

## Written evidence submitted by John Samuels QC (President at Prisoners' Education Trust)

I warmly welcome this inquiry by the Education Select Committee which focuses on prison education. The topics on which I intend to offer some comments are:

- What is the purpose of education in prisons?
- How can successful participation in education be incentivised in prisons?

I claim no special expertise. However as a former Trustee and Chair, and now President of Prisoners' Education Trust, I have over 20 years of active experience of the provision of prison education; as a retired Crown Court judge and judicial member of the Parole Board I have had direct contact with prisoners, including what they have acquired through education and the prison environment, for over 30 years; and as an *ad hoc* leader of a discussion group for life-sentenced prisoners, prior to lockdown, I have had more recent direct experience of educational achievement, as well as the barriers to that achievement, in the contemporary present environment.

### **1. What is the purpose of education in prisons?**

It would not be a merely glib response to this question to ask "*What is the purpose of education?*" A common response is likely to be, particularly when applied to the young and to those of early university age, "*to enable individuals to acquire the tools to develop the intellectual and academic skills which they require to maximise their potential as sentient human beings*".

The philosophical variety of the responses to this question will be familiar to all members of the committee. However if we are serious in our attempts to ensure that those who leave our prisons are as well equipped to return to society as those who leave our schools and universities are to find a valuable role within that society, we must focus on the obstacles which hold a prisoner learner back. Here are some random thoughts:

Learning passports. Those who transfer from one custodial establishment to another, or who return to custody from a previous sentence, should never be obliged to repeat the educational tests and courses which they have successfully mastered. Their educational achievement should accompany the individual prisoner and should remain as accessible as their prison number and/or PNC record.

Digital technology. When prisons introduce such technology within a prison, enabling prisoners to utilise tablets for ordering from canteen, for making applications and/or for accessing their families during the pandemic, this inevitably enhances general literacy; reduces staff time devoted to hardcopy correspondence; and promotes family links.

No student in the outside world undertakes any course of study without doing so online; and it is educationally illiterate to deprive prisoner learners of facilities which are routinely adopted by every student from secondary school age onwards. Similarly illiterate would be the deprivation of writing instruments and materials.

Access to digital technology within custody is only part of the purview of prison education. The conscientious application of a determination to address rehabilitation requires planning for release,

to include comprehensive access to all aspects of digital technology, to occur well before release itself. The absence of familiarity to computer and mobile phone usage, which most adults now navigate routinely, poses a major problem for long-term prisoners on their release, and needs as much preplanning as their accommodation and employment needs.

## **2. How can successful participation in education be incentivised in prisons?**

There is a widespread belief within the Ministry of Justice that educational achievement, even at the highest and most academically distinguished level, is of little more importance than achieving a games-playing skill, or acquiring expertise in a craft or hobby. For example: when two members of my class of postgraduate learners obtained further postgraduate degrees, it proved impossible to undertake a joint graduation ceremony for them *“for security reasons”*. The prison establishment, as well as HMPPS generally, should have been trumpeting the success of these prisoners.

Another recent vignette: in rejecting an application by a life sentenced prisoner (from the same class) to advance by a relatively short period the pre-sift parole review which might enable him, from an open prison, to accept participation on a PhD course at Cambridge University which he had provisionally been offered, this was dismissively rejected with the following comment:

*“However, other than a wish to pursue academic interests, the SSJ does not find that there are clear benefits to Mr..... being transferred to open conditions.”*

I have written elsewhere about the advantages of judicial monitoring, and the retention by a sentencer, or a representative of the sentencing court, of judicial oversight of the progress being made by those who have been sentenced generally. Positive achievements during the sentence, including the acquisition of educational attainments, could be marked by progression to conditions of lower security or, in appropriate circumstances, to earlier release. It is recognised that these modifications of sentence length will require legislative reinforcement. In the interim there is every reason why successful educational achievement should be marked with the same kind of positive entry as is appropriate, under the existing IEP scheme, to general good behaviour.

Even if judicial monitoring remains aspirational, there is no reason why sentence planning should not commence from an early stage in every custodial sentence; and such sentence planning should include, as an intrinsic element, such educational pre-planning as is appropriate for the individual prisoner, and which will identify for them the most appropriate release pathway. While future accommodation and training for prospective employment will remain critical elements of a realistic release and risk management plan, appropriate educational provision should march hand in hand with these elements of release planning. If the prisoner understands that their release planning is being holistically addressed, and that educational attainment is a key component of it, the prisoner will be incentivised, to a greater extent than hitherto, to apply themselves appropriately to that educational programme.

December 2020