

Prison Reform Trust response to the House of Commons Education Committee inquiry ‘Education: are prisoners being left behind?’ – January 2021

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal 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 people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promote equality and human rights in the criminal justice system.

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Introduction

We are grateful for the opportunity to contribute to this timely and important inquiry. As in many other aspects of policy concerning prisoners, governments have published ambitious policy statements in recent years, promising radical improvements. Even allowing for the devastating short-term impact of Covid-19 on prison life, the evidence of progress against those commitments is disappointing.

That is certainly true of education in prisons, and the committee's question—are prisoners being left behind—is exactly the right one to ask. The law could not be clearer—“a convicted prisoner...retains all civil rights which are not taken away expressly or by necessary implication”¹. The fact that a person has been imprisoned cannot be an excuse for denying that person the opportunities for learning open to someone in the community. But the current provision of education in prisons dramatically fails that test, and the gap is widening as learning in the community is revolutionised through digital technology and, in particular, access to the internet.

We do not attempt to respond to all of the committee's questions, which extend beyond our expertise, but we would encourage the committee to frame its inquiry around the principle described in the previous paragraph. There is a danger that the prevalence of certain characteristics within the prisoner population (relating to educational disadvantage), and the (often overstated) constraints of operating in a secure environment, lead to the assumption that prison education is a specialism to which different standards apply. Our view is that, as with prison health, equivalence is the proper starting principle.

¹ Raymond vs Honey [1983] AC 1

We also encourage the committee to take into account substantial changes in the composition of the prison population that have happened as a consequence of exceptionally punitive sentencing changes over the last two decades. Around 1 in 9 people in prison are serving a life sentence, and the average minimum term in custody for a mandatory life sentence is now over 21 years. The number of people sentenced to determinate sentences of 15 years or more has trebled in a decade.

There are just over 1,400 people under the age of 25 serving life sentences with a minimum custodial period of 15 years. In other words, a very significant minority of prisoners are serving sentences where the prospect of release and eventual employment is extremely remote or non-existent, and the government's proposals for future sentencing legislation will only increase the number of people facing that appalling future.

It follows that education in prisons must be about far more than the acquisition of skills for employment, and that the ability to retain any sense of engagement with the world outside prison is extraordinarily precious. In our view, the government's prison education strategy does not adequately capture or respond to this fundamental change brought about by its own policies on punishment. The committee's inquiry represents an opportunity to redress that balance.

What is the purpose of education in prisons?

1. As noted above, we think the purpose of education in prisons is exactly the same as its purpose – or, more accurately, purposes – outside prison. Whilst it is obviously right that the commissioning process for education in prisons should be informed by an analysis of the most common characteristics of prison learners, and that one of the objectives of that commissioning should be to support rehabilitation, the scope of what education is for in prisons goes well beyond that. In particular, in the institutional context and given the much greater preponderance of people serving much longer periods in custody, education in prison must also support the delivery of a decent and humane way of life. Prisons are charged with the care of the whole person in their custody, not simply those aspects of their history or personality which may have contributed to their offending.
2. The opportunity to learn represents one element of what is required to create a healthy prison community. It should not be limited to the objective of acquiring skills which may lead to future employment, important though that will be for many people in prison. Education should not be denied to people because they are beyond working age (who represent the fastest growing segment of the prison population), nor because they are so far from release that any attempt to match skills acquisition to what the labour market might require many years hence is unrealistic and demoralising. For many people falling into those categories, education will be essential to making life in prison survivable, offering meaning and a sense of purpose unrelated to what they might do when they leave prison. One very practical example of a failure to recognise this fact lies in the current prohibition on obtaining a student loan where the prisoner is more than 6 years from release.
3. We understand that priorities have to be set, and that there is a public interest in public money being spent in ways which will reduce the risk of reoffending. We support that objective. But the government has fundamentally changed the composition of the prison population and appears determined to reinforce its highly punitive approach to sentencing. In those circumstances, the commissioning of education provision must also adapt, and reflect the broader purposes we describe.

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

4. Between 2006–2008 the Prison Reform Trust undertook a significant research programme that considered the prevalence and needs of offenders with learning disabilities and difficulties, spanning police, criminal courts, and prisons; the programme was entitled, *No One Knows*. The published reports from this programme² identified factors that needed to change and how best staff could be supported. Thematic reviews into the treatment of offenders with learning disabilities, undertaken by HM Inspectorate of Probation in 2014 and 2015, reflected many of the findings and recommendations made by *No One Knows*.
5. Others will no doubt provide the committee with more recent evidence, and the evidence review on neurodiversity in the criminal justice system, commissioned by the Lord Chancellor and currently being carried out by the inspectorates of prison and probation, will be helpful to the committee's work. The fact remains that the need for a common screening and assessment system has been obvious for many years and no such system exists. In its absence, it is hard to be confident that these additional needs are reliably identified, still less met.

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

6. In our experience, the best examples of this virtuous alignment arise from the active involvement of local employers in a particular prison. Employers see a real prospect of securing trained and motivated recruits for their particular business. Release on temporary licence (ROTL) can and should be used far more both for education and for work, and builds real personal relationships that experience shows lead to sustained employment and an absence of reoffending. A promise made as long ago as 2016 to increase the use of ROTL has yet to deliver any significant result, despite the extraordinarily high success rate of ROTL placements.³
7. The advantages of increasing the potential national workforce in a particular trade are less obvious and less likely to secure the involvement that actually results in job offers. But local partnerships are difficult to secure when a prison cannot confidently predict that it will be releasing people to a particular area.
8. It follows that the main obstacle to matching skills acquisition to real jobs on release lies less in providing the appropriate curriculum and more in the enduring chaos produced by prison overcrowding. The Justice Committee examined this issue most recently in its report on "Improving the Prison Estate", published in September 2020⁴. It concluded, not for the first time, that the ministry did not have a plan for the future of the prison estate. Multiple attempts have been made to devise a sustainable model for how prisoners move through the prison system in a way that serves the interests of effective rehabilitation. But all have foundered on the rock of overcrowding. The need to accommodate too many people in a prison estate that is

² Available on the Prison Reform Trust website at:
<http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Learningdisabilitiesanddifficulties/NoOneKnowspublications>

³ See, for example, page 52 of Bromley Briefings Prison Factfile 2019 -
<http://www.prisonreformtrust.org.uk/portals/0/documents/bromley%20briefings/Winter%202019%20Factfile%20web.pdf>

⁴ [House of Commons Public Accounts Committee \(2020\) Improving the prison estate, London: HMSO](#)

the product largely of historical accident and expediency, produces endless changes in the function of individual prisons, the prisoners they hold, where they come from and where they will go when they leave.

9. The ministry has yet to produce the plan requested by the Justice Committee, and a “reconfiguration” exercise, planned on the back of a previous government promise in 2016 to build 10,000 additional prison places became predictably mired in uncertainty when that programme was effectively abandoned in order to bail out the ministry’s budget shortfall. Fewer than 300 of the promised 10,000 places materialised in the timetable the then government set itself. We suggest this committee should approach with scepticism any promises based on the latest ambition to build 18,000 new prison places by 2026, particularly in the light of prison population projections that estimate there may be almost 100,000 people in prison by that time.
10. As far back as 1991, the Woolf report set out a vision for community prisons in an uncrowded estate⁵. That still represents the most humane and rehabilitative model for a prison system with which both local education providers and local employers could work effectively. In the absence of a coherent alternative, both providers and employers are subject to repeated disappointment as the individual prison institutions with which they build relationships are required to deal with the latest adjustment forced on the prison service by the need to accommodate too many prisoners. Securing jobs for prisoners on release is fundamentally a local exercise, and prisons, because of overcrowding, have to be run as a national service. It is unrealistic to expect education provision to reconcile that structural dilemma.

How can successful participation in education be incentivised in prisons?

11. As before, we think the starting point in answering this question should be “how is participation in education incentivised” – whether or not a person is in prison. There are obvious things to get right in the prison context – for example not paying people less to attend education than to attend a workshop with no learning involved, and making sure that travelling to and from education is safe. But the committee should not need to concern itself with issues that are so basic in terms of prison management. The interesting question, given that participation in learning in many prisons remains very poor, is what changes the way prisoners think about education.
12. We are grateful that the committee has given us latitude to consult our “Prisoner Policy Network” (PPN) to assist its enquiry, with a slightly extended deadline to facilitate that. The network has over 950 members, largely serving prisoners, and in just over 2 years has given us the material for 6 separate reports reflecting the insight and practical wisdom of the people who live in our prisons.
13. In 2019 we asked the PPN to consider the question “What incentives work in prison?”⁶. We received around 1250 responses. The question was not specifically geared to education, but its findings may be helpful to the committee. The executive summary to our report made the following observations, all of which we think are particularly relevant to this inquiry:

⁵ [Day, M., et al \(2015\) Strangeways 25 Years On: Achieving fairness and justice in our prisons, London: Prison Reform Trust](#)

⁶ [Wainwright, L., et al \(2019\) What incentives work in prison? A Prisoner Policy Network Consultation, London: Prison Reform Trust](#)

“We did not expect or seek a homogenous response. Prisoners’ situations and views differ, and this report reflects that variety. It also deliberately reflects the views that we were given, not what PRT might think. But it does seek to identify themes and conclusions which emerged most commonly. It finds that prisoners often rejected the whole premise of the question. This was because their experience was that the system was failing to deliver a foundation of reasonable basic expectations of decent, respectful treatment. Talking about incentives made little sense when your quality of life was actually dominated by the struggle to get clean clothes or access to fresh air”

“The fundamental issues raised by prisoners included a desire to see any new scheme moving from a punitive to a positive ethos. A willingness to acknowledge progress and effort should predominate. Prisoners wanted a culture of mutual respect, and particularly valued privileges which showed a preparedness to place trust in individuals.”

“Relationships between staff and prisoners define whether any scheme will work or fail. Mutual respect, positive encouragement and collaboration must underpin the approach, and a willingness to place trust in a prisoner characterises the most meaningful incentives.”

14. So far as incentivising participation in education is concerned, we think the conclusions to draw from that report are that:
 - Learning cannot be expected to be successful against a backdrop of unsafe or inhumane regimes where prisoners are preoccupied with the necessities of just getting through the day.
 - Prisoners cannot be bullied or coerced into learning
 - Relationships between prisoners and staff (which in this case encompasses both teaching and other staff, whether discipline staff, instructors, administrators or volunteers) are the key to securing participation. Trust is at the core of relationships which work, which requires a willingness to take risks and to accept failure from time to time.
15. Just as most of us can recall individual teachers who inspired us, and may well have determined the choices we made about significant parts of our future, so prisoners respond to people who show faith in their ability and are willing to persevere. The qualities that make a good teacher in the community are identical to the qualities that make a good teacher in prison. We would suggest that a healthy prison education service would be staffed by people who continue to work in both contexts. It would also make full use of the “education capital” of the prisoner population. The famous example of the “University of Robben Island”, where Nelson Mandela and others secretly taught fellow prisoners, illustrates the opportunity to create a legitimate structure for making use of the experience and talent of prisoners to deliver as well as receive education. There are well established examples in our system—notably the brilliant reading programme run by the Shannon Trust. But the potential to do more, and at higher levels, is largely untapped.
16. Aside from the relationships that incentivise, we would suggest that it is crucial that prison education should not be seen as second-class provision, and that the key issue in that respect is access to the internet. The pandemic has utterly exposed the government’s failure to keep education in prisons up to date. As education in the community has continued through the use of the internet, in prisons it has ground to a complete standstill. But the case for internet access is not predominantly about

accessibility to resources within the prison walls. Rather, it is about accessing the infinite range of resources now available to learners everywhere else.

17. The Prison Reform Trust first made the case in its joint report, “Through the Gateway”, with the Prisoners Education Trust in 2013.⁷ But while digital literacy is essential to resettlement, it is only one part of the equation. Safe access to the internet is now also critical to preparing for release (finding work and a place to live, for example), and to maintaining family ties. More so than ever, it is also the means to providing access (at zero cost) to a vast range of learning opportunities that could meet the needs and aspirations of prisoners in a way that directly commissioned education provision will never be able to. Others have reinforced and reiterated the case, including Dame Sally Coates in her seminal report, “Unlocking Potential”, in 2016.⁸ It is worth repeating her analysis here:

Security and access to the internet

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

Nick Hardwick, former Chief Inspector of Prisons

5.17 The security of ICT is a prime concern in prisons. Legislation and prison service instructions underpin current practices designed to ensure that it cannot be misused (e.g. to commission or continue criminal activity, groom children and vulnerable adults, or access information counter to rehabilitation such as sites that encourage extremism).

5.18 However, I believe that the blanket security practices now in operation, that effectively ban internet use in prisons, are putting a major brake on the potential for digital technologies to encourage and enhance learning. Most Prison Governors who responded to a survey commissioned by the Prison Reform Trust and the Prisoners’ Education Trust agreed that prisoners should have secure and controlled access to the internet. I support them wholeheartedly in that view. Internet use is a fact of life in most homes, colleges and workplaces in the modern world. To release prisoners with out-of-date - or no - digital skills reduces their job and education prospects, restricts contact with family and friends, and thereby increases the likelihood that they will reoffend. “It was unhelpful,” reported HMIP of its recent inspection there, “that in a prison like Kirklevington Grange, whose purpose was to prepare men who have been incarcerated for long periods for entry into the modern world, that prisoners had no access in the prison to the internet. It was ironic that prisoners would have this access when they left the prison on ROTL or release, but unlike every other area of resettlement, very little was done to prepare and test them for this in the supervised environment of the prison. This was something over which the prison had very little control.”

5.19 Restrictions around internet access impact heavily on teachers. Many told me that they were unable to use potentially valuable internet resources as part of their lessons. These restrictions need to be reviewed, removed where possible, and reduced elsewhere. The current situation is a disincentive to the recruitment of the sort of talented, inspirational teachers I would like to see working in prisons.

⁷ [Champion, N. and Edgar, K. \(2013\) Through the gateway: How computers can transform rehabilitation, London: Prison Reform Trust](#)

⁸ [Coates, S. \(2016\) Unlocking potential: A review of education in prison, London: Ministry of Justice](#)

5.20 *The current requirement for VC users to be physically supervised in many prisons is unnecessary given it is a secure system that is monitored by software programmes 24/7. It should be applied only to those prisoners where there is particular cause for concern.*

5.21 *A further driver to greater internet access in prisons comes as many examination bodies increasingly move to online access and on-line examinations only. Without it, prison learners will be at an additional disadvantage in gaining the qualifications they will need to avoid reoffending in the future.*

Coates, S. (2016) *Unlocking potential: A review of education in prison*

18. In our view, all of that remains entirely true and to the point. It contrasts unfavourably with the relevant section in the government's employment and education strategy⁹, which reads:

"We will continue to support projects that are testing the use of laptop and tablet technology, as we look forward to a system which takes full advantage of digital technology and uses it to improve not just a prisoner's rehabilitation journey but also their wider wellbeing whilst in custody.

33. We are also encouraging greater digital innovation from new education suppliers in how they deliver their services, and each has been specifically asked to detail their plans as part of the new education framework procurement.

34. All digital technology development and innovation in prisons will need to adhere to strict security standards and testing, but we will not let this be a barrier to progress."

19. In summary, there is no government commitment to enabling internet access, no timetable or targets, and no plan to deal with the shortcomings the Coates review described. While some limited progress has been made on the provision of in-cell ICT at HMPS Wayland and Berwyn, access to the internet remains firmly in the "too difficult" pile, trapped there we suspect by the fear of political fallout. Recent announcements concerning investment in both staff and prisoner facing ICT are welcome, but lack detail. And of course the pace of technological change in the community, including in education, is accelerating. Even modest progress in the prison world will see it left further behind. So we hope the committee will press the ministry on its inadequate response to the question of internet access for prisoners.
20. Of course, there are radical options for incentivising participation in prison education which would draw on the biggest prize of all for most prisoners—the prospect of bringing forward their release date. Michael Gove, shortly after leaving his brief tenure as Lord Chancellor, suggested in the 2016 Longford Lecture that he would *"like to see it made possible to release prisoners before the current half-way point in their sentence at which release on license normally occurs—if they've demonstrated by their conduct and commitment to working and learning that they are ready for re-integration into society"*.¹⁰ It would appear his voice has been less influential on these issues in subsequent years. Promised sentencing legislation will now extend the period many prisoners spend in custody, and make more prisoners subject to a discretionary release decision which can only postpone and never bring forward their

⁹ [Ministry of Justice \(2018\) Education and employment strategy, London: Ministry of Justice](#)

¹⁰ Gove, M. (2016) Longford Lecture: "What's really criminal about our justice system", available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Longford%20Lecture%202016.pdf>

release date. The absence of any coherent philosophy or strategy concerning prisons and prisoners, despite the apparent political continuity of the last decade, is all too obvious.

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

21. We have discussed already the corrosive impact of overcrowding on the stability and predictability of prison estate management. But we would encourage the committee to look also at the practical issue of how a typical prison day is organised.
22. The creation of a “core day” was a key part of changes that took place in prisons almost a decade ago to meet extremely fierce savings requirements in the name of “austerity”. Up to that point, even quite similar prisons could start and stop their routines at very different times, offering more or less time out of cell and purposeful activity. The desire to regularise that situation was understandable, but unfortunately in an age of austerity created a rush to the bottom. As a consequence, and despite some marginal relaxations, for most prisoners a weekday ends between 5pm and 6pm, and a weekend day will normally involve at most either a morning or afternoon out of their cell. Time out of cell in the evenings, which once was reserved for “association” and the opportunity to pursue what passes for “leisure” activity in a prison, is a distant memory for most. Association time, not to mention accessing healthcare, exercise and hygiene, all has to be squeezed into the core day.
23. In addition, despite massively improved perimeter security and other measures to prevent escape, prisons continue to require a roll call at lunchtime, and generally require all prisoners to be locked in their cells for that to be completed. Most prisons cease all or most prisoner activity in the middle of the day to allow the majority of staff to take an hour’s lunch break at the same time. In practice that means that prisoners are locked in their cells for the best part of 2 hours in the middle of the day even if they are engaged in full time work or education.
24. The consequence is that all of the capital and human resource invested in purposeful activity, including education, is free of prisoner contact for all but around 5 hours a day.
25. It is unthinkable nowadays that the facilities of a community college would be wasted in this way – either the teaching and support staff or the physical plant of the buildings and equipment. The reason it is allowed in the prison context is a mixture of inadequate resourcing and entrenched working practices. But it represents another aspect of the gulf between learning in the community and in prison. It is immensely frustrating and demotivating for teachers and learners alike, and encourages a mindset that education (and other purposeful activity) in prison must come second to the convenience of the prison’s operational requirements.
26. There is a serious risk, as prisons emerge from the extraordinarily restrictive conditions imposed during the pandemic, that the “core day” shrinks to even less than it represented before the pandemic. It is crucial that that is not allowed to happen. Indeed, the pandemic offers an opportunity to reset expectations about what a normal day in prison should be like, and to make it much closer to a normal day in the community. The best interests of learning, as well as the foundation for learning of a safe, decent and humane way of life in prison, require that that opportunity is taken.