

# PRISON EDUCATION INQUIRY

## Supplementary evidence to the UCU evidence of January 2021, in response to hearing oral evidence to the Inquiry

At the prison education Inquiry hearing on 21 September 2021, some of the answers given by the prison education providers were, in our opinion, mistaken or incomplete answers which may have given a misleading impression. UCU take this opportunity to correct the facts.

### 1. EQUAL PAY

**Q268 Robert Halfon MP:** “We have had evidence about poor pay and working conditions that teachers in prisons receive. What are you doing to ensure that teachers get equivalent pay to those who work in schools and colleges? Why would they be paid less for very complex and difficult work?”

**Andrea Greer [Weston College Group]:** *“In Weston College, prison education teachers are not paid less. They are on the same terms and conditions as existing Weston College staff at the main site...”*

**Sally Alexander [Milton Keynes College Group]:** *“Similarly, our terms and conditions are the same for the main college campus and in prisons. Every time a contract changes staff TUPE over, and that will be on a range of terms and conditions and we don’t always automatically bring those all into line at the same time. It is a process that we work towards and we have a system in place where we can review people’s pay annually”.*

**Sophie Sterling [PeoplePlus]:** *“I echo the sentiments. Our teacher salaries and tutor salaries are competitive. Not to go over the same ground, another thing that we look at is our CPD offer and our teacher qualifications—the additional offer that we make on top of the contractual terms and conditions”.*

**Peter Cox [Novus/LTE Group]:** *“I echo colleagues. We have an attractive offer, including a teachers’ pension scheme, as across the mainstream, supported by a significant CPD programme. We are currently reviewing our terms and conditions to look at how we can improve attraction through a project review that is currently underway”.*

### EVIDENCE in response from prison educators - re. equal pay

#### **Milton Keynes College Group:**

- If prison education staff are TUPE’d (transferred) over from one employer to another, they stay on the original contract of employment and the original pay point they were on when they left.
- It has been very difficult to get the new provider to honour pay progression in incoming contracts of employment if they maintain that progression is not a contractual requirement. This, therefore, means that there is no incremental progression as a consequence of TUPE. There is no bringing “into line” of terms and conditions (as Sally Alexander for the Milton Keynes College said), but stagnation of pay. Prison educators report the following:

- The prison education provider taking over a contract will not discuss pay increases with employees during approx. three years of the four year contracts. They refuse to discuss pay in the first year or two of the contract as they say they are in the process of ‘bedding in’ to the contract; in the fourth and last year of the contract they are prevented by the tendering process to discuss pay as any increase in their costs towards the end of their contract will be outside the scope of the transfer of contract to another provider (TUPE transfer situation). Consequently, these are some examples of what prison educators report:
  - o Not having an incremental pay point rise for 14-years;
  - o A qualified teacher on a salary of circa. £25,000 after 14-years’ service;
  - o One who has not received an incremental pay point rise since 1993 (when further increments are available on the main college scale).

The effective reduction in remuneration paid to prison educators has reflected the historical lack of understanding of the effectiveness of rehabilitation, together with the role of prison education in rehabilitation. It has been an attack on a highly skilled profession, which has left some prison educators relying on state benefits to support their income and their families. Government policy (and scholarly evidence) in relation to the value of prison education, to the individuals and society at large, is not reflected in practice. Prison education has been treated as ‘goods’ rather than the service it is, with prison educators traded to the lowest bidders. Prison education has been a ‘race to the bottom’, resulting in a broken prison education system within a wider broken prison system. This is in contrast to school teachers, who have seen their contribution to society recognised in increased pay over the years.

Evidence from UCU Freedom of Information request in relation to equal pay shows:

<b>Lecturer - Starting Salary (March 2020) - £</b>	
Milton Keynes Prison	18,016
Milton Keynes College	22,835

### **PeoplePlus**

People Plus do not pay the Teachers Pension Scheme (TPS). The TPS is a core feature of a teacher’s Ts & Cs. This means that when a contract (and therefore staff) is transferred from a TPS paying company to PeoplePlus, staff will lose their TPS pension. Going forward, if private commissioning is to continue to be the Government’s preferred prison education model, we would like to see the tender specification making the provision of TPS pension a condition precedent of qualifying for government funds.

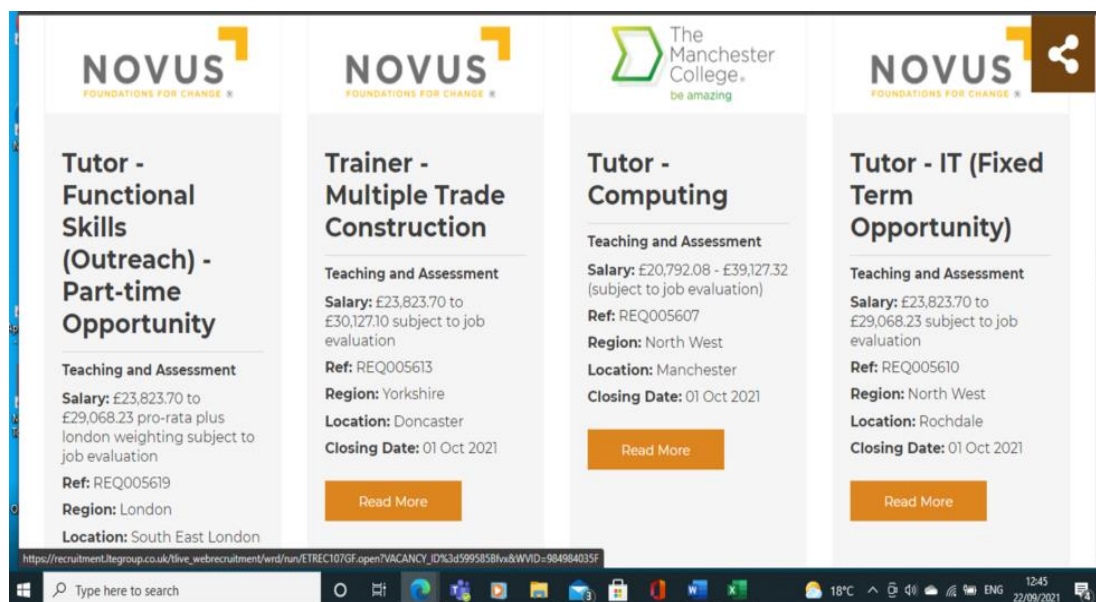
### **Novus**

Members report that the pay review that was said in evidence to the Inquiry to be “currently underway” has been underway for approx. five years and is not being progressed, presumably because it is not in the interest of the provider to progress and finalise the review.

Novus staff have report that the company has a two-tier pay scale structure within the trainer grade (Level 1 and Level 2); however, no information is provided or available as to how to move from the lower level to the higher level. That is to say, there is a lack of transparency in relation to pay progression.

### **Discrepancy in the higher earning potential between prison educators and core college staff**

Another issue relating to equal pay is the discrepancy in the higher earning potential between prison educators and core college staff. An example of this can be seen from the LTE Group website:



Experienced prison educators report of their pay being capped at the top of their scale for decades. They also report new staff being appointed at the top of the salary scale, because of the issues with recruiting new staff into the sector. Indeed, because of the issue of recruiting into the profession, prison educators report of new staff being appointed on a higher salary than long-standing staff e.g. at £29,000 compared to some more experienced staff being capped at circa. £26,000. Prison educators report of the roles being ‘poisoned chalices’ in that they are highly rewarding roles, requiring great qualities and skill to perform well, however, with the low pay and the limitations that the PEF contracts impose on the profession, prison educators are a profession in disillusion.

## 2. **ZERO-HOURS AND PRECARIOUS CONTRACTS**

**Q.271:** Kim Johnson MP asked whether the providers’ employees are on zero-hour or other precarious contracts.

**Andrea Greer, Weston College Group:** “We don’t have staff on zero-hour contracts”.

**Sally Alexander, Milton Keynes College Group:** “We have what we call an occasional worker contract, which is purely a contract to cover where we don’t have people in place when people leave, but our staff are on permanent contracts. They could be full-time or they could be part-time, but our contracts are permanent. We have occasional workers for when we have somebody going sick or somebody leaving”.

**Sophie Sterling, People Plus:** “The short answer is, no, we don’t use zero-hours contracts”.

**Peter Cox, Novus:** “Our staff are employed on permanent contracts. We have mainly substantive roles but in addition we have cover contracts for leave, and cover periods for maternity or unforeseen sickness”.

## **EVIDENCE from prison educators: re. zero-hour/precarious contracts and the manipulation of the definition of casual employment contracts**

**Novus:** Novus staff say that Novus has approx. 350-400 casual staff. Below are two examples of job advertisements advertised on the LTE Group website, which seem to cast doubt on some of the claims made in the evidence session.

<https://www.ltegroup.co.uk/careers/search/?searchSector=Teaching+and+Assessment>):



**COVER TUTOR  
(SESSIONAL)**

Teaching and Assessment  
**Salary:** £22.86 per hour  
**Ref:** REQ005910  
**Region:** North West  
**Location:** Warrington  
**Closing Date:** 05 Nov 2021

Read More

The Cover Tutor role is offered on a sessional basis, working ad hoc hours per week.



**ANNUALISED TUTOR  
(ENGLISH)**

Teaching and Assessment  
**Salary:** £22.86 per hour  
**Ref:** REQ005822  
**Region:** North West  
**Location:** Liverpool  
**Closing Date:** 25 Oct 2021

Read More

The two adverts above, one for an hourly paid Cover Tutor and the other for an Annualised Tutor, are examples of precarious contracts. The contract of a Cover Tutor on an hourly rate can be terminated at

any time, whereas an Annualised Tutor (also on an hourly rate), is employed 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 could run on to a second and subsequent years; however, the key feature of this precarious 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 inferior to permanent contracts.

### Milton Keynes Group:

Below is an example of a job advertisement on the MK Prison Services website for 'Prison Education – Teaching Opportunities' (<https://mkcollege.ac.uk/prison-services/vacancies/>):

The screenshot shows the 'PRISON SERVICES VACANCIES' page with three job listings:

- MATHS LECTURER – FIXED TERM CONTRACT**
  - LOCATION: Bicester
  - SALARY: Competitive
  - BENEFITS: Excellent Benefits
  - CLOSING DATE: October 27, 2021
- ENGLISH LECTURER**
  - LOCATION: Bicester
  - SALARY: Competitive
  - BENEFITS: Excellent Benefits
  - CLOSING DATE: October 27, 2021
- PRISON EDUCATION – TEACHING OPPORTUNITIES**
  - LOCATION: Bicester
  - SALARY: Competitive
  - BENEFITS: Variable Working Hours
  - CLOSING DATE: October 31, 2021

When we click on the adverts, this is what is seen:

## Prison Education - Teaching Opportunities

**Reference:** OCT20210929  
**Expiry date:** 23:59, 31 October 2021  
**Location:** Bicester  
**Salary:** Competitive  
**Benefits:** Variable Working Hours  
**Attachments:** [BullingdonOCT21.pdf](#)

### Career Opportunities – Register your interest

**Location:** HMP Bullingdon, Bicester, OX25 1PZ  
**Hours:** Variable Ad-hoc / Perm  
**Salary:** £24.00 per hour / Salaried  
**Reporting To:** Education Manager  
**Closing Date for Applications:** 31/10/2021

- Functional Skills English - Entry to Level 2
- Functional Skills Maths - Entry to Level 2
- Vocational Tutors
  - Barbering / Painting & Decorating / Mentoring / Horticulture / ICT / Business, Hospitality and Barista / Personal Social Development

MK Prison Services routinely and frequently advertise similar contracts. UCU researchers estimate that a recruitment similar to the above is advertised on the MK Prison Services recruitment website on a weekly basis. We observe that some of them may be permanent, whilst others not, which seem to cast doubt on the claims made in the evidence session.

What appears to be an issue is the manipulation of the definition of casual employment contracts by employers. Technically, the prison education providers may not be using zero hour contract per se but rather, other means of precarious employment e.g. operating their own bank of agency. Novus, for instance, operate 'Teacher Bank' as a way of recruiting and deploying casual teaching staff in prisons. Below is an extract from their website

(<https://www.novus.ac.uk/careers/working-novus/>):

## Teach with Novus

Learn more about our new initiatives for teachers.

### Teacher Bank

The Novus Teacher Bank initiative is committed to providing a ready supply of highly qualified cover for regular teaching staff within Novus establishments.

As a locally available qualified teacher, Teacher Bank will include you in our database of candidates who are available to work flexibly, and at short notice, in order to maintain the highest possible teaching standards for Novus learners.

Teaching roles within Novus establishments cover a varied range of subjects and skills, leaving you uniquely positioned to have a positive impact on the development of learners. Providing a path to crime free futures.

#### **Additional job security risk – prison education delivery at the discretion of the Governor**

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, meaning 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 be made redundant but made to teach subjects outside their area of expertise. Thus, the quality and expertise that can be available in prison education becomes lost.

### **3. CONTINUING PROFESSIONAL DEVELOPMENT (CPD)**

**Q. 271:** Kim Johnson MP asked the panel of prison education providers about the CPD they provide their prison education staff.

Only one provider answered this question:

**Peter Cox, Novus:** *“We have a comprehensive CPD programme with a dedicated teacher education development team for our colleagues working in prisons”.*

Novus and PeoplePlus had raised CPD under **Q 268:**

**Peter Cox, Novus:** *“We have an attractive offer... supported by a significant CPD programme.*

**Sophie Sterling, People Plus:** *“Our teacher salaries and tutor salaries are competitive. Not to go over the same ground, another thing that we look at is our CPD offer and our teacher qualifications—the additional offer that we make on top of the contractual terms and conditions”.*

### **EVIDENCE in response from prison educators - re. CPD**

Prison educators report that although there are several CPD courses available, actual continuous professional development is “non-existent”. These are some of the features of the CPD courses available, reported by prison educators:

- Much of the CPD available relate 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 are online and therefore offer no opportunity to network;
- Staff have to be onsite to take the CPD courses (which are online).

This situation results in prison educators being ‘trapped’ in the prison education system and challenged to move into other education sectors.

### **4. PRISON EDUCATION IN WALES**

Prison educators in Wales are directly employed by HMPPS. They are employed on a Band 6. In March 2020 the salary for this band was £31,924-£36,504. This is considerably higher than that paid by the prison education providers in England (for instance, the band by Novus in 2021 is £23,823-£29,068, as can be seen from a copy of their job advertisements above under ‘1. Equal Pay’).

## **UCU KEY RECOMMENDATIONS**

### **(Extracted from UCU's submissions to the Inquiry in January 2021)**

1. Nationalisation of a 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 train and retain qualified and experienced staff, especially in vocational areas.
2. 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 through the gate services
3. UCU would like to see a comprehensive review of the recommendations from the Coates review as we do not believe that many of those recommendations have been implemented or carried through. There have been proposals to introduce a Prison Education Service<sup>10</sup> 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. UCU would like to see a comprehensive review of the current operation of Prison Education Framework and the prison education curriculum which should inform future strategy.
4. The voice of professional educators in prison education has been all but drowned out by the demands of delivering a contract where the curriculum has become almost irrelevant. 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 learn behind the walls, need to be heard.

**14 October 2021**

**ENDS**