



## Justice White Paper: A Smarter Approach to Sentencing

### University & College Union Response October 2020

The University and College Union (UCU) is the UK's largest trade union for academic and academic-related staff in higher and further education, representing over 100,000 members working in universities, colleges, training providers, adult education settings and prisons.

The White Paper published 16th September 2020 outlines government proposals to reform sentencing and community orders. Below is UCU's response to the paper highlighting concerns with the proposals that relate to a lack of joined-up thinking, the restrictive nature of the commissioning model for education (PEF) and the fundamental role that education plays in successful rehabilitation.

#### Introduction

*The White Paper's introduction contains one of the overriding objectives: "At the heart of this paper is the commitment by the Prime Minister to have a justice system that keeps people safe...".* However, with the focus being on sentencing and release, it completely skates over how the time is spent 'inside' serving those sentences and the (missed) opportunities to rehabilitate offenders. Disappointingly, education is merely referenced in passing, if at all. If there is to be any serious attempt at reducing reoffending and the objective of the public being kept safer, this key issue needs to be revisited.

### 1. Education as key to Rehabilitation

#### 1.1 Equal Access to Education

UCU has been making the case for a number of years that prison education needs to be viewed as an **equal educational partner**, funded and prioritised the same as all other educational establishments, be they schools, FE colleges or Adult Education providers. The current Prison Education Framework (PEF) commissioning process we believe is failing learners and failing staff and has become more about managing/meeting the contract as opposed to its purported aims of delivering meaningful education with a view to reducing reoffending.

The current pandemic has highlighted the lack of equal access, with a fundamental failure of infrastructure relating to access to digital technology in order to be able to continue to deliver learning during lockdown, with the majority of prisoners not having adequate access to teachers (as has been the case in FE and HE).

The best prison education reproduces the normal classroom as far as possible; students enter a distinct area of the prison with its own welcoming atmosphere of calm and serious study – like a good school or college. This can be difficult to achieve in overcrowded or poorly designed buildings but is a key feature of restoring dignity and meaning to someone’s life.

## 1.2 Prisons are not safe

The Joint Unions in Prisons Alliance (JUPA) report<sup>1</sup> 2019 highlighted a prison system that is failing to meet the basic health and safety needs of the prison workforce. If staff do not feel safe in prisons, then in turn neither will people who are in prison. As such, the rehabilitation process breaks down and prisons are unable to perform their policy intent. UCU fully endorses therefore the POA’s call for a Safer Prisons Amendment to any legislation arising from this White Paper, placing a statutory obligation on HMPPS to reduce prison violence as a matter of urgency.

## 1.3 Education beyond employability

The purpose and value of prison education should be about developing the person as a whole, not just in terms of the qualifications they hold for employment. Education, and the process of engaging in learning, has a value in itself which needs to be recognised and is a mark of a civilized society. A focus on simply reducing recidivism without also considering a prisoner’s right to education and self-development more broadly is simply not sufficient if a sentence is going to be purposefully spent.

## 2. Response to White Paper

### Prisoner Education Service

234. *“Building on our existing work to strengthen education provision in prisons, we will deliver on the manifesto commitment to develop a **Prisoner Education Service**, focused on **work-based training and skills**. We are developing ambitious plans to deliver this building on the recent prison education reforms that have already enabled Governors to commission education provision that meets the needs of their prison populations and local economies. The ability to improve prisoners’ functional, vocational and life-skills is also key to support wider rehabilitation and reduce reoffending on release.”*

2.1 UCU would welcome more information regarding the manifesto commitment on the **Prisoner Education Service**. We would expect, for example, the full involvement of prison educators in the development of these ‘ambitious plans’ in order that their views, experience and knowledge as professionals go towards shaping any PES.

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<sup>1</sup> [https://www.ucu.org.uk/media/10304/Safe-inside-JUPA-report-on-health-and-safety-in-prisons/pdf/JUPA\\_safe-inside\\_health-and-safety-in-prisons\\_report\\_Jun19.pdf](https://www.ucu.org.uk/media/10304/Safe-inside-JUPA-report-on-health-and-safety-in-prisons/pdf/JUPA_safe-inside_health-and-safety-in-prisons_report_Jun19.pdf)

## Employability

2.2 UCU would also be concerned if the PES were to focus entirely on work-based training and skills. Education has a value in itself and it is important to develop the person as a whole, not just in terms of the qualifications they hold for employment. The breadth of the education curriculum is important and employability skills should not be emphasised to such an extent that the wider benefits of learning are excluded.

2.3 This echoes entirely with the Coates<sup>2</sup> review findings in that *‘employability’ should not drive the entire focus of the curriculum. Many prisoners will have previously had unsatisfactory experiences of the classroom. They will need encouragement and support to take their first learning steps. This should include greater provision of high quality creative arts provision, and Personal and Social Development (PSD) courses. Both improve self-knowledge, develop self-confidence and therefore help tackle reoffending.*”

2.4 The overriding focus on employability is a consistent theme throughout the White Paper and it would be of benefit if the broader value of prison education was acknowledged and resourced accordingly. You can’t put a price on the ability and self-worth of someone being released from prison and being able to go home and read a bed-time story to their children.

## Opportunity to innovate the prison education curriculum

2.5 There is also an opportunity for a move away from the standard traditional vocational training currently offered (especially in the current climate where jobs are going to be scarce) towards less-traditional vocational areas. As with other areas of post-16 education, UCU is advocating for curriculums to embed climate and sustainability and green-skills for green-collar jobs. Prison education curriculums should be no different. Furthermore, non-vocational and critical-thinking courses may be a more successful route to raising expectations and reducing reoffending.

## Prison Education Framework

2.6 With specific reference to the recent prison education reforms, the implementation of the Prison Education Framework in 2019 has further entrenched prison education in a commissioning model for profit. The latest funding model PEF has seen the budget of £130 million taken from the Department of Innovation and Skills and placed directly under the control of the Ministry of Justice. UCU’s assessment of this iteration of the commissioning model is that it is failing both learners and staff and if education is indeed going to pay more than mere lip

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<sup>2</sup> Coates, S. (May 2016) *Unlocking Potential : a review of education in prison*, Ministry of Justice. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524013/education-review-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf)

service to these proposed reforms then we need to seriously consider an approach to prison education that is:

- a) overseen by the DfE as a national prison education service and
- b) on a not-for-profit basis.

### **3. Neurodivergence**

3.1 UCU welcomes the 'Call for Evidence' [183] on how the justice system supports offenders with neurodivergent conditions such as autism, ADHD and dyslexia.

UCU is happy to provide evidence as to how the current prison education system (and in particular the commissioning model) fails to adequately address the needs of learners with neurodivergent conditions. For example, it is not given a high enough priority in the current PEF system. This month a number of regional SENCO officers from one provider have been made redundant. Prison governors do not understand sufficiently about the differences between assessments and then putting into place the necessary resources to implement access arrangements. Both teaching and assessment resources are severely limited, with not enough suitably qualified staff in place to put appropriate supported learning packages together. Quite simply, if SENCO resources are not funded via commissioning adequately then any initiative is going to fail.

3.2 We would also like to see greater investment in support for students with special educational needs (SEN) and specific learning difficulties (SpLD) and English for Speakers of Other Languages (ESOL). At present, assessment and support options for these students are poor.

3.3 We therefore welcome the call for improvements to awareness and understanding and the development of a national training toolkit to upskill staff on neurodiversity [184].

### **4. Through the Gate**

4.1 The Coates review made a number of recommendations concerning a more joined-up approach to education and employability through the gate, eg. a framework to ensure education providers develop links with local or specialist colleges and universities to enable prisoners to continue education on release.

4.2 We would like to see a comprehensive review of the recommendations from the Coates review in order to inform these current proposals.

### **5. Annex A: Race Disparity**

5.1 We would like to see further exploration and consideration of how a revised and decolonised curriculum could go towards addressing the differential outcomes experienced by black and other ethnic minority groups.

5.2 Again, UCU believes that the PEF commissioning model has diverted resources away from the development, design and delivery of truly meaningful and diverse education because it has a narrow target-based curriculum at the heart of the funding model. We need to see the development of a fit-for-purpose innovative prison education curriculum that sees the education provision being designed around social, cultural and educational needs that help to reduce reoffending as opposed to contractual restrictions aimed at delivering a profit.

5.3 As a priority, there needs to be an urgent review as to how 'British values' are taught in prisons, which at the moment is not meaningful or reflective of the life experiences of prison communities.

## **6. Summary**

6.1 UCU would like to see a comprehensive review of the recommendations from the Coates review in order to inform these current proposals.

6.2 UCU would like to see a comprehensive review of the current operation of Prison Education Framework and the prison education curriculum.

6.3 UCU fully endorses the POA's call for a Safer Prisons Amendment to any legislation arising from this White Paper, placing a statutory obligation on HMPPS to reduce prison violence as a matter of urgency

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