



## **Prisons Strategy White Paper UCU Response**

The University and College Union (UCU) represents over 130,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians and postgraduates in universities, colleges, prisons, adult education and training organisations across the UK. We are grateful for this opportunity to respond to this consultation.

Our vision is of a stable and effectively resourced prison education system which supports prison educators to deliver a broad and balanced curriculum to students in prison. Ultimately, this vision will ensure the best outcomes for students, society and the economy.

Many of the top-line aims presented in this consultation are important long-term ambitions. UCU, however, is concerned by the lack of detail accompanying these ambitions, particularly in relation to prison education and the proposed Prison Education Service. The absence of a roadmap to these mean that it is difficult to see how they will be fully achieved. This paper sets out our response to, and concerns about, the proposals, along with our recommendations for improvement. These are put forward on the basis of member feedback and long-standing policy.

### **1. Do you agree that these are the right long-term ambitions for the prison estate?**

#### *Delivering the next generation of prisons*

Successful prison education is facilitated by good teachers who can create good quality learning environments and develop effective relationships with learners. Building new prisons provides an important opportunity to improve the health and safety, and accessibility of prisons. The proposed new prison projects present an opportunity to place educational facilities truly at the heart of the prison. We believe that the best prison education replicates good classrooms in the wider education sector as far as possible with students studying in 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.

The global pandemic has resulted in people being locked in their cells for up to 23 hours a day. As the regime looks to move to greater circulation and free-flow, the learning from the pandemic in relation to the need for ventilation and to be able to accommodate isolation periods must feed in to the design of any new prisons.

At present, education units often sit on the physical and metaphorical periphery of a prison and should be a more integrated and central space. Good classrooms must also have

appropriate facilities, yet in the prison education sector, our members are acutely aware that this 'given' does not apply in their sector. Our members have described countless examples of the way in which the prison environment and regime can limit learning, from having to deliver horticulture classes with no real garden space to having to deliver information technology classes on outdated software and hardware. Ultimately this limits the way education can be delivered. It reduces a learner's interest in taking up further learning and their capacity to apply and build upon the learning upon release.

In our latest report<sup>1</sup>, our research revealed further resource concerns in relation to our members' capacity to support teaching and learning:

*'The biggest issues are around infrastructure - slow technology and lack of access to, classrooms and equipment that is not fit for purpose, lack of resources, the time it takes to do some very simple tasks due to where things are within the prison compared to the classroom, [there should be sufficient] photocopiers, printers, computers etc.*

*'Respondents asked for: 'access to [their] own PC and [a] static classroom to maximise efficiency', 'a room to work in that has a cupboard', 'heating', 'clean toilets', 'proper office chairs to support back and lower back', and for prisons to 'paint classrooms' and provide educators with 'a place to eat lunch with colleagues instead of at a desk on their own'.'*(pp.96)

Without additional and new funding it will be difficult for the government to achieve its stated aims.

The innovation taskforce is likely to develop an important set of recommendations. It will be important for government to commit funding to implementing these recommendations to ensure that the learning is applied and so that the taskforce is able to be bold and innovative in its recommendations. One of the places on the taskforce must be reserved for a prison educator.

### *Prison population*

We are disappointed that the presumption is that the prison population will increase and believe that government should be working to maintain or reduce the number of incarcerated people to truly support rehabilitation.

### *Digital innovation*

The reforms outlined in relation to in-cell technology are welcomed and overdue. The potential here is significant, but unfortunately a plan is not forthcoming. The White Paper refers to 11 more prisons which will be better connected by Summer 2022 with no plan for

---

<sup>1</sup> UCU, Prisoners Education Trust, (2021) *Hidden voices: the experiences of teachers working in prisons*, available at: <https://www.ucu.org.uk/article/11712/Seven-in-10-teachers-set-to-leave-prison-education>

the remaining prisons. Facilitating students' access to education could open up many more opportunities for students to engage in educational and/or purposeful activity whilst they are away from the education unit. It would also support more distance learning opportunities and allow students to continue and consolidate their learning when they are not in the education unit.

The advent of on-line and mixed media delivery with the prospect of more blended learning raises unique challenges for prison education members especially as it relates to their safety and job security. This White Paper does not provide a definition of what blended learning is, what it looks like, or how it is to be funded.

It is essential that government implements this in a way that makes it genuinely usable for all people in prison. Therefore, the final result cannot be a model where private sector organisations make great profit by providing services that prove too expensive at the level of the service user, meaning that the service becomes little used by all.

UCU has outlined<sup>2</sup> our expectations of employers as to how online or mixed media delivery in a prison setting can be a useful pedagogical tool if set up and used properly. It is vital for the regime to ensure the safety of teachers and learners in order to secure that outcome. We also need guarantees from HMPPS and education providers that good quality education must be properly resourced in terms of workload hours, CPD and equipment. Managing the approach to blended learning needs to be done carefully and professionally. It is by no means a cheap or quick fix. It is also important to note that not all students will welcome a blended learning approach. Some students find it difficult to study alone, and value teacher and peer support.

#### *Literacy and numeracy, skills and employment*

UCU is disappointed to see the very narrow conception of education as outlined in this paper. The provision of basic literacy and numeracy alongside skills qualifications will always be an important aspect of education in prison, however, a much broader and balanced curriculum is needed to engage learners. This includes access to higher level learning, art, music, sport and other creative subjects which can also work to support the wellbeing and mental health of students. Education builds confidence in learners and stretches what they think they are capable of, thereby preparing them for returning to society. The narrow presentation of education as literacy, numeracy, training and qualification will limit the capacity of education to have a transformative role in the lives of people in prison.

The Prison Education Framework and DPS are not felt to be adequately supporting creative arts, vocational learning and information, advice and guidance. Our members report at times it feels like they are telling learners what to study rather than supporting them to study the subjects that they would like. Furthermore, it is felt that the contract time on the DPS risks being too short to monitor performance as it can often take months for DPS provision to settle in.

---

<sup>2</sup> Available at: [https://www.ucu.org.uk/media/10850/UCU-guidance-on-prison-education-onlinemixed-media-delivery/pdf/ucu\\_prisons\\_online-mixed-media.pdf](https://www.ucu.org.uk/media/10850/UCU-guidance-on-prison-education-onlinemixed-media-delivery/pdf/ucu_prisons_online-mixed-media.pdf)

Funding for informal adult learning and personal and social development requires urgent review. This White Paper makes no mention of additional funding for prison education. Given the central importance of education for rehabilitation, particularly in the context of supporting personal, social and economic recovery from the global pandemic, additional funding is urgently required for prison education specifically.

The benefits of prisoners gaining higher level qualifications far outweigh the cost if they contribute to successful rehabilitation and a reduction in recidivism. As such the benefits will not just be accrued by the individual, but by society and the economy also.

Some older learners, those who already have higher levels of learning, and those on long sentences in particular are cited as being frustrated at the lack of opportunities for progression on to higher levels of qualifications and learning. Although recidivism may be relatively low among life-sentenced groups, engagement in learning that interests and absorbs prisoners is an important factor in their mental well-being and general behaviour and therefore of benefit, including economic benefit, to the wider prison community, even if in some cases the opportunities for the practical application of their education may be limited.

**2&3. Do you agree these are the guiding principles around which the future regime should be designed? How should we develop outcomes frameworks to ensure our Future Regime Design ambition is realised?**

*Timetable design*

The following extracts from the joint UCU and Prisoners' Education Trust report (2021) Hidden voices reveal a number of concerns about how the structure of the educational day is too long and should be reduced.

*"Shorter session times for maths and English classes. 3.5 hours is FAR TOO LONG."*

*"Look at the delivery of education. Especially with how we have been running it during the pandemic. There are so many ways we can continue this type of delivery and it is far less stressful than the old-fashioned classroom-based education where the learners are expected to stay in class for almost 4 hours."*

*"Change the regime hours for education from 8.45AM to 11.45AM and 1.45PM to 4.45PM, to 8.30AM to 11.30AM and 1.30PM to 4.30PM, to allow learners to get to the wing to eat and shower/[make] phone calls before lock up."*

(UCU & Prisoners' Education Trust, (2021) pp.20)

As highlighted above, the structure of the day can, in some cases, leave students having to make an impossible choice between education and a shower or a telephone call. This structure disincentives learning and the timings must inevitably impact take-up. Learning is

not structured this way in the wider sector because 3.5 hour sessions are too long, particularly for English and maths sessions.

Encouraging learners to undertake further study will always be a difficult choice for people in prison due to the differential payment system that effectively disincentivises learning by paying higher salaries to people who chose other forms of purposeful activity. This needs to change. We would welcome systematic introductory, 'taster' sessions for all new entrants, so that they can see the range of provision available, meet tutors and perhaps hear from current and former students.

#### *Additional Learning Support*

We urgently need to see a meaningful increase in Additional Learning Support for learners in a prison setting. This must include proper training/CPD for teaching staff and learning support assistants, for identifying and supporting learning needs. Our members often reflect on how many learners in prisons had their learning needs undetected or misdiagnosed at school. The concern here is that these individuals are done a further disservice if prison education cannot support them in a timely and specific way. The pool of special educational needs coordinators has been severely reduced and needs greater investment to prevent these colleagues covering several large regions thus adversely impacting how much support they are able to provide. Indeed, some of our members feel conflicted around what they describe as a notional focus on neurodiversity and learners with learning difficulties and disabilities because it is felt that funding and the curriculum limit the support and opportunities that they can subsequently provide.

Our members have highlighted a number of concerns with the initial assessment process which have the potential to reduce the level of support prison educators are able to give. Learning support jobs are becoming increasingly more administrative due to the quantity of paperwork involved. The workload involved in screening and uploading the data can reduce the time available for supporting learners. Information systems require improvement because if a learner has an initial assessment and is then moved to another prison, the subsequent prison often does not have access to the assessment and does not receive payment for a new assessment should they conduct another. In relation to the prison estate, our members are concerned that the assessment process can often involve posing personal questions to people with whom they have not yet established a rapport in close proximity to other learners. Allocated spaces are required for these purposes and these areas must be safe.

#### *Decolonising the curriculum and climate and sustainability*

This White Paper helpfully acknowledges the need for climate resilience in the prison estate. Further essential considerations include decolonising the prison curriculum which requires reflection upon who is teaching what and why in order that we can address structural inequalities. A new Prison Education Service will need to consider how we can embed climate and sustainability into prison education curriculums including green skills.

#### **4. Do you agree with our long-term priorities for making prisons safer?**

Our casework and engagement with members informs us that health and safety is the preeminent concern of our members. We believe that there is a clear correlation between assaults on staff and the fact that the number of prison staff has been in decline for over a decade despite a recent recruitment drive. There are currently 10% fewer staff than in 2010.<sup>3</sup> In a similar vein to the patterns we see amongst prison educators, there are high rates of attrition amongst prison officers. This is resulting in reduced numbers of experienced staff.<sup>4</sup>

Prison educators play a vital role in rehabilitating offenders and should not have to run the gauntlet of violence and drug exposure when they go to work. UCU is a member of the Joint Unions in Prisons Alliance. In 2019, the Alliance published a survey report<sup>5</sup> based on 1643 respondents who work in a prison, but are not directly employed. The survey found that violence against staff in prisons is shockingly prevalent. Over a quarter (26%) of respondents had been victim of physical violence in the past year. The report found that staff are also routinely subjected to the harmful effects of psychoactive substances (52.7%). It is appalling that two-thirds of staff in prisons report feeling unsafe in their workplace, and that so many (57%) say their concerns aren't being dealt with properly. We urgently need much tougher action from the government and prison employers to improve the safety and working conditions of staff in our prisons.

JUPA is calling for urgent action from the government, prison service and other employers in the sector to ensure:

- tougher responses to violent incidents, including use of the Assaults on Emergency Workers (offences) Act 2018
- better health and safety reporting, including a single reporting system
- action to prevent exposure to psychoactive substances
- joint work between employers and unions to examine the causes and effects of violence against staff
- more prison officers and other personnel to ensure safe and effective staffing levels.

---

<sup>3</sup> Ministry of Justice (2021) in Prisoners Reform Trust, (2022), Bromley Briefings factfile, available at:

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202022%20Factfile.pdf> pp.24

<sup>4</sup> HMPPS (2021) in Prisoners Reform Trust, (2022), Bromley Briefings factfile, available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202022%20Factfile.pdf> pp.24

<sup>5</sup> Joint Unions in Prisons Alliance (2019) Health and safety in prisons: safe inside, available at: [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)

## 5. Where can we go further?

### *Health and Safety*

We urge the government to sign up to the Safe Inside Prisons Charter (updated 2021)<sup>6</sup>. We would also like to see the government stipulate that prison education providers on the Prison Education Framework and/or Dynamic Purchasing System must also be signatories as a condition of contract.

The Charter was developed by the Joint Unions in Prisons Alliance (JUPA). It aims to promote the development of positive safety cultures and safe working practices, which protect the long-term physical and mental wellbeing of all those working within our prisons, regardless of their employer. The charter contains 12 key principles including:

- All workers, partner agencies / third party providers, will be given access to a single reporting system, which has the ability to record all health and safety concerns including incidents, near misses, ill-health directly related to or effecting prison activities, any instances of violence including threats, abuse and anti-social behaviour directed towards them.
- Adopt a proactive approach to preventing and controlling the risk and spread of infectious diseases by complying with H&S, COSSH and Public Health legislation; Utilising good infection prevention and control strategies, positively support their employees to adhere to any recommended periods of self-isolation, without financial detriment. This will enable their employees to protect both the prison and wider community.

### *Literacy Innovation Scheme*

The White Paper refers to a 'literacy innovation scheme' to challenge potential providers to trial literacy improvement programmes. Again this is an area where further information would be valued. Our members, who are best placed to support the development of such a scheme would value more information on it. We are unsure as to why it would be targeted at potential providers rather than existing ones.

## 12. Do you agree with our long-term vision?

### *Competitive retendering*

The current model for competitive retendering is an expensive and inefficient methodology. The Prison Education Framework model is felt to suppress teaching flexibility due to its prescriptive nature. The move from OLASS 4 to the Prison Education Framework, whilst presented as an opportunity to improve prison education, proved to be an expensive and time-consuming process that led to no new suppliers. Arguably, this wasted valuable resource that could have been invested into the prison education budget. We would like to see more prison educators involved in the managing and commissioning processes as

---

<sup>6</sup> Available at: <https://www.ucu.org.uk/media/10758/Safe-Inside-Prisons-Charter-JUPA/pdf/SafeInsidePrisonCharter2020.pdf>

Learning and Skills Managers. We believe that there could be great value in establishing partnerships with local further education colleges as a means of supporting students upon release from prison.

The frequent change and inherent instability in these processes mean that the longer term issues of workforce planning and refreshing infrastructure are rarely prioritised. This White Paper presents an opportunity to do this by presenting new and greater funding and a vision informed by the views of workers in prisons, however, we feel that this has been missed. As an example, the Prison Education Service, but without further information on this, it risks being perceived that

The governor-led commissioning model effectively creates a 'leadership lottery'. The quality of education provided to a learner should not be dependent on where they are placed and some standardisation must be implemented, particular in relation to adult and social care delivery.

UCU recommends that competitive retendering in prison education is replaced with a longer term, secure offer that mimics the stability afforded to colleagues employed by and working within general further education colleges. We would like to see a national contract for prison educators would mean standardised terms and conditions, regardless of the company for which they work. There is an obvious tension between stable and high quality provision for this extremely vulnerable cohort, reducing costs and private provider-led provision which is exacerbated under the current commissioning model. We are interested in exploring research that looks at the example of Wales, where prison education is not contracted out, and educators are employed as civil servants for HMPPS with a competitive starting salary.

UCU believes that teaching in post-16 education should be built around the following principles which are at the core of the profession:

- Stability of funding, job security, good salary and working conditions and proper contracts of employment
- Relevant and appropriate continuing professional development (CPD) as part of the normal workload of FE lecturers with recognition of the 'dual professionalism' of FE lecturers
- Negotiated peer observation, mentoring and professional training

None of these are fully realised within the Prison Education Framework and this lack of stability has an impact on negative perceptions of a career as a prison educator, and attrition amongst those in the sector. This is particularly concerning in view of the fact that there is an older age profile amongst prison educators than in the wider further education sector. In addition, more than seven in ten (70.8%) respondents to our Hidden Voices report indicated that they intend to leave prison education in the next five years, with

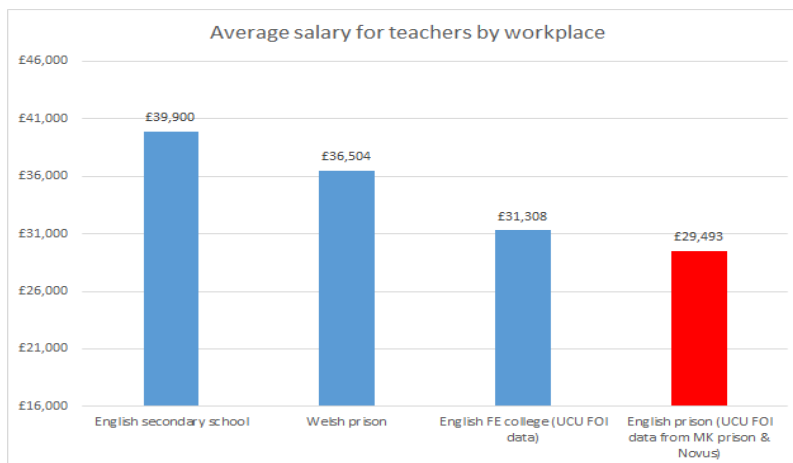


many respondents drawing attention to a lack of progression and stagnating pay as key issues.<sup>7</sup>

### Salary

Salary is one of the key inhibitors of improvement in the prison education sector. Our comparison of average pay of members employed by the four Prison Education Framework providers in England with educators in the FE and other education sectors identified significant disparities.

Figure 1: Further education salaries (average by workplace)



Average annual salaries for prison educators (£29,493) lag significantly behind the salaries of English further education teachers (£31,308), teachers in Welsh prisons (£36,504) and secondary school teachers in England (£39,900). This disparity fails to sufficiently reward prison educators for their comparable work and will invariably restrict both the recruitment and retention of prison educators. Higher salaries would support recruitment and retention in prison education. Our members also note that some employers refer to ‘trainers’ rather than ‘teachers’ which can undermine professionalism and has also seen salary reductions. An immediate reconciliation of the salary between those working in prisons, and those in the wider prison education sector, would go a long way to supporting both recruitment and retention. It could also go a long way to supporting a more diverse workforce.

At present, prison educators are painfully aware of their precarious job security; they are constantly at risk in a perpetual cycle of redundancies or contracts being TUPEd from one provider to another and at risk of financial hardship, including through the very real risk of losing their TPS pension rights if their employer switches to a private provider via the commissioning process.

<sup>7</sup> UCU, Prisoners Education Trust, (2021) *Hidden voices: the experiences of teachers working in prisons*, available at: <https://www.ucu.org.uk/article/11712/Seven-in-10-teachers-set-to-leave-prison-education> pp. 22

Our members also observe a difference between the number of global teaching hours for prison educators and staff in the wider further education sector, meaning that prison educators are more at risk of workload concerns.

There is a skilled, committed and experienced workforce. However, the contractual, physical and emotional context within which these teachers work goes little way towards recognising their professionalism.<sup>8</sup>

### **13. Where can we go further in turning prisoners away from crime?**

Prison education has a life-changing impact and delivers personal, social and economic benefits both to the individuals who receive it and wider society. The Ministry of Justice must harness this by supporting improvement. The sector needs urgent investment.

We know that those who have participated in prison education are less likely to reoffend by 7.5 percentage points and more likely to be in employment within 12 months of release.<sup>9</sup> Further understanding of the benefits and outcomes of prison education could be assessed if the government were to capture progression to education and training post-release.

### **14 & 15 Do you agree with our long-term vision for women's prisons? What more could we do to support women in custody, with particular reference to meeting the needs of women prisoners with protected characteristics?**

The proposals set out in relation to the long-term vision for women's prisons are important and with financial investment are likely to improve the rehabilitation and life-chances of women in prison. Fewer women in prison, a reduction in short sentences alongside safe, trauma-informed and women-specific services will support women to progress to better outcomes.

### **16. Are there specific areas of training you think we should be offering prison officers which we do not already?**

Like prison educators, prison officers have suffered a similar de-professionalisation over the years. Poor salaries, risk of assault, poor continuing professional development and high rates of attrition are all too common amongst prison officers also. A professional service requires professional wages. Furthermore, government must publish key performance indicators in relation to staff safety for all workers in prison, and reporting should be represented both as a total per employment group and as an 'all staff' category.

Lots of interaction between prison officers and educators is valuable and in some places working under lockdown restrictions and on wings has encouraged this. Some members have highlighted to us the way in which the Prison Education Framework contract can work to damage relationships between educators and staff. The funding methodology can cause

---

<sup>8</sup> Rogers et al., (2014) *Professionalism against the odds*, London: UCU

<sup>9</sup> Ministry of Justice, (2018), *Education and Employment Strategy*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710406/education-and-employment-strategy-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf)

disputes for example, re: attendance, was it the prison's fault, was it the provider's fault? This can create an unpleasant atmosphere.

### **18. Are there any areas where we should extend autonomy for all Governors to support the delivery of improved outcomes?**

UCU has been vocal in its critique of governor autonomy in relation to prison education. When first implemented, we raised concerns that this would lead to fragmented delivery and risked a reduction in quality. Our members describe a 'leadership lottery' in relation to the prioritisation of education and training.

We are clear that short term contracts, funding limitations and poor staff autonomy have led to poor stability. The number of providers isn't the problem, but rather the precarious nature in which contracts have been administered to date. A quality control mechanism is needed. We would like to see a central government role in assuring standardised quality across the sector and an agreed role for staff feedback in the evaluation process.

Despite the government accepting all of the recommendations of the Coates review, too few of the recommendations have been implemented and the report is not named in this White Paper. This is disappointing as there were many recommendations that would support improvement in the prison education sector which have yet to be realised. For example, 'The recruitment of high quality teachers needs to be developed. Focus should be on both the training and recruitment of new teachers, and on the recruitment of high quality teachers from other sectors (e.g. Further Education, schools and Industry) to teach in prisons.'<sup>10</sup>.

Our members would like to see greater transparency in relation to the key performance indicators for prison education. As such the proposals around Future Regime Design are problematic. Rewarding the 'highest performing Governors' with the ability to 'deviate from nationally set policies' risks further inconsistencies in accountability across the sector.

Recognising that OLASS 4 had many of its own problems, our members report that it is preferred to the Prison Education Framework due to the greater flexibility.

### **19. How can we further strengthen independent scrutiny of prisons in future?**

Performance and effectiveness could also valuably be measured by distance travelled and learner engagement. The measures of the effectiveness of learning should not all be quantitative. Learner feedback, for example, could be valuably taken into account here, with the proviso that such feedback cannot provide unequivocally valid and precise measures of teaching effectiveness, and should therefore be divorced from disciplinary, capability and promotion procedures.

---

<sup>10</sup> Coates, S., (2016), *Unlocking Potential*, London: Ministry of Justice, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524013/education-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf), pp.62

One of the Coates review recommendations was that Ofsted should carry out inspections using the same framework as for the adult skills sector, with inspection intervals and follow-up arrangements driven by performance data and levels of performance. Whilst we have concerns about the Ofsted inspection methodology, we believe that the inspection regime should be similar to that of the further education sector. A real risk of this is that it will highlight the funding disparity between prison education and further education.