education Contracts: Delivering Better Outcomes', May 2015, p3.

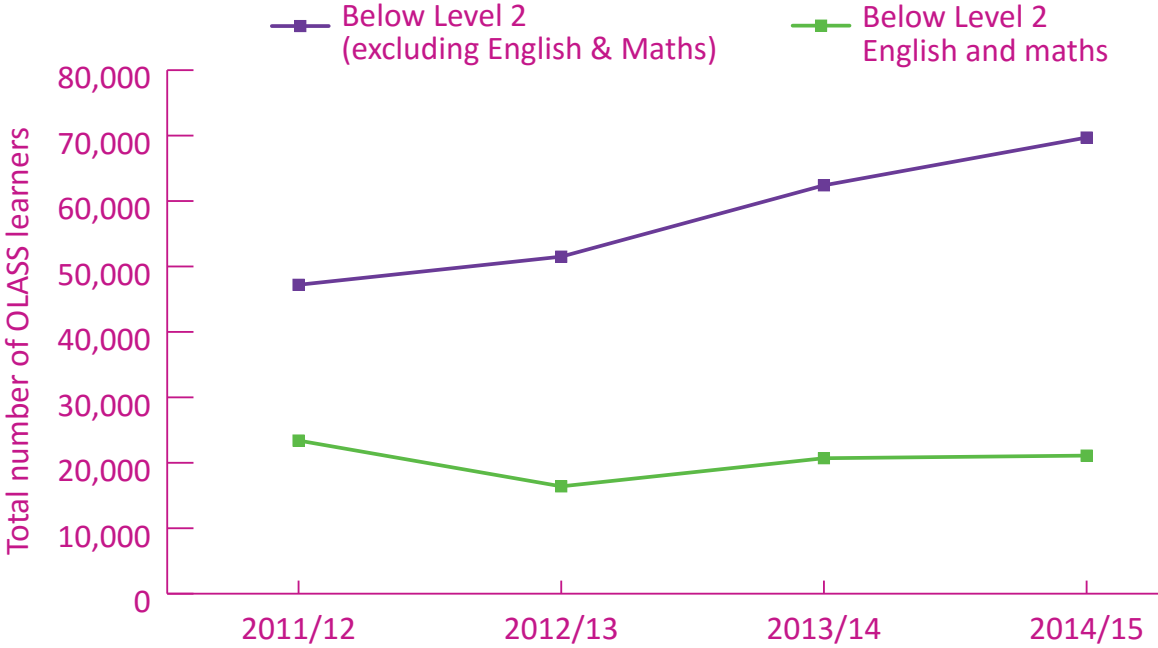
44 Skills Funding Agency, Statistical First Release: 'Further Education and Skills: Learner Participation, Outcomes and Highest Qualification Held', 21 January 2016, Table 10.2

45 The numbers for Full Level 2 and Full Level 3 represent a subset of Level 2 and Level 3. Level 2 and Level 3 figures represent the numbers of enrolments for Level 2 and 3 courses. Full Level 2 and Full Level 3 numbers represent the numbers achieving sufficient Level 2 or 3 courses to achieve the equivalent of a Full Level 2 or 3 qualification. Where those numbers achieving a learning outcome were fewer than 50 this is reflected in the graphs by use of a figure of 25.

46 Skills Funding Agency, Statistical First Release, 'Further Education and Skills: Learner Participation, Outcomes and Highest Qualification Held', 21 January 2016, Table 10.2. Figures for Full Level 3 and some other qualifications achieved were fewer than 50, and so due to overall scaling appear negligible.

actually declined from 23,400 in 2011/12 to 21,100 in 2014/15, a fall of roughly 10 per cent. The largest drop in these outcomes came from 2011/12 to 2012/13, where they fell by approximately 30 per cent.⁴⁷

Figure 8: Below Level 2 Qualifications Achieved in OLASS Learning Provision in the Adult Secure Estate 2011-2015⁴⁸



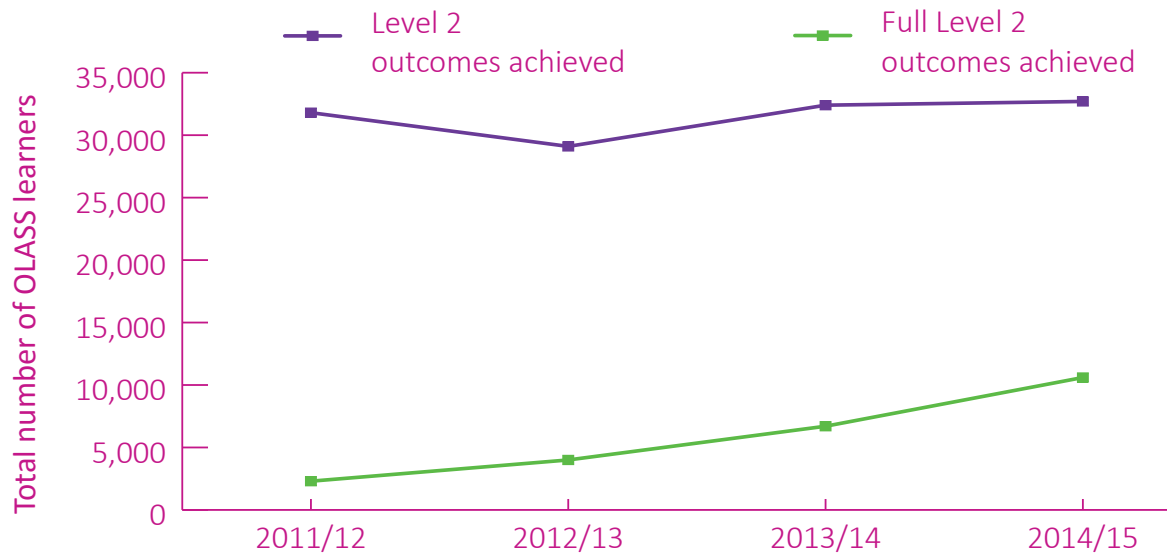
Source: Skills Funding Agency

For higher level outcomes, there has been an increase in the number of Level 2 learning outcomes achieved since 2011 (from 31,800 in 2011/12 to 32,700 in 2014/15, a 3 per cent increase). The most striking rise has been in the number of Full Level 2 outcomes achieved: from 2,300 in 2011/12 to 10,600 in 2014/15, representing a 361 per cent increase. In contrast, Level 3 outcomes have declined sharply from an already low level (from 1,200 in 2011/12 to 200 in 2014/15, a fall of 83 per cent).

The trends for learning outcomes therefore seem to be somewhat mixed. The quantity of qualifications achieved has increased, in particular Full Level 2 qualifications, which is a welcome trend. However, Level 3 outcomes have hugely declined, and English and maths outcomes have also declined slightly. It should be noted that increases in qualifications achieved may reflect both a higher prison population, but also individual prisoners achieving a greater number of learning outcomes. The SFA makes clear that an offender learner may be counted more than once ‘if they participated/achieved in learning at different institutions during an academic year’.⁴⁹

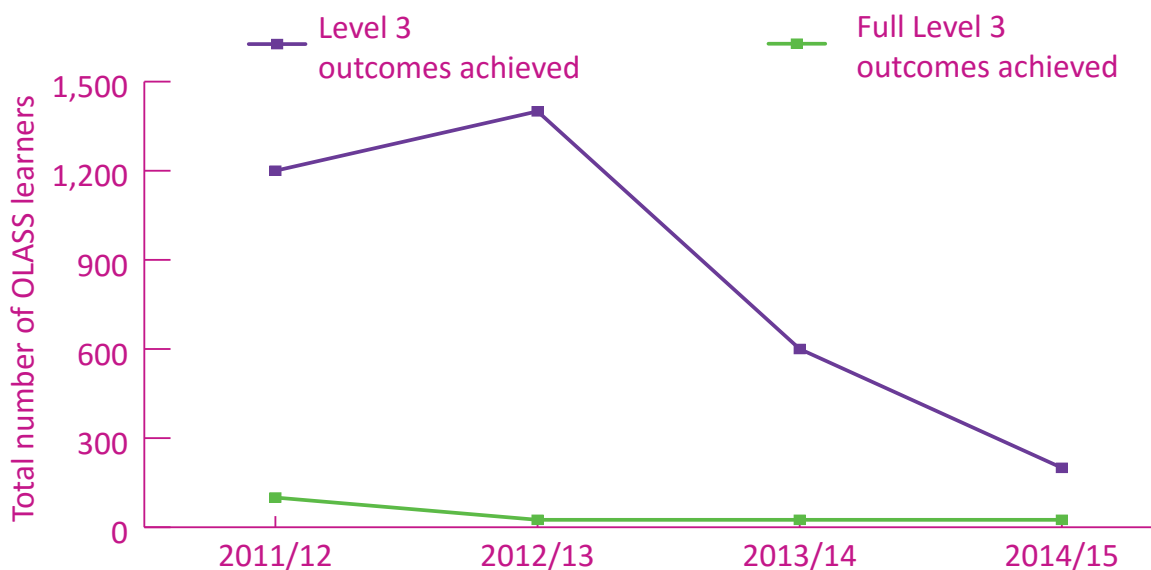
47 Skills Funding Agency, Statistical First Release, ‘Further Education and Skills: Learner Participation, Outcomes and Highest Qualification Held’, 21 January 2016, Table 10.2
 48 Ibid
 49 Ibid, p36

Figure 9: Level 2 and Full Level 2 Qualifications Achieved in OLASS Learning Provision in the Adult Secure Estate 2011-2015



Source: Skills Funding Agency

Figure 10: Level 3 and Full Level 3 Qualifications Achieved in OLASS Learning Provision in the Adult Secure Estate 2011-2015



Source: Skills Funding Agency. NB: numbers of Full Level 3 outcomes for 2012/13, 2013/14 and 2014/15 are fewer than 50.

An emphasis on low level accredited qualifications is reinforced by the current funding methodology for the OLASS 4 contracts. Under OLASS 3, payment was made against teaching hours delivered which, while it gave providers flexibility over what they could deliver, did not incentivise progress or achievement of concrete outcomes for learners. Under the new approach for OLASS 4 funding is attached to qualifications and courses completed. This approach has incentivised the provision of quantity over quality: a “qualifications factory” in the view of some education staff.⁵⁰ There is often insufficient flexibility for providers to draw down funding for above Level 2 courses. The pressure

⁵⁰ P Kirk, ‘Thoughts on OLASS 4’, Inside Time, 1st October 2012. See also G. Czerniawski, ‘A Race to the bottom – Prison Education and the English and Welsh Policy Context’, (2015) Journal of Education Policy for further discussion of OLASS 4 and recent reforms to prison education contracts.

to accredit (as well as risk aversion on the part of providers and prison management) means that opportunities to progress in educational pathways that do not lead to a defined qualification can be lost. This is frequently of crucial importance given the variety of needs within the prison population. Types and levels of qualifications achieved may not then match what is needed for prisoners to secure employment and prevent reoffending. Analysis has shown a significant relationship between literacy and numeracy and employment,⁵¹ and higher level qualifications are becoming increasingly important in the labour market (see discussion below). This indicates a need for a more sophisticated measurement of value-added progress for offender learning.

Measure 3: Quality of education

The quality of education provided in prison has been assessed as consistently poor, with a further decline in performance over recent years⁵². EPI has chosen to analyse available data on quality, including the ratings by Ofsted of education, training and skills provision and the ratings given by HMIP for purposeful activity.

The graphs below shows the trend in the proportion of prisons and YOIs graded Satisfactory/ Requires Improvement and Inadequate by Ofsted over the past decade.⁵³

Figure 11: Ofsted Performance Ratings (Prisons and Young Offender Institutions) 2011 – 2015

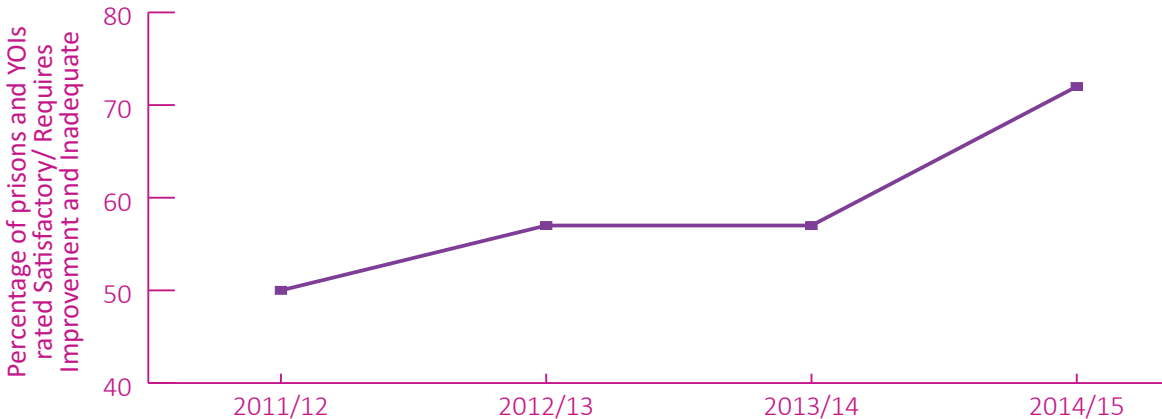


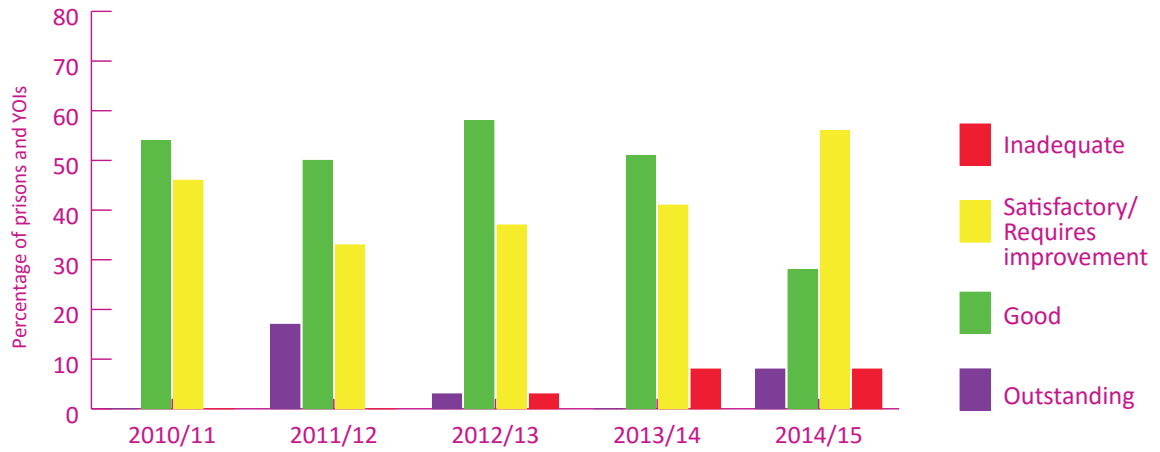
Figure 8 shows a steep deterioration from 2011-2015. 2014/15 saw the worst performance since 2009. 72 per cent of prisons were graded Inadequate or Requires Improvement in 2014/15, the worst performance for five years. These trends also fit with the assessments of HMIP, which announced that many prisons had experienced a steep decline in performance in 2014/15.

The graphs below give a more detailed picture for the three headline measures used by Ofsted: outcomes for prisoners engaged in learning and skills and work activities, quality of provision and leadership, and management of education, training and skills. These show the same trend of improvement up to 2012 and a subsequent stagnation and then decline in performance across all three areas. These more specific measures show some pockets of good performance, with a slight increase in Outstanding prisons, though overall there has been a substantial increase in Satisfactory/ Requires Improvement and Inadequate ratings.

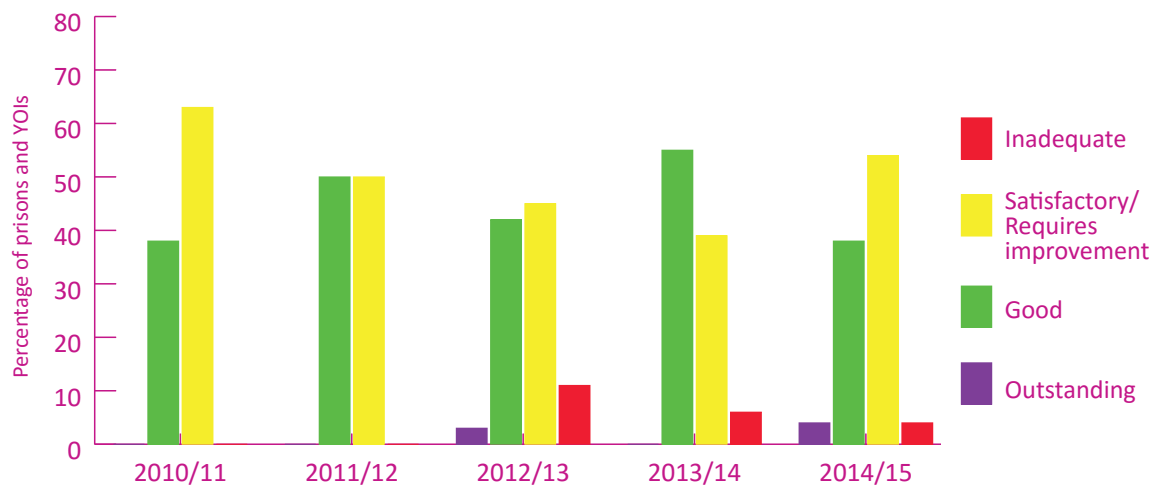
51 A Vignoles, A De Coulon and O Marcenaro-Gutierrez, 'The value of basic skills in the British labour market', NRDC, October 2008, p21.
 52 Ofsted, Annual Report 2014/15: Education and Skills, December 2015, p28.
 53 Please note that for all these measures, figures prior to 2011/12 are not directly comparable due to changes in classifications and methods used.

Figures 12-14: Ofsted Performance Ratings 2010 – 2015

Outcomes of prisoners engaged in learning and skills and work activities



Quality of provision



Leadership of management of education, training, and skills

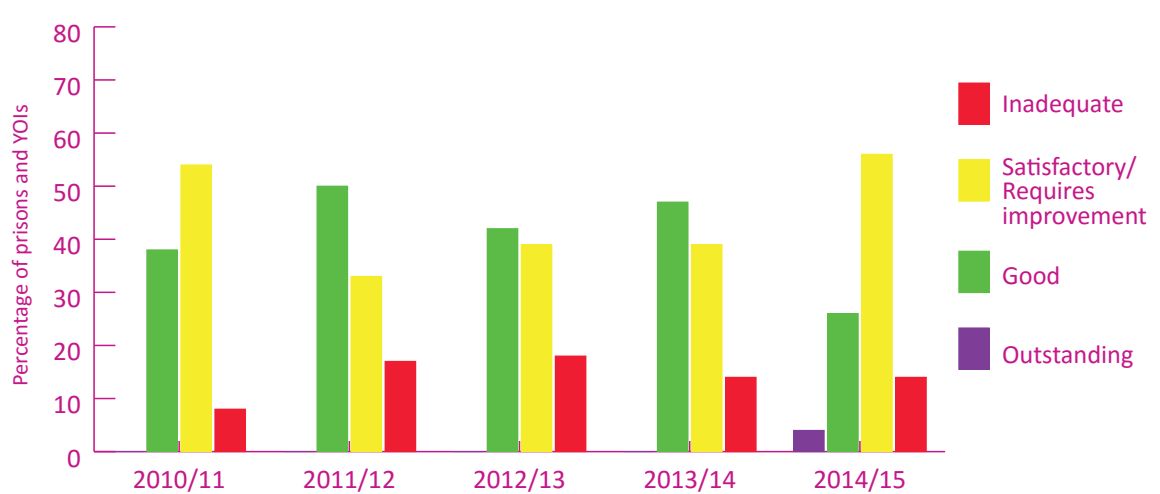
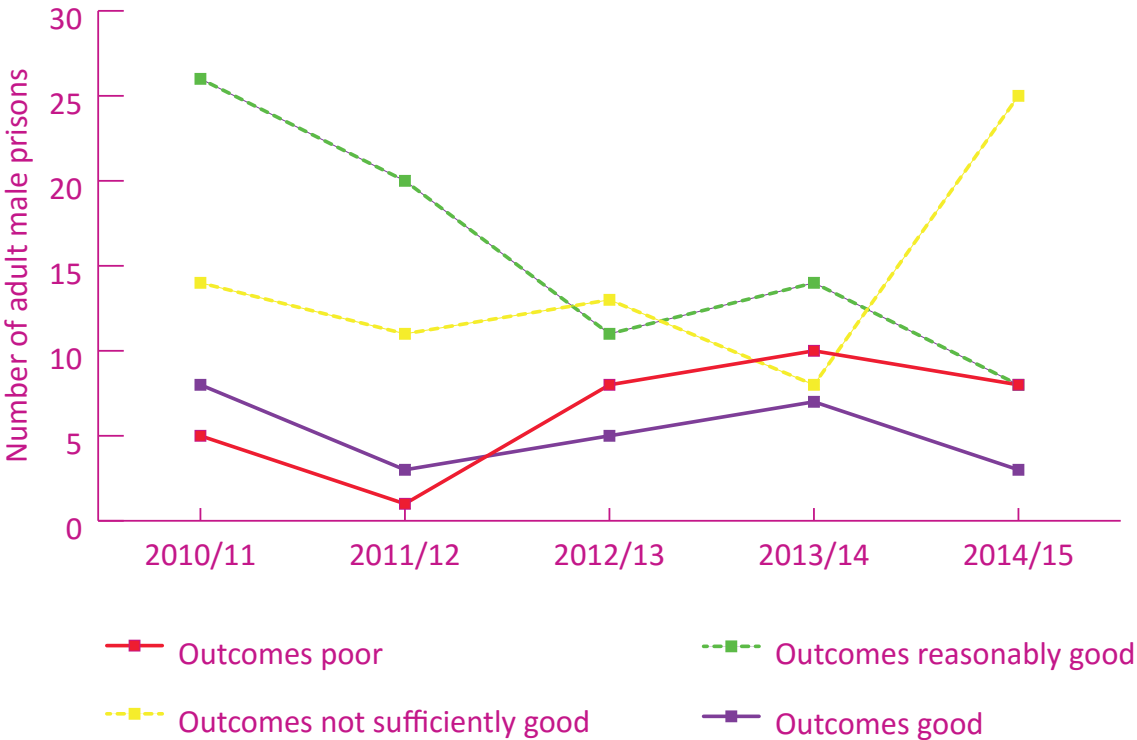


Figure 15: Her Majesty’s Inspectorate of Prisons ‘Purposeful Activity’ Ratings 2010-2015



Source: HMIP Annual Reports 2011-15. The graph reflects the numbers of prisons and YOIs holding adult and young adult men achieving these ratings for purposeful activity outcomes.

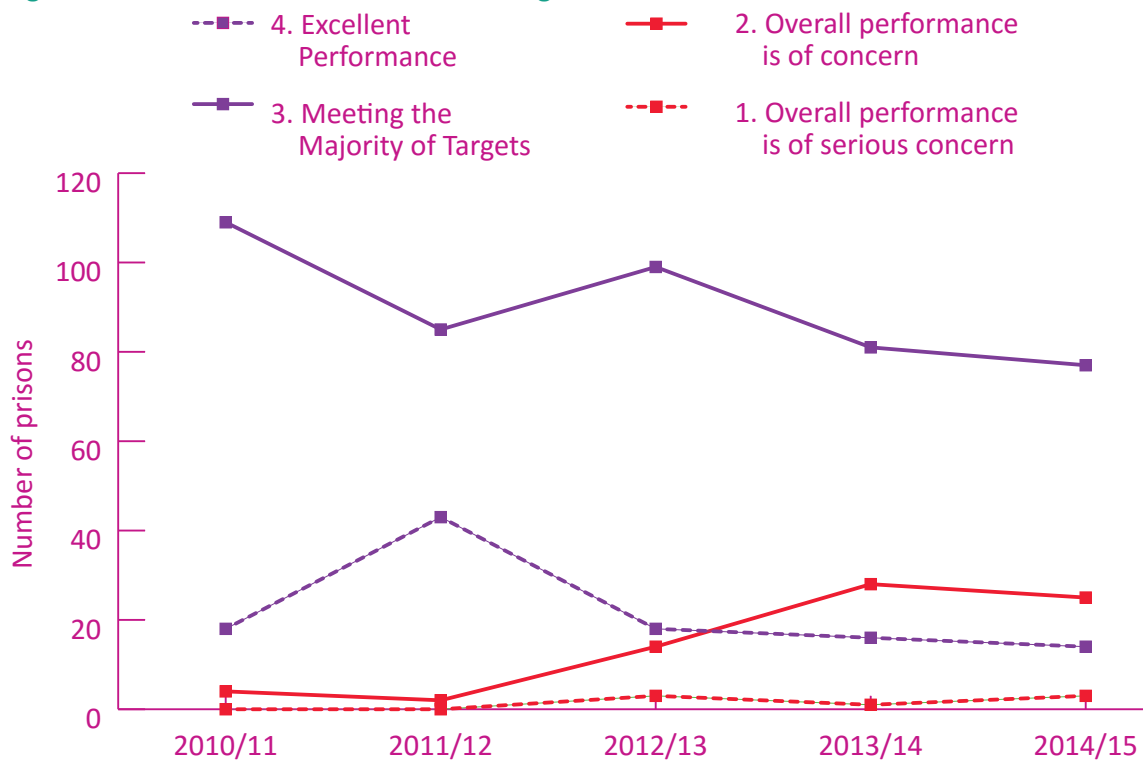
Overall this analysis of inspection reports indicates consistently poor quality provision and a decline in quality over recent years.

General trends in the prison system

The barriers to delivery of effective education in prison include: overcrowding, movement of prisoners between prisons and in and out of custody, staffing shortages, conflicting prison priorities and the engagement of prisoners in learning.⁵⁴ The decline in the above measures from 2012/13 indicate that many of these barriers have been compounded in recent years by tightened funding and increased pressure on the capacity of the system. As of 8th January 2016, the overall prison population stood at 84,950.⁵⁵ This is not far below the useable operational capacity of 87,797. HMIP and Ofsted have both been vocal about the links between overcrowding, reduced staffing levels and funding constraints on the ability for education to be a core part of prison provision. The strains on the prison system in recent years are indicated by the graph below showing prison performance ratings from the National Offender Management Service.

54 J Hurry, L Rogers, M Simonot and A Wilson, Sir John Cass’s Foundation and the Institute of Education, ‘Inside Education: The Aspirations and Realities of Prison Education for under 25s in the London area’, June 2012, p7
 55 Ministry of Justice, ‘Population bulletin weekly: 8 January 2015’ : <https://www.gov.uk/government/statistics/prison-population-figures-2016>

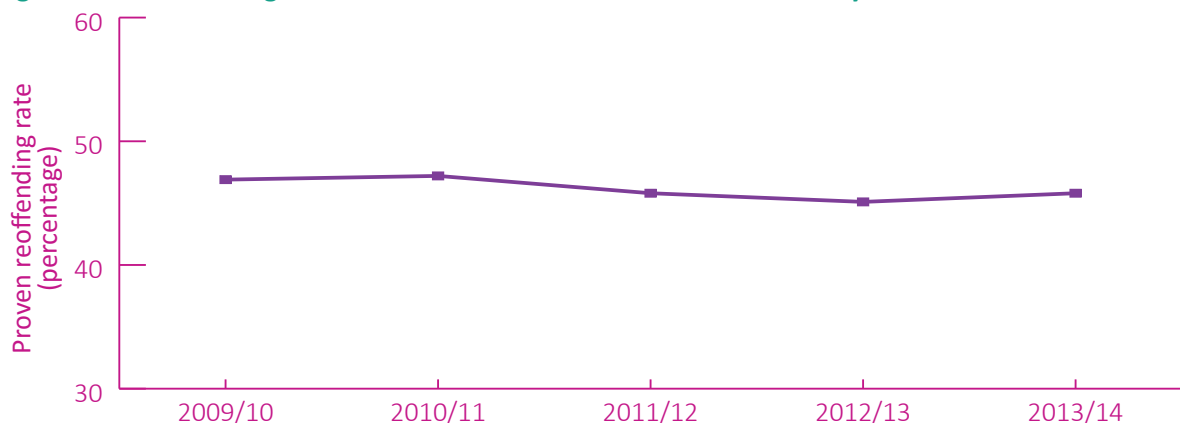
Figure 16: NOMS Annual Performance Ratings 2010-2015



Source: National Offender Management Service Prison Annual Performance Ratings 2010-2015. The figures reflect absolute numbers of prisons achieving each rating.

While purposeful activity outcomes and education quality have seen a stark decline from 2013/14 to 2014/15, this has not been strictly mirrored in outcomes for overall prison performance. There has been a clear decline in wider prison performance since 2010, though this seems to have stagnated somewhat from 2013, while education and purposeful activity deteriorated more sharply. This could reflect the prioritisation of alternative prison targets such as security and respect in the light of financial and capacity pressures, or indicate that the decline in education is not wholly accounted for by wider prison trends of overcrowding and funding constraints. This stagnation is also evident in reoffending rates, which have barely moved since 2009, another indication of the pressures on the system.⁵⁶

Figure 17: Re-offending Rates for Adult Offenders Release from Custody 2009-2014



Source: Ministry of Justice. For comparative purposes the graph used proven reoffending statistics for April-March yearly intervals

⁵⁶ Figures for HMIP and NOMS performance ratings reflect absolute numbers of prisons rather than percentages and so allowance should be made for the impact of changes to the prison estate.

Assessment of the current system

EPI's scorecard of prison education performance shows an overall picture of variable and declining performance.

There has been a stagnation in the time that prisoners spent out of cell: the hours in which they have the opportunity to access education and other purposeful activity. In 2014/15 21 per cent of prisoners spent less than two hours out of cell compared to 14 per cent who were unlocked for over 10 hours. The percentage spending 10 or more hours out of cell in 2014/15 had changed little from 2008/9. In addition a review of IMB reports on available activity place indicated that access to education may be becoming more difficult.

The percentage of prisoners stating that they were involved in education had declined over the period, though there has been a rise in absolute numbers participating in available courses. However, this rise has been mainly limited to participation in courses for low level qualifications. Participation in English and Maths courses and Level 3 courses has fallen.

This pattern has had a concerning impact on some learning outcomes achieved: while the number of below Level 2 outcomes achieved has increased substantially, qualifications achieved in English and Maths have actually declined by roughly 10 per cent. Meanwhile, Level 3 learning outcomes achieved have dropped significantly. The rise in Level 2 and Full Level 2 qualifications is a welcome trend, though there are questions about the fall in English and Maths outcomes and about the ability for prisoners to progress beyond this if needed.

The quality of education provision and purposeful activity as assessed by Ofsted and HMIP respectively has also declined substantially. In particular, the high number of prisons graded Requires Improvement or Inadequate mean the Ofsted ratings for 2014/15 are the worst for five years by some degree. There are pockets of good practice, with a small increase in Outstanding ratings since 2010/11, but the overall trend is one of deterioration.

Section 2: options and issues

In light of the above analysis of the performance of the current system, the following section outlines potential options for reform of prison education.

In summary, these are:

- : Effective induction and assessment processes for all new prisoners;
- : A greater consideration of the different cohorts of working age prisoners, based around skills and employment but with provision for personalisation and non-accredited programmes;
- : An emphasis on highly qualified education and careers staff, with specialised training routes and comprehensive access to continuous professional development;
- : A more linked-up and consistent management of education, employment and training progression;
- : Greater focus on sufficient collection of data on delivery and performance;
- : Clear outcome measures;
- : A distinct accountability structure and robust measures to tackle failing performance.

Clear entitlements

Effective prioritisation

The prison population is not currently segmented effectively into cohorts of prisoners with different needs and suitability for particular interventions. Existing entitlements are not clearly set out for adults. This is in contrast to the youth secure estate where education providers in public sector Young Offender Institutions (YOIs) have been required to provide 27 hours of education a week, supplemented by 3 hours of physical exercise since mid-2015.⁵⁷

In addition, in light of the very real financial and operational constraints under which the sector is operating,⁵⁸ the Government will be mindful of the need for the system to be targeted and cost effective. There must be clarity over which prisoners are entitled to which forms of education, to determine funding and resource levels.

More rigorous prioritisation would focus the system on those prisoners for whom educational intervention is most likely to reduce reoffending. Employment is acknowledged as one of the main, if not the central, factor in enabling individuals to move away from crime on release from prison. Education in preparation for employment is highly valued by prisoners, and therefore more likely to engage them in education. A recent survey found that 53 per cent of prison learners were motivated to do a course for employment-related reasons, with 25 per cent motivated at least in part, to help them set up a business when leaving prison.⁵⁹

Working age prisoners

Interventions could therefore be more focused on getting those prisoners who can work, ready for work. Prisoners of working age who lack the skills to engage in the labour market should receive the education, vocational training and employment opportunities in custody that will enable them to compete in an increasingly competitive job market on release.

In order to prepare for the expectations of future employment, the Government could consider an entitlement for working age prisoners of a full working week of activities, with a minimum proportion

57 Ministry of Justice, '30 hours education a week for young offenders', 15 December 2014, URL: <https://www.gov.uk/government/news/30-hours-education-a-week-for-young-offenders>

58 Ministry of Justice, 'Ministry of Justice's settlement at the Spending Review 2015', 25 November 2015, URL: <https://www.gov.uk/government/news/ministry-of-justices-settlement-at-the-spending-review-2015>. The Ministry of Justice is expected to achieve a cut in its overall resource budget of 15 per cent by 2019-20

59 Department for Business, Innovation and Skills, Research Paper 260, 'Prior Qualifications of Adult OLASS learners 2015', January 2016, p3

of these hours spent in education for those lacking functional skills and basic qualifications. A possible proportion could be 15-20 hours dedicated to education out of a 30-40 hour full week, though this might need to be flexible depending on the needs of the prisoner, i.e. if more time needs to be allocated to substance misuse or mental health interventions. There would be an expectation that working age prisoners would engage with this provision and an appropriate system of incentives could be designed.

The offer for prisoners aged 18-65 should therefore be focused on moving working age prisoners towards a level of qualification needed for employment purposes, and towards supporting them to become well-adjusted and employable members of society. There is a general need for a more agile and flexible workforce with the skills needed for the digital age. Across Europe, by 2020, 16 million more jobs will require high-level skills, while the demand for low skills will drop by 12 million jobs.⁶⁰ Employers will be looking increasingly for intermediate skills, i.e. Level 3, for entry level jobs.⁶¹ This is in line with the goals set for 2020 by the Leitch Review of UK skills, which included a goal for more than 90 per cent of the adult population to be qualified to at least Level 2, and to shift the balance of intermediate skills from Level 2 to 3.⁶²

In line with this, the Government should consider whether the entitlement to education for prisoners should be more tailored and flexible, allowing for prisoners who are ready and able to achieve a Level 3 qualification to do so, where this is needed for progression and employment. However, given the multiple barriers to educational achievement that many prisoners face and the frequently low levels of prior qualifications, focus for the majority of prisoners will remain on improving their skills levels, particularly in numeracy and literacy, below Level 3. Engagement in education would be considered obligatory for those with below Level 2 qualifications. Depending on individual circumstances and length of sentence, a realistic target would be for every prisoner to attain a certain level of progress towards employability while in custody, based on personalised targets which reflect differing starting points and circumstances.

Similarly, greater provision of tailored employability support and options to progress learning and qualifications could be available for those prisoners already qualified to Level 2 and above. This would be at the discretion of prison governors where they could fund this from their allocated budget.

Prisoners aged 18-21

A distinctive offer for young prisoners aged 18-21 could be considered, reflecting the high rates of recidivism: for instance, for 2011, 18–20 year olds reoffended at a rate of 56.1 per cent, in comparison to a rate of 45.6 per cent for prisoners aged 21 and older.⁶³ Young adults (aged 18-20) are also more likely than older prisoners to report issues with schooling.⁶⁴ It is therefore more likely to be cost-effective to focus particular efforts on this group. This could focus on their readiness to enter the labour market and align their offer with that received by young people in the community. This also reflects the priorities of this age group and so provides a means of engaging these prisoners in education and training. Younger prisoners are more interested in gaining employment and training and more likely to state that having a job when released would stop them from re-offending (81 per cent compared with 66 per cent of older prisoners)⁶⁵.

One possibility is for the offer to young prisoners to mirror the 'youth obligation' for 18-21 year olds claiming benefits in the community from April 2017.⁶⁶ This involves those aged 18-21 and

60 J Hawley, I Murphy and M Souto-Otero, 'Prison Education and Training in Europe: Current state of play and challenges', May 2013, p12

61 R O'Brien, RSA, 'The Learning Prison', 2010, p62

62 Leitch Review of Skills, 'Prosperity for all in the global economy – world class skills', December 2006, p3

63 Ministry of Justice Consultation, 'Transforming Management of Young Adults in Custody', November 2013, p25

64 K. Williams, Ministry of Justice, 'Needs and characteristics of young adults in custody: Results from the Surveying Prisoner Crime Reduction (SPCR) survey', Analytical Summary 2015

65 Ibid

66 W Wilson, House of Commons Library, 'Housing Benefit: withdrawing entitlement from 18-21 year olds', Briefing Paper Number 06473, 26 August 2015, p3

entitled to universal credit receiving six months intensive support for employment and skills, followed by an apprenticeship, traineeship or mandatory work placement. Given the low levels of qualifications and skills held by a large proportion of prisoners, this form of work-focused intervention could be more useful after a certain level of educational progress had been achieved, and so a certain amount of mandatory education could be part of a prisoners' 'youth obligation'. In addition, apprenticeship and work experience opportunities would need to be clearly designed and risk-assessed, as well as synchronised with sentence planning and possible provision for temporary release.

Short-sentenced prisoners

It is difficult to deliver meaningful education to prisoners serving less than one month. The options to consider here would be whether short-sentenced prisoners assessed as below Level 2 would be entitled to similar educational provision as their longer-term counterparts but in units or bite-sized chunks suitable for the short sentence, or simply signposted to appropriate through-the-gate support by the Community Rehabilitation Companies (CRCs - see page 29) and other public and third sector bodies.

Prisoners not automatically entitled to funded education

Retirement age prisoners

Focusing on employment outcomes could mean that those prisoners of retirement age would not be entitled to funded educational provision, though this could be mitigated by guaranteeing a greater amount of access to the prison library facilities and signposting to workshops and activities provided by charitable and third sector organisations, as well as provision for independent and distance learning.

Higher qualified prisoners

Prisoners with prior qualifications of Level 3 and above (or who achieve Level 3 in custody) would already have reached a level suitable for employment. The focus would then be on providing them with employment and work experience and enhancing wider life skills. Limited funding could be made available if a clear need for higher level qualifications (mainly additional Level 3 courses) related to employment was demonstrated. Otherwise it seems sensible that these prisoners would be expected to engage in a full working week and again be signposted to distance learning opportunities and non-Government funded charitable provision where available.

Quality

As was evident in the years up to 2004, merely having a target of hours for 'purposeful activity' was insufficient to ensure an appropriate and quality learning and skills offer for offenders. Clearer guidance on what constitutes meaningful educational provision should therefore be considered. A wide definition of education, skills and employment is necessary to capture the full range of services that offenders require and that should be offered within the set weekly hours. National guidelines should be created defining what activities can be deemed part of this meaningful offer, to avoid the perverse incentive to warehouse prisoners in mundane, repetitive tasks like wing cleaning, in order to hit the required number of hours.

The term, 'purposeful activity' is too vague a definition to ensure quality activities. The Government could consider an alternative measure of education and employment provision such as 'employability activity', 'work activity' or 'training time'.

The table below sets out a proposed guide to what activities could be included:

Figure 18: Qualifying activities for provision of employability activity

Qualifying Activity	Non-Qualifying Activity
Education, including: basic literacy and numeracy; accredited units and qualifications up to Level 3; vocational qualifications.	Repetitive activity, such as cleaning and washing up, where this did not form part of well-rounded employment or a particular vocational course.
Employment and training, including: paid work, work experience, apprenticeships and traineeships, vocational training.	Personal exercise or use of the gym, when not focused on qualifications or career goals.
Personal and social development skills, including: accredited and non-accredited courses, group courses and activities with strong evidence base for aiding rehabilitation, including drama, art and team sport, family engagement with education.	

The risk with targets for hours of education provision for the prison population or particular cohorts of prisoners is that quantity of provision replaces quality: prisoners might be placed in maximum-size group classes that may be inappropriate to their educational or vocational needs. There are, however, ways in which this risk can be mitigated. Firstly, by specifying minimum proportions of the weekly hours to be spent on certain skills areas. The following is a suggested offer if a target of 35 hours of activity were to be given to a prisoner:

- : Fourteen hours of education or vocational training
- : Fourteen hours of employment/work-based activities, linked to skills development or achievement of qualifications
- : Seven hours of personal and social development skills (PSD)

Outlining guideline minimums for different kinds of activities is one way of guaranteeing that each prisoner receives a balanced offer, and beyond these proportions, particular areas could then be scaled up depending on the needs of the individual. For instance, the rest of the hours being allocated to education if the prisoner has no or only low-level qualifications, or to prison-based employment if they possess relevant qualifications but lack practical experience. In addition, an emphasis on flexibility in how qualifications are awarded is essential, given the churn within the prison population. This means an emphasis on a modular approach to qualifications to avoid prisoners missing windows for sitting exams and thereby being unable to achieve qualifications, even after completing the majority of a course.

The table below sets out how a potential differentiated offer might look in practice.

Figure 19: Table of Prisoner Entitlements to education

Prisoner category	Education entitlement
Age 18-21, sentence of longer than one month Below Level 3 qualification	Entitled and mandatory Full week of activity, with a minimum amount of education depending on levels of qualification, combined with pre-employment programmes Apprenticeships/Traineeships
Aged 22-65, sentence of longer than one month. Below Level 3 qualification	Entitled and mandatory Full working week Up to Level 3 qualifications, with flexibility for higher qualifications
Aged 18-65, qualified above Level 3	Entitlement to a work-related qualification at Level 3 or above, where link with employment/ career path is clearly demonstrated Assessed and signposted to private/third sector provision Funded education for above Level 3 only if can show it is needed for employment purposes
Aged 65 and over	No automatic entitlement Assessed and signposted to private/third sector provision

Assessments

To achieve effective personalisation in provision, a greater focus is needed on appropriate induction and assessment. Currently there is no standardised practice for induction upon entry to prison, other than the new mandatory literacy and numeracy assessment and a meeting with the National Careers Service, which can be basic.⁶⁷ This means that individual learning plans for prisoners are often not effectively tailored to their specific needs and capabilities. The induction for all new prisoners should, at a minimum, include:

- : An assessment of literacy and numeracy;
- : Previous education and qualifications, including previous experiences of education and attitudes towards learning;
- : Previous employment experience and employment preferences;
- : Criminal background and offending behaviour;
- : Family and support network;
- : Accommodation and resettlement needs e.g. finance;
- : Any health needs including mental health and substance abuse;
- : Overall priorities for the prisoner .

⁶⁷ Her Majesty's Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, 'Resettlement provision for adult offenders: accommodation and education, training and employment', September 2014, p14

This induction should take place early in a prisoner's sentence, and planning could subsequently focus in more detail on particular priorities identified for each prisoner.

Individual Learning Plans and review process

Beyond the initial assessment and induction, the monitoring of educational progress for prisoners could be improved and standardised. Currently this is the point at which the learning and skills plan for an individual is designed, but fragmented responsibility between the creation and delivery of an ILP, and the lack of sufficient follow-up and monitoring of goals set, undermine their use as a basis for progression. The National Careers Service designs goals for a prisoner, and the OLASS provider must then design a plan to deliver these. These are also both separate from the more general sentence planning under NOMS.⁶⁸ When a prisoner is released he or she now has a statutory period of supervision lasting for twelve months, undertaken either by the new Community Rehabilitation Companies (CRCs) or the National Probation Service (NPS), depending on the risk level of the individual. Currently the CRCs and NPS have only a minimal responsibility of signposting with regards to prisoners' education, training or employment (ETE) needs on release.⁶⁹

A joined-up data collection system and shared outcome framework should be developed as an effective basis on which the various stakeholders and agencies can coordinate and monitor plans to ensure the achievement of learning goals. The outcomes to be monitored both during custody and on release need to be clearly specified in order to hold all partners to account. A minimum number of reviews per year of ILPs including learners, education providers, relevant prison staff and the National Careers Service could happen in all prisons. These could become part of the current Quality Improvement Group meetings,⁷⁰ but the learner should be included as standard for at least part of the review. The focus should also remain on effectively monitoring learners' and partners performance, as happens already in Outstanding prisons. For instance, HMP Hollesley Bay, the first adult male prison to gain an Ofsted Outstanding rating for its education provision (in January 2015), has a comprehensive and stringent review process of ILPs, "identifying and implementing timely improvements".⁷¹ This review could better be used as an opportunity for prisoners to feed into their plans and targets and review timescales, encouraging ownership of the plans and their relevance to prisoners' learning experiences. Ofsted gives HMPYOI Low Newton as an example of good practice in the use of individual learning plans. Here detailed ILPs were created during a five-day induction process, and prisoners were encouraged to view them not just as planning tools but as a means for them to engage with staff and tutors.⁷²

Assessments and learning plans could also be better used to support those prisoners with learning difficulties or multiple needs, who may need more specialised support to engage with education. It is estimated that the prevalence of learning disabilities is much higher among prisoners compared with the general population, approximately 20 to 30 per cent.⁷³ The new mandatory assessments in literacy and numeracy are expected to screen also for any learning disabilities or difficulties, but this is often reliant on prisoners self-reporting or staff picking up on potential issues. In most cases there is insufficient recording of how a prisoner's learning disability may affect their sentence planning and ability to access learning and skills training, with limited provision of specially adapted programmes.⁷⁴ More comprehensive induction processes could identify particular learning needs, which would then be a major part of the review process.

68 House of Commons Business, Innovation and Skills Committee, 'Adult Literacy and Numeracy', Fifth Report of Session 2014-15, p33

69 Offender Rehabilitation Act 2014, and see Target Operating Model: Rehabilitation Programme

70 These are regular meetings of managers and senior staff in individual prisons to discuss issues and strategy, Meetings can usually include Heads of Reducing Re-offending, Learning & Skills Managers, Education Managers, Activities Managers, Heads of Commissioning and Contracts and the National Careers Service.

71 HM Chief Inspector of Prisons, 'Report on an unannounced inspection of HMP Hollesley Bay', 2015, p40

72 Ofsted, 'Using individual learning plans to improve personal and vocational skill development: HMP and YOI Low Newton', 11 July 2012

73 Criminal Justice Joint Inspection, 'Offenders with learning disabilities not getting help they need in prison, say inspectors', 26 March 2015, URL: <https://www.justiceinspectorates.gov.uk/cjji/media/press-releases/2015/03/learningdisabilitiespt2news/>

74 Criminal Justice Joint Inspection, 'A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system- phase two in custody and the community', A joint inspection by HMI Probation and HMI Prisons, March 2015

System governance

The governance and accountability of prison education at a national and local level is complex and fragmented. Despite the best intentions and efforts of prison staff and external providers, too often there is confusion regarding roles and responsibilities. This undermines seamless end-to-end management of a prisoner's education throughout their sentence and on release.

While prison governors are nominally accountable for the performance of all rehabilitation programmes in their individual prison, including education, and are accountable to HMIP for 'purposeful activity' outcomes they do not have control over the management of these programmes. A Coalition Government consultation revealed that often governors "*feel they do not have...a sufficiently important role in the process of deciding who will provide learning in their prison;... [or] enough influence on what will be delivered*".⁷⁵ Prisons have been subject in recent years both to centralising moves towards benchmarking and an increasing number of services within prisons being provided by external contractors. This means that governors need to play an increasing role in managing partnerships and ensuring that fragmented provision shares a common focus on core targets, but they have not been given the tools to do so effectively, as highlighted by the House of Commons Justice Select Committee.⁷⁶ Instead they are primarily accountable to NOMS for security and overall performance outcomes.

The role of prison governors

The Secretary of State for Justice has announced an intention to increase the autonomy of prison governors to manage the various services collected in a prison, including education.⁷⁷ Given the governor's overall responsibility for prison outcomes, they could be given greater flexibility in the provision and offer of education, which is crucial to the process of rehabilitation. Nevertheless, there are risks inherent in such a move, including further fragmentation of provision and the risk that education may take a back seat to governors' other priorities, including security and overall regime management. Therefore key performance targets for governors should be considered, such as provision of a certain number of hours for prisoners aged 18-65, and targets for outcomes on release.

In such a system, rather than providers bidding for regional contracts, prison governors would be allocated funding, and then choose for themselves - either on an individual basis or in regional clusters - the education, National Careers Service and other providers with whom they wished to contract, or whether they wish to deliver education internally. This would enable governors to shape the curriculum and offer according to the needs of their prisoners and the local labour market, which high performing prisons already adopt. It could also improve lines of accountability as prison governors would be ultimately responsible for learning and employment outcomes on release from their prison, and so would be incentivised to encourage joined-up working throughout the prison focused on these ultimate outcomes. Prison governors could either employ their own dedicated education staff, which would have the advantage of continuity, or contract out where they felt that external providers had better expertise, for example in particular vocational or employment training. Given the need for more flexibility over entitlements to Level 3 qualifications highlighted earlier in this report, governors could have discretion over funding education to this level, and for what point in a prisoner's sentence they allow this, if they could accommodate this from within their overall education budget.

Governors could also have discretion over the length of contracts to award (where they did not wish to develop their own in-house expertise), though given targets set for outcomes and the

75 Department for Business, Innovation and Skills and Ministry of Justice, 'Making Prisons Work: skills for rehabilitation', Review of Offender Learning, May 2011, p6

76 House of Commons Justice Committee, 'Prisons: planning and policies', Ninth Report of Session 2014-15, 4 March 2015, p4

77 D Shaw, BBC News, 'Gove eyes changes to prison governors' role', 26 October 2015, URL: <http://www.bbc.co.uk/news/uk-34608630>

disruption often caused to prison education departments by the current triannual retendering, a longer contract period of 5 years could be introduced initially (with provision of break clauses in case of poor performance and failure).

Funding incentives

Prison governors would, as part of genuine autonomy, receive their own individual education budgets to spend as they wish, though they would be held to account for appropriate spending according to the rehabilitation outcomes they deliver. Where prison governors choose to contract out provision rather than employing their own education teams, they could be able to hold contractors to account. This could involve reserving funding or clawing back a certain proportion in the case of failure by providers to meet designated national targets and agreed local priorities, unless there are exceptional causes and it is beyond their control. An added incentive of additional funding, or a reserved percentage of core funding, could be payable upon achievement of education outcomes, or demonstrably strong partnership working with, for example, CRCs.

Continuity and partnership working

Prisons and providers are expected to maintain learning records for each prisoner and appropriately transfer to the receiving prison or to community services.⁷⁸ Yet these arrangements often do not translate into continuity of provision and there is a lack of effective follow-up of prisoners on release. When a prisoner returns to prison there is often no record of their prior attainments, which leads to repetition and disillusionment with learning. The NAO has estimated that approximately one-third of the courses started in custody are not completed, with half of this explained by transfer or release.⁷⁹ A thematic review of resettlement in 2014 found that “[a]ssessment of ETE [education, training and employment needs] in prison was not sufficiently linked to sentence plans” and none of the offenders in the study ended up using the vocational skills or training they had received in prison in employment after release.⁸⁰ Systems of recording progress like the SFA’s Learning Records System were not well-used on transfer and release and there was “an over-reliance on the offender to report on what they had accomplished”.⁸¹ The current three-yearly tendering process for the OLASS contracts also makes longer term planning and partnership building difficult.

In addition, recent changes in resettlement have been implemented from April 2015. These include the introduction of the 21 Community Rehabilitation Companies (CRCs) responsible for the support and supervision of all those released from custody for a statutory period of twelve months and the introduction of resettlement prisons for those serving short sentences and those with fewer than three months left to serve. These are significant changes to end of sentence and post-release planning, and it is too early to assess the impact on continuity for prisoner education and training.

Given the many responsibilities of governors, there would need to be a sufficient level of support available to assist them in the management of education, and in ensuring there is continuity, progression and effective partnership working. This should involve sufficient training and development for governors, as well as support staff. One option for ensuring seamless education and training across a prison could be giving a named individual responsibility for joining up support from different partners. Each prisoner could be provided with their own ‘link worker’ from the point of sentencing until their release and beyond, including the period of post-release supervision. This link worker would be responsible for arranging and overseeing the regular review of learning plans with all other relevant stakeholders, liaising closely with the prison governor and keeping records of progress and achievements for these prisoners. They could also have responsibility for coordinating arrangements with CRCs or the National Probation Service (NPS), to smooth the transition back

78 Ministry of Justice and National Offender Management Service, Prison Service Instruction 06/2012: Prisoner Employment, Training and Skills

79 National Audit Office, ‘Meeting needs? The Offenders’ Learning and Skills Service’, 7 March 2008, p7

80 Criminal Justice Joint Inspection, A joint thematic review by HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, ‘Resettlement provision for adult offenders: Accommodation and education, training and employment’, September 2014, p9

81 Ibid, p16

into the community and ensure that any education and training done in custody was effectively followed-up. The resource implications of creating such a post would be fairly substantial. There are therefore a number of ways to provide for such a role:

- : Giving individual prison officers responsibility for small numbers of prisoners, along the lines of the ‘contact officer’ model commonly used across Scandinavian prison systems,⁸² or the Personal Officer that exists already in some UK prisons;
- : Supporting the Community Rehabilitation Companies in a role for education planning from initial sentencing through post-release supervision;
- : Extending the responsibility of the National Careers Service workers in prisons to more actively monitor education targets in prison, create links throughout a prisoner’s sentence with the CRCS and community partnerships, and to monitor the progress of long-term targets including employment and training goals. This already happens in some prisons.⁸³

Regular meetings between the governor and such a link worker given responsibility for monitoring learning and resettlement plans could be a central part of the governor’s oversight role. The MoJ/ BIS review of offender learning in 2011, ‘Making Prisons Work: Skills for Rehabilitation’ discussed the reform of education procurement to be based around new clusters of prisons, for which each cluster would appoint a ‘Lead Governor’ responsible for developing a curriculum offer.⁸⁴ Making such a position permanent rather than just for the procurement process is a way of ensuring that governors engage with the wider area and share best practice. This would help to counteract any risk of a loss of the regional alignments and economies of scale that represent some of the main advantages of the current system. It could be made clear that as part of their monitoring arrangements prison governors should be expected to engage on a regional basis, and this would provide a more flexible arrangement on which regional priorities could be discussed and altered if necessary.

Outcomes

As demonstrated by the experience of the prison education system prior to 2004, entitlements alone are not sufficient when not linked to meaningful outcomes. There is a need for more substantive rehabilitative outcome measures, such as entry into employment, contributions to family and society and reduced reoffending rates. This reflects wider trends across the skills sector to bring in additional core outcome measures in addition to qualification achievement rates (QARs). Such changes recognised that QARs do not always capture meaningful learner progress. Core outcome measures currently being developed in the further education sphere include: destination (into further learning or into/within employment); progression (through learning) and earnings changes (following completion of learning).⁸⁵ While not all of these measures, for instance, earnings change, are appropriate for prison learners, others, such as progression, are potentially even better suited to the prison education system.

Given the emphasis on linking education and training in prisons with employment, and the need for an emphasis on progression, outcome measures collected as standard could include:

82 D Larson, ‘Why Scandinavian Prisons Are Superior?’ The Atlantic, 24 September 2013, URL: <http://www.theatlantic.com/international/archive/2013/09/why-scandinavian-prisons-are-superior/279949/>. See also: Reinventing the Rules, ‘An Innovative Approach to Reforming Prisons’, 10 October 2013, URL: <http://reinventingtherules.com/2013/10/10/an-innovative-approach-to-reforming-prison-systems/>

83 Information from Skills Funding Agency, February 2016

84 Department for Business, Innovation and Skills and Ministry of Justice, ‘Making Prisons Work: Skills for Rehabilitation’, Review of Offender Learning, May 2011, pp26-27

85 Department for Business, Innovation and Skills, Skills Funding Agency, ‘Skills Funding Statement 2013-2016’, February 2014

1. Destination on leaving prison, i.e. into education, training, employment;
2. Employment/learning status three or six months after leaving custody;
3. Distance-travelled in custody towards an educational level suitable for employment, which could be both nationally and regionally aligned, also a percentage achievement of goals set in induction (threshold target of 80 per cent achievement).

There should also be records of certain key performance measures, such as:

1. Number of hours of employability activity per week each prisoner receives, broken down into hours of education and training, employment and Personal & Social Development
2. Achievements at all levels for all accredited provision including partial or unit and whole qualification successes.

These outcomes could represent the key performance targets by which governors would be held accountable for the performance of education, training and employment in their prisons.

The overall expectation set by Government could be for each prisoner to make a certain amount of progress towards employability. The achievement of certain targets would be based around each prisoner's priorities and needs as determined by the assessment process. For instance, those set for prisoners with added difficulties in learning or lacking basic skills would be less focused on achievement of qualifications and more on appropriate levels of educational progress and on engagement with learning. For measurement and monitoring however, the expectation could be that all prisoners engaged in education and training programmes should achieve at a minimum 80 per cent of their particular learning or employability goals set at induction. Based on an annual assessment of the regional employment market and skills level, there could also be an expectation that a certain proportion of prisoners achieve a skill or qualifications level that is aligned with the regional skills level. Consideration would need to be given to the variability in prison populations and whether such a target was appropriate in every case.

Where policy areas are impacted by multiple departments - as with offender learning - shared outcomes and targets are needed for shared performance management. Nevertheless, for clarity of reporting and responsibility, the primary responsibility for collecting outcomes data and analysing performance would need to lie with one of the main departments, such as BIS through the SFA or the MoJ. Funding should be channelled through prison governors, so the governors would be ultimately accountable for achieving these outcomes (through a new Key Performance Target), and would be expected to coordinate effectively with education and training providers, the NCS and employment providers and CRCs to achieve them. The ultimate sanction here in the case of continued failing performance would be the replacement of the governor. There would also be recognition of where a particular provider - education, NCS or CRC - was failing in their role, through inspection and monitoring arrangements with HMIP and Ofsted, in which case the prison governor would have the power to terminate their contract and replace them.

These outcomes could be sufficiently linked to enable prison governors, education providers, NCS advisers and CRCs to share targets and coordinate their activities and performance. Educational outcomes will need to be tailored to both individual prisoner needs and skills, but linked into the wider regional context in terms of local employment markets and average skills levels. This could be partially a function of prison clustering, which could be clearly incentivised and supported by NOMS through its regional structures. Area Key Performance Indicators along the lines of those used currently for the NCS could be agreed among prison governors and other key stakeholders. Greater moves towards regional devolution in the form of City Deals and other initiatives, which have included greater regional powers over skills funding,⁸⁶ can also play a role in bolstering regional

86 Cabinet Office, 'The Implications of Devolution for England', December 2014, p10

strategies for wider adult learning, with offender learning a key part.

Initial targets set should be subject to consultation and review. Achievements of targets would be monitored on an annual basis by the MoJ, with destination and employment outcomes monitored in a similar manner to the way in which the performance of the National Careers Service is currently monitored by the SFA, by a national target for a percentage of prisoners achieving a job or learning outcome on release.⁸⁷ (Area Key Performance Indicators for the NCS are also agreed in partnership with the SFA and Local Enterprise Partnerships, which should support the national targets and reflect local priorities).

Any outcome targets for prisoners will need to reflect their unique circumstances. Nevertheless, as part of the focus on the journey to employment, prison governors could be incentivised to partner with local and regional businesses to design tailored education and training programmes linked with guaranteed placements or jobs on release. This should be a particular aim for resettlement prisons and those holding shorter sentence prisoners.

Accountability

Departmental responsibility

Though the role of prison governors is vital in ensuring that education and skills training is locally tailored and responsive to the needs of particular prison populations, national oversight of minimum standards is also important. The first question is where overall departmental responsibility should sit for prison education, a sector affected by numerous policy agendas. Currently the majority of learning and skills provision in prison is co-commissioned by the Skills Funding Agency (SFA), an executive agency sponsored by the Department for Business, Innovation and Skills (BIS), and the National Offender Management Service (NOMS), an executive agency of the Ministry of Justice. If greater autonomy is given to prison governors to run their own education departments, one option for ensuring a clear line of accountability back to national Government would be for responsibility for education in prisons to be passed back to the Ministry of Justice. While this would have the advantage of clarity, there is a real risk of prison education becoming disconnected from the wider employment and skills agenda, and subordinated to other crime reduction priorities in the justice area. The reason for allocating the prison education budget to BIS through the SFA originally was to ensure parity of offer for offenders with the mainstream FE and skills sector.

The Government will therefore need to think carefully about where departmental responsibility should be allocated. The shared responsibility between MoJ and BIS, given the relationships with reducing reoffending and the need to link with skills and employment, makes sense, but ultimately one department should hold overall responsibility. This could be the Ministry of Justice given the responsibility for reoffending outcomes, but it should work closely with other departments like BIS and the Department for Work and Pensions (DWP) in order to ensure the offer for offenders is aligned with mainstream education provision and employment policies. Making clearer data on outcomes and performance publicly available would allow parliament to better hold the Ministry of Justice to account.

⁸⁷ National Careers Service Frequently Asked Questions, 03/11/2014 URL: http://www.adviza.org.uk/uploads/files/National_Careers_Service_FAQs_v11_tracked.pdf. The current national target for the National Careers Service delivery are 45 per cent of customers to achieve a jobs and learning outcome, of which 50 per cent into learning or training, 35 per cent into sustainable employment, 15 per cent career progression.

Inspection

As well as the quantity of entitlement, it is important that the Government focuses on maintaining and improving quality of provision. Ofsted remains the best placed body to inspect the quality of education under the Common Assessment Framework, in conjunction with HMIP, which should monitor access to education and the provision of employability activity. However, there could be more robust measures in place for action to be taken where providers are deemed to be failing, including an ultimate option of replacing the provider, the prison management or both. Prison governors would be able to replace education and training providers where they do not feel that they are delivering. In addition, a redesign of the ratings system could be considered, in which HMIP awards an overall grade for effectiveness, and where educational performance could be a limiting factor in this. For instance, an Inadequate rating from Ofsted for a prison's education provision could result in a prison automatically failing their overall inspection and being placed in a Special Measures regime similar to failing schools. Those prisons receiving a Requires Improvement rating for three years in a row could then be deemed to fail, and expected to improve within a certain period of time, as happens with schools receiving this rating.⁸⁸ Improvement could be supported by a carefully designed SM regime, building on lessons from the education and healthcare sectors but taking account of the distinctiveness of the prison system. This could involve performance improvement plans, 'turnaround teams', partnership with better performing prisons, loss of governor control of the education provision, and, ultimately, changes in leadership and in prison operation.

Data collection

At present, the poor quality and availability of data makes it virtually impossible to compare education provision across providers and regions. There is a lack of data collated nationally as well as inconsistencies in recording and sharing practices, with insufficient digital infrastructure to capture data. The Government should urgently design a standard minimum data set, focused on outcome measures, to be collected for each prison at a national level. The vast majority of the KPIs regulating aspects of NOMS were abandoned in 2012/13.⁸⁹ Those that remain are focused mainly on security outcomes.

For instance, it is extremely difficult even to estimate how many hours of education the average prisoner receives. This is because this data is no longer collected centrally, and is collected to varying degrees of detail and regularity at the level of individual prisons. A former Prison Service Key Performance Indicator (KPI) target for purposeful activity that every prisoner spend on average of 24 hours per week engaged in purposeful activity was abandoned in 2004, partly due to concerns that it distracted from issues of quality and was not a sufficient representation of education and training activities in prisons. 'Purposeful activity' includes training and prison work, and is not limited to education: therefore a prisoner may be recorded as having spent 30 hours per week engaged in purposeful activity but this gives no indication of how much of that time was spent in education, or whether it was merely 30 hours spent cleaning the wing.

A 2015 independent review⁹⁰ recommended that every prison should record and publish details of both the time spent out of cell and the time spent engaged in purposeful activity for every prisoner and that such information should be collated nationally to aid both management purposes and analysis of outcomes. However, the Government rejected this recommendation in December 2015, stating that "we do not believe that it is practicable or beneficial to record data at the individual level recommended as this would be unduly time-consuming (it would currently require costly manual data collection) and serve no practical purpose".⁹¹

88 Ofsted, 'Changes to education inspections announced', 30 May 2012, URL: <https://www.gov.uk/government/news/changes-to-education-inspections-announced>

89 M Day, A Hewson and C Spiropoulos, Prison Reform Trust, 'Strangeways 25 years on: achieving justice and fairness in our prisons', July 2015, p25

90 Ministry of Justice, Changing Prisons, Saving Lives: Report of the Independent Review into Self-Inflicted Deaths in Custody of 18-24 year olds'

91 Ministry of Justice, 'Government response to the Harris Review into self-inflicted deaths in National Offender Management Service custody of 18-24 year-olds', December 2015, p35

However, without such data collection the quality of education provision in prison, which costs over £145m annually, cannot be measured and assessed. The abolition of KPIs regulating the rehabilitative activities of prisons seems counterintuitive, undermining the ability to monitor whether a “rehabilitation revolution” is taking place.

In the case of hours of purposeful activity undertaken by prisoners, while such input measures alone are not sufficient to measure the quality of the system, they enable a greater understanding of what is being delivered, and both inputs (e.g. hours) and outcomes (e.g. employment rates) should be measured. This data should be collected centrally, a process which can be simplified as part of the much-needed digital modernisation of the prison estate. With greater and more consistent use of the Virtual Campus for learning in prisons, individual learners could fill in their hours spent electronically each day, which could then be linked to a central database, perhaps as part of p-NOMIS or the LRS.⁹² Learners could be engaged in this process if encouraged to see this as a method of holding the prison and providers to account for their offer of activities.

There are some signs of progress on data collection, with the Prime Minister pledging in February 2016 to develop proper data and make prisons more transparent in how they operate.⁹³ As part of this publication of data he announced the intention for this to drive something akin to a ‘League Tables’ system for prisons, enabling comparisons between prisons’ effectiveness on key rehabilitative measures. Whilst greater transparency to drive up standards is to be welcomed, comparisons between prisons should be made carefully. Prisons may need different targets depending on the needs of their populations, and must not be unduly penalised for factors outside of their control, e.g. a lack of demand in local labour markets affecting employment outcomes on release.

As well as the aggregate collection of national data on an annual basis, the Government could prioritise use of Randomised Controlled Trials and other evaluative tests to ensure that we know for certain which types of learning and styles of teaching work best to reduce reoffending. Results of such evaluations could be stored in an open data lab, perhaps part of, or linked to, the current Justice Data Lab, which lets charities and third parties access data on reoffending rates for prisoners engaging in particular interventions.⁹⁴

There is also a need for greater clarification and coordination of what data can be shared across providers and Government departments. The relevant lead Government departments (BIS, MoJ and DWP) should consider issuing updated guidance on what data can be shared on what basis. This could involve a consultation on mandatory data-sharing with appropriate safeguards, and on a new Key Performance Target based around effective sharing of data. National Government needs to lead on ensuring the effective monitoring of outcomes and intermediate performance measures through enabling effective data collection and sharing.

92 The Prison National Offender Management Information System (p-NOMIS) is the main operation database in the prison system. The Learning Records System (LRS) is part of the Managing Information Across Partners (MIAP) system, introduced by the SFA in 2007. This allows access by OLASS providers to view and update offender learner records. Prisons are now included in MIAP’s Learner Registration Service (LRS). A unique learner number (ULN) is issued for every person (over the age of 14) in education and training. This information is available via the LRS system, recorded in an Individual Learning Record, and SFA providers and prison Heads of Learning and Skills are able to access the data locally.

93 Speech on Prison Reform by Rt Hon David Cameron MP, Policy Exchange, 8th February 2016

94 See Ministry of Justice, Justice Data Lab statistics, URL: <https://www.gov.uk/government/publications/justice-data-lab>

Other delivery issues

Options for getting prisoners to attend and engage

A widely discussed problem in the current prison education system is lack of engagement by prisoners. Attempts have been made to encourage prisoner participation in education through linking this with the Incentives and Earned Privileges (IEP) scheme, paying prisoners to attend education in the same way that they are paid in work, or making education a necessary step before a prisoner can undertake employment. Though all sensible policy options, there are a number of other methods for encouraging engagement that could be explored.

Mandation

Mandating engagement for prisoners is ambitious and has not previously been attempted in England and Wales. It is argued that prisoners have first to want to engage with education in order for it to be effective, and that it is difficult to achieve any progress by recreating the mandate that many rebelled against in the mainstream educational system.⁹⁵ However there are international examples in which an element of compulsion has operated well. A study of mandatory literacy programmes in US prisons found that there was no significant difference in achievement between prisoners who were there voluntarily and those who were mandated, concluding that this supported compulsory literacy programmes.⁹⁶ A number of states in the US have compulsory programmes.

Nevertheless, any decision to pursue compulsion in order to lead to better outcomes, would work best when combined with an enhanced learning experience for prisoners, and judicious use of incentives and privileges. In particular, the core incentive of gaining employment on release is crucial and should be emphasised at all stages of the learning process.

Enhancing the learning experience

The system of prison education could be adapted so that it is easier to access. Research supports the positive effect on learner motivation and engagement of embedding and integrating education into wider prison life,⁹⁷ and such an approach has operated effectively in a number of prisons already. For instance, a programme at Glen Parva Young Offenders' Institution embedded literacy and numeracy in training for warehouse jobs.⁹⁸ In addition, embedded learning when combined with a high proportion of prisoners engaging in education, can aid the creation of a learning culture throughout the prison, where participation and achievement is normalised. A whole prison approach can reinforce the message about the value of education.

Education provision could also involve co-production and prisoner involvement in learning to encourage better engagement and a sense of ownership for prisoners - for example, a learning curriculum co-designed by prisoners and staff, reflecting prisoners' priorities and capabilities and highlighting pathways to employment or further education on release. This would be appropriate both for prisoners learning basic skills and those working at higher levels. There could be greater empowerment of prisoners to give their views, feed into the curriculum and shape the education and training they receive. There is potential for prisoners to undertake their own monitoring of what provision they are getting and the progress made towards defined goals. Another option would be for each prison to have as a minimum a student council through which offenders can engage regularly with education and prison management. These measures can both aid the empowerment and engagement of prisoners in their own education and rehabilitation, and encourage personal responsibility and accountability.

95 Hawley et al emphasise that many prisoners have negative experiences of education and are likely to have dropped out of school early (Prison Education and Training in Europe, 2013, p12). See also J. Carrigan & C. Maunsell, 'Never really had a good education you know, until I came in here': educational life histories of young adult male prison learners', *Irish Educational Studies*, Volume 33, Issue 4, 2014

96 K McCabe and T Ryan, 'Mandatory Versus Voluntary Prison Education and Academic Achievement', *The Prison Journal* December 1994 vol. 74 no. 4 450-461

97 See H Casey, O Cara, J Eldred, S Grief, R Hodge, R Ivanicv, T Jupp, D Lopez and B McNeil, 'Embedding literacy, language and numeracy in post-16 vocational programmes – the impact on learning and achievement', November 2006

98 House of Commons Business, Innovation and Skills Committee, 'Adult Literacy and Numeracy', Fifth Report of Session 2014-15, September 2014, p32

Examples of learning co-production

The Learning and Work Institute's Citizens' Curriculum⁹⁹

The Learning and Work Institute has developed a Life Skills/Citizens' Curriculum, co-designed with adult learners and rooted in the local context. The curriculum has been trialled in 16 community projects. The Citizens' Curriculum develops core capabilities in language, literacy, numeracy, digital skills, financial skills and health, using a "programme of study" approach". The pilot projects were found to "make learning more relevant and engaging, tapping into what motivates people and their ambitions for the future".

'Learning Together', University of Cambridge and HMP Grendon¹⁰⁰

'Learning Together', an initiative developed by University of Cambridge academics, is a ten-week course through which university students and prison learners study together within prison. The course involves reading set articles, which are then analysed in an interactive lecture and smaller group discussions. The emphasis was on open dialogue and feedback with learners, and "knowledge as co-production". Prisoners who engaged in the sessions reported increased confidence and a positive attitude to continued learning, both within prison and after release. Perceived barriers between the prison and community were broken down and common ground emphasised.

Incentives

Explicit incentives also form a central part of a prison education regime. Firstly, there has been much discussion recently about the prospect of earned release for prisoners who engage and achieve well in education, in light of the Secretary of State's consideration of this option.¹⁰¹ However, there would need to be a carefully stratified scheme for how prisoners could qualify for this release, or this could risk disadvantaging those prisoners less able to engage and achieve in education, such as those with learning difficulties and multiple needs. There is also a risk that too few prisoners would respond to the incentive, which could increase prison numbers.¹⁰² However, there are well developed programmes of earned release across many US states, with eligibility determined according to risk and behaviour in prison, and reductions achieved by engagement and completion of courses. One comprehensive review of "accelerated release" policies in the US over a 23 year period found no evidence of increased reoffending for those who reduced their sentences, and instead evidence of a reduction in recidivism. There were also substantial savings in prison costs.¹⁰³

Another potential scheme would be to increase the provision of Release on Temporary Licence (ROTL), where eligibility for ROTL was clearly linked to a prisoners' record of engagement with education. ROTL enables prisoners to gain valuable employment experience as well as helping them to adjust for resettlement purposes, for instance, in 2013 HMIP estimated that time spent on ROTL was meaningful in approximately 75 per cent of cases.¹⁰⁴ Prison governors could be subject to ambitious targets for provision of ROTL opportunities, while being supported to engage with

99 Learning and Work Institute, 'Citizens' Curriculum' url: www.learningandwork.org.uk/our-work/life-and-society/citizens-curriculum

100 R Armstrong and A Ludlow, 'Educational Partnerships Between Universities and Prisons: How Learning Together can be Individually, Socially and Institutionally Transformative', Prison Service Journal 2016

101 A Travis, 'Michael Gove to call for prisoners who study hard to get early release', The Guardian, 17 July 2015 URL: <http://www.theguardian.com/society/2015/jul/17/earned-release-prisoners-michael-gove-education-learning>

102 Ibid

103 A Lawrence, National Conference of State Legislatures, "Cutting Corrections Costs: Earned Time Policies for State Prisoners", July 2009, p7

104 Her Majesty's Inspectorate of Prisons and Her Majesty's Inspectorate of Probation, A joint inspection of Life sentence prisoners, September 2013, p36

third sector and private providers in the community. In addition the process could be simplified for employers and charities that wish to offer opportunities, and appropriately incentivised for private companies.

A final possible incentive to encourage active participation in education could be earning an 'Individual Learning Budget'. A small proportion of the overall education funding given to prisons could be set aside for this purpose. Where prisoners have demonstrated an engagement with education, good behaviour and achievement of certain learning objectives, they could be rewarded with a small amount of funding from this reserved budget. This money could only be spent on education and employment related purposes and have other tight controls on what could be purchased – it would only be directed by the prisoner, they would not have actual possession of it - but it would mean that prisoners could pursue their own priorities in terms of future employment and learning, and receive a measure of input into their progress. Where such a prisoner was nearing release, they could be able to use these funds towards courses in the community, helping to direct through-the-gate provision. This could provide both a method of incentivising prisoners to engage with education and a way for them to gain some degree of control over their sentence and encourage skills of self-direction.

Digital learning

The limits on timings and scheduling in prisons, and restrictions on activity places, can make it difficult for education providers to deliver their planned activities. Greater provision of ICT would enable independent and blended learning. This can help prisoners to learn at their own pace and concentrate on the skills they most need, while freeing up resources for providers to focus on more intensive provision. A report from the Further Education Learning Funding Group in 2012 suggested a target of 10 per cent online delivery of Further Education courses.¹⁰⁵ This seems an overly conservative target given the vital importance of digital skills in the modern workforce: the UK Digital Taskforce estimates that only 7 per cent of jobs do not require digital skills.¹⁰⁶ The infrastructure for the Virtual Campus - a secure web-based programme for delivering learning resources in custody - is now live in the vast majority of prisons. The Government should therefore consider what an ambitious but achievable aim would be for delivery of digital learning in prisons by 2021. This should include options for portable technology, such as laptops or tablet computers, enabling prisoners to learn and work productively in the otherwise dead time spent in cell. This is an option currently under consideration at the MoJ,¹⁰⁷ and secure tablets are in use in a number of US states. In addition, there are other successful examples of integrated digital learning in prison internationally (see below).

Best practice in prison digital learning – integrated systems in Belgium, Norway and Australia

In Belgium prison services have “developed a coordinated approach to providing a whole package of digital capabilities and opportunities for prisoners” through the *PrisonCloud* service. Norway has created an information and communications technology (ICT) infrastructure called the IFI (Internet for Inmates) which encourages prisoners to become e-citizens. Student-inmates in Norwegian prisons can access university learning platforms outside the prison, communicate with teachers, upload assignments and research online. In Australia, following various trials of “Portable Learning Environments for Incarcerated Adult Distance Education Students”, the University of Southern Queensland was able to

105 Further Education Learning Technology Action Group (FELTAG), 'Paths forward to a digital future for Further Education and Skills', 2012, p23

106 UK Digital Skills Taskforce, 'Digital Skills for Tomorrow's World', July 2014, URL: <http://www.ukdigitalskills.com/wp-content/uploads/2014/07/Binder-9-reduced.pdf>, p2

107 I Johnston, 'Give prisoners iPads to help rehabilitation, says report', The Independent, 10 December 2015

deliver their Learning Management System (LMS) on a prison education server. Prisoners were able to connect through tablets and e-Readers. The “Making the Connection” project is currently rolling out an integrated learning pathway involving an adapted LMS and tablets across Australia currently.

The Virtual Campus test beds saw no security incidents,¹⁰⁸ but investment in training for both education staff and the wider prison staff on digital provision and its use and supervision, is imperative. Digital resources can also be used to engage prison officers with education provision and to clarify their role in relation to prisoners’ learning, which is often felt to be beyond their remit.¹⁰⁹ Prison officers could be enabled to use facilities for their own learning and professional development, and be trained to be able to supervise effectively and monitor those prisoners undertaking digital or distance learning courses. This could then free up time for qualified education staff to focus on more intensive interventions.

Workforce

A survey of prison educators in 2014¹¹⁰ found that despite being well qualified, they felt undervalued as a professional group in comparison to mainstream FE teaching, in terms of salary, specialist training and continuing professional development. Half of the respondents said that they were likely to look for a new job in the next twelve months.¹¹¹ The Government should consider different options for equalising the status of prison teaching with the mainstream teaching profession, by looking at salary levels, opportunities for career development and increasing the amount of graduate recruitment to the sector. In this area the commissioning by NOMS and BIS of a programme of workforce development for prison education staff to be delivered by the Education and Training Foundation represents a positive step. In addition there could be new guidelines on what specialist training and CPD should be provided. With prison officers being given a greater role in supporting learning as discussed in the previous paragraph, teaching staff in prisons could then devote more time to innovative teaching practices and catering for harder-to-reach prisoners.

The role of prisoners as peer mentors could also be standardised. All prisoners could be given the opportunity to play a mentoring role once they have reached a certain level of progress, as they are well placed to motivate and counsel early-stage prisoners to engage productively with education and training. Those prisoners delivering peer support can also benefit from improved mental health, educational progression and the development of employability skills.¹¹² A review of evidence from 1985 to 2012 found that peer interventions were effective at reducing risky behaviours and have positive practical and emotional effects for both mentees and mentors.¹¹³ HMP Dartmoor has gained recognition for its well-structured and accredited mentoring programme,¹¹⁴ and there are a number of highly-regarded mentoring schemes being delivered in prison by third sector organisations, one of the most notable being the Toe by Toe scheme sponsored by the Shannon Trust.¹¹⁵ Other innovative peer mentoring schemes helping prisoners to engage with education include One to One Maths, a relatively new charity that trains prisoners with good levels of numeracy to provide one to one mentoring to fellow prisoners.¹¹⁶

108 C Turley and S Webster, National Centre for Social Research, ‘Implementation and delivery of the Test Beds Virtual Campus: Case study’, February 2010, p4

109 J Braggins and J Talbot, Esmee Fairbairn and the Centre for Crime and Justice Studies, ‘Wings of Learning: the role of the prison officer in supporting prisoner education’, 2005

110 L Rogers and M Simonot, University and College Union and the Institute of Education, ‘Prison educators: professionalism against the odds’, February 2014

111 Ibid, p4

112 Research Briefing, ‘Peers in Prison Settings’, Leeds Beckett University, June 2015. See also Fletcher & Batty, ‘Offender Peer Interventions: What do we know?’, Sheffield Hallam University, December 2012

113 AM Bagnall, J South, C Hulme, J Woodall, K Vinall-Collier, G Raine, K Kinsella, R Dixey, L Harris, NM Wright, BMC Public Health, ‘A Systematic Review of the Effectiveness and Cost-effectiveness of Peer Education and Peer Support in Prisons’, March 2015

114 ‘Volunteer peer mentoring recognised at Prisoner Learning Alliance Conference 2015’, 8 October 2015 <http://www.mandbf.org/news/mbf-news/prisoner-learning-alliance-conference-2015>

115 Toe-by-toe, ‘The use of toe-by-tow in prisons’, URL: www.toe-by-toe.co.uk/toe-by-toe-in-prisons/

116 The Education & Training Foundation, Offender Learning Newsletter, Autumn 2015, Issue 4

Conclusion

The current policy context in 2016 gives a rare opportunity for collaboration across the Government and sector to design a more effective system for prison education. The Government Review indicates that policy-makers are willing to engage with the sector in order to design and implement long-term policy in this area. In addition, there is much to be built on in this sector, including examples of provision rated Outstanding by Ofsted.

In this report the Education Policy Institute has outlined the current problems of the system and principles around which reforms could be shaped. These include:

- : Effective induction and assessment processes for all new prisoners;
- : A greater consideration of different cohorts of working age prisoners, based around skills and employment but with provision for personalisation and non-accredited programmes;
- : An emphasis on highly qualified education and careers staff, with specialised training routes and comprehensive access to continuous professional development;
- : An end-to-end and through the gate management of education, employment and training progression;
- : Greater focus on sufficient collection of data on delivery and performance;
- : Clear outcome measures;
- : A distinct accountability structure and robust measures to tackle failing performance.

This approach tackles some of the shortfalls in the existing system while recognising the value of some of the current structures, such as ILPs, universal assessments and growing use of peer mentors. Key to this approach however, will be the modernisation of the prison estate taking place by 2021, to provide the infrastructure needed for greater personalisation of education and vocational training, and to enable the efficient and sufficiently detailed collection of national data on performance and outcomes.

Education has an important role to play in rehabilitating prisoners, both in terms of its transformational personal effects and in providing offenders with the skills and qualifications they need to enter the job market on release. The key focus, however, should be on the delivery of skills for meaningful employment. To deliver this, a clearer system of entitlements is required, with effective outcome targets and robust accountability measures to ensure the provision of high quality education

Annex 1:

Methodology and notes on measures used

The measures of performance in this report were selected to offer as comprehensive a picture of the current and recent performance of the sector as possible, bearing in mind substantial limitations in available data. The lack of meaningful and accessible data at a national, and often at individual prison level has led us to draw an expansive definition of education, mirroring the current 'purposeful activity' designation used by Her Majesty's Inspectorate of Prisons (HMIP).

The conclusions drawn therefore necessarily provide snapshots of the system's performance, rather than a complete national picture. However, they are useful indications of the recent performance of prison education and training. Data sources used include Skills Funding Agency statistical releases, Her Majesty's Inspectorate of Prisons' Annual Reports and Independent Monitoring Board reports for individual prisons.

A final caveat is that the methods used for a number of measurements have altered during this period. Figures from the Skills Funding Agency (SFA) regarding OLASS participation and outcomes for 2011/12 onwards are not directly comparable to earlier years due to the introduction of a single Individualised Learner Record (ILR) data collection system.¹¹⁷ In addition, from September 2012 Ofsted replaced their 'Satisfactory' grade for all education providers including prisons with 'Requires Improvement' in a bid to improve monitoring and drive up standards.

Access, participation and learning outcomes

The figures for 'Time Out of Cell' and 'Involvement in Education' were taken from Her Majesty's Inspectorate of Prison's Annual Reports. The figures are from a survey of prisoners conducted by HMIP and only cover a sample of the entire prison population. They should not be used to extrapolate to the whole population. The surveys also represent prisoners' perceptions rather than official metrics. The figure for each year is an approximation from survey data contained in each Annual Report.

The measures for participation and learning outcomes were taken from statistics released by the Skills Funding Agency, and broken down by level of qualification participated in or achieved. These figures refer only to those participating in OLASS-funded learning and do not include other prison learning. Comparisons were only made from 2011/12 onwards given the changes in data collection by the SFA. Full Level 2 and Full Level 3 represent subsets of Level 2 and Level 3.

Quality

Figures for quality of education were taken from Ofsted Annual Reports. Outcomes for 'purposeful activity' including education, training and work were taken from Her Majesty's Inspectorate of Prisons' Annual Reports.

¹¹⁷ The Data Service, 'Reduction of Duplication in FE and Skills Learner Volumes', June 2012, URL: http://webarchive.nationalarchives.gov.uk/20140107201041/http://www.thedataservice.org.uk/NR/rdonlyres/C05DCDD5-67EE-4AD0-88B9-BEB-C8F7F3300/0/SILR_Effects_SFR_Learners_June12.pdf