

Charter for prison education

About us

The University and College Union (UCU) is the largest trade union and professional association for academics, lecturers, trainers, researchers and academic-related staff working in further and higher education throughout the UK and represents over 40,000 staff working in FE colleges and in prison and community learning services. UCU has approximately 1300 members working in prison education.

UCU would like to welcome the secretary of state, for business and skills, Rt. Hon. Sajid Javid, and the secretary of state for justice, Rt. Hon. Michael Gove MP to their new roles.

Our vision

Prison education has a life-changing impact and delivers personal, social and economic benefits both to the individuals who receive it and wider society. We would like to see the secretaries of state harnessing these benefits by supporting a range of improvements that will yield better outcomes for all.

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.

Summary of recommendations

Government should:

- extend OLASS 4 by a further year to July 2017
- halt the competitive retendering of prison education and establish long-term stability in the delivery of prison education – in the interim, the OLASS contract term should be extended to a five year term
- increase funding for prison education to deliver a broad and balanced curriculum that supports learning and rehabilitation
- give representation for the profession of prison educators on the Ministry of Justice programme of reform
- give representation for the profession of prison educators on the steering group for the review of OLASS 4
- ensure that learning and skills contracts include a requirement for terms and conditions which support parity between lecturers working in further education colleges and those working in prisons
- reverse the requirement for students in prison to take up 24+ Advanced Learning Loans

- incentivise learning in prison by ensuring that students receive the same wages as those who undertake unskilled work
- extend the NIACE-piloted personal and social development and induction course pilots across the women's estate and pilot this work in the male and youth estate also
- include prison education as a key performance indicator (KPI) for prison governors
- require an education manager to be a co-opted member of the senior management team
- confirm that plans for secure colleges have been shelved.

The relevant government agencies should:

- include a prison educator on the steering group responsible for the evaluation of OLASS 4
- collaborate to review prison education and research the return on investment yielded by prison education
- incentivise embedded learning in a wider range of subjects through the funding formula
- publish a timescale for establishing baseline parity of salary and terms and conditions for prison educators in line with FE lecturers
- Publish prison-only Learning Aims Reference Application (LARA) data annually
- commission a health and safety audit of prison educators' working conditions.
- coordinate a nationwide campaign to improve the status of prison educators and to encourage recruitment into the profession
- assess the employment practices of providers when contracting prison education
- support greater flexibility for education departments to decide timetabling arrangements and locally.

Supporting improvement in prison education

Background

At present, 45.2% of adults released from custody are reconvicted within a year of being released. The cost of reoffending has been estimated to be between £9.5 and £13 billion per year.

Prisoners who reported having a qualification were 15% less likely to be reconvicted in the year after their release from custody (45% compared to 60%) than those who reported having no qualifications.

In 2014-15 a budget of £145,686,000 was made available for the OLASS budget.

Over half of prisons inspected in 2013/14 were judged as 'requires improvement' or 'inadequate for learning and skills provision'.

In 2013/14 32,000 learners achieved a level 2 learning outcome – an increase of 11.2% from the previous year. In 2013/14 just 600 learners achieved a level 3 learning outcome – a reduction of 55.5% on the previous year.

A Joint Inspectorate report in 2013 found that new arrangements for providing education within prison, under the Offender Learning and Skills Service (OLASS)

contract had significantly reduced the available learning options for life-sentenced prisoners.

OLASS 4

OLASS 4 is the fourth iteration of Offender Learning and Skills Service (OLASS) in its relatively short ten-year history. The current OLASS contracts will come to an end in July 2016 following the decision to extend the current contracts by a year. UCU recommends that government should extend them by a further year to July 2017 in order to facilitate a full and proper review of OLASS 4 and the wider OLASS regime.

Postponing the retendering competition will reduce the costs and disruption inherent in the procurement process and afford ministers the opportunity to take a considered approach that delivers real improvements for prisoners, society and the economy.

Evaluation and review

We welcome the news that the Skills Funding Agency will be conducting data matching of learner records to enable the learning to feed in to an evaluation of OLASS 4. We would like the Department for Business, Innovation and Skills to release a clear statement on the form, remit and timetable for the review.

UCU would like the review to include clear representation from prison educators. This could be achieved by including a prison educator on the evaluation steering group. The review should also include:

- a summary of the existing evidence on the effectiveness of prison education before and after implementation of OLASS with an assessment of the range and level of available qualifications; outcomes for students; and impact on and implications for the workforce
- an analysis of the relationship between the level of investment in educational provision and outcomes for students in prison
- an assessment of stakeholder voice, including and specifically, prison educators and students.

Furthermore, we would like to see the Department for Business, Innovation and Skills (BIS), Ministry of Justice (MoJ) and Skills Funding Agency (SFA) collaborate to gather existing evidence and support new research exploring the benefits of offender learning and to establish a stronger evidence base for what works.

Funding

Level of investment

UCU would like to see an overall review of investment in prison education. In the USA, there is very clear research evidence to show that prison education yields a 20:1 return on investment for every dollar invested in adult basic, general education and post-secondary education, with a 100% probability of a positive net present value.¹ We are unable to clearly articulate the value of educational interventions in the UK justice system in the same way.

We would like to see an urgent reassessment of the funding cap for students in prison. Our members are concerned that the funding cap is very quickly and easily reached by

students who are keen to learn and engage. This is most likely to happen when a student is undertaking vocational qualifications and/or they have a longer sentences.

The funding invested in prison education bears little relationship to its benefits. We would like to see increased investment in prison education to a level that supports a stable, effectively resourced broad and balanced curriculum. In particular, our members continually raise concerns about the complexity of funding for therapeutic education including art and design courses. These courses are successful at both supporting rehabilitation and encouraging students to participate in further learning, yet, the value of these courses fails to be recognised sufficiently through the funding methodology. Our members would like to see embedded learning incentivised through the funding formula in a wider range of subjects including creative arts and vocational learning.

Competitive retendering

The current model for competitive retendering is an expensive and inefficient methodology. The frequent change and inherent instability in such processes mean that the longer term issues of workforce planning and refreshing infrastructure to improve student outcomes never get addressed, because there is a lack of long-term accountability. 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.

There is an obvious tension here between stable and high quality provision for this extremely vulnerable cohort, reducing costs and private provider-led provision. The recent example of a private contractor ending its contract to deliver education and training in the London region on the basis that it was unable to make a profit is testament to this. If the competitive tendering process does continue in the short-term, we would like to see a longer contract period than at present. We would suggest a five year term with appropriate risk management and accountability clauses.

Funding methodology

The funding methodology lacks the flexibility for providers to be able to fund courses under personal and social development (PSD) and informal adult learning (IAL) to the full extent of need. There is also a lack of clarity about whether PSD must be accredited or not. Different understandings of the OLASS tender documentation, which states that informal learning should be accredited 'where possible', has limited provision in some institutions. Providers should be able to flexibly access funding for both accredited and non-accredited learning in a way that addresses the needs of the population at each institution.

UCU would like to see a greater stability of funding than is currently the case. At the moment the Skills Funding Agency specifies which units are eligible for funding by including them on the Learning Aims Reference Application (LARA) data. This list is edited on a monthly basis and as such this is the frequency with which funding can be made available and then unavailable. This makes longer-term planning very difficult. UCU recommends that a separate prison-only LARA data should be published in March/April for the full academic year ahead.

Advanced learning loans

As already highlighted, last year there was a 55.5% reduction on level 3 learning compared to the previous year. This is a direct result of the Advanced Learning Loan policy being applied to students in prison. We are concerned that this policy actively discourages the disadvantaged from taking up education which is known to support improved outcomes, including a reduction in reoffending. In addition, our members have highlighted that the administration required to apply for these loans is not covered under the OLASS contract potentially providing a disincentive for offering this provision.

Offenders are more likely to be highly risk averse to debt than the general population. The seminal report *Reducing Re-offending by Ex-prisoners* produced by the Social Exclusion Unit showed that whilst 10 per cent of the general population has difficult or multiple debts, 48 per cent of prisoners have a history of debt. The report also highlighted that immediately before entry into prison 72 per cent of prisoners were in receipt of benefits compared to 13.7 per cent of the working age population. Furthermore, once in prison up to a third of prisoners lose their housing during custody. Taking on further debt is not an option for this group of students. Prisoners are some of the most disadvantaged members of society and education policy must recognise this and properly support prisoners to improve their outcomes.

Additionally, students who undertake study whilst in prison receive lower wages than prisoners who undertake unskilled work. This feature of the prison system already provides a disincentive for learning. This, coupled with students being required to take out a loan in order to study means that government policy can deter students in prison from taking up education and training – the very vehicle that supports improved outcomes for students.

UCU would like to see the requirement for students in prison to take up an Advanced Learning Loan removed and see students who undertake learning paid a wage that does not inadvertently disincentivise learning.

IT infrastructure

There are a number of educational benefits that could be harnessed in prison education with greater investment in the information technology (IT) infrastructure. We would like to see greater investment in National Offender Management Service (NOMS) to facilitate this.

At present, the Virtual Campus is only available to students when they are in the education department. Facilitating students' access to this outside of these times 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.

A broad and balanced curriculum

UCU would like to see any new funding arrangements include an incentive for a broad a balanced curriculum. This would see the creative arts, life skills, and money

management given equal status to English and maths or employability skills.

A joint inspectorate report in 2013 found that new arrangements for providing education within prison, under the Offender Learning and Skills Service (OLASS) contract, had significantly reduced the available options for life-sentenced prisoners.

We have already stated that funding for personal and social development (PSD) should be increased so that prison educators can deliver a broader curriculum than is currently possible to engage students and support the rehabilitation process. As an example, NIACE has piloted personal and social development and induction courses for the women's estate. UCU recommends that the learning from the pilot be fully implemented in the women's estate and piloted in the male and youth estate also. We would also like to see a 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 and are not standardised across OLASS providers.

It is important that prison education remains more than a mechanistic model that is based on job skills. We have already stated our concern about the funding arrangement for level 3 courses. These concerns are relevant here also. Our members are concerned that the current levels of funding impede their ability to successfully support students for their release. The proliferation of level 2 and below courses means that upon release these qualifications limit the range of employment options available to them. Effectively those released from prison are competing for the same jobs with those much younger than them who have the same levels of qualifications, meaning they will usually lose out. This is problematic when we know that safe accommodation and employment are key factors in supporting successful rehabilitation.

Our members report that the impact of longer education sessions of 3.5 hours can often have a negative impact of learning. Many students struggle with the long sessions, and this can lead to an increase in dropout rates. UCU would like to see greater flexibility at a local level on timetabling.

Professionalism

UCU is clear that investing in the professionalism of prison educators has a direct impact on the quality of provision. UCU has welcomed the increased and specific investment the Education and Training Foundation has invested to support prison educators, however there is still more work to be done.

The UCU and Institute of Education (IoE) report *Prison educators: professionalism against the odds* (2014)ⁱⁱ presents the results of a survey of UCU prison educators. Respondents were heavily critical of two main aspects of prison education policy: the practice of competitive tendering for prison education that takes place every three to five years; and that funding had been dependent on educational outcomes achieved.

Sixty two per cent of the open responses to prison education policy criticised the negative effect these two factors are having on the prisoners as students and on the overall quality of education offered. In their view, profit was the overriding concern of

the prison contract providers. Almost 20% referred to the negative impact of re-tendering on staffing and the perceived negative impact on the quality of teaching and learning.

Key findings include:

- 97% of prison educators have a degree-level qualification or above and/or a teaching qualification
- the survey found a £15,000 difference between the modal salaries reported for prison educators and those teaching in further education colleges
- 75% of respondents had previously worked in other educational settings and were attracted to working in prison to make full use of their experience
- 85% strongly disagreed or disagreed that the available ICT resources enabled them to carry out their job effectively
- only half of respondents were on full-time contracts with the other half employed part-time with a contract or hourly paid
- half of respondents reported that they were, 'likely to look for a new job in the next 12 months'.

UCU believes that learning and skills contracts in prisons should include a requirement for terms and conditions which support parity of esteem between lecturers working in general further education colleges, and those working in prisons. Such a move will also support recruitment to the profession.

Our members report that the instability of funding has led to a proliferation of casualised and zero-hours contracts in prison education. These contracts are not compatible with developing a professional workforce delivering quality services. These contracts have a number of negative consequences which we have set out clearly in existing literature, these include: no guaranteed staff for whole areas of the institution's service provision; the use of such contracts will affect the employers ability to attract and retain high quality staff; a potential reduction in continuity and quality of services provided; and the exclusion of such staff from robust recruitment/induction/training, including for prisoner and staff security/CPD/appraisals has the potential to affect the quality of service provision.

Key recommendations from the report include:

- the Offender Learning and Skills Service (OLASS) should publish a timescale for establishing baseline parity of salary and terms and conditions for prison educators in line with FE lecturers
- National Offender Management Service (NOMS) should commission a health and safety audit of prison educators' working conditions
- the Department for Business, Innovation and Skills (BIS) should coordinate a nationwide campaign to improve the status of prison educators and to encourage recruitment into the profession.

Accountability

UCU notes the announcement of a programme of reform at the Ministry of Justice and would requests a place on the review panel so that the voice of the profession of prison educators informs the development and delivery of reform.

UCU would like to see education forming part of a prison governor's key performance

indicators (KPIs) in order to support a collaborative working environment between the governor and the education provider.

UCU believes that in order to support the commissioning of prison education and the development of a coherent education offer for students in prison, the head of education/education manager should be a co-opted member of the senior management team in the same way as heads of healthcare, for example.

Secure Colleges

In our response to the consultation on Secure College Rules in November 2014, we made it clear that the proposals for secure colleges made before the 2015 General Election were dangerous and poorly developed. We would like to see government make a clear statement to confirm that these plans have been permanently shelved.

ⁱ Washington State Institute for Public Policy, (2014), *Correctional education (basic or post-secondary) in prison*, Available at: <http://www.wsipp.wa.gov/BenefitCost/Program/9>

ⁱⁱ Rogers, L., Simonot, M., & Nartey, A. (2014) *Prison Educators: Professionalism Against the Odds*. London: UCU and IoE. Available at: http://www.ucu.org.uk/media/pdf/o/d/prisoneducators-fullreport_feb14.pdf