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Bars to Learning: Practical Challenges to the 'Working Prison'

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Abbreviations

CIAS	Careers Information and Advice Service
DfES	Department for Education and Skills
GLH	Guided Learning Hours
IAG	Information, Advice and Guidance
ILP	Individual Learning Plan
LAD	Learning Aims Database
LSC	Learning Skills Council
NAO	National Audit Office
NOMS	National Offender Management Service
OLASS	Offender Learning and Skills Service
OU	Open University
PET	Prisoners' Education Trust
QCF	Qualification and Credit Framework
SEU	Social Exclusion Unit
SFA	Skills Funding Agency
SSCs/SSBs/SBs	Sector Skills Councils/Standard Setting Bodies/Sector Bodies

Bars to Learning:

Practical Challenges to the 'Working Prison'

'We must remember always that the doors of prisons swing both ways.'

Mary Belle Harris

Introduction

In 1981, the then Governor of HMP Wormwood Scrubs, John McCarthy, composed a damning letter in *The Times* bemoaning the inadequacies of the prison system. Denouncing the prison as a 'penal dustbin', he wrote:

*From my personal point of view I did not join the Prison Service to manage overcrowded cattle pens, nor did I join to run a prison where the interests of the individuals have to be sacrificed continually to the interests of the institution, nor did I join to be a member of a service where the staff that I admire are forced to run a society that debases.*¹

Thirty years on, and evidence of 'warehousing' and inappropriate institutional priorities throughout the prison system still abound. The philosophy informing penal policy has swung from 'nothing works' to 'prison works', to a purported 'rehabilitation revolution'; yet rates of reoffending by those released from prison remains stubbornly high, as successful resettlement remains an ever elusive goal.

Without effective rehabilitative intervention, prison offers no long-term social remedy for reducing reoffending. A spell in prison can cost an individual their home, contact with their family, their job, and leave them entirely unable to break the pattern of offending behaviour. Nonetheless, custody can provide a stable, controlled environment, in which prisoners are empowered to take personal responsibility for their behaviour and its consequences. The question is not whether prison can work, but how we can make prison work more effectively.

In light of strong evidence of the link between employment and reduced reoffending, the recent Ministry of Justice green paper 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders' plans to create a new 'working prison', in which 'hard work and industry' are 'central to the regime'. The paper promises a renewed and revitalised commitment to enhancing offenders' employability, as part of its far-reaching 'rehabilitation revolution'.

This approach is to be welcomed. Whilst training and education in custody cannot prevent an offender from committing further crime, it can offer them the chance to transform their skills and attitudes, preparing them for employment in the community. Nevertheless, a number of issues remain.

¹ 'John McCarthy', *The Times*, 4 December, 2003:
<http://www.timesonline.co.uk/tol/comment/obituaries/article1033372.ece>

In order to achieve effective rehabilitation, the entire prison regime should be reorganised to impose real-world expectations on prisoners, and work programmes should replicate real working conditions. Functional skills training should be embedded into vocational courses, as a restrictive curriculum of literacy and numeracy will do little to help an offender into a job after release, regardless of the length of their sentence.

The Coalition has rightly recognised that skills training should not be the priority for certain offenders, for instance those with mental health difficulties, learning disabilities, or serious drug problems. However, the regime of work and training should cover the entirety of the remaining prison population. Without this all encompassing approach, some offenders – most likely those serving short sentences, and hence those most likely to reoffend – will continue to slip through the net.

Moreover, the latest efforts to cut reoffending do not constitute a ‘revolution’. Rehabilitation has featured prominently on the government’s agenda for a number of years. However, learning provision in custody has long been shackled by a catalogue of institutional barriers: the prison estate is plagued by chronic staff shortages and inadequate facilities; learning providers have been obliged to act against their own better judgement, struggling to deliver inappropriate, but mandatory, key performance targets; governors prioritise security and efficiency to the detriment of education and training, generating a perpetual churn of prisoners, who are left unengaged for hours each week. Failure to successfully tackle these deeply entrenched stumbling blocks will inevitably undermine the government’s entire rehabilitative mission.

Additionally, whilst reduced reoffending will undeniably result in substantial savings for the public purse, there is a risk that the rehabilitation drive will be inappropriately shaped and delimited by financial ambitions. Money spent on offender learning must be understood as an investment; it is imperative that the government does not follow the false economy of choosing provision based on cost, rather than on learners’ needs.

Having identified the crux of how to reduce recidivism, the Coalition must now take the next steps where previous government initiatives have stumbled in order to realise its rehabilitative vision. Only by recognising the need to break down institutional barriers, rather than working around them, and including all prisoners within some form of behaviour-changing intervention, will it succeed in defeating the long-standing paralysis in reform of prison work and learning.

‘Bars to Learning: Practical Challenges to the ‘Working Prison’’ explores the scale of reoffending and the resultant financial burden. It examines prisoners’ experience of work and learning before they enter custody, and the effect of training on recidivism after release, looking at current provision in prison, and the key problems with this approach. Finally, it considers the most problematic aspects of re-entry into the community, suggesting that an ethos of normalisation must pervade the prison regime in order to best prepare offenders for life after release.

Many thanks are due to the OLASS directors of Prospects and Kensington and Chelsea College for their insight and opinions.

The Challenge

The Economics of Reoffending

With 153 prisoners per 100,000 of the population, England and Wales lock up more offenders per head than any other country in Western Europe, apart from Spain (160) and Luxembourg (155), and some 60% more than countries such as Belgium, France, Germany, Ireland and Italy.²

This shift is largely reflective of the increasingly severe sentencing practices of the courts, rather than the actual levels of crime or the number of defendants found or pleading guilty. Although crime in general has been falling,³ between 1995 and 2005, the number of custodial sentences passed by the Magistrates' Courts grew from 20,000 to 33,000, and sentences of more than 12 months received in the Crown Courts increased from 32,000 to 54,000.⁴

The majority of offenders are sentenced to custody after a long history of contact with the criminal justice system. Benda and Tollett have identified that, for adolescents, a history of criminality is by far the strongest predictor of recidivism, above either a poor parental relationship or gang membership.⁵

In 2009, 90% of adults receiving a custodial sentence had previously been convicted on at least one prior occasion. According to the Ministry of Justice's November 2010 Compendium of Reoffending Statistics, 20% of the offenders who were discharged from custody or commenced a court order between January and March 2000 had been reconvicted within three months. This figure rose to 43% after a year, 55% after 2 years and 68% after 5 years. By 2009, 74% of the initial cohort had been reconvicted.⁶ It is only after seven to ten years without reoffending that an individual can be said to be unlikely to relapse into criminal behaviour.⁷

In addition to the tremendous social cost of reoffending, the financial costs are staggering. The Home Office has set the total cost of 'notifiable' offences at £60 billion, which excludes most summary offences and crimes such as drug trafficking and possession, and handling stolen goods. This figure incorporates costs incurred in anticipation of crime, such as insurance, those incurred as a consequence of crime, and criminal justice costs. Given that reoffending accounts for at least 18% of total crime, at least £10.8 billion in costs is generated by offenders with criminal histories, a higher per capita level than any EU country, or even the US.⁸ In 2005, 'Reducing Reoffending Through Skills and Employment' claimed that: 'A former prisoner who re-offends costs the criminal justice system

² International Centre for Prison Studies, *World Prison Population (8th edition)*, London: King's College, London, 2009

³ Home Office, *Crime in England and Wales: Quarterly Update*, 2010, p.2

⁴ Written evidence to the Select Committee on Home Affairs, 6 March 2007

⁵ Benda, B., and Tollett, C. L., 'A Study of Recidivism of Serious and Persistent Offenders Among Adolescents', (2004) *Journal of Criminal Justice* 27(2), pp.115-126

⁶ Ministry of Justice, *Compendium of Reoffending Statistics and Analysis*, 2010

⁷ Petersilia, J., *When Prisoners Come Home: Parole and Prisoner Re-entry*, Oxford: OUP, 2009, p.20

⁸ Solomon, E., Eades, C., Garside, R., Rutherford, M., *Ten Years of Criminal Justice Under Labour: An Independent Audit*, London: Centre for Crime and Criminal Justice Studies, 2007

an average of £65,000 up to the point of re-imprisonment, and, after that, as much as £37,500 each year in prison.⁹

Prisoners' Experience of Education

Without rehabilitation, prison will not remedy this reoffending epidemic. Yet, in order to be effective, rehabilitative interventions must target prisoners' most pertinent needs; consequently, correctly identifying those needs is central to the success of the rehabilitation drive.

The majority of prisoners come from the most socially excluded groups in society; over 75% of all robberies and 55% of all domestic burglaries occur in the 88 most deprived local authorities.¹⁰ In its comprehensive 2003 Report, the Social Exclusion Unit found that, compared with the general population, prisoners are: '13 times as likely to have been in care as a child, 13 times as likely to be unemployed, 10 times as likely to have been a regular truant, [and] 2.5 times as likely to have had a family member convicted of a criminal offence'.¹¹ Based on these results, the SEU identified nine key factors that influence offending: education, employment, drug and alcohol misuse, mental and physical health, attitudes and self-control, institutionalism and life-skills, housing, financial support and debt, and family networks. Rather than being seen merely as indicators of risk, these factors have long been identified as the key areas to target welfare aid and advice, and were largely echoed in the National Offender Management Service's (NOMS) seven 'pathways' for reducing reoffending.¹²

While each of these areas of need must be addressed, the 'educational deficit' among offenders is of particular concern.¹³ Many offenders enter prison with an entirely negative experience of education. 42% of prisoners have been expelled or permanently excluded from school, and almost half have no qualifications, compared to 2% and 15% of the general population respectively.¹⁴ Whilst 68% of the public continue to further education, 89% of male prisoners and 84% of female prisoners left school at 16 or younger. Similarly, in the United States, of the 150,000 incarcerated youth offenders, 75% failed to complete high school. The median reading age for 15 year old offenders in the US is fourth grade (9-10 years old), and nearly a third read below this level.¹⁵

There is evidence that an offender's experience of education before incarceration has a significant effect on their propensity to reoffend. The recent Reoffending Statistics Compendium states that 63% of offenders who had been expelled or permanently excluded from school were reconvicted within a year, compared with 44% of other offenders. Similarly, 60% of those with no qualifications

⁹ *Reducing Reoffending Through Skills and Employment*, Cm 6702, 2005, p.10

¹⁰ Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.78

¹¹ Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.6

¹² See: <http://www.lifechangeuk.com/webedit/uploaded-files/downloads/political/reducing-reoffending-delivery.pdf>

¹³ Sherman et al, *Evidence-Based Crime Prevention*, Oxford: Routledge, 2002, p.205

¹⁴ Ministry of Justice, *Compendium of Reoffending Statistics and Analysis*, 2010

¹⁵ Risler, E., O'Rourke, T., 'Thinking exit at entry: exploring outcomes of Georgia's juvenile justice educational programs', *The Free Library*, 1 September 2009: <http://www.thefreelibrary.com/Thinking+exit+at+entry%3A+exploring+outcomes+of+Georgia%27s+juvenile...-a0215408207>

were reconvicted within twelve months of leaving prison, compared to 45% of those with at least one qualification.¹⁶

The Learning and Employment Offer

The picture is similarly bleak in relation to offenders' experience of employment. Only half of all prisoners had been in employment during the year before entering custody. 40% of these offenders were reconvicted within a year of leaving prison, compared with 65% of those who had not been in employment.

Even though employment reduces the risk of reoffending by between a third and a half, three quarters of offenders leave prison with no job.¹⁷ Data from a Home Office Resettlement Survey in 2001 recorded that less than one in thirty prisoners had a job or training interview planned for their release. As Haslewood-Pocsik argues, 'offending and employment should not be considered as two independent facets of offenders' lives, which can be viewed and dealt with separately'.¹⁸ Indeed, prisoners themselves seem to prioritise their need for help with employment (48%), education (42%) and work related skills (41%) over finding accommodation (37%) or tackling drug problems (29%).¹⁹

There is a clear link between an offender's educational history and their ability to secure stable employment. Approximately half the prison population in England and Wales are at or below Level 1 in reading, the expected ability level of an 11 year old. Two thirds are at this level in numeracy, and 80% in writing: this skill set is required for 96% of all jobs.

Time spent in custody can be used to remedy this shortfall. Miles Harer relies on statistical techniques to isolate the effect on recidivism of participation in prison education programmes, comparing a self-selecting group of prison learners against a cohort of prisoners who chose not to engage in such training. According to his figures, the recidivism rate for offender learners was 30.1%, compared to 44.5% for those who did not participate in prison education.²⁰

In the US, Steurer, Smith and Tracy tracked 3,000 ex-offenders from 3 states over 3 years following release.²¹ They found that those who participated in education programmes were 29% less likely to have returned to prison by the end of the follow-up period. As the individuals who made up the study cohort came from similar backgrounds, with similar motivation levels, the authors argue that it is education itself, rather than the personal characteristics of those who decide to take advantage of educational opportunities, that leads to a reduction in offending behaviour.

¹⁶ Ministry of Justice, *Compendium of Reoffending Statistics and Analysis*, 2010

¹⁷ Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.52

¹⁸ Haslewood-Pocsik, I., L. Merone and C. Roberts (2004) *The Evaluation of the Employment Pathfinder: Lessons from Phase 1, and a Survey for Phase 11*. Online Report 22/04. London: Home Office, p. 65

¹⁹ Stewart, D., *The Problems and Needs of Newly Sentenced Prisoners: Results from a national survey*, Ministry of Justice Research Series 16/08, 2008

²⁰ Harer, M., *Prison Education Program Participation and Recidivism: A Test of the Normalisation Hypothesis*, Washington, DC: Federal Bureau of Prisons Office of Research and Evaluation, 1995

²¹ Steurer, S. J., Smith, L., and Tracy, A., *Education Reduces Crime: Three-State Recidivism Study*. Lanham, MD: Correctional Education Association, 2001

Similarly, John Nuttall *et al.* found that 40% of offenders under 21 who earned a GED (General Equivalency Diploma) whilst they were incarcerated returned to prison within 3 years. 54% of those without an equivalent qualification were back inside after the same period of time.²²

Nonetheless, this success is not entirely uniform. Of the five studies examined by MacKenzie, each of which met a high methodological benchmark, only one found that GED completers had a significantly lower re-arrest rate (16%) than the comparison group (44%).²³ Similarly, studies conducted in the 1980s and 1990s revealed predominantly disappointing results. A study in 1996 by Saylor and Gaes measured the different 'survival times' before committing a new offence of a control group, and a treatment group that had worked in the prison or received vocational training.²⁴ After eight years, those who had worked in the prison industry had 20% longer survival times than the control group, whilst those who participated in training had 28% longer survival times. This study calculated only the delay in reoffending, not the end of criminality. However, there were methodological problems in terms of prison self-selection.

Although being in employment reduces the likelihood of (re)offending, the exact nature of the relationship between employment and criminal behaviour is somewhat complex. Fagan and Freeman have identified four main theoretical explanations for the link between the two elements.²⁵ Firstly, under the 'economic choice theory', proposed by Ehrlich in the 1970s, individuals choose (il)legal work based partly on the relative economic attractiveness of each option. Education has a role in framing these choices. Little account is offered for offences that generate no income, such as expressive violent crime, however employment will likely raise the opportunity cost of incarceration, which may deter offending behaviour.²⁶

Secondly, as employment exerts a degree of social control over an individual, its absence causes the breakdown of positive social bonds, which would otherwise disincentivise criminal activity. Sampson and Laub support this notion that it is not employment *per se* that reduces individual propensity to reoffend, but rather the social control that is achieved through the stability and responsibility associated with committed employment.²⁷

Finally, the 'labelling theory' suggests that crime itself is criminogenic. Once an individual has engaged in criminal activity, they acquire a stigmatic label. As a result of this branding, they are denied opportunities; the label is thus continually reinforced and an inevitable cycle of offending ensues. At the community level, an area that is known for high unemployment and criminal activity may be less attractive for investors, and thus new local opportunities do not arise.

²² Nuttall, J., Hollmen, L. And Staley, E., 'The Effect of Earning a GED on Recidivism', 54(3) *Journal of Correctional Education*, 2003, 90

²³ 'Reducing the Criminal Activities of Known Offenders and Delinquents: Crime Prevention in the Courts and Corrections' in Sherman et al, *Evidence-Based Crime Prevention*, Oxford: Routledge, 2002

²⁴ 'Reducing the Criminal Activities of Known Offenders and Delinquents: Crime Prevention in the Courts and Corrections' in Sherman et al, *Evidence-Based Crime Prevention*, Oxford: Routledge, 2002

²⁵ Fagan, J., and Freeman, R. B., 'Crime and Work' in Tonry, M. (ed.), *Crime and Justice: A Review of Research*, Chicago: University of Chicago Press, 1999

²⁶ Sherman, L. W., Farrington, D., Welsh, B. and Mackenzie, D. 'Preventing Crime' in Sherman et al, *Evidence-Based Crime Prevention*, Oxford: Routledge, 2002

²⁷ Sampson, R., and Laub, J., *Crime in the Making Pathways and Turning Points Through Life*, Harvard University Press, 1995

Regardless of the precise nature of this link, a reduction in reoffending would have substantial social and financial benefits. In 'Making Prisons Work', the government has calculated that: 'prison education and vocational interventions produce a net benefit to the public sector ranging from £2,000 to £28,000 per offender (or from £10,500 to £97,000 per offender when victim costs are included)'.²⁸ Moreover, evidence suggests that offenders are keen to engage with the learning offer: '97% of offenders say they want to stop offending'.²⁹

Prison Education Provision

Rehabilitation (R)Evolution?

The Coalition is right to set prison education as the key to enhancing offenders' employability, and the cornerstone behind the much-heralded 'rehabilitation revolution'. However, while 'Breaking the Cycle' purports to set out 'plans for fundamental changes to the criminal justice system', these ambitions have in fact long been recycled; a change of emphasis, perhaps, but there is no revolution.³⁰

In 2001, responsibility for prison education was transferred from the Home Office to the Department for Education and Skills. The DfES endorsed the line adopted by the Howard League for Penal Reform that 'plans for a prisoner's rehabilitation should be set into motion from their very first day in custody, if not before. Encouraging prisoners into education and training can be pivotal to a crime-free future'.³¹ With this new focus on training and employability, the structural landscape of prison education was entirely redrawn.

In January 2004, the National Offender Management Service (NOMS) was established following the publication of Patrick (now Lord) Carter's independent review of correctional services, 'Managing Offenders, Reducing Crime'. An executive agency of the Ministry of Justice, NOMS coordinates the delivery of the administration of Her Majesty's Prison Service and the Probation Service. 'The Offender's Learning Journey: Learning and Skills Provision for Adult Offenders in England' provided a detailed strategy for the creation of 'a fully integrated service of learning and skills provision operating for all prisons', boasting that '[t]he delivery of learning and skills for offenders is one of the Government's key priorities'.

The following year, the government reaffirmed that it was 'fully committed to developing a culture within prisons in which education and skills are a priority' and that 'this agenda is already being driven forward with vigour'.³²

In a similar vein, the 2006 Home Office report, 'Criminal Justice Service Review: Rebalancing the criminal justice system in favour of the law-abiding majority', advocated the need for the entire

²⁸ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.10

²⁹ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.10

³⁰ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.5

³¹ Frances Crook in *Reducing Reoffending Through Skills and Employment: Next Steps*, p.8

³² Government Response to the House of Commons Education and Skills Committee Report – Prison Education, 2005, p.2

criminal justice system to take responsibility for reducing re-offending: 'Reducing re-offending should be everyone's business.'³³ A cross-government plan to reduce offending was revised, and a new inter-ministerial group, led by the Home Office and the DfES was established in July 2006. New figures had revealed that twice as many adults had no basic-school leaving qualification in the UK compared to Canada or Germany, and five million people had no qualifications whatsoever. A sweeping strategy was devised to tackle child poverty, breaking the cycle of deprivation and helping offenders support their children through work.

Soon after, the DfES white paper, 'Reducing Reoffending Through Skills and Employment: Next Steps' pledged to redouble efforts to provide 'new momentum to reform' in prison education.³⁴ Recognising the growing economic cost of recidivism, it sought to place 'the reduction of re-offending... at the heart of the work of prisons and probation services'.³⁵ The failure of past efforts to improve employability amongst offenders was attributed to a lack of continuity through the system.

'Next Steps' promised a new focus on helping offenders to get jobs; an innovative Corporate Alliance was forged to engage employers in industrial sectors with particular labour shortages, enabling them to drive the design and delivery of education programmes so that offenders could become trained for specific work, particularly construction, industrial cleaning, horticulture, catering and hospitality, among others.³⁶

Despite the repeated promises, the 2005 House of Commons Education and Skills Committee condemned prison education as 'unacceptable', and called for 'a fundamental shift in approach'.³⁷ The Committee warned: 'The very worst thing that the Government could do would be to define a prisoner's needs and then not deliver the necessary programmes.'³⁸ And yet this is all too reflective of reality. Those on the front line of education provision in prisons have long been aware which strategies are most effective in achieving successful resettlement. Indeed, had the Government delivered much of what has been promised over a decade of green papers, white papers and reviews, many of these schemes would now be in place.

While many of its aims are entirely laudable, 'Breaking the Cycle' betrays a naive ignorance of the many institutional structures that have long paralysed reform of offender learning. It is unclear at times whether the green paper's accompanying Impact Assessment is guilelessly optimistic or merely ill-informed. Even where the Assessment does identify potential hurdles, it fails to accept their potential to undermine the entire reforming agenda. For instance, although it identifies cost

³³ Home Office, *Rebalancing the criminal justice system in favour of the law-abiding majority: Cutting crime, reducing reoffending and protecting the public*, 2006, p.28

³⁴ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.9

³⁵ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.5

³⁶ *Reducing Reoffending Through Skills and Employment*, Cm 6702, 2005, p.31

³⁷ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.58 (hereafter, the Skills Committee)

³⁸ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.34

implications in 'additional staffing, management, training', at no stage does the Assessment or the main green paper document acknowledge the scale of these financial burdens.³⁹

Prison Education Structure

Learning and skills programmes had been delivered both by providers under contract to the Prison Service and by Instructional Officers, employed directly by the Prison Service. However, in an attempt to raise the quality of provision and integrate offender education with the mainstream, from 2004/05, the Learning and Skills Council (now the Skills Funding Agency), assumed operational responsibility for skills provision in prisons. The LSC introduced the Offenders' Learning and Skills Service (OLASS) in 2005, and full OLASS coverage across all publicly funded prisons in England was achieved by July the following year. The 'vision' for OLASS is: 'That offenders, in prisons and supervised in the community, according to need, should have access to learning and skills, which enables them to gain the skills and qualifications they need to hold down a job and have a positive role in society.'⁴⁰

The SFA awards contracts to external providers, primarily further education colleges and private training companies. Contract providers are responsible for identifying offenders' learning needs and developing a corresponding curriculum, while prisons should encourage and facilitate participation.

In London, Kensington and Chelsea College (KCC) won the competitive tender to provide learning and skills in four prisons in 2006. Part way through this three year contract, KCC took control of a further two prisons, Brixton and Belmarsh. Having made a successful bid for the South London area in 2009, the college was also granted the contract covering the north of the city after the original provider turned down the offer over concerns about the available budget. Consequently, KCC runs learning and skills in all nine London prisons and young offenders' institutions, and was set to take on the new private prison on the Belmarsh site. Careers, information and advice services (CIAS) throughout the London prison estate, as well as Next Steps provision in the community, are run by Prospects Services Ltd.

The total funding for offender learning almost trebled between 2001/02 and 2005/06, rising from £57 million to £151 million.⁴¹ In 2009/10, NOMS secured £11.44 million from the European Social Fund (ESF) specifically for employment and training of offenders in prison and in the community, and then a further £50 million once it attained the requisite Co-Financing status.⁴²

Under the 'rehabilitation revolution', all offender learning contracts will be retendered in the hope of drawing in a wider range of providers. It is likely that a single provider will take control of learning across a cluster of prisons, with the ability to subcontract to smaller or more specialised units. This approach has great potential to enrich the diversity of learning available in custody, and reduce competition between providers by streaming all funding through one, strategic strand. However,

³⁹ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.9

⁴⁰ See: <http://olass.skillsfundingagency.bis.gov.uk/>

⁴¹ *Reducing Reoffending Through Skills and Employment*, 2005, p.6

⁴² Ministry of Justice, *NOMS Annual Report and Accounts 2009-10*, p.11

given the MoJ's overarching preoccupation with cost cutting, there is inevitably the danger that providers will be selected on the basis of finances, rather than proficiency.

Induction

When an offender arrives in prison, whether after transfer or at the beginning of their sentence, they are automatically placed on an induction programme. This usually lasts around a week, during which time the offender is segregated. Over the course of the induction, the offender is tested for drugs and general health, and informed about the prison regime. Typically on the fourth day of induction, a group of new intakes will meet a Prospects IAG (information, advice and guidance) adviser to discuss the training provisions available and how they can best develop their basic skills. Each prisoner will then have a one-to-one session to discuss why they have offended, how best to stop them returning to such behaviour and to establish their aspirations. Once the offender has decided their plans for after release, the adviser can help them to choose which courses in prison can best enable them to achieve their goal.

However, how comprehensive the induction process and initial assessments are in practice depends largely on the number of prisoners arriving at once, how late in the day they arrive and the skills of those on duty. For example, one London prison keeps new arrivals apart for only one night before moving them to the mainstream. Providers must then locate them in the wings before any assessment or advice can take place. This patent lack of coordination threatens to make each new entry a time consuming fiasco.

Individual Learning Plans

The government's response to the Skills Committee Report declared that establishing 'effective individual learning plans at the heart of the new Offenders' Learning and Skills Service (OLASS)' would be an 'immediate priority' from 'August 2005'.⁴³ Every learner over 21, serving more than 12 months, should have an individual learning plan (ILP) within seven days of joining a programme. The ILP should establish goals spaced through a learner's journey, to be assessed at reviews at least once a month.

Nonetheless, three years later, the National Audit Office identified a catalogue of issues in prison education in need of urgent reform.⁴⁴ These included better needs assessment and IAG provision, less disruption to learning and more effective transfer of information. Although the following year OLASS professed to have implemented these changes, it is difficult to see where they are operating in practice.

An Ofsted report from 2009 found that initial assessments were too often completed to satisfy prison targets, and did not always provide an accurate picture of an offender's literacy and numeracy needs, despite this being identified as a key factor underpinning successful learning.⁴⁵ A

⁴³ Government Response to the House of Commons Education and Skills Committee Report – Prison Education, 2005, p.13

⁴⁴ OLASS, *Offender Learning and Skills: Taking the next step*, LSC, 2008

⁴⁵ Ofsted, *Learning and skills for offenders serving short custodial sentences*, London: Ofsted, 2009

prisoner is given the initial assessment every time he moves between prisons. Consequently, some complete the assessment several times and come to know it well. As a result, their score improves, due only to their greater familiarity with the test. Moreover, all prisoners are given the same assessment regardless of their previous academic achievement; graduates are subjected to the same, standard test, as the aim is simply to meet KPTs.

In half the prisons visited by Ofsted, ILPs were ineffective, and short-term targets and progress reports were not always shared with learners. In 2001, only half of the prisoners questioned claimed that they were even aware of having a sentence plan. More recently, the House of Commons Committee of Public Accounts found that there was no traceable ILP for 25% of eligible prisoners and those that were completed were 'poor'. A third of completed ILPs do not state which courses are most appropriate for that prisoner.⁴⁶ Only 20% of those assessed as having very low levels of basic skills had enrolled on a course that would help improve their literacy or numeracy.⁴⁷

The staff responsible for drafting ILPs are not accountable for making the planned action materialise. As the SEU notes, 'no one is accountable for this'.⁴⁸ In addition, as the sentence planning process does not inform the type or availability of activities, advisers can only direct offenders to the services available, regardless of whether these match the identified needs.

A copy of the ILP should be received by the new organisation within seven working days of a prisoner's transfer. While over 90% of prisons say they transfer paper records within this time, only 60% say they receive them as promptly. Similarly, Braggins found that no prison officer claimed that they received ILPs for every new arrival, 67% said 'irregularly' and only 32% said 'regularly'. The ineffective transfer of records 'is not just an administrative irritation, but also wastes valuable staff time and can undermine prisoner and staff motivation'.⁴⁹

Tackling the 'long-standing weaknesses in the transfer of learning data as an offender moves into, through and out of custody' has been identified as a core priority. Nonetheless, giving evidence to the Skills Committee in 2004, Professor David Wilson remarked: 'You then finally mentioned a system of reliable records of transfer. Well, there is none.'⁵⁰ The Committee itself scorned the implementation of ILPs as 'shambolic' and branded the 'transfer of records across prison' a 'disgrace'.⁵¹

The Independent Monitoring Boards for prisons in England found that only 18% of ILPs were stored electronically.⁵² This hampers transfer between prisons and external agencies, and prevents the aggregation of information to assess patterns of need or review performance. In addition, since

⁴⁶ House of Commons Committee of Public Accounts, *Meeting Needs? The Offenders' Learning and Skills Service* June 2008

⁴⁷ Report from the Prisoners' Education Trust, Inside Time and RBE Consultancy, *Brain Cells: Listening to Prisoner Learners*, 2009

⁴⁸ Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.41

⁴⁹ O'Brien, R., *RSA: The Learning Prison*, London: RSA, 2010, p.55

⁵⁰ House of Commons Education and Skills Committee, *Seventh Report of Session 2004-2005 – Prison Education*, 2005, p.36

⁵¹ House of Commons Education and Skills Committee, *Seventh Report of Session 2004-2005 – Prison Education*, 2005, p.93

⁵² Independent Monitoring Boards, *Opportunity or Not?*, London: IMB, 2008

learners cannot update their ILP themselves, amendments take up precious time in workshops and classrooms that could be better spent on actual training.

In an attempt to address these issues, the National Offender Management Information System (C-Nomis) was intended to consolidate all 220 prison and probation service databases into a single information system. However, the project was plagued with problems. By July 2007, it was two years behind schedule and running at three times the estimated cost. The LSC admitted that it wasted at least a year trying to salvage the C-Nomis project. In spite of this failure, making arrangements for the electronic transfer of ILPs should be a priority, both in terms of timing and funding.

‘Making Prisons Work’ seeks to ‘strengthen the arrangements to assess offender needs at the start of their prison sentence’, in order to tackle the current repetition and inefficiencies.⁵³ By combining CIAS delivery with the National Careers Service, learning providers will already have access to information about a prisoner when they enter custody, so that provision can be targeted from the outset.⁵⁴ Nonetheless, ILPs are most effective when learners are involved in setting their own targets and measuring progress; while there is little use in an offender being newly assessed each time they enter a different prison, it is essential that they are consulted in setting the agenda for their personal learning journey.

In addition, the needs assessment should take a holistic approach, covering all areas of learning, skills and welfare, based around the individual, rather than simply checking boxes on a standardised test. Despite the general emphasis on targeting offenders’ employability, the government has correctly identified that ‘skills issues may not be the most immediate priority for some offenders – for example those with significant substance abuse or mental health issues – and that activity to address skills needs should take place once those more immediate issues have been resolved’.⁵⁵ Given that almost 6,000 men, women and children with an IQ less than 70 are in prison at any one time, and a further one in four may have a borderline learning disability or specific learning difficulties, this is clearly a sensible route to take.⁵⁶

Education and Training in the Prison Day

Education and training is part of the core prison day, and prisons have key performance indicators based on getting offenders to participate in activities. The ‘penetration rate’ measures the number of prisoners enrolled on education courses at any one time, and is monitored on a monthly basis. When KCC took over provision in HMP Wandsworth in 2006, the penetration rate was 52%. It now stands at 84%. While this success has been mirrored throughout much of the London estate, figures vary significantly elsewhere across the country.

Although the regime varies between different prisons, generally inmates are unlocked between 08:00 and 08:30, and escorted or free flowed to education or work. A normal work session would

⁵³ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.21

⁵⁴ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.27

⁵⁵ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.8

⁵⁶ Jacobson, J., ‘No One Knows: Police response to suspects with learning disabilities and learning difficulties: a review of policy and practice’, Prison Reform Trust, 2007, in *RSA: The Learning Prison*, London: RSA, 2010, p.23

last for approximately two and a half hours, so that they can be back in their cells for around 11:30. Prisoners will then be released again from roughly 13:45 until 16:15. A total of five hours in the day are available for learning, although these will not always be utilised. Moreover, some prisons are closed on Friday afternoons to save on staffing costs, and there is no learning provision at the weekends. The current average working week across the prison estate is 'around 22 hours'.⁵⁷

This is self-evidently insufficient. Not only does this fail entirely to emulate a real working week, but teaching in prison is significantly more time consuming than in the community. In general, offenders are not naturally motivated learners and are often distracted in class, preoccupied with pending court hearings, personal problems on the outside, or discipline issues within the prison. Ofsted found that punctuality and attendance at learning and skills sessions are often poor. In the worst case, learners were arriving up to 40 minutes late and leaving 10 minutes early from sessions.⁵⁸ A 30 hour programme can take up to 68 hours to deliver in custody.

Despite its promise to increase employers' involvement in prison workshops, 'Breaking the Cycle' is littered with conditions and riders. Whilst the prison environment is set to 'replicate... real working conditions', it admits that NOMS can only introduce 'a working week of *up to 40 hours, where possible, within its current estate*' (italics added).⁵⁹

Extending the core day will have obvious and substantial resource implications, as moving prisoners from their cells to workshops and training facilities requires prison officers to escort them. With a small staff body, and security always the priority, it is far easier for Governors to leave prisoners in their cells than usher them to different parts of the complex. Plans to introduce a 'working prison' risk placing demands on prison staff which, without substantial additional funding, they will simply be unable to meet.

The reality is that very little can be achieved within this 'so far as possible' compass. The full working week proposed should be an appropriate fixed number of hours (at least 35), not 'up to' 40 hours, with additional provision at the weekend. To deliver this, the Ministry of Justice must push past the current boundaries of the possible, by reshaping the entire prison regime.

Classes should be better structured with sufficient breaks, so that offenders are able to maintain engagement. However, while teaching sessions should be shorter, there should be a greater number of learning hours throughout the day. Providers should be given as full access to prisoners as possible. Materials should be made available so that prisoners can engage in self-study during any hours of the day that they are unavoidably in their cells. Where classroom space is not available, officers should assist teaching staff in reaching the prisoners on the wings, so that they can reach one or two prisoners in their cell, or a larger group.

This is clearly far from ideal. Offenders often have a poor education history and, whilst every effort must be made to encourage them to take personal responsibility for their behaviour and progress,

⁵⁷ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.8

⁵⁸ Ofsted, *Learning and skills for offenders serving short custodial sentences*, London: Ofsted, 2009

⁵⁹ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.8

we must be realistic in recognising the need to provide support. Additionally, some materials that are essential for particular training courses may not be brought onto the wings, and wings do not provide a quiet environment that is conducive for study. Teaching small groups or individuals also denies offenders the benefits of socialising with other learners. Nonetheless, this interaction is better than no provision at all. Where prisoners cannot access workshops and classrooms, they must not be left unoccupied.

Options and the Core Curriculum

In time to inform its new contracts beginning in autumn 2009, OLASS completed Offender Skills Curriculum Area Reviews (OSCARs), aiming to make skills training more relevant to local employment markets and increase consistency in education provision across the prison estate. Steps towards implementing these plans are now in place, with a greater focus on vocational training, the introduction of a core curriculum, and increased opportunities for credit-based learning.

All publicly-funded provision for learners above the age of 19 in England now comes under the Skills Funding Agency Funding Confirmation Process. Since August 2010, the SFA has focused funding on vocational qualifications in the Qualifications and Credit Framework (QCF), and it aims to only fund vocational qualifications where they are in the QCF from 31 March 2011.⁶⁰

The QCF is a new structure, implemented by the SFA for post-19 skills systems, as part of the Government's Vocational Qualifications Reform Programme. It allows achievement to be recognised by awarding credit for completing both whole qualifications and smaller, bite-sized units. It aims to enable learners to progress in a more flexible way and to make it easier to measure and compare achievement.

Qualifications within the QCF are confirmed for public funding for one or more of the SFA's delivery programmes, including OLASS. It is likely that the majority of vocational qualifications in OLASS will be taken from those already confirmed for public funding. However, some provisions that are normally ineligible for funding for learners over 19 may be fundable within OLASS.

The SFA publishes a list of QCF qualifications confirmed for public funding every fortnight (the Register of Regulated Qualifications), and this information is used to update the Learning Aims Database (LAD). This remains the primary source for funding information. Being on the QCF is not a guarantee of funding for either units or qualifications; funding decisions will be made by the SFA.

Both unit and qualification provision will be available under OLASS. Unit Funding Trials (UFTs) seek to identify which QCF units are both available and appropriate for OLASS. For 2011/12, the SFA will not seek advice from Sector Skills Councils (SSCs), Standard Setting Bodies (SSBs) and Sector Bodies (SBs) in respect of units for inclusion in the Unit Trials. Qualifications should ordinarily fall within the Award or Certificate band and built from shared units. One credit is worth 10 hours of Guided

⁶⁰ The Qualification Journey from the Register of Regulated Qualifications to Publication on the Learning Aims Database, Qualifications and Credit Framework (QCF) and National Qualifications Framework (NQF), Guidance and Information, December 2010

Learning Hours (GLH) and/or other relevant activities, such as independent study. Awards are equal to 1 to 12 credits, Certificates require 13-36 credits, and Diplomas 36 credits or more.

Four strands make up OLASS core curriculum in custody:

- **Vocational qualifications and units:** give learners occupational competence for employment or sector-specific vocational skills
- **Employability skills:** preparation for employment in a broad or specific occupational area
- **Functional skills:** Application of Numbers, Communication and ICT. These are not currently in the QCF. OLASS will use the same qualifications as approved for Adult Learner Responsive provision
- **Personal and Social Development (PSD)** in Foundation Learning⁶¹

The SFA will seek SSCs/SSBs/SBs recommendations on the most suitable vocational qualifications for their sectors and sub-sectors. Where SSCs/SSBs/SBs have already identified target-bearing (full) Level 2 and 3 qualifications, it is expected that some or all of these will be identified for OLASS. However, given the different demands of provision in custody, SSCs/SSBs/SBs should consider the need for fit-for-purpose assessment approaches in vocational qualifications. This will allow vocational training to be made appropriate for the custodial context and can contribute to rehabilitation, as part of a 'progression route for the individual'.

Functional skills have been funded at Entry Level, Level 1 and Level 2 since September 2010, when they replaced existing Key Skills. Personal and social development qualifications at Entry Level and Level 1 are considered, and while some PSD provision has previously been non-accredited, more will be included in the QCF in future. PSD qualifications should predominantly fall within the Award or Certificate band and build from shared units. SSCs/SSBs/SBs do not have a role in confirming funding for functional skills or personal and social development.

These recent changes must be recognised as a significant step in the right direction. Nonetheless, three main problems remain. Firstly, the SFA remains focused on the delivery of target-bearing (full) qualifications. At present, the main provider performance measure is the Qualification Success Rate (QSR). Learning providers must deliver a 62% achievement rate or risk having 5% of their funding clawed back. Under the new SFA scheme, the QSR will be supplemented with a Credit Success Rate (CSR) and a Credit-Weighted QSR (a measure of progression towards a qualification).

QCF Vocational Qualifications, and units within the Rules of Combination (RoC) for vocational qualifications may be identified for OLASS between Entry Level and Level 4. However, Level 2 and 3 qualifications within OLASS should in general meet the size requirements for target-bearing (full) in Train to Gain or Adult Learner Responsive provision. Target-bearing qualifications at Level 2 should be Certificates or Diplomas (13-36 credits, or 36+ credits). Target bearing qualifications at Level 3 should be Diplomas (36+ credits). For OLASS provision, Awards will also be considered with a suitable rationale from the SSC/SSB/SB, where these offer pathways for progression to target bearing qualifications.

⁶¹ Vocational and Qualification Reform & Qualification and Credit Framework (QCF) Implementation: Technical Parameters for Funding – Offenders' Learning and Skills Service – Version 1, June 2010

The preoccupation with accreditation places an undue and unhelpful pressure on learning providers. To comply with their targets, the provider must focus on ensuring that offenders pass qualifications in time, rather than focusing on reaching the highest number of prisoners possible and ‘upskilling’ them in whatever way they can. Even a 13 credit Certificate, the equivalent of 130 hours, may be impossible to complete in custody. If the SFA remains committed to target-bearing qualifications, a course which presumptively falls under core provision, yet is taught (for example) as a 30 hour unit rather than the entire 90 hour qualification, risks being classed as non-core.

While offenders should be given the option of completing a recognised qualification or being assessed on completion of a programme, no offender should be compelled to follow such a structured regime and no prison education course should be compulsorily examined. The driving aim of OLASS must become more focused on offender engagement and achieving behavioural change.

Secondly, the aim to raise offenders’ skills to Level 2, even Level 3, is wholly insufficient. Particularly in the current economic climate, the job market is fiercely competitive. Offenders will be considered alongside applicants without a criminal history and potentially with a higher skill set. However well informed and well coordinated the advice and guidance provided to offenders, in reality, functional skills and Level 2 qualifications cannot alone offer a long-term social remedy to reoffending.

Moreover, prisoners themselves seem to value other services more than basic skills training. The three most common responses to the question ‘which forms of support were most helpful in improving an offender’s job prospects after release’ were having access or more access to the internet and newspapers (61%), making contact with employers before release (59%), and gaining work related skills qualifications (54%). Achieving basic skills qualifications received the lowest response (25%).⁶²

This is one area in which the Green Paper offers a glimmer of nascent promise that, if realised, could fundamentally transform current offender learning provision. The document asserts that ‘there is only limited evidence... that basic skills training leads to a reduction in offending’.⁶³ This realisation must translate into a commitment to eradicate the preoccupation with basic skills that has led to ill-conceived targets and the misguided allocation of scarce resources.

The final issue relates to the core/non-core division. Providers must deliver a set number of learning hours each year, with weightings according to the population of each prison. In the London estate, for example, KCC must deliver 173,000 learning hours each year. All OLASS contracts have been negotiated so that 80% of total provision must be made up of ‘core’ courses. Core classes include maths, literacy and, in theory at least, ICT, as well as ESOL and specific types of vocational training. The remaining 20% consists of ‘developmental learning’, although all SFA-funded provision must be ‘purposeful’ and driven by outcomes. The current target is to raise offenders to Level 2.

⁶² Report from the Prisoners’ Education Trust, Inside Time and RBE Consultancy, *Brain Cells: Listening to Prisoner Learners*, (2009)

⁶³ Green Paper Evidence Report, *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, December 2010, p.61

The current 80/20 core/non-core split in offender learning provision badly fails to equip offenders for employment, as some 'softer' courses do not appear on the SFA's learning aims database, and thus will not receive funding. This rigid division suffocates innovation in offender learning. Despite the efforts to involve SSCs/SSBs/SBs, in terms of enhancing employability, the core/non-core distinction is somewhat arbitrary. OLASS providers are often sensitive to this, yet by following their own instincts and delivering a more varied menu of courses, they risk jeopardising their funding. Their hands are tied by ill-informed, inappropriate, suffocating KPTs.

To take one example, a distance learning fire-marshalling course provided by KCC at HMP Latchmere House, a resettlement prison, is classed as non-core. Yet this certificate could help an ex-offender secure a job, for instance as a caretaker, when a Level 2 Certificate in functional skills alone would not. Indeed, one learner who completed this course went on to become a fireman. Similarly, journalism and creative writing courses are non-core, despite their obvious potential to enhance general literacy. If an individual can become engaged with learning through creative writing, it should not matter that this course does not appear on an SFA list.

Giving evidence to the Skills Committee, contract manager of prison education at City College Manchester, Merron Mitchell, gave a description of how KPTs impact prisoner learning: '[M]y saddest day was walking into a prison and seeing on the door of a classroom "KPT class". I went in and asked the people what were they learning and they said, "KPT". They did not know what it was but they knew the governor had to get KPTs...Whether you needed KPT or not, you were in it.'⁶⁴

The Skills Committee Response stated: 'The Government accepts the desirability of embedding basic skills in training and work.'⁶⁵ It must be hoped that the Government seizes its renewed commitment to work programmes as the chance to embed basic skills learning into vocational training, and thus tackle the deficit of basic education that is rife in the prison estate, whilst enhancing offenders' employability in a meaningful way.

'Making Prisons Work' recognises that learning providers 'have been immensely frustrated at being unable to make the best of the resources available due to the inflexibilities of the system'.⁶⁶ Nonetheless, many providers are already making a concerted effort to focus provision on effective engagement so far as possible within the SFA framework. For instance, numeracy skills and measurements can be taught as part of a carpentry course, and ESOL can be taught during a knitting class. This embedded approach will enable offenders to learn basic skills in a more practical setting, outside the more traditional, rigid classroom environment. Offenders typically have a fractious history of education and training. There should be a greater flexibility in the provision of courses based not on whether they meet the core standard, but how successfully they bring offenders on board.

⁶⁴ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.50

⁶⁵ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.28

⁶⁶ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.3

In addition, classes can take advantage of prison lifestyle, providing offenders with a direct way to achieve something of immediate practical benefit to them. Literacy can be taught through helping learners to write letters to their family. Likewise, making birthday cards in art classes provides them with a useful commodity they would otherwise have to purchase, whilst teaching them creativity, how to manipulate different media, colour mixing and a range of other specialist skills. Offenders should be given free access to newspapers, and encouraged to read them, to both enhance their reading ability and develop an awareness of current affairs.

The latest proposals to redress this target-driven approach to offender learning could transform the entire system of prison education. There are plans for numeracy and literacy to be 'embedded into the prison workplace' and 'vocational skills should be delivered 'on the job''.⁶⁷ Moreover, a 'proportion of funding' is set to be dedicated to 'more informal engagement type learning'.⁶⁸

This approach should be applied as extensively as possible. 'Making Prisons Work' suggests that embedded learning could be limited to '[w]here prison work translates into jobs outside'.⁶⁹ This should be broadly interpreted, rather than including only apprenticeship or employer-led training. In 2005, the Skills Committee argued that: 'Part of the difficulty in embedding basic skills in more practical learning is the separate nature of education, vocational training, and work in prisons.' 'This,' the Committee went on, 'cannot be allowed to continue'.⁷⁰ In a 'working prison', there should be no distinction between work, training and education.

Furthermore, it is essential that the definition of prison 'work' encompasses a broad range of courses, and that the funding allocated for 'more informal engagement type learning' is substantial and applied broadly. Speaking to the All-Party Parliamentary Group on Penal Affairs in 2009, Pat Jones, Director of the Prisoners' Education Trust stated: 'If that's the thing that is going to get him a job, we were happy to fund it.'⁷¹ This ethos should be adopted for all prison work and education.

Beyond Level 2

The Leitch Review of Skills, adopted by the Government in July 2007, detailed the UK's optimal skills mix to maximise economic growth, productivity and social justice.⁷² It identified a need to urgently raise achievements at all levels to become world leader in skills by 2020. As well as aiming to help 95% of the adult population achieve functional literacy and numeracy by this date, it also set a more ambitious target for those with 'intermediate' skills to be qualified at Level 3 rather than Level 2. The plan also contained an enhanced emphasis on the need to improve the skills of 'hard to reach' groups, including offenders.

⁶⁷ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.16

⁶⁸ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.26

⁶⁹ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.16

⁷⁰ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.63

⁷¹ Minutes of the All-Party Parliamentary Penal Affairs Group, 19 May 2009: <http://www.open.ac.uk/cetl-workspace/cetlcontent/documents/4a8293cab678c.pdf>

⁷² O'Brien, R., *RSA: The Learning Prison*, London: RSA, 2010, p.27

Nonetheless, whilst there is evidence of a correlation between a more advanced portfolio of skills and an increase in employment prospects for the general population, there is little available evidence as to whether this is replicated for ex-prisoners. There is some academic support for the suggestion that higher levels of educational achievement dramatically reduce reoffending. Of the 15 criminological studies examined by Chappell, 14 suggested that participation in postsecondary correctional education reduced recidivism on average by 46%.⁷³ She found that only 10% of inmates with at least two years of college education were rearrested, compared to 60% of those below this level. Similarly, a study from 2005 found that although earning the GED or completing a vocational programme did cut reoffending to an extent, finishing an associate's degree reduced the likelihood of returning to prison by 62%.⁷⁴ According to Harer, the greatest decline in recidivism after education in prison was among those who arrived in prison with a high school degree (24.5%, compared to 39.2% of those who had a high school degree but did not participate in prison education).⁷⁵

As employment is key for post-release success, the assumption that vocational training is more appropriate for prisoners than higher education seems logical. However, the Prisoners' Education Trust (PET) has identified that a significant number of prisoners reach Level 2 either before or inside prison, and thus fall almost entirely outside OLASS provision. Echoing these findings, Ofsted reported that there was little opportunity beyond Level 2 and those on long term sentences quickly exhausted the available courses, even though a significant number of prisoners are capable of higher level study, and want to progress whilst in prison.⁷⁶

In the 2010/11 year to date, 1,609 prisoners in England and Wales have registered to start an Open University course.⁷⁷ OU courses can be run at minimum cost, as they do not require a tutor to be present for every session and staff are not needed to escort prisoners to workshops and classrooms. Fees are paid by the Prisoners Education Trust from a capped budget provided by BIS. Additionally, having completed their course, most prisoners will be eligible for an income-assessed OU fee waiver, funded through the Higher Education Funding Council for England Access to Learning Fund, operating within the OU. The retention rate for OU courses in prison is higher than average, and significantly higher than other groups of disadvantaged students. The pass rate is slightly below the norm, however this is to be expected, given that the entry requirements are typically low.

An additional 5 prisoner learners are following courses at other higher education institutions, although they receive no public funding. Other prisoners may receive funding from charities, such as the Prisoners Education Trust or the Longford Trust. PET makes over 2,000 awards each year to prisoners wishing to pursue distance learning courses. Whilst the average prison curriculum offers

⁷³ Chappell, C. A., 'Post-Secondary Correctional Education and Recidivism: A Meta-Analysis of Research Conducted 1990-1999', 55(2) *Journal of Correctional Education* (2004), 148

⁷⁴ Batiuk, M., Lahm, K., McKeever, M., Wilcox, N. and Wilcox, P., 'Disentangling the effects of correctional education: Are current policies misguided? An event history analysis', 5(1) *Criminology and Criminal Justice* 2005, 55

⁷⁵ Harer, M., *Prison Education Program Participation and Recidivism: A Test of the Normalisation Hypothesis*, Washington, DC: Federal Bureau of Prisons Office of Research and Evaluation, 1995

⁷⁶ Report from the Prisoners' Education Trust, Inside Time and RBE Consultancy, *Brain Cells: Listening to Prisoner Learners*, (2009)

⁷⁷ HC Deb, 8 March 2011, c1054W: <http://www.theyworkforyou.com/wrans/?id=2011-03-08d.44286.h&s=prisoners+education>

between 10 and 20 subjects across different levels, in 2008, PET funded 278 different subjects and tiers, from Tai Chi to swimming pool design.

The OU has argued that OLASS should be compelled to ensure that at least 2% of the prison population is engaged in distance learning and higher education at any one time. Indeed, a large European study, conducted over three years in six countries, found that between 3% and 5% of prisoners were capable of higher education level learning.

Often higher education in prison is not an offender's second chance at education, but their first real chance to engage in learning in an environment in which commitment to personal development is possible. According to PET, 'the prisoners who do OU study achieve the biggest change in self-perception, attitude and worldview'. One student, close to release, commented: 'Education gives you the option to stop re-offending.' Similarly, Tucker quotes one long-term prisoner, John McVicar: 'I cannot claim any moral victory if I never return to crime, since nowadays it is not so much that I find crime repugnant as that I am more interested in other things.'⁷⁸

There are numerous other benefits of higher education and the way such learning is delivered. Placing greater emphasis on independent study can empower offenders and increase their personal responsibility and decision making. Furthermore, e-learning and distance learning have been recognised to ease the continuation of education after release or transfer.

Higher education will not be appropriate for all offenders, but it should be available to those who wish to access it. Tucker sees the primary obstacle to higher education in prisons as the prevailing belief that prisoners are simply not interested in learning, a claim he resolutely rejects.⁷⁹ 'The overwhelming experience of incarceration', he argues, 'is not fear but boredom'. Offenders must be given comprehensive information about the range of higher education courses available and details about possible funding streams, so that more are encouraged to access this level of learning. It may be appropriate to combine self study for a higher education qualification with vocational training in a different skill area, to ensure that the learner is engaged for as many hours a week as possible.

Not only does 'Making Prisons Work' recognise the value of higher education for some prisoners, but the paper commits to exploring how more offender-learners may be brought on board in custody, particularly through part-time access to HE schemes.⁸⁰ However, whilst there is a strong case for 'expecting offenders to contribute to the costs of higher education', fees must not be extended excessively to other types of skills acquisition, so as to discourage prisoners from 'upskilling' beyond the basic, free offer.⁸¹

⁷⁸ In Duguid, S., *Can Prisons Work?: The Prisoner as Object and Subject in Modern Corrections*, Canada: University of Toronto Press Incorporated, 2000, p.289

⁷⁹ Tucker, J., 'An Argument for Offering Higher Education in Prisons', *Anthropology News*, January 2009, p.27

⁸⁰ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.20

⁸¹ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.7

Institutional Challenges

Cooperation and Relationships

The relationship between Governors, heads of security and prison officers on the one hand and the education and advice staff on the other is critical to the success of any education provision. Governors have a monopoly over access to learning, as with all elements of prison life. They decide where education features on their priorities, given their key performance targets. As it is the governors and heads of security who wield the power, learning providers are left to negotiate relationships within each of their prisons.

Nonetheless, according to consultation responses informing 'Making Prisons Work', Governors can 'feel they do not have: a sufficiently important role in the process of deciding who will provide learning in their prison; enough influence on what will be delivered'.⁸² Given their influence over the success of prison education, it is imperative that Governors are fully involved in and support offender learning provision.

Although Governors have the most authority over the prison regime, officers have the most contact with offenders, and can shape the success of a prisoner's learning experience. However, there is evidence that some prison officers (and members of the general public) are hostile to the very concept of prison education. Indeed, officers have described themselves as 'suspicious dinosaurs'.⁸³ Furthermore, although prison officers are the largest staff group, there are concerns that numbers are insufficient to ensure prisoner safety, let alone facilitate offender learning. The Skills Committee recognised that a prison culture 'in which education is a much greater priority...cannot be achieved without a significant shift in the investment in training given to Prison Officers'.⁸⁴

In general, coordination between learning providers and prison staff is satisfactory, supported by a continuous stream of communication and partnership meetings. However, good practice is not uniform, and there are still enormous cultural differences between prisons. Even in the most coordinated institutions, more could be done to fuse the otherwise conflicting priorities of the prisons and educators. For instance, rather than staff achieving security clearance for the entire prison estate, they must be checked for each individual prison in which they want to work. Clearance takes at least twelve weeks. And once this is finalised, staff must go through additional ICT security clearance, further delaying the process.

Systems such as this do not enhance security. They are implemented by a failure to see the operation of a single prison within the context of the wider estate. There is an understandable concern to ensure the highest levels of security, however there is no reason to continue to allow a lack of coordination between staff striving to achieve the same goals to act as a barrier to education provision.

⁸² Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.6

⁸³ Irwin, T., 'The 'Inside' Story: Practitioner Perspectives on Teaching in Prison', 47(5), *The Howard Journal of Criminal Justice* 2008, 512

⁸⁴ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.7

Outsourcing prison education has the advantage of raising the standard of provision, and ensuring delivery by specialist educators. However, separating the targets of educators from those of the prison itself enables HMPS staff to distance themselves from the issue of prison education, shirking responsibility for its delivery and success. Whilst they may focus on delivering their target number of hours of purposeful activity, they are less concerned with the benefits prisoners can glean from this activity. In a recent survey, only 18% of prisoners felt they had received good support from prison staff, whereas almost 70% had received good support from education staff.⁸⁵

In reality, prison staff and prison educators should be working to the same agenda; to occupy prisoners constantly in purposeful activity in a secure environment, and help them stay out of prison on release. Security must be the priority, and there will be times when disruption to education is unavoidable, for instance, during a lock down. However, it is crucial that the general running of prisons be more synthesised with the goal of offender learning.

Churn

The perpetual churn of offenders between various prisons has a devastating impact on the effective provision of prison education. Prisoner-learners are prevented from completing education programmes by sudden transfers, and often find that there is no similar provision in the new prison. This disruption is exacerbated by ill-conceived targets, which demand a 62% achievement rate from learning providers. Forcing providers to commit offenders to lengthy courses, and basing their targets on retention rates is entirely incompatible with how prisons are run in practice. The NAO has found that approximately one third of the courses commenced in custody are not completed, and that the cause of this in half of instances was transfer or release.⁸⁶ It estimates that uncompleted courses cost the LSC/SFA as much as £30 million.

Recent policy initiatives have recognised this churn as problematic, however the proposed remedy treats only the symptom, rather than the cause. There is no attempt to reduce this churn directly. Dismissing such movement as ‘unavoidable’, ‘Making Prisons Work’ seeks only to mitigate its effects by coordinating learning across prison ‘clusters’.⁸⁷ Prisons which regularly transfer prisoners between them would be grouped together by NOMS, and resources and provision allocated on a cluster basis.⁸⁸

This approach could mitigate the worst effects of some churn, however it will not be a panacea. One consultation response noted that: ‘At time of writing there are only two prisons in the country which do not have London prisoners.’⁸⁹ Clearly, some prisoners will fall outside the cluster region in which they will be released. The answer is not to homogenise the learning offer across all prisons, but rather to minimise prisoner transfer. Some movement will be inevitable, for instance when a

⁸⁵ Minutes of the All-Party Parliamentary Penal Affairs Group meeting held on 19 May 2009 at 6pm in Committee Room G

⁸⁶ House of Commons Committee of Public Accounts, *Meeting Needs? The Offenders’ Learning and Skills Service* June 2008

⁸⁷ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.5-6

⁸⁸ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.24

⁸⁹ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.13

prisoner is moved to a lower category institution, however every effort should be made to eliminate all inessential churn and to contain prisoners within a proximate area.

Short-term Sentences

Much has been made of the recent finding that an offender is 7 percentage points more likely to reoffend after a short prison sentence (under 12 months) than a community sentence.⁹⁰ Given the current level of rehabilitative intervention available to these prisoners, this result is unsurprising. Whilst an offender is prevented from committing crimes in the community during their sentence – however short – a brief spell in prison with no rehabilitative intervention will do nothing to prevent them reoffending. It is no wonder that this group reoffend when virtually nothing is done when they are in prison and they are then abandoned on release.

Setting the agenda for 'Breaking the Cycle', Ken Clarke declared: 'It is virtually impossible to do anything productive with offenders on short sentences.'⁹¹ There are inevitably difficulties in seeking to achieve significant progression in education within a very curtailed timeframe, especially in an environment that can mitigate against effective learning provision; on average it takes an individual in custody 250 hours to progress from Level 1 to Level 2 in basic skills.⁹²

In January 2009, Ofsted published a report on the provision of learning and skills in 18 local prisons and one training prison with a high percentage of offenders serving less than 12 months in custody. The report found evidence suggesting these offenders are not as keen to engage with learning and skills and have little regard for the long-term benefit of gaining experience and qualifications.⁹³ Echoing these findings, a recent survey of 223 current and retired prison governors, just 25% believed that problems with education, mental health and drugs could be addressed during a short prison sentence.⁹⁴

Yet, while the green paper recognises the unsuitability of short-term prisoners for many rehabilitative interventions, it makes few suggestions as to how to overcome these difficulties. More concerning still, 'Making Prisons Work' proposes to target short-term prisoners with 'intensive literacy and numeracy provision'.⁹⁵ It is difficult to reconcile this approach with the paper's acknowledgement that an educative diet of functional skills alone is insufficient to achieve effective rehabilitation through employment. This intensive provision may have the 'immediate impact' envisaged, however its 'long term benefit that lasts well beyond the end of custody' is likely to be minimal and insignificant.⁹⁶

⁹⁰ Ministry of Justice, *Compendium of Reoffending Statistics and Analysis*, 2010, p.4

⁹¹ Clarke, K., 'The Government's vision for criminal justice reform', Ministry of Justice, 30 June 2010: <http://www.justice.gov.uk/news/sp300610a.htm>

⁹² Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.49

⁹³ Ofsted, *Learning and skills for offenders serving short custodial sentences*, London: Ofsted, 2009, p.16

⁹⁴ Hope, C., 'Short jail terms don't work, say governors', *Telegraph*, 14 October 2010: <http://www.telegraph.co.uk/news/newstoppers/politics/8062157/Short-jail-terms-dont-work-say-governors.html>

⁹⁵ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.8, 18

⁹⁶ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.8

There should be alternative programmes targeted specifically at short term offenders. '[T]he length of sentence ought not to be a barrier to learning.'⁹⁷ Every effort should be made to ensure that offenders are placed on programmes that are right for them, both in terms of their individual needs, and the time available for rehabilitative measures. For example, it may be more beneficial for someone serving a short custodial sentence to be offered help and advice in finding training courses or work in their community, so they have expectations for their release, rather than beginning their training in prison. This prioritisation is not a novel initiative; in its response to Skills Committee, the Government stated that contractors would be 'encouraged' to provide short-term offenders with 'intensive, "bite size", IAG provision'.⁹⁸

Similarly, it may be more beneficial to spend time with an offender developing, for example, their presentation skills, so that they can perform better in interviews. This could either be done through a dedicated careers advice session or through a more integrated approach, such as drama workshops. This could also provide the learner with literacy training, without the restrictions of a more structured, dedicated English class.

Of course we must aim to achieve as much with each individual as is possible, and should not underestimate the progress that can be achieved in a relatively short period of time. However, by being realistic about practical difficulties, we will be able to achieve more in the time available.

Furthermore, the difficulties for offenders serving shorter sentences continue after release. The government made the mistake of shelving plans to introduce Custody Plus, which would have lowered the bar for supervision from 12 months to six. Now the Coalition plans to '[r]etain supervision in the community on licence as part of custodial sentences of more than 12 months'.⁹⁹ Given that it is the very offenders who are excluded by this scheme that pose the highest risk of reoffending, it is baffling why the green paper does not seek to bring them under post-release supervision. The Government should not rely on charities and mentors to fill this supervision gap.

Long-term Sentences

In January 2009, Ofsted published the findings of a survey of 19 prisons and 10 inspections, evaluating the provision of learning and skills for offenders serving long sentences (four years or more), just over half of the sentenced population.¹⁰⁰ Of all of the prisons visited, none had an explicit learning and skills strategy for these offenders, and any strategies that were in place were dependent on the duration of a prisoner's stay in that particular prison, rather than their total time in custody. In one prison, the curriculum repeated every six weeks.

There was no consideration of the offender's development beyond the institution they were currently in, even in the four prisons which were dedicated to housing offenders serving longer

⁹⁷ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.74

⁹⁸ Government Response to the House of Commons Education and Skills Committee Report – Prison Education, 2005, p 14

⁹⁹ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.52

¹⁰⁰ Ofsted, *Learning and skills for the longer serving offender*, London: Ofsted, 2009

sentences. Offenders rarely had a copy of their ILP and in six prisons they had no overall learning plan at all. In the worst case, prisoners had individual learning plans for each course they attended. Offenders were not given responsibility for their own ILP, and had to rely on the prison and the provider to transfer their records when they were moved between prisons. When this process failed, as it often did, offenders had to explain their record and future plan to the new provider themselves.

In half of the prisons, there were inadequate links with other services, such as resettlement and IAG. Provision appeared to be dependent on what was available in that prison, rather than on the needs of the individual. Furthermore, whilst half of the prisons had good connections with some employers, only two covered a range of fields. In one case, there was a strong link with an international hotel chain, which trained offenders and interviewed selected candidates on release. Although this scheme was an undeniable success, it applied to only a fraction of the overall prison population.

Nonetheless, prisoners serving longer sentences are most likely to benefit from renewed efforts to bring employers into prisons. Opportunities for apprenticeships will be a particularly effective way of engaging long-term prisoners in meaningful work and training. Enabling offenders to become accustomed to 'the disciplines of working life... the elements of responsibility which make lives normal' through apprenticeship programmes in custody will facilitate a smooth transition into training in the community.¹⁰¹

'Making Prisons Work' envisages 'shifting' the delivery of occupational training 'towards the end of prisoners' sentences'.¹⁰² There is some scope for this targeting approach. It may be appropriate in some regions to divert offenders coming to the end of their sentenced to programmes with links in the community; however, it is imperative that the end of a sentence sees only a change in emphasis in provision, rather than the introduction of provision. Rehabilitative intervention should begin the moment an offender passes through the prison gates, and should be maintained up to and after release.

Prisoners' Wages

A prisoner who is unable to work will receive £2.50 a week, while many who are engaged in work receive around £8.00. Wage levels vary according to the type of activity a prisoner completes but rarely exceed £35.00 per week. The price of commodities in prison is adjusted accordingly, for instance, each prisoner must contribute 50 pence per week to have a television in their cell.

Prisoners will also receive a wage for participating in training programmes. Although the wages are largely equal, some prisons pay offenders more to work where the prison is in need of a staff force, in the laundries and kitchens for example. Whilst this may be a somewhat perverse incentive, education providers should (and to some extent already do) use every opportunity to equip learners with skills. For example, educators can try to reach a learner working in the kitchen, so that they can perform their task for the prison, whilst gaining qualifications and experience in health and safety or basic food hygiene.

¹⁰¹ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.16

¹⁰² Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.7

Hedley Aylott, the founder of Summit Media, a digital media company based in HMP Wolds, takes a pragmatic, corporate attitude towards prisoners' wages. He denies that the £10-35 per week he pays his prisoner workers is too little, considering the time he invests in them and the wider opportunities that they will gain from this experience: 'I'm taking someone completely raw, often with limited computer skills. It can be a long time before they earn a penny for me. I can't name another business that will go to these lengths.'¹⁰³

In contrast, the Howard League's Barbed Graphic Design project in HMP Coldingley attempted to establish a real wage scheme, employing prisoners on the same contracts as its other staff. Prisoners could even make a 10% contribution to a private pension plan, to help reduce the number of offenders who leave prison and immediately enter the benefit system.¹⁰⁴

The Skills Committee recognised that employing prisoners 'under the same terms and conditions as their outside counterparts would enable them to support their families, save for their futures...and contribute towards prison upkeep' – although EU law would prohibit them from paying towards their board and accommodation.¹⁰⁵ The Committee also mooted the idea that a portion of prisoners' real wages could be donated to Victim Support, pre-empting similar suggestions in 'Breaking the Cycle'. The green paper has touched on the possibility of implementing the dormant Prisoners' Earnings Act 1996, which would enable reform of prisoners' wages, including permitting (even mandating) contributions to victims' charities.¹⁰⁶

There is a strong argument that, particularly given the difficulties of cutbacks, we cannot afford to pay prisoners 'real' wages for their work. Nonetheless, the current pay structure in prisons distances offenders from a realistic experience of legitimate work. The low rates provide little incentive to work, and prisoners do not pay tax or National Insurance, reinforcing their exclusion from effective citizenship. This 'cash in hand' approach legitimises the informal and illegal economy. Particularly in light of enhanced efforts to engage employers in prison work, it seems that wages for prisoners which better deliver the 'real pay for real work' ethos are more appropriate now than ever.

Classrooms and Workshops

Some prisons boast excellent workshop facilities, which are used to train offenders to a high standard in specialist skills. A paradigm example is the motorbike repair workshop at HMP Wandsworth. Up to sixteen prisoners at any one time can use the £200,000 state of the art facility, where they are trained in Level 2 mechanical engineering and motorbike maintenance. During working hours, the workshop is always operating at full capacity, and close to 100 prisoners have passed through since it opened.

¹⁰³ Summit Media: an inside job, 7 June 2008: <http://www.summit.co.uk/telegraph-article.pdf>

¹⁰⁴ Barbed: what happened next? , *Howard League*, 2010: <http://www.howardleague.org/barbed-what-happened-next/>

¹⁰⁵ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.66

¹⁰⁶ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.33-4

However, works departments vary enormously. Several of London's prisons are old Victorian buildings in built up areas, and space is often poorly used, with large laundries and kitchens eating into potential workshop space.

Although these buildings are not conducive to modern learning, there is no question of funding their demolition and reconstruction in the near future. Rather, the prisons should take a more pragmatic approach to refurbishment. Indeed, in HMP Wandsworth, the prisoners themselves were recruited from the works department to convert out-of-date facilities. The success of projects such as this relies entirely on good relationships between educators and prison staff.

The Digital Divide

The 'Digital Divide' is one of the most disruptive and stubborn barriers in offender learning. Limited access to ICT in prison causes difficulties for offenders during their time in custody and after release, acting as a barrier to both accessing learning materials and securing employment. This is particularly true of distance learning and higher education. In nine European countries, 90% of higher education prisoner-learners found the computers and internet access inadequate or very inadequate.¹⁰⁷

Speaking for the APPG on Penal Reform, Anne Pike, former Offender Learning Manager at the OU, related one student's view of the technology embargo in prisons: 'What's the point of rehabilitation if you don't know modern technology?'¹⁰⁸ Another student left prison having never seen a mobile phone or used the internet.

The Howard League has described prisoners as 'cavemen in an era of speed-of-light technology', suggesting that prohibiting prisoners from accessing computers, particularly the internet, is a deliberate strategy of social exclusion.¹⁰⁹ Whilst this view is perhaps somewhat too severe, technology use does broadly increase with socio-economic status; those in social classes A and B are twice as likely to access the internet as people in classes D and E.¹¹⁰

The ground-breaking Virtual Campus (VC) provides maximum ICT access without compromising security. This secure intranet service has been trialled successfully in two regions, and roll-out across the prison estate is already underway.¹¹¹ Each time a prisoner logs on, a 'guardian' observing security and an advisor will be in the room. It allows secure access to sites which have internal, but no external hyperlinks. The content of these sites cover prisoners' needs during custody and on release, focusing particularly on NOMS' education, training and employment pathway.

¹⁰⁷ Callejo, A. and Viedma, A., *EUORDESIP: Diagnosis of State of Higher Education in Penal Institutions in Europe*, 2007

¹⁰⁸ Minutes of the All-Party Parliamentary Penal Affairs Group, 19 May 2009: <http://www.open.ac.uk/cetl-workspace/cetlcontent/documents/4a8293cab678c.pdf>

¹⁰⁹ Jewkes, Y., and Johnston, H., *Cavemen in an Era of Speed-of-Light Technology: Historical and Contemporary Perspectives on Communication within Prisons*, 'The Howard Journal of Criminal Justice', Vol. 48, Issue 2, pp-132-143 (2009)

¹¹⁰ Gardner, J. and Oswald, A., *Internet Use: The Digital Divide*, 2001

¹¹¹ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.33

To register as a VC learner, the prisoner must complete a questionnaire, regarding their health, sentence, educational qualifications and skills. The VC can then suggest appropriate courses and vacancies. Prisoners can also conduct searches themselves, including employment opportunities in preparation for release, and each prison has access to content that is tailored to its regional labour market. Offenders can use an online CV builder, and store personal files in their own folder. In addition, they can access information related to mentoring support on release, as well as housing, health and finance.

With 'secure relay messaging', prisoners will be able to use a system similar to email to contact tutors and agencies. All traffic will pass through a rigorous vetting process, minimising the risk of a security breach.

Although VC learning initially only provided information and registration for Learn Direct courses, some interactive courses are now available, and there are plans to expand this content. Online facilities could lead to a revolution in the e-learning content accessible in prisons. It could also enhance efficiency in lesson preparation and delivery, saving precious funds. If offenders were able to access their Personal Learning Record e-portfolio, they could update and monitor their own ILP, keeping a check on their progress and aims. Providers should adopt an embedded learning approach to include the use of ICT in training wherever possible.

The Government has estimated that the VC will be live in 50 prisons by the end of July 2011, although expansion will be delivered only 'as resources permit'.¹¹² Given the immense difficulties engendered by limited ICT access, both in custody and after release, the roll-out of the VC should be made a funding priority.

The Government must learn from past mistakes to avoid frittering away more precious funding and wasting even more time. The 'Offenders' Learning Journey' envisaged that ICT would be embedded across the curriculum, as the third basic skill for life, with some learners reaching Levels 3 and 4, yet ICT facilities in prison remain shamefully inadequate.

Despite its benefits, granting prisoners access to computers and the internet is highly controversial. It is axiomatic that security in prison must be paramount, however internet access seems less correlated with security category than with the awareness of decision makers. Prison Service Instruction 50/2008, entitled Acceptable Activities in Prison, demands that: 'in considering whether a particular activity should be approved, Governors must consider, in the first place, how it is likely to be perceived by the public and by victims and whether it meets prison service objectives effectively regardless of whether the event was made known to the public by the media.'¹¹³ It is unsurprising that instructions such as this engender paranoia around security, and create another clash of targets and priorities.

The prison authorities need to make a concerted effort to bring the public on board in this area. The message should be that ICT is a key factor in helping ex-offenders to lead a crime free lifestyle. This will reduce crime rates, making our society safer. In addition, these skills will enhance their

¹¹² Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.18, 31

¹¹³ Prison Service Instruction 50/2008, Acceptable Activities in Prison, p.1

employability and draw them out of years of joblessness, which is severely detrimental in any community. Ex-prisoners must be presented as ‘community assets to be utilised’¹¹⁴ rather than ‘merely liabilities to be supervised’.¹¹⁵

Work in Prisons

‘Breaking the Cycle’ and ‘Making Prisons Work’ set out a commitment to secure a ‘[g]reater number of employer-led training workshops to increase offenders’ work skills and establish working relationships with employers prior to release’.¹¹⁶ However, this has long been a key target. The Skills Committee stated: ‘Working with employers has to be the future of vocational education provision and this has to be driven and funded by the Government.’¹¹⁷ This was echoed in the ‘Next Steps’ white paper, which envisaged a ‘campus model’ to ‘open the way to engaging employers in the design and delivery of work-related skills programmes’.¹¹⁸

Monotonous, unskilled work is rapidly disappearing from prisons, in favour of more complex, structured learning,¹¹⁹ and there are already ‘many isolated examples of really good practice all over the country’.¹²⁰ For example, Speedy Hire has trained prisoners in HMP Garth and Pentonville to Level 2 in electrical testing and repair, and are ‘proud to be actively involved’ in the scheme.¹²¹

The majority of schemes rightly operate on a small scale, local level, so that offenders are trained in the skills most relevant for them on release. The Government has recognised that the aim should not be to upscale this provision to the national level, but to encourage programme providers to cooperate ‘so that people can learn from what works’, to ensure that no region is left bereft of direct employer input.¹²²

Example of Good Practice – Summit Media

Summit Media was founded in 2000 by Hedley Aylott. Aylott had previously run the ‘Project X’ scheme in Manchester’s Strangeways, which saw 10 prisoners write, record and release a dance track, ‘The Summit’. The profits from the track were donated to Victim Support, and several further music projects ensued, including a collaboration with the BBC Philharmonic Orchestra.

In 1996, Aylott established a base in HMP Wolds and seven years ago began to build a digital media company within the prison. Named after the Strangeways track, Summit Media now has a turnover

¹¹⁴ Burnett, R., and Maruna, S., *The Kindness of Prisoners*, 6(1) *Criminology and Criminal Justice* (2006), 83

¹¹⁵ Travis, J. *But They All Come Back: Rethinking Prisoner Re-entry, Research in Brief—Sentencing and Corrections: Issues for the 21st Century*, Washington, DC: US Department of Justice, National Institute of Justice, 2000

¹¹⁶ *Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders*, Impact Assessment, 2010, p.33

¹¹⁷ House of Commons Education and Skills Committee, *Seventh Report of Session 2004-2005 – Prison Education*, 2005, p.96

¹¹⁸ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.13-14

¹¹⁹ See: <http://www.prisonlabour.org.uk/>

¹²⁰ HC Deb, 19 October 2010, c778

¹²¹ See: <http://www.prisonlabour.org.uk/contracts.htm>

¹²² HC Deb, 19 October 2010, c778

of £16 million, and counts among its clients two of the top five UK internet retailers, Argos and play.com. It currently employs 100 staff, including 20 in custody and 10 ex-offenders.

Vacancies are advertised in 'Inside Time', the national newspaper for prisoners. The interview process involves a 40 minutes presentation about digital marketing, and applicants must pass a rigorous screening process, assessing their commitment to successful re-entry in the community. Those who are chosen must complete a six month training course in e-commerce and sit Institute of Practitioners in Advertising exams. They then begin dealing with clients almost immediately. From the outset, they have a great deal of responsibility, and are given the opportunity to fail as well as succeed. Staff within the prison are paid a wage of £10-35 per week, higher than the average, and can receive bonuses for performance, the quality of their work and their attitude.

Staff turnover is high, as inmates are often released earlier than expected, however, the company helps find jobs for those coming to the end of their sentence. Since it began, 350 prisoners have worked in the HMP Wolds office, many of whom now have successful careers in digital media. Aylott knows of less than 10 Summit workers who have reoffended.

Efforts should be redoubled to tempt employers into prison learning. Companies make decisions based on commercial viability and pragmatism. Involving employers in the planning and delivery of skills programmes, for instance by donating materials for use in vocational workshops, enables them to exercise some 'quality control' over offenders' training. Offenders can then become employees either while still in prison or whilst serving their sentence in the community. This engagement will have a ripple effect; companies with experience of working with offenders can address the industry-specific concerns that are blocking other organisations from becoming involved.

Employers are most likely to take on offenders for reasons supported by examples of successful practice. Knowledge of prison work schemes is unlikely to arise through direct contact, and there is precious little reported in the media about these success stories. There needs to be a concerted effort to make both employers and the public more aware, and thus more accepting, of prisoner employment.

While the 'transformative approach' to prison work promised in 'Breaking the Cycle' sounds hopeful, work found must be able to enhance prisoners' employability and chance of rehabilitation; having prisoners work in the kitchen and in laundry may be preferable to no activity at all, and necessary to a degree, but involvement in such activities alone cannot capture the rehabilitative opportunities that a true working prison should deliver.¹²³

The future plans for enticing employers into prisons are largely commendable. However, while the green paper Impact Assessment rightly notes that 'there is a risk that work cannot be sourced to enable prisoners to sustain a full working week', and that the ability to realise its 'working prison' is

¹²³ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.8

‘[s]ubject to finding additional markets’, there is no guarantee that sufficient work will be sourced.¹²⁴ This is a behemoth of a disclaimer.

Prison industries currently offer approximately 9,000 places a day for prisoners – a far cry from the number needed for the 80,000-strong prison population.¹²⁵ However ‘diverse’ the ‘range of external providers’ may be, this could prove an insurmountable challenge, certainly in the shorter-term.¹²⁶ Yet, in the absence of enough work places and staff support, some offenders will continue to slip through the net. Worse still, as short-term offenders are most likely to be excluded from employer-led schemes, those at highest risk of reoffending are liable to be most neglected.

Even if a sufficient number of employers can be tempted into involvement in prison work, and even if they provide equipment and materials themselves, the prisons may be unable to accommodate them. The majority of prisons were never designed to facilitate extensive training and learning. Although much can be done to install workshops on the learning wings, it may well be that there is insufficient space available to engage all offenders simultaneously throughout the working day, and there is no funding for extensive renovation.

Employer-led work and training must be seen as part of the general work regime in prison, and funding should be made available for equipment and staffing. This will also encourage the voluntary sector, which already does some excellent work in offender learning, to become involved in training schemes. There should be no distinction, in terms of targets, funding or otherwise, between work and education.

Labour Market Intelligence

In line with the Government’s far-reaching drive towards localism, the green paper has recognised that ‘it is local people, not central government, who best know what will work in their area’¹²⁷, and that prison training must be tailored ‘to the needs of the labour market’.¹²⁸ This is the right approach to take, however it is not a new decision. ‘Next Steps’ promised that: ‘The nature of the training offered will be determined by factors such as the needs of the labour market within the resettlement area.’¹²⁹

Prospects use regional labour market intelligence to inform their IAG provision, so that prisoners can target the skills that will be most conducive to finding employment in their area of re-entry. Whilst they can feed this information back to KCC, the scope of the available curriculum cannot depart from the parameters of this 80/20 division.

¹²⁴ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.8-9

¹²⁵ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.8

¹²⁶ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, p.15

¹²⁷ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.5

¹²⁸ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, Impact Assessment, 2010, p.33

¹²⁹ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.16

The Voluntary Sector

There are many voluntary organisations currently involved in the provision of prison work opportunities. These schemes are just as beneficial as employer-led programmes in terms of the rehabilitative potential they can offer offenders. Cooperation with charities must be supported and voluntary groups should be encouraged to become involved in the provision of prison education. However, 'prisons should not have to rely on charities to plug gaps in mainstream provision'.¹³⁰

Example of Good Practice – Storybook Dads

Storybook Dads is a charity, founded in 2003 by Sharon Berry OBE, a former teacher in HMP Dartmoor. Prisoners can record a story and message to be sent to their children on the outside.¹³¹ The recording is edited to remove mistakes and enhanced with sound effects and music. Even those with a very low level of literacy can utilise the service; a mentor reads each line for the parent to repeat, and their voice is edited out before the CD is sent to the child.

90 prisons are currently involved in the project, and 20 prisons are now trained to edit and produce their own CDs. Prisoners are selected to work for the charity on the basis of their enthusiasm for the project. Whatever their previous experience, staff will be trained in ICT and literacy, and can achieve an OCN qualification in Sound and Audio Production. Over 200 prisoners have been trained in audio production by the project.

Re-Entry and Resettlement

Education After Release

Once an offender leaves custody, they are no longer learners of the prison's OLASS provider. If they have not finished a course before their release but wish to complete it, they must re-enrol with an education provider in the community. In 2001, the Home Office found that only 6% of prisoners had an education or training place secured on release.¹³² This lack of continuity often throws even the most motivated offender off track. The first 72 hours after release are the most critical in terms of addressing habitual offending. If an offender is not engaged during this time, any previous progress risks being undone.

Unlike the roll-on structure of prison education, students must enrol on college courses months, even a year, before they begin. Ex-offenders often work on very short term thinking that is incompatible with this need for future planning, and can thwart their ability to work or study.

The importance of retention rates is a significant barrier to continuing education and training in the community. Taking on ex-offenders as learners is very risky for a college. They often lead chaotic

¹³⁰ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.72

¹³¹ <http://www.storybookdads.co.uk/>

¹³² Niven, S. and Olagundoye, J., *Jobs and Homes – a survey of prisoners nearing release*, Home Office Findings No. 173, London: Home Office, 2002

lives, with housing problems, probation commitments, and the burden of new responsibilities. Many offenders quickly fall back on the wrong side of the law. For example, three of the twelve learners on KCC's plastering course in London last year returned to custody. Some provision relies on short term funding, and thus is run in a more flexible way. However, further education colleges receive Government funding at the beginning of August. Enrolling learners mid-stream will affect retention and achievement rates, and ultimately impact on the performance, and hence reputation, of the entire college.

Nearly three years ago, KCC invested £1 million in a construction centre in Park Royal, intended to be a transition base. However, retention rates have been below the national benchmark for construction courses, jeopardising funding, despite the college's continuing lease commitment. The project's great success in engaging people on a short term basis translates to a substantial failure on paper. This mitigates against a provider's decision to accept a known high-risk group.

In order to tackle this problem of continuity, KCC has recently produced leaflets informing offenders about available education provision in the community, including at other colleges. In addition, the college has recently been commissioned by the SFA to run a programme of 'taster' sessions for offenders in the community, both on probation and on community sentences. By introducing them to a range of courses of which they likely had no knowledge, the college hope to motivate them to improve their skills and actively participate in the community. Moreover, the scheme will attempt to 'mainstream' the learners, so that they can access education provision that requires organisation and self-direction.

In addition to enhancing provision targeting at raising 19-24 years olds up to and above level 2 and 3, the latest proposals will give learning providers in the community greater flexibility over the use of their Adult Skills Budget. This will enable them to better target provision to meet the community's needs. In particular, the new approach could lead to an increased use of the Qualification and Credit Framework, which would permit ex-prisoners to complete qualifications after their release.¹³³

The determination that 'our offender skills system should be an authentic part of the mainstream...mirroring the offer to which an offender would be entitled in the community where it is possible to do so' is to be applauded; offenders should not receive a lower standard of education simply because they are in custody rather than in the community.¹³⁴ However, the realities of delivering education provision in an environment that is naturally hostile to learning must not be forgotten. It may be appropriate to deliver more informal learning in custody than in the community, for instance through arts-based projects.

Work After Release

Without a comprehensive support network after release, many prisoners will find themselves in a worse situation than before their sentence. The very fact of incarceration can have a negative

¹³³ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.21-2

¹³⁴ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.24

impact on factors associated with reoffending. A third of prisoners lose their house during their time inside, whilst two thirds lose their job and 40% lose contact with their family.¹³⁵

As the current holder of both the Next Steps and OLASS IAG contracts for the London area, Prospects strives provide integrated support across the transition from prison to the community. On release, an offender is referred through Jobcentre Plus, so that Prospects can create an appointment for them with a community adviser, who has direct contact with advisers in custody.

In addition to resettlement activities provided by Prospects CIAS and IAG services, the Ministry of Justice also funds charitable organisations, such as St Giles' Trust, to engage with offenders in prisons and motivate them to continue their progress. After release, they will report to these groups, which will help them find placements in the community in employment or training. The involvement of such groups is likely to increase given the plans for 'Payment by Results' schemes.

Prospects is currently in the early stages of planning a scheme with volunteers from St Giles and St Mungos, in which mentors meet offenders as they pass through the prison gate. These mentors can discuss with the offender their immediate needs, such as a place to stay that night, and commit to meeting them again soon after at an IAG appointment. In addition, many offenders who are engaged in this way complete qualifications in IAG to become peer mentors themselves. The emphasis on mentoring schemes in 'Making Prisons Work' is to be welcomed, albeit long overdue.

'Making Prisons Work' takes significant strides towards breaching the gap between training provision in custody and in the community. Under the latest proposals, the prison careers information and advice service (CIAS) will be merged into the National Careers Service, in order to synthesise guidance before and after release.¹³⁶ It is intended that the NCS will collaborate with Jobcentre Plus, the probation service and colleges and independent providers, in order to better facilitate linking prison training with community work.¹³⁷

Payment By Results - Employment

'The Offender's Learning Journey' afforded paramount importance to the need to place offenders in sustainable employment, and to facilitating the continuity of learning, both between establishments and between custody and the community. Two years later, in 'Next Steps', the Government promised to 'consider a new achievement target for employment outcomes'.¹³⁸ With the new drive towards payment by results, this approach to target setting is set to proliferate.

Prior to the Social Impact Bond experiment in HMP Peterborough, payment by results schemes had never before been applied to the criminal justice system; moreover, the first set of results testing the efficacy of the Peterborough scheme have not yet been released. Many of the problems – and benefits – of this application, therefore, remain to be discovered. However, based on similar, results-based programmes, there are two immediate and proven problems with such targets.

¹³⁵ Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.7

¹³⁶ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.8

¹³⁷ Making Prisons Work: Skills for Rehabilitation, Review of Offender Learning, May 2011, p.21

¹³⁸ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.14

Firstly, while the records will show that the annual targets are met and often exceeded, the target figures themselves are too tame. NOMS reported that the 2009/10 had been matched exactly¹³⁹, even though only 35% of offenders were in employment at the end of their sentence.¹⁴⁰ This same mistake must be avoided in future payment by results schemes, to prevent payments being made for provision delivery, whilst large swathes of offenders are permitted to slip through the net.

Secondly, the veracity of the resettlement achievement figures is doubtful. In 2002/03, the target to get 28,000 prisoners into employment, training or education after release was exceeded by over 4,500. However, the Prison Reform Trust argued that the reported result included 7,086 prisoners who only attended an interview at their local jobcentre, and that the results for the remaining 25,906 were based on a survey of prisoners' expectations completed during their last few weeks in custody. It was not known whether their plans and expectations had in fact materialised. Echoing these figures, the SEU found that '[n]early 70 per cent of those who had said that they would be looking for a job and training on release had done nothing to make these happen'.¹⁴¹

Whatever the eventual structure of payment by results schemes, it is essential that they do not fall into these traps. Targets must be set at realistic, but appropriately high levels; current targets are patently insufficient to measure outcomes that matter. Any success recorded must be genuine, based on present realities, rather than hopes and expectations.

Working with a Record

However intense the in-custody training, it can be difficult for those with a criminal record to secure employment. According to Simonson, in the US, only 12.5% of employers said they would 'definitely' accept an application from an ex-offender, while 25.9% said they would 'probably' look at such an application.¹⁴² This is in comparison to the 56% who would employ someone with a sporadic work history, 83% who would take on someone who had been unemployed for a year previously, and 90% who would hire people with only a GED or on welfare.¹⁴³

The Rehabilitation of Offenders Act 1974 sets the period after which a criminal conviction becomes 'spent'. After this time, an ex-offender is not normally obliged to disclose their criminal record when applying for a job. This 'rehabilitation period' depends on the length of sentence received, not on the type or severity of the offence committed (although these are inevitably interlinked). For ex-offenders over 18 years old, a conviction for which they received a prison sentence of up to six months will be spent after 7 years, whilst a custodial sentence of more than two and a half years can never become spent.

¹³⁹ Ministry of Justice, *NOMS London Strategic Commissioning Plan 2010-2013*, p.11

¹⁴⁰ Ministry of Justice, *NOMS Annual Report and Accounts 2009-10*, p.10

¹⁴¹ Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.58

¹⁴² Simonson, J., 'Rethinking 'Rational Discrimination' Against Ex-Offenders', 8(2) *Georgetown Journal on Poverty Law & Policy* 2006, 283

¹⁴³ Travis, J. *But They All Come Back: Rethinking Prisoner Re-entry, Research in Brief—Sentencing and Corrections: Issues for the 21st Century*, Washington, DC: US Department of Justice, National Institute of Justice, 2000

Although the Act was originally intended to help people move on from their criminal past, it is now long out of date. With recent ‘sentence inflation’, people are receiving longer sentences, and therefore having to wait longer for even less serious offences to become spent. The Act should be amended so that the amount of time it takes for a conviction to become spent should be proportionate to the crime committed, bringing the UK more into line with the rest of Europe.

‘Breaking the Cycle’ recognises many of these problems. Whilst a criminal history is a strong predictor of future criminality, there should be a concerted effort to ‘protect the public from those criminals who wish to continue committing crimes, while not allowing those same procedures to prevent criminals who wish to go straight from doing so’.¹⁴⁴

Conclusion

Eligibility and Normalisation

There is a subtle contradiction which mars much of the potential in ‘Breaking the Cycle’, and feeds the misguided aim of slashing the numbers sent to prison irrespective of offending rates. The green paper guarantees access to ‘reformed and revitalised training’, but only for ‘those offenders who have been punished and show a willingness to reform’.¹⁴⁵ Unfortunately, this rehabilitative selection is not a new mistake. ‘Next Steps’ aimed to provide ‘a basic entitlement for everyone’ but ‘target investment on those who sign up to a rights and responsibilities deal’.¹⁴⁶

The concept of a prisoner having to meet certain criteria to be ‘eligible’ for employability intervention in custody raises three main concerns. Firstly, this contradicts the green paper’s avowal that: ‘Hard work for offenders is at the heart of our plans to make punishments more rigorous.’¹⁴⁷ But this in itself is problematic. Dull, monotonous, repetitive tasks may be more punitive than more high-tech or skilled training, but they will ultimately not contribute to making our communities safer. It must be made clear that punishment is not incompatible with effective rehabilitation. Work and training should be the fulcrum of the prison regime to ensure that offenders do not return to the wrong side of the prison gates. The experience of prison taken holistically and the inevitable restrictions on rights and freedoms should sufficiently punish the offender.

Moreover, it is nonsensical to include only offenders ‘who have been punished’. Prison should act as a punishment from the beginning of the sentence to the moment of release. There does not come a moment during an offender’s spell in custody when it is appropriate for punishment to end.

Secondly, this statement contradicts the notion that work is to be placed at the heart of prison culture. Refocusing prison life around work and training must necessarily be all-encompassing, yet the current proposals will clearly allow some offenders to slip through the net.

¹⁴⁴ Petersilia, J., *When Prisoners Come Home: Parole and Prisoner Re-entry*, Oxford: OUP, 2009, p.19

¹⁴⁵ *Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders*, 2010, p.33

¹⁴⁶ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.21

¹⁴⁷ *Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders*, 2010, p.9

The third and related concern is that it is precisely these excluded prisoners who are at the highest risk of reoffending. And if these offenders are not 'eligible' for rehabilitative work schemes, the government's assertion that prison is less effective in reducing reoffending for certain groups of prisoners will continue to be a self-fulfilling prophecy.

In contrast, and far more in keeping with the broader Big Society ethos and a truly revolutionary rehabilitative programme, previous initiatives considered prison education to be 'the right thing to do in a civilised society'.¹⁴⁸ The Skills Committee considered that: 'A focus on reducing recidivism without considering the prisoner's right to education more broadly, would not be sufficient.'¹⁴⁹ Even more assertively, Professor Augustin John, giving evidence to the Committee, argued that, far from being a negotiable policy direction, the country cannot afford to fail to educate its prisoners. In his view, education in prison must be an 'entitlement', a structural guarantee 'so that it does not become a lottery'.¹⁵⁰

Research suggests that prisoners benefit from participating in education programmes regardless of their initial motivation, and work and learning are among the most effective ways to encourage offenders to want to change their own behaviour. Of course, an 'offender's motivation to change is critical', but they often need help taking the first step.¹⁵¹ Setting participation in education programmes as the pathway to further privileges, and making learning more easily accessible, will encourage prisoners to abide by, and eventually internalise, the pro-social norms that are imperative to constructive education and life within a community. Prisons do currently operate reward schemes, however these should be more directly linked to higher level work and training in order to incentivise learning across all subjects.

All too often the prison experience does little to prepare offenders for the reality of life in the community. They do not make their own decisions and have few responsibilities or commitments to others. One adult prisoner interviewed by the SEU described the difficulties of performing even basic tasks unsupervised after release from a regime of near total control: 'I walked into the supermarket...and found eleven different types of bread. Eleven. In prison there was one, and you ate it or didn't. I spent ten minutes trying to make a choice, then stressed out and left without buying anything.'¹⁵²

If we want prisoners to accept more responsibility, they must be given more responsibility. Consequently, a prison regime that centres on the provision of training and work, 'needs to ensure that prisoners themselves take ownership of their education'.¹⁵³ As the system currently stands,

¹⁴⁸ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.91

¹⁴⁹ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005– Prison Education, 2005, p.13

¹⁵⁰ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.34-5

¹⁵¹ Breaking the cycle: effective, punishment, rehabilitation and sentencing of offenders, 2010, p.24

¹⁵² Office of the Deputy Prime Minister, Social Exclusion Unit, *Reducing Reoffending by Ex-Prisoners*, 2002, p.86

¹⁵³ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.27

‘[p]rison is designed to disempower’.¹⁵⁴ Naturally, any simulation of ‘ordinary’ life within the prison walls can only be a poor imitation of reality. Nevertheless, there should be increased efforts to empower offenders to take control of their lives. Until an individual accepts this responsibility and is motivated to change, relapses are to be expected.

Offenders can benefit enormously from the process of learning. During each class session, prisoners must draw on a range of skills; communicating with both the teacher and fellow learners, focusing attention, not being disruptive. Using a full multivariate approach to control for selection bias and predictors of recidivism including post-release employment, Harer concludes that there is strong evidence that education programmes reduce recidivism, not so much due to the training itself, but through normalisation.¹⁵⁵ Indeed, in 2005, the Skills Committee stressed that ‘employability skills should not be emphasised to such an extent that the wider benefits of learning are excluded’¹⁵⁶, and ‘Next Steps’ envisaged engaging with employers to establish ‘the most effective ways of providing the underlying key skills for work including punctuality, attendance, teamwork and communication’.¹⁵⁷ However, education providers are not tasked with achieving behavioural changes. OLASS’ preoccupation with accreditation and course completion has diluted the broader potential of education.

In the US, by contrast, a ground-breaking approach framed around the principle of normalisation has proven a compelling success. Dora Schriro has advocated a comprehensive, system-wide reform of prison, reflecting an entirely new ethos of incarceration. ‘In most traditional prison systems,’ Schriro says, ‘inmates can go one way — and that is down’.¹⁵⁸ Assuming that ‘skills acquisition alone suffices,’ she argues, ‘disserves the goal of preparing prisoners to live in the community’.¹⁵⁹ Not only must offenders learn skills, they must understand why these skills are beneficial. Many ‘good’ inmates who unflinchingly abide by the prison regime are ‘lousy’ ex-offenders, as they have a restricted capacity for critical thinking, and thus continue to follow others’ directions, whether good or bad.¹⁶⁰

In her ‘Parallel Universe’, prisons are designed to emulate the outside world. By empowering prisoners to assume responsibility for decisions that have real-life ramifications, they learn to recognise community expectations and reconcile them with their own attitudes, thus practising the art of responsible decision making and accountability.

This model is a world apart from the current English prison system, and there is much that should be drawn from it. The results of applying Schriro’s vision have been staggering. As Missouri’s Director of the Department of Corrections, Schriro increased the prison school’s capacity by 172%, and between

¹⁵⁴ James, E., ‘Does Prison Work?’, *Guardian*, 29 January 2001:

<http://www.guardian.co.uk/society/2001/jan/29/prisonsandprobation.erwinjames>

¹⁵⁵ Harer, M., *Prison Education Program Participation and Recidivism: A Test of the Normalisation Hypothesis*, Washington, DC: Federal Bureau of Prisons Office of Research and Evaluation, 1995, p.16

¹⁵⁶ House of Commons Education and Skills Committee, Seventh Report of Session 2004-2005 – Prison Education, 2005, p.14

¹⁵⁷ *Reducing Reoffending Through Skills and Employment: Next Steps*, p.13-4

¹⁵⁸ Schriro, D., ‘Getting Ready: How Arizona Has Created a “Parallel Universe” for Inmates’, *NIJ Journal*, 263, 2009: <http://www.nij.gov/journals/263/getting-ready.htm>

¹⁵⁹ Schriro, D., ‘Correcting Corrections: Missouri’s Parallel Universe’, National Institute of Justice, 2000 <http://www.ncjrs.gov/txtfiles1/nij/181414.txt>

¹⁶⁰ Schriro, D., ‘Getting Ready: How Arizona Has Created a “Parallel Universe” for Inmates’.

1994 and 1999 reoffending plummeted by a third. Similarly, under her 'Getting Ready' programme in Arizona, the number of GED graduates in prison rose from 791 in 2003 to 3,306 four years later. Over the same period, the number of new crimes committed after release fell by 35%, and the level of inmate-on-staff assaults in custody more than halved.¹⁶¹ Policy makers here should adopt (at least elements of) this normalisation approach and seek to emulate this success.

Next Steps

By implementing its plans for a 'working prison', the Government could succeed in taking the 'next steps' that 'Reducing Reoffending Through Skills and Employment' never quite achieved; or, it could, like its predecessors, stumble when trying to translate its many laudable ideas into reality. This is all the more critical given its problematic, and potentially dangerous, economic drive to divert more offenders into less expensive Community Payback schemes. If the prison population falls, it should be because there is less crime and consequently fewer offenders being sentenced for serious offences, not because there is a concerted effort fuelled by cost-cutting to reduce the number sent to custody.

The central danger posed by the recent proposals is that the rehabilitation revolution may not cater for those offenders at greatest risk of reoffending. Whether it is because they are sentenced to a too short period of custody, because they fall outside Payment by Results incentives, or simply because the 'working prison' fails to provide a sufficient number of jobs, the very offenders who require the most intensive and individually targeted intervention are those most likely to slip through the net.

Despite the pitfalls, 'Breaking the Cycle' is bursting with potential. Hopefully, the government will acknowledge the need to overcome the multiple and diverse barriers that have suffocated innovation and real progress in offender learning for so long; only then will it step up the reforming momentum and bring about the institutional sea-change that is long overdue.

Three decades ago, John McCarthy decried a prison system in which 'the interests of the individuals have to be sacrificed continually to the interests of the institution'.¹⁶² To prevent the interests of prisoner learners being thwarted by the priorities of the institution any longer, the purpose of the institution must be centred on meeting prisoners' needs. All activities available to the prison population should be focused on achieving the same goal: to get offenders into work and out of crime. All too often, public services have failed those who are sentenced to custody. It is in everybody's interest to ensure that, once in prison, they are not failed again.

¹⁶¹ Gaes, G, 'Evaluation of Getting Ready', NIJ Journal, 263, 2009:
<http://www.ojp.usdoj.gov/nij/journals/263/evaluation-of-getting-ready.htm>

¹⁶² 'John McCarthy', The Times, 4 December, 2003:
<http://www.timesonline.co.uk/tol/comment/obituaries/article1033372.ece>