

Consultation on a review of prison education: Prison Reform Trust response

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective prison system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for prisoners and their families.

The Prison Reform Trust's main objectives are reducing unnecessary imprisonment and promoting community solutions to crime ; and improving treatment and conditions for prisoners and their families.

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We are grateful for the opportunity to contribute to this important review. We have chosen to provide a statement in this form rather than in answer to the questions on the survey because we think there are underlying themes which could inform the review's deliberations and which answers to those questions may not illuminate sufficiently. Above all, the Secretary of State's commitment to a wholesale reform of our prisons provides a rare opportunity to consider education within a holistic approach to both the use of prison and the conditions in which prisoners are held. The multiple shortcomings of the current prison system reflect in part a succession of well meaning initiatives which have pursued functional interests to the exclusion of other elements of what goes to make up a healthy prison system. It is crucial to understand the context of both the whole prison and the journey prisoners undertake.

Put simply, reviews of aspects of prison too often conclude that the "answer" is to put a sectional interest "at the centre" of the regime. Examples would include the provision of education, healthcare, substance misuse services, work, offending behaviour programmes, security, even retribution. The uncomfortable reality is that all these and other interests have to be held in balance, meeting the legitimate aspirations of the public, victims, prisoners and those who work in or around prisons. The right answer is never to make one of the Governor's multiple responsibilities the priority that outweighs all the others, and to do so only prolongs the history of prisons being required to change direction as political fashion dictates. Good prisons need stability of purpose as well as funding, and the freedom to pursue a complex balanced agenda in a skilled, professional way.

We think there are three broad themes which provide the essential context for this review and inform the practical changes which we hope it will recommend. They are:

- how to restore the Governor's ability to manage a whole institution coherently;
- how to pursue "desistance" - the process by which offenders eventually cease to commit crime - holistically;
- how to ensure that prisons are accountable and contribute to the communities they serve.

The Governor's ability to manage

We believe the Secretary of State is right to have identified that the Governor's position, at least in public sector prisons, has been seriously undermined by the highly centralised

process through which cost reductions have been delivered over the last three years. The Governor of a public sector prison no longer has a budget, or any significant control over the allocation of resources within the prison. The shape and size of their senior management team is centrally determined, staffing levels must comply at every grade and for every task with a centrally designed benchmark and services delivered within the prison are commissioned and contract-managed externally. None of this has been done without reason - economies of scale and a legitimate concern from those funding services such as education that their money should be well spent have driven much of the disempowerment of the Governor. There is a relatively recent history in the public sector of prisons operating as unhelpfully independent "fiefdoms", with the agenda too much in the gift of the Governor of the day, and unacceptable disparities in performance and cost between apparently similar institutions. However, the balance has swung too far towards centralisation. It is noticeable that private sector prisons, though exercising strong corporate control, tend to give the prison Director more discretion within their framework of contractual measures and commercial imperatives.

In our view, the complex task of balancing competing institutional requirements day to day can only be done effectively at prison level. Above all, the balancing of those requirements rests on the development of strong personal relationships around a shared vision for the institution. That in turn means that the Governor must be able to bring some control over resources to the table, and a clear personal accountability to deliver an appropriate and sophisticated range of outcomes that go beyond what he or she personally controls directly.

It need not mean that every contract rests with the Governor personally - but they must have the flexibility to adjust how services are delivered in the light of both changing demand and an expectation of local innovation. The truth is that most prisons experience regular change in the make-up of their population, either through central direction or for local reasons to do with everything from demographics to changes in crime and police or court decision making. Just as countless initiatives founder on a desire to make a particular cause the centre of a prison regime, so others mistakenly depend on putting the "right" prisoners in the "right" place. Those allocation pressures invariably produce tensions which have to be resolved locally - what seems right for security does not quite match up to what is right for education, or for resettlement, and all too often all of those aims are obliterated by the simple need to fill every bed available as the national population threatens to exceed capacity. So the Governor needs the tools to be nimble in the design of the prison's regime, understanding promptly how need may be altering, and equipped to negotiate adjustments as a consequence.

Specifically in relation to the provision of education, in our view this argues for the following:

- regular, prison by prison needs analysis - probably at least every 6 months;
- a commissioning process geared to a range of broad outcomes, which are regularly adjusted in the light of local needs analysis;
- a person responsible for education delivery within the prison who is empowered within reasonable limits to negotiate changes in delivery with the Governor, including changes to both content and volume (up or down) and those delivering different aspects of the curriculum; that person needs to both responsible for delivery and a source of advice and expertise for the Governor. There is no need to separate those roles – a close analogy would be the prison's head of healthcare - the clinical lead for a service for which the Governor remains ultimately accountable and on which he or she plainly requires expert advice on regular basis;
- a prison level budget for education within the Governor's gift but accountable to both prison line management and education commissioners for the outcomes produced, and capable of adjustment through negotiation on the basis of changing need.

A holistic approach to desistance

Education is clearly part of the journey to desistance for many of those who end up in prison. It is not part of the journey for everyone - because they have no need, or because they are not ready to engage with it, or because their time in prison is so short that other needs take priority. Above all, the prison needs the space and discretion to find ways to engage prisoners individually, so that the process of desistance fits their particular circumstances at any particular time. At its most basic, a well educated prisoner with nowhere to live is no more likely to go straight than a poorly educated one with a home to return to. A well educated, suitably housed prisoner with no motivation to give up a lucrative criminal career is also likely to reoffend.

So the prison's contribution to desistance needs to be measured in a sophisticated way that derives from the distance travelled by the individuals it holds. The appropriate definition of individual targets or expectations is crucial. These need to be aggregated in a meaningful way, and there are clearly some which can be described more easily than others. It is, for example, sensible to aim for a situation in which every prisoner discharged to the community has a stable address. But educational outcomes should reflect need, the relative priority of that need for the individual at that point, and the length of time they are likely to be within the institution. The individual must be personally engaged in determining what that educational outcome should be. For example, in our report 'Working it Out' it was noted that employment outcomes for women following short prison sentences are three times worse than for men, a concerning trend that reflects the important role a lack of childcare support, lack of qualifications, and low pay play as predictors of recidivism for many women offenders. A 2003 study found that whilst 15% of the general population have no qualifications, this was true for 52% of male and 71% of female prisoners. A holistic approach to desistance that recognises these interdependencies, the gender- specific needs of offenders (as required by Section 3 of the Offender Management Act, inserted by s.10 Offender Rehabilitation Act 2014) and provides opportunities for offenders to express their own views on their educational needs would represent a significant step forward in the educational experience of many prisoners and opportunities for innovation at a local level.

This represents a much more sophisticated and flexible approach to the setting of outcome measures both for education and for the prison more generally than is currently the case, but we believe it is essential to avoid the failures of previous commissioning and procurement exercises. It is entirely reasonable to expect frequent assessment - testing - to analyse need and measure progress. Sometimes, perhaps in most cases, a target should take the form of achieving a qualification or an element within a qualification. But the imposition of arbitrary numerical targets for qualifications awarded based on historical data about the prison and its population has produced unhelpful gaming behaviour geared to commercial imperatives for providers rather than the furtherance of the prison's whole objective of promoting desistance. We must trust local leaders to deliver within a flexible performance framework, negotiating with local commissioners on the basis of what is actually happening rather than what may have been expected.

Another clear implication of placing education within the prison's overall desistance objective is that learning can and should be delivered in many different locations and through many

different activities. It is surprising, to put it at its kindest, that the learning prisoners acquire in every prison through preparing meals in the prison kitchen is still not recognised everywhere through the acquisition of formal qualifications. The same criticism can be levelled at the cleaning prisoners everywhere carry out, but which only haphazardly results in formal qualification. Prison gyms are universally popular and well used where staffing permits, and the best examples have learning at their core, but many still provide recreation alone for the great bulk of the time they are open. Work should stand alongside education as the main component of most prison regimes, but should be a place of learning as well as providing the structure and habits of attendance and discipline which help prepare for life outside.

Education commissioning in recent years has not provided the framework through which learning can be gleaned throughout the prison's regime. But all prison staff and managers will know which activities most prisoners attend and why in their particular institution. They will not be surprised that basic skills classrooms tend to be half empty when workshops carrying out apparently repetitive tasks may often be full. The quality of physical facilities will be less significant than the ethos and feel of the activity, and the person leading it. This was exemplified by the work of the Inside Out Trust which ran bicycle repair and Braille workshop across the prison estate. Given the high percentage of prisoners who will have successfully avoided formal education for most of their teens at the very least, there needs to be a local alliance between the Governor and the person leading education within the prison to engage prisoners with learning in the way which works best locally. Prisoners are the best witnesses for that project, not commissioners.

It follows that the curriculum for education that is not delivered in the workplace must be flexible enough to assist the central issue of engagement, and to have personal growth as a legitimate aim. It must provide prisoners with the opportunities to pursue their talents as well as to acquire the skills and qualifications that will help them to support themselves on release. That represents a real incentive to participate and will surely be recognised by many teachers as the start of a journey which recaptures the attention and enthusiasm of a reluctant learner.

The issue of possible incentives to encourage prisoners to further their own learning is clearly central to the review. As with every other aspect, it needs to be considered alongside incentives to promote desistance, and as with every other aspect, it needs to pay attention to what matters to prisoners in the place they are in and the stage they are at. However, there are some constants. The ability to spend time outside the prison is almost invariably a powerful incentive. The approbation of families and loved ones is similarly a common source of motivation. Simple tools, common to every educational establishment and workplace - acknowledging achievement, celebrating success, generating team spirit - all work just as well in prison as anywhere else. Disincentives - unfair discrepancies in financial reward, feeling unsafe, being made to look foolish - also operate in the same way both in and out of prison.

It follows that much of the power of incentives needs to be released through local discretion and inspiration. There are countless examples of inspirational individuals having an impact well beyond their immediate brief, and of imaginative projects providing a sense of purpose - as well as a relief from the monotony and simple misery of incarceration. Year on year

submissions to the Robin Corbett award for prisoner rehabilitation, the Longford prize, Koestler competition and the Butler Trust awards bear this out. Local leaders need space and permission to explore and innovate – not an instruction in how to inspire.

However, the specific issue of time spent outside the prison deserves closer attention in the context of this review. A small number of prisoners already pursue courses of study outside prison. But this is rare and limited to longer term prisoners nearing the end of a sentence in open conditions. We would urge this review to adopt a more radical approach, and to create a presumption that education can and should be delivered in institutions in the community for prisoners who have engaged with learning in the prison, who would stand to benefit from education available in the local community, and who can safely be released on a daily basis in order to participate. A more general review of the release on temporary licence scheme (ROTL) is promised for early 2016, and we would want it to take the opportunity to reflect the fact that prisoners' resettlement can be significantly enhanced by accessing opportunities in the community, both to learn and to work. For many prisoners serving both short and longer sentences, there is no motivation to escape or abscond - they simply want to get to the end of their sentence and start afresh. The possibility of ROTL represents a powerful incentive to make good use of their time in custody from the start, and learning provides both a good reason for ROTL and a structure that reduces the risk of misbehaviour while outside the prison. "Inside Out", a PRT briefing from earlier this year highlighted the impact of recent changes and its unrealised potential.

In our view, a significant extension of ROTL for learning is preferable to a formal reduction of time served inside on the basis of educational attainment. The principle that sentence length should be determined by the court and not dependent on subsequent custodial conduct is sound and should not be surrendered. Governors are well placed to assess risk for temporary release, but much less well placed to assess risk for permanent release, and should feel uncomfortable if asked to take a decision which effectively alters what the court originally deemed appropriate as punishment for the offence committed.

The prison within its community

The Secretary of State has helpfully restated the principle that people are sent to prison as punishment and not for punishment, and this encapsulates the principle that also finds expression in the well established doctrine of "equivalence" in prison health. Essentially, the first question to ask about the provision of any service to prisoners, or any aspect of their life within prison is, "does it need to be different from what would be happening in the community?" Given that all but a very few prisoners will be discharged to the community, the principle has a practical significance too, in that the impact of so many of the services to which they are entitled or which will assist them to become productive citizens is damaged if they are either not delivered during a period in custody at all, or delivered less well.

The national prison estate is a geographical accident, but there have been welcome attempts made to ensure that as many prisoners as possible at least spend the three months prior to their release in a prison somewhere near their discharge address. The fact that they may have spent years prior to that in a prison many miles away is unhelpful but, for the foreseeable future, a fact of life for many. Nevertheless, our view is that the principle that a

prisoner remains a member of their local community, with responsibilities to it as well as legitimate expectations of its support, is crucial. We support moves towards devolution of responsibility for the commissioning and delivery of custodial services generally, to counteract the "out of sight, out of mind" mentality which damages the possibility of effective resettlement.

In our view, approaching prisoners as adult learners, albeit a cohort with a preponderance of individuals who have proved hard to reach and present with a variety of personal and social challenges, makes more sense than viewing "prison education" as a specialism. Good education departments in prisons do not feel any different to good educational environments in the community, and good prison teachers are simply people who are good at teaching hard to reach pupils. It is the Governor's job to integrate learning into the life of the prison and create that safe, normal environment, managing the relatively few demands that the prison's security requirements create rather than allowing them to obstruct effective learning.

Just as it can be for some people in the community, education in prison can be a haven and provide a sense of purpose to an otherwise bleak existence. In many cases, learning is only one of the products of an imaginative approach. This is true of the very wide variety of arts based interventions that continue to take place within prison, often through the tenacity of individuals or modestly sized charities. It also happens when families are given the opportunity to play a fuller role in a prisoner's life – homework clubs exist at some prisons, including HMP Parc, and the Storybook Dads project is very well established in many prisons. At a few prisons, simply the way of life is educative – Grendon and the range of other therapeutically informed environments within the estate fall into that category. And the involvement of voluntary sector organisations such as the Samaritans and many others in training prisoners to carry out roles that are vital to the health of the prison community all constitute learning as well as active citizenship. There is, in short, no lack of ideas or good practice, despite the constricting formal framework of education contracts.

Nevertheless, adopting as a principle the idea that prison education should look like adult education in the community produces some radical requirements for change:

- access within prison to IT for both learning and communication must become vastly better. The Prison Reform Trust and Prisoners Education Trust set out an agenda for change in their joint publication, "Through the Gateway", in 2013. Much of it is as relevant and has yet to be implemented. Students in the community assume that they will be expected to make full use of the internet for learning, and will communicate with their peers and teachers electronically. They also know that the skills they acquire as students are likely to be essential in most workplaces. For prisoners, IT is also potentially a gateway to much greater contact with families and with services relevant to their resettlement. Drastic change is long overdue.
- IT is a necessary medium, not the source, of learning, and the inspirational contribution of teachers (including those in the workplace and elsewhere) must remain the driving force behind education. Education delivered largely in solitude behind a cell door is not learning. Prisoners already spend far too much time in enforced isolation, to the detriment of their health and personal development, but also to the detriment of the prison's security. Everything in the prison, from intelligence gathering through to learning and the maintenance of a civilised place to

work, relies on relationships between the people who live and work in the institution - they can only be formed face to face.

- Specialist support for those with particular needs is as crucial in prison as outside and need is likely to be higher in relation to mental health and both learning disability and difficulty. Continuity of provision from community to custody and out again make better use of a scarce specialist resource than constant handovers.
- Learners help learners. In prison, the scope for prisoners to assist other prisoners is huge and far from being fully realised. The PRT report "Time Well Spent" published in 2011, sets out good examples and describes the many benefits of peer led programmes. Given the time on their hands, for many prisoners there is more scope than there would be in the community to play an active role in promoting learning - as classroom assistants, through reading schemes, as NVQ assessors and in many other ways. Education provision that does not tap into this resource is wasting public money.
- The ability to flex educational resource to adapt to changing need must include the changing needs of learners within the prison. So education should be commissioned for a prison's population alongside the commissioning of education for learners in the community. That partnership can deliver a richness of curriculum and a flexibility in delivery that a service commissioned for a single prison, or even across a prison region, cannot.
- In turn that means that teaching in prison should not be seen as a specialism but as a likely part of the career experience of most teachers in further education. In reality, teachers in the community are already teaching classes with offenders and ex-offenders, including ex-prisoners, in them all the time. The prison should be seen as an integral part of educational provision in the place where it is.

Clearly, the extent to which a particular prison holds prisoners likely to be discharged to the local community where it is physically situated varies hugely. But we are clear that the guiding principle for a review which is likely to determine the long term future of education in prisons should be that punishment is best delivered close to the communities harmed by the offending and to which the offender will return on release. At a time, when the devolution of responsibility for prisons is so clearly on the agenda, and there is the prospect of a radical rethink of the prison estate, it would be a strategic mistake to seek to organise prison education around either prison security categories, or categories of offending. Where segmentation in the provision of learning makes sense, it must be to do with educational need alone.

Conclusion

Education in prison should focus on the needs of individuals, their personal learning and growth, and not on the temporary phenomenon of a person's offence and subsequent incarceration. Many of the findings in Professor Alison Wolf's 2011 report on vocational training for under 19s in the community, also commissioned by the current Secretary of State, hold good for this review too:

- there needs to be a radical rolling back of central prescription and micro management;
- learners need to be at the centre, given good information and options, and expected to make choices rather than being told what to do;

- the range, frequency and subtlety of decisions needed to meet complex and changing need are best taken locally;
- which in turn requires a much more sophisticated performance framework without the current perverse incentives to deliver qualifications regardless of their contribution to the learner's development .

Devolving power and accountability inevitably means accepting both that provision may look very different from one prison to another, and that it will, indeed should, adapt frequently to changing demands and new ideas. This will be challenging for a system that has grown used to highly centralised control from central government departments, and there could scarcely be a more difficult time for Governors in particular to be taking on any new challenge. The sharp deterioration in operational performance across a range of indicators is well documented. But there are many examples that survive of inspirational educational provision and effective partnerships. The solution to the current pressures on the system as a whole lie in reducing the unnecessary use of imprisonment. Provided that nettle is grasped, this review can help set the framework for a prison system that will then deliver the life changing ambitions shared by the majority of those who work and live within it.

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