



Prison Education

Evidence to OFSTED

A report by UCU

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1. Introduction

The voice of professional educators in prison education has been all but drowned out by the demands of delivering a contract, where the design, the content and the appropriateness of the curricula for prison learners has been insufficiently considered. The current prison education commissioning system has failed all the stakeholders of prison education: the prison learners themselves, the prison education staff and taxpayers.

If we are to see development of a truly fit for purpose, innovative prison education curriculum, that sees the education provision being designed and delivered around educational needs and aspirations as opposed to narrow, target-based contractual restrictions, then the voices of those who teach and those who learn behind the walls needs to be heard.

In England, prison education is outsourced, which has led to a culture of cost cutting. The frequent change and instability in the tendering/re-tendering process has meant that the issues of workforce planning and refreshing education infrastructure have not been properly addressed, as there has not been long-term accountability. The process of commissioning education for profit in prisons has arguably diverted resources away from the development, design and delivery of truly meaningful education. It has become more about managing the contract, than its purported aims of delivering meaningful education in order to reduce reoffending. Additionally, it has created a fragmented workforce who face many challenges, including unfavourable employment conditions. In the commercial culture of delivering prison education contracts, teachers have been treated as a commodity, to be traded to the bidder who can deliver prison education for the lowest price for government.

Following OFSTED's inspection of education in 45 prisons in England,¹ and after the Parliamentary Education Select Committee launched its Inquiry into Prison Education in England,² UCU carried out surveys and focus groups with its prison education members, to seek out those 'drowned voices' and better understand the issues. We also carried out a joint members' survey with the Prisoner Learning Alliance (PLA), which led to the report, 'Hidden Voices: The Experience of Teachers Working in Prisons' (2021).

This paper summarises our research findings and is offered as a contribution to the OFSTED review of prison education.



2. Executive summary

UCU found that issues such as inadequate assessments when prisoners enter prison, not enough different levels of education for prisoners, unsuitable learning space and facilities, inadequate resources, inflexible curricula and insufficient time for teachers to plan and prepare for lessons, are interlinked and as such, will require a strategic approach to resolve. These issues have a detrimental impact on learners and teachers alike. However, going beyond the learning 'space', additional issues for educators themselves are their pay, their precarious employment contracts, their unsatisfactory CPD, their lack of career progression, the senior management structure and in some instances, their pension. We believe the current Prison Education Framework (PEF) commission model is failing learners and failing staff. As one of our member describes it, "It's a broken system within a broken system".



3. UCU research findings

3.1 THE IMPACT OF INADEQUATE EDUCATION ASSESSMENTS WHEN PRISONERS ENTER PRISON

The issue

Prisoners are supposed to have an education assessment upon entering prison and to work with staff to produce individual learning plans. Feedback to the joint UCU-PLA research suggested that often, education assessments were 'tick-box', meaningless exercise.³ This means that some prisoners are allocated to education that is not suitable for them, which has a detrimental impact on learners and teachers alike.

The solution

Appropriate assessments are required for all prisoners when entering prison.

3.2 LIMITATIONS WITH THE SYSTEM: NOT ENOUGH DIFFERENT LEVELS OF EDUCATION FOR PRISONERS, UNSUITABLE LEARNING FACILITIES AND MORE AUTONOMY REQUIRED FOR EDUCATORS TO DEVELOP THE CURRICULUM

The issues

The joint UCU/PLA Report, 'Hidden Voices: The Experience of Teachers Working in Prisons', found (p. 18-19) that respondents were expressing their frustration with the limitations of the curriculum, both in its diversity and suitability for varying education levels.

In response to a UCU survey question as to why the curriculum fails to meet learner needs, members' responses included that under the current structure:

- There are not enough different levels of education for prisoners and that as a result of insufficient Level 2/3 courses for prisoner learners to develop on to after completing a Level 1 course, the only option for some prisoners to remain in education is to repeat Level 1 courses.⁴ This causes disillusion and frustration amongst learners and teachers alike.
- The system resulted in many prisoner learners not gaining vocational qualifications or having a record of what they had learnt to show employers.
- Tutors are not given the resources or the time to adequately teach; this was mentioned particularly in relation to non-English speaking learners. This issue results in some prison learners struggling and 'giving up'.
- Tutors are having to deal with prison learners with complex needs, who require additional support.



Below is an example of feedback given by one prison educator who delivers horticulture:

“We have no garden to garden in as an extension to the classroom. The garden was bulldozed over to make way for a new build. I have to deliver theory only. I get £50 every 6 months for seeds (which I had to beg for). We plant seeds in a pot in the classroom, watch them grow and then have to throw them away.”

As outlined in our response to the Education Select Committee (January 2021), funding is begrudgingly given, then thought, effort, care and time is invested by learners and teachers, which is ‘wasted’ because of a lack of resources and a joined-up approach to ensure that the learning is meaningful to either the individual or society.

Our response to the Education Select Committee explained that 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, similar to a good school or college. This can be difficult to achieve in overcrowded or poorly designed buildings, but it is a key feature of restoring dignity and meaning to someone’s life. However, this is not the reality for the majority of UCU members who teach across adult and young offender institutions.

The solutions

The issues of not enough different levels of education for prisoners, unsuitable learning space and facilities, inadequate resources, inflexible curricula and insufficient time for teachers to plan and prepare for lessons, appear to compound each other and as such, will require a commensurate strategic solution.

Many respondents to the report’s survey believed that having more autonomy to construct and develop the prison education curriculum would be beneficial (Hidden Voices, p.17 & 18), to be responsive to the needs of learners. This could include:

- Introducing a greater range of classes. One educator explained that professionals require more say in the provision and courses provided and how they are delivered best for the prisoners, rather than what is financially best (p. 18).
- Educators also requested that employers be more receptive to modernise the offering (p. 19). Examples include teaching functional skills such as Maths through the teaching of the trades and that teaching the trades in itself requires prisons to be able to keep up with modern equipment. Similarly, teaching ICT in prison requires prison education to keep up with technological developments, an issue which links resources to the curriculum.
- It was also suggested in the survey response that initial taster sessions might be more appropriate for some learners, rather than immediately enrolling them on



exam-based courses. Giving learners the opportunity to find out whether they enjoyed the course first would place less pressure on them and was more likely to lead to success.

We need to see the development of a fit for purpose, innovative prison curriculum that sees the education provision being designed around social, cultural and educational needs and which helps to reduce reoffending, as opposed to contractual restrictions, aimed at delivering profit. 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.

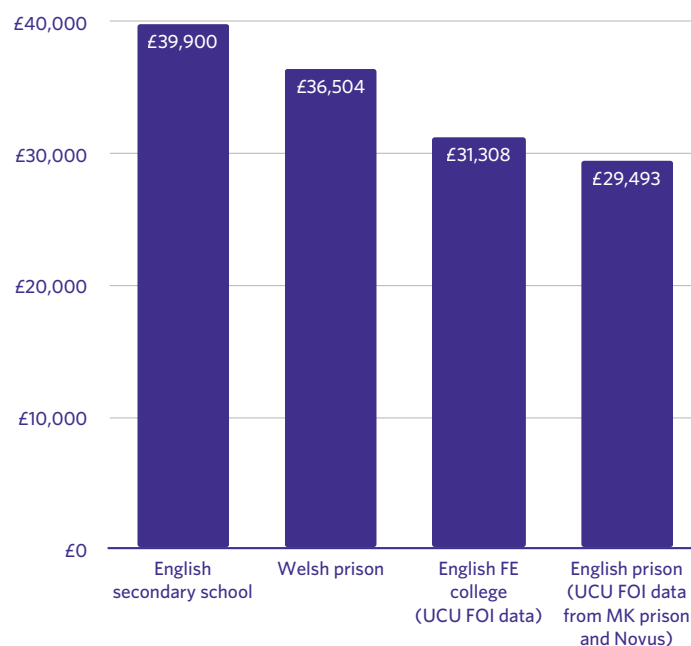
3.3 PAY

The issues

The main issue to come out of the joint UCU-PLA Survey, which led to the 'Hidden Voices' report, was pay (p. 18). One of the questions in the survey was: "On what areas do you think UCU should focus its lobbying and campaigning efforts in prisons in the next 1-2 years?" and the highest ranking issue stated was "Pay".

UCU compared the average pay of members employed by the four main PEF prison education providers in England (namely the Weston College Group, Milton Keynes Prison, People Plus and Novus), to educators in the FE and other education sectors. Note that in Wales, prison education staff are directly employed by Her Majesty's Prison and Probation Service (HMPPS). The below is what our research found.

Average salary for teachers by workplace



Source: UCU Bargaining and Negotiations Team - all data from 2020/21 except UCU FOI data which covers 2019/20



Average annual salaries for prison educators (£29,493) lag significantly behind the salaries of English further education teachers (31,308) 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.

Prison education in England has been treated as goods within the Prison Education Framework (PEF) contracts (see, for instance, oral evidence in relation to prison education to the Education Select Committee, 21 September 2021, Question 285), rather than the skilled service it is, with prison education (and thus educators), traded to the lowest bidders. UCU members are clear that the PEF approach to commissioning prison education has resulted in a broken prison education. This is in contrast to school teachers, who have seen their contribution to society recognised in increased pay over the years.

The solution

Accordingly, the prison education pay uplifts that are needed to achieve comparable pay to the other sectors are as follows:

Prison education pay uplifts

	Average pay in English prisons	Comparator pay	Uplift needed
Pay parity with Wales prison educators (employed by HMPPS)	£29,493	£36,504 (mean based on FOI data)	24%
Pay parity with English secondary school teachers	£29,493	£39,900 (mean based on FOI data)	37%
Pay parity with English FE	£29,493	£31,308 (mean based on FOI data)	6%

Source: UCU Bargaining and Negotiations Team - all data from 2020/21 except UCU FOI data which covers 2019/20

3.4 PRECARIOUS CONTRACTS OF EMPLOYMENT

The issues

Although zero hours contracts are not used by prison education providers, other forms of precarious employment are commonplace within the prison education system. One provider, for instance, has a sister company (a company within the same group), which is set up for the purpose of supplying casual teaching staff to its college and prisons.

Examples of precarity in the contracts of prison education staff include the following:

- **Contracts for 'Cover Tutor'** - hourly paid and can be terminated at any time



- **Contracts for Annualised Tutors** – employed on an hourly rate but on an annual contract for a fixed number of hours for the year, with the pay divided into 12 months and paid monthly. Annualised contracts can run on to a second and subsequent years; however, the key feature of this contract is that the salary will be paid at a fixed scale, with no annual increments available. Annualised contracts provide no provision for an annual incremental pay increase. Further, the annualised contracts allow the employer to adjust the number of hours that the employee is required to work by up to 10%, without consultation. If this adjustment results in a reduction of hours, the employee’s pay will be commensurately reduced. Annualised contracts are hugely inferior to permanent contracts.
- **Prison education staff on permanent contracts are TUPE’d (transferred) over** from one prison education provider/employer to another as prison education providers lose or withdraw from different PEF contracts and other prison education providers take on those contracts. In those instances, some prison education staff report of remaining on the original pay point they were on when they left, with no incremental pay point increase. UCU has found that providers/employers often maintain that pay progression in incoming contracts of employment is not a contractual requirement, and it has been very difficult to get the new provider/employer to honour pay progression.
- **UCU prison education reps informed UCU researchers** that an additional job security risk for prison educators, is the fact that prison Governors have discretion as to what education/subjects to deliver in their prisons. This means that staff are under an annual threat of being made redundant if the courses they teach are withdrawn. This is the case even under the PEF contracts (i.e. not only the Dynamic Purchasing Agreements). Prison educators report of ‘moving goal posts’ where subjects can be withdrawn, including subjects such as Maths and English. However, where courses are withdrawn, their Tutors may not always be made redundant but made to teach subjects outside their area of expertise, which introduces an instability of a different nature to their contracts and work.

The solution

The stability and security that comes with a permanent contract of employment is clearly in the interest of prison education staff and prison education more widely. UCU calls for a nationalisation of the prison education service (following the decision to re-nationalise the probation service), that provides educators with a ‘national contract’ that cannot be used by providers to make a profit or outbid competitors. This is essential if we are to retain and attract qualified and experienced education staff.

3.5 CAREER PROGRESSION AND SENIOR MANAGEMENT STRUCTURE

The issues

A major issue for prison educators that came out of the joint UCU-PLA Survey was career development and progression (Hidden Voices, p. 16). Almost two thirds



(64.3%) of prison educators say it is one of the key issues that could lead to better retention (p. 18). Prison education departments are far smaller than colleges and there are fewer opportunities available (p. 16). Respondents emphasised the lack of prospects for progression e.g. “if you are a grassroots teacher who loves being in a classroom with learners, there is really no progression” (p. 17). Others highlighted that the opportunities to move into management are very few and far between (p. 17).

The position of ‘Advanced Practitioner’ exists in some prisons; however UCU found that where these positions exist, they appear to be relics of the past and are believed to be being phased out. Speaking to members, some reported that where these positions exist, providers may have as few as one Advanced Practitioner per region i.e. not even per prison.

Educators also expressed frustration that the lack of career progression can also create wage stagnation (Hidden Voices, p.17).

The solution

In the UCU-PLA survey for the Hidden Voices report, it was found that educators wanted a wider variety of prison education roles to be available (p. 17). Suggestions included:

- promotion to a senior role with reduced teaching (66% of respondents)
- the option to work as an advanced teaching practitioner (53% of respondents)
- opportunities to contribute to curriculum design/delivery alongside teaching (52% of respondents)
- opportunities to develop the curriculum without teaching (48%)
- regional manager of prison education, and
- ‘A’ Level and GCSE coordinator.

UCU believes that a management structure with a prison education professional on the senior management team of each prison, solely responsible for education and skills, would help to improve the working conditions of prison education staff, and therefore prison education, in so many ways. It would provide the senior management team with first-hand insight into prison education, plus, it would provide a more aspirational career route for prison education staff.

3.6 CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD)

The issues

Prison education members report to UCU that, although there are CPD courses available, it is often either unsuitable, outdated or of limited relevance. Members



reported that the CPD offered is not focussed on teaching and pedagogical development but rather, to training in relation to the ever changing systems and paperwork. These are some of the features of the CPD courses available, reported by prison educators to UCU researchers:

- Much of the CPD available relates to operational issues e.g. procedural system changes, rather than, for instance, new subject specific knowledge or development in pedagogical research.
- Any CPD courses about pedagogical knowledge are out of date by about 20 years;
- The CPD courses are online and therefore offer no opportunity to network.
- Staff have to be onsite to take the CPD courses (which are online).

Prison education members report that the CPD situation results in them being 'trapped' in the 'Cinderella service' of the education system and facing disadvantages if they want to move into other education sectors.

The solution

Prison educators require a CPD programme comparable to their peers in the other parts of the education sector. It is in the interest of both teachers, learners and society at large for educators to keep abreast of developing pedagogical knowledge. Going forward, UCU would like to see prison education following in the steps of the probation service in being re-nationalised; however, if the commissioning model is going to be retained, it needs to ensure that up-to-date CPD focussed on pedagogy is offered by those bidding for the contract.

3.7 TEACHERS' PENSION

The issue

The Teachers' Pension (TP) (see Hidden Voices, p. 18) is something that is considered to be a core feature of a teacher's terms and conditions; however, not all prison education providers offer the Teachers' Pension (People Plus being the one that does not). Even where staff are employed by a provider who operates the TP scheme, with the transfer of contracts (TUPE situations) that takes place within the sector, there is a chance that staff on the TP will be TUPE'd (transferred) to a provider that does not operate the TP scheme and therefore lose their TP. This is an additional barrier to the recruitment of staff into prison education, when they are already under annual threats of losing their jobs.

The solution

Whilst UCU would like to see prison education following in the steps of the probation service in being re-nationalised, if the commissioning model is going to be retained,



it needs to ensure that the Teachers' Pension is offered by all those bidding for the contract so there is a consistency of pension provision for prison educators.

3.8 THE COMMISSIONING MODEL⁵

The issues

In England, prison education has been outsourced to the private sector since the 1990s. It has gone through four OLASS (Offender Learning and Skills Service) iterations and has now become the Prison Education Framework (PEF). In the initial stages, this process was seen as a cash cow for the public and private education providers with the budget reaching a peak of over £146m in 2014 -2015. The budget is currently £130m.

This process has also led to a culture of trying to please those commissioning the contracts by doing more for less. A consequence of this commercial culture is tighter margins. This has resulted in a steady reduction of the terms and conditions of those working in the profession. It has also led to one private provider withdrawing from several London prisons as the contract was no longer economically viable.

The frequent change and instability in the tendering/re-tendering process meant that the issues of workforce planning and refreshing education infrastructure were never properly addressed, as there was no long-term accountability.

The latest funding model (PEF) has seen the budget (of £130m) taken from the then Department of Business, Innovation and Skills and placed directly under the control of the Ministry of Justice. This led to a commissioning model with two main strands, the Prison Education Framework and the Dynamic Purchasing System; the former being concerned with the core subjects, running for several years, and the latter for bespoke provision, with contracts up to a maximum of one year. All of these contracts are under the direct control of individual prison governors, who are expected to manage their provider's performance and apply contractual sanctions and re-tender where necessary. In reality this has led to those working in prison education being in a constantly precarious position, with their jobs under threat on an annual basis and the constant disruption of being TUPE'd from one provider to the next at each contract renewal point.

The process of commissioning education for profit in prisons has diverted resources away from the development, design and delivery of truly meaningful education. It has become more about managing the contract than its purported aims of delivering meaningful education in order to reduce reoffending. Additionally, it has created a fragmented workforce who face many challenges, including with their own employment terms and conditions. We believe the current Prison Education Framework (PEF) commissioning model is failing learners and failing staff.



The solutions

The rehabilitation of offenders is one of the hallmarks of a civilised society. The rehabilitation of offenders helps them make positive contributions to their own lives and to society. Prison education must therefore be one of the central priorities for education funding. UCU has been making the case for a number of years that prison education needs to be treated with the same level of importance as other parts of the education system; funded and prioritised the same way as schools, FE colleges and Adult Education providers.

The best ways to address the previous pattern of disjointed and confused decision-making that has shaped the prison education sector in the past, would be best achieved by implementing the following recommendations:⁶

- a) Nationalisation of the prison education service⁷ in a way that provides educators with a 'national contract' and that cannot be used by providers to make a profit or outbid competitors. This is essential if we are to train and retain qualified and experienced staff, especially in vocational areas.
- b) Prison Education returned to the auspices of Department for Education with delivery of education within prisons being coordinated centrally. Local FE colleges becoming more involved in delivery of prison education, which is especially important for consistency of through-the-gate provision.
- c) Undertaking a comprehensive review of the recommendations from the Coates review. Many of those recommendations have not been implemented. There have been proposals to introduce a Prison Education Service⁸ which were cited in passing in the Justice White Paper, 'A Smarter Approach to Sentencing' and there is a risk that the extensive work carried out as part of the Coates review will be lost. A comprehensive review of the current operation of Prison Education Framework and the prison education curriculum would inform future strategy.
- d) Give a clear voice to the professional educators in prison education. If there is to be the development of a truly fit for purpose, innovative prison education curriculum that sees the education provision being designed and delivered around educational needs and aspirations as opposed to narrow-target based contractual restrictions, then the voices of those who teach and those who earn behind the walls, need to be heard.



4. Notes

¹2018/2019

²November 2020

³OFSTED's inspection found that about one third of the prison inspection did not do this effectively (The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2018/19, para. 316, p.110)

⁴OFSTED found that the number of prisoner learners in Level 2 courses during 2017/18 was the second lowest since 2012. The number of learners in Level 3 courses was also low with the figure rounded up to 200, meaning that it could be lower (The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2018/19, para. 317, p.110)

⁵Based on the UCU response to the Education Select Committee (January 2021)

⁶UCU response (January 2021) to the Education Select Committee prison education inquiry

⁷Following the decision to re-nationalise the Probation Service

⁸Prison Education Service: Conservatives unveil reform plans | Tes:
<https://www.tes.com/magazine/archive/conservatives-unveil-prison-education-service-plans>

