

Written evidence submitted by Mr Ben Leapman

1.1. I am submitting my views on prison education in England and Wales in response to the call for evidence made by the Education Committee in November 2020 for its inquiry “Education: Are prisoners being left behind?”.

1.2. I am responding as an ex-prisoner who spent five years in custody in England from 2014 to 2019. After some background remarks, I will address six of the questions in the Committee's call for evidence – and suggest a further question which I believe the Committee should have asked.

1.3. I have “lived experience” of the system as a learner, having taken part in eight education courses of various lengths and at various levels. I have also experienced the frustration of being unable to study at an appropriate level: I would have liked to use my time behind bars to take an Open University degree course, but I could not afford the fees, no grants were available and I was ineligible for a student loan.

1.4. While in custody I also helped to deliver prison education, as a mentor for the Shannon Trust (unpaid) helping to teach illiterate prisoners to read and write, and as a Learning Support Assistant (paid around £14 per week) helping prisoners working in Prison Industries workshops to achieve vocational qualifications.

1.5. I am now employed as a journalist on Inside Time, the UK's national newspaper for prisoners and detainees. I write news reports and features on issues including developments in prison education. My submission is in a personal capacity.

This inquiry

2.1. I believe it is important that serving prisoners should have the opportunity to submit their views to this inquiry, since they are the ones with the most relevant first-hand experience of the service. When the call for evidence was announced, the committee set its closing date for submissions as January 8, 2021. I was concerned that this timescale would not give prisoners time to learn about the inquiry and submit their views, given the slowness of communication in prisons particularly during the Covid-19 restrictions.

2.2. I contacted the committee about this point and I would like to record my thanks to committee clerk Nelson Idama for the assurance he gave me that the committee was keen to receive written evidence from prisoners and would accept evidence from them up to mid-February.

2.3. Inside Time newspaper, which distributes 60,000 copies monthly and reaches every UK prison, carries an article in its January 2021 edition (under the byline of the Prisoners' Education Trust [PET]) informing readers of the inquiry and encouraging them to submit their views directly to the Committee by mid-February, based on Mr Idama's assurance. I hope that prisoners take the opportunity to respond, and that the committee takes due note of their submissions.

My background

3.1. I was educated at a comprehensive school in London where I achieved 10 O-levels and three A-levels. I have a degree in Natural Sciences from Cambridge University (BA and MA) and a post-graduate diploma in Newspaper Journalism from Cardiff University.

3.2. Prior to my time in prison, I worked for 20 years as a journalist on national and regional newspapers.

Question: What is the purpose of education in prisons?

4.1. If it is done well, I think education in prisons can serve many purposes. Its value will differ depending on the nature of the prisoner (not the prison). In order of importance, I believe its purposes are:

- a. To sustain the mental health of prisoners while they are in custody, by giving them a worthwhile activity and a sense of purpose in achieving something positive. This is "education for education's sake", and could just as well be in Classics or English Literature as anything vocational.

- b. To increase the options for prison leavers in finding work or pursuing further studies upon release, thus reducing the reoffending rate – because ex-prisoners who are employed or studying are less likely to commit crimes.
- c. To boost the overall economy by targeting a sub-section of the population with a low level of skills and employability, and getting them job-ready.

Question: Does education in prisons deliver the skills needed by employers, and what more can be done to better align these?

5.1. I believe that by and large, prison-gained skills and qualifications are below the standards required by most employers. Ways in which they could be better aligned are:

- a. Requiring prisons to deliver the qualifications that employers say they need. For example, if a CSCS card is the key to employment in the construction industry, then prisons and their education providers should be required and funded to deliver training which leads to it – rather than alternatives which will not be valued in the same way by employers. Whilst in prison I obtained a City and Guilds Level 1 Extended Award in Employability Skills. Whilst I and my fellow learners appreciated the classroom sessions because they gave us a few hours away from our jobs doing manual labour in the prison laundry, and it was the only course available to us, I doubt whether the qualification has helped any of us to find jobs post-release.
- b. Requiring prisons to offer courses at Level 3 and above, and funding them to do so. At present, most prison education is at Level 1, with some at Level 2. Governors or providers have discretion as to whether to offer higher-level courses, and few seem to see it as a priority.
- c. Rebalancing security and rehabilitation in prisons. At present, risk-averse governors will ban activities with even the slimmest potential to cause a problem, because the damage caused by a security breach is perceived as far more immediate than the damage caused by releasing prisoners uneducated and unemployable. The most obvious example is the ban on prisoners using the internet and extreme restrictions on any access to computers, which means many are released without the basic IT skills necessary for most jobs nowadays. Another

example was recounted to me by a Prison Industries instructor. He told me that his prison had had a successful print workshop, which taught prisoners the skills to work in commercial printing (and earned money for the Prison Service by doing contract work). It was shut down overnight, and all the equipment removed, on orders from the Prison Service centrally after a security breach involving a single prisoner working in a print shop at a different prison.

d. Investment in technology: Every prisoner should have an in-cell laptop or tablet computer, with security-restricted access to the internet, so they can participate more effectively in education, learn IT skills, research career options, and contact organisations related to their education or employment needs.

Question: How can successful participation in education be incentivised in prisons?

6.1. Some prisoners are keen to participate more in education, out of enjoyment of studying or a desire to better themselves, but are held back by a lack of courses suitable for them, lack of places on courses that do exist, or simply lack of information about what courses are available. At my first prison I was never given the “induction” that I was meant to have and I never learned what courses were on offer until a glossy “Learning and Skills Prospectus” appeared in the Library at least a year after my arrival, shortly before a scheduled inspection.

6.2. Other prisoners, often those at lower attainment levels, are reluctant to take part in education. At present, the main incentives to participate in prison education for those not otherwise motivated are:

- a. The chance to have time out of one's cell, given that prisoners not in work or education will typically be locked up during the day;
- b. Rules stipulating that in order to land one of the more sought-after jobs, prisoners must achieve a certain minimum level of qualification, typically in Maths and English;
- c. Pay. Prisoners are typically paid to attend education courses at a rate similar to what they would be paid to work in a prison workshop or other employed role – often £10 to £15 per week. Whilst prison pay rates are set locally and there is a dearth of

information on them, I do not believe they have kept pace with inflation, and there will be some prisoners who currently choose to remain unemployed who would choose work or education if it was better paid.

6.3. I believe the most effective ways to incentivise prisoners to participate in education would be:

- a. Ensure that courses lead to qualifications which will genuinely help to gain employment upon release.
- b. Improve the quality of the lessons, with teachers who can inspire learners, keep discipline and use up-to-date technological aids.
- c. Increase the wages for both education and other prison jobs (workshops, kitchens, wing cleaner, etc.), with bonuses paid on the successful completion of a courses.
- d. Consider turning one of the men's category-C "training prisons" into an "education prison" or "secure campus", run in partnership with a local university. Prisoners with a year or more left to serve, who had the aptitude and enthusiasm for degree-level learning, could apply to transfer there. The secure campus would offer taught lectures and seminars from visiting academics in addition to technology-based distance learning, with the opportunity to begin a degree course during the term of imprisonment then continue it at the "bricks and mortar" campus after release. I believe that some prisoners would welcome the chance to apply to such an establishment and it would incentivise them to obtain the lower qualifications (GCSE/A-level equivalent) needed to apply.

Question: Are current resources for prison learning meeting need?

7.1. I do not believe current resources meet need. Areas where I think greater funding is needed are:

- a. More teachers. Providers are short staffed so that if a teacher is off sick, the lesson is often cancelled as there is no cover available.

b. In-cell technology, as explained above in par 5.1d.

c. Funding for Further Education distance learning courses added to each prison's budget and ring-fenced. At present, direct state funding is not available to allow prisoners to study a specialist subject which is not offered at their prison, or is offered at too low a level – even if they clearly have a rehabilitation plan in mind which involves them going into a line of work for which a vocational course is an essential requirement. Under the present system, prisoners are encouraged to apply via their prison's Education Department to the PET for funding. Whilst this is an excellent charity, I believe that funding such courses should be a core function of the prison system, and not left to an independent charity. Administratively, this system builds in months of delays between a prisoner choosing a course, applying for funding, having funding approved, and the course starting. This delay increases the drop-out rate. I believe the process would be speeded up if the prison administered and paid for the course directly.

d. Student loans from the taxpayer-subsidised Student Loans Company to be made available to all prisoners who want to do a university degree through distance learning while behind bars and have the qualifications to be accepted on a course. At present, loans are not available to prisoners who have more than six years left to serve, or who already have a degree. These exclusions block some prisoners who have the aptitude and enthusiasm to do a degree (and the rules on eligibility are worded unclearly in the case of life-sentenced or indeterminately-sentenced prisoners, leaving it to the discretion of governors, which is unfair). I do not know how much money these exclusions saves the taxpayer, but it can't be a huge sum. As stated in par 2.2, I was ineligible for a student loan as I already had a degree. I therefore studied a series of lower-level courses which I found less fulfilling than a degree course would have been, but which incurred quite a cost to the taxpayer and the PET. No doubt other excluded prisoners do the same. This seems a false economy. If the main benefit to taxpayers and society of prisoners studying for degrees is seen as the impact on their mental health and reoffending rate, then these exclusions – which were designed to restrict access to loans among the general population, not with prisoners in mind – make little sense.

7.2. I understand the argument that people should not be rewarded for crime by being given perks in prison that law-abiding people do not get in the community. However, I do not think anyone would choose to be sent to prison in order to have their FE or HE courses funded; I do not think that providing student loans to more prisoners would create a perverse incentive to commit crime. I think such arguments are outweighed by the broad public interest in ensuring that prisoners with the aptitude for, and interest in, doing Level 3 courses or Open University degrees should do so, in view of the impact this is likely to have on their mental health and their likelihood of reoffending.

Question: How does the variability in the prison estate and infrastructure impact on learning?

Question: How effective and flexible is prison education and training in dealing with different lengths of sentences and the movement of prisoners across the estate?

8.1. I am taking these two questions together as they are related.

8.2. Prisoners move regularly between jails. Often they will move in the middle of an education course, which means they probably cannot complete the course. While the prison system puts prisoners 'on hold' for medical reasons, or if they need to attend court, or for offending behaviour courses, it does not do this for education courses because they are treated as less important.

8.3. Because different prisons – even those in the same security category, supposedly serving similar populations – have different education providers, different infrastructure and facilities, and offer different courses, someone who moves jails part-way through a course is unlikely to be able to complete it at their new prison. Instead they will be faced with a new range of choices of courses which may not fit in with what they have already studied elsewhere.

8.4. Governors and providers have powers to vary the courses on offer at their jails. I believe this causes problems. A more uniform system, with less local variance, would make it easier for prisoners to continue their education seamlessly when they are transferred between establishments, as they inevitably will be.

Question (which the committee did not ask): Does the contracting-out of prison education to private providers help, or hinder, the rehabilitation of prisoners?

9.1. I believe elected MPs investigating the successes or failures of prison education should ask the fundamental question of whether it should continue to be a privatised service.

9.2. Whilst I appreciate that successive governments have had an ideological commitment to privatisation, this is not irreversible. When the Ministry of Justice recognised that privatisation was failing in the Probation Service, ministers had the courage to renationalise the service, so change can happen.

9.3. I do not raise this issue out of ideological opposition to privatisation. People who have served time in privately-run prisons tell me that they are in some ways better than state-run prisons. Rather, I think a fresh look is needed at whether the current system of privately-contracted education is working in English and Welsh prisons.

9.4. Between 2006 and 2019, education in prisons was contracted out to providers under the Offenders' Learning and Skills Service, OLASS. In April 2019 the contracts were replaced by a new system, the Prison Education Framework, but the four main providers remain the same – Novus, PeoplePlus, Weston College and Milton Keynes College.

9.5. It was said that the latest system would allow governors to choose the provider best suited to their prison's needs. In fact, the contracts were awarded not prison-by-prison but in local groups, so some governors ended up with providers they did not choose.

9.6. Putting this to one side, and taking at face value the claim that governors have been given more control, is it working? The Ofsted annual report 2019/2020 states: "In the first year of governors' autonomy in commissioning this provision, only a third of the prisons inspected were found to deliver an appropriate curriculum to meet the needs of their prisoners."

8.5. Being a prison governor is a busy job with many areas of responsibility, from preventing escapes to preventing suicides to ensuring adequate nutrition and sanitary facilities. Education is always likely to fall below these life-or-death matters in terms of a

governor's priorities. I believe it is unrealistic to assume that the governor is the best-placed person to judge the educational needs of the prisoners in their care. When governors or providers decide to vary the courses on offer locally from a standard curriculum which could apply to all jails, I do not believe these decisions are necessarily evidence-based.

9.6. I can offer two examples of how I saw the contracting system negatively affect prisoner learners:

a. When I worked as a Learning Support Assistant, I helped workers in my prison's Market Garden to study for a Level 1 qualification in "Skills for Working in Horticulture Industries". The prison wanted to offer a Level 2 Horticulture course, led by the Prison Industries instructor in the Market Garden who was qualified to lead it, but it could not do so because under the terms of the contract, only the prison's contracted education provider could offer such a course. In fact, it did not do so, with the result that no prisoner was able to study Level 2 Horticulture.

b. At the same prison, the education provider ran a range of GCSE courses annually in subjects including sociology and Spanish, which were popular with learners. However, in 2018/19, when the contracting system was changing and it risked losing its contract, it did not offer the courses because their dates would have straddled the time when its contract might have ceased (although as it turned out, it won the new contract). Thus prisoners missed out on learning.

9.7. According to the Ofsted annual report for 2018/19, the number of prisoners taking education courses declined by 23% from 101,600 in 2014/15 to 78,000 in 2017/18. The decline in higher-level learning over the same period was even steeper, with the number taking Level 2 courses falling by 29% from 44,600 to 31,700, and the number taking Level 3 courses falling by 92% from 2,400 in 2012/13 to only 200 in 2017/18. In the same report, Ofsted said that of the 45 prisons whose education function it inspected in 2018/19, 60% were in its two bottom categories - "requires improvement" or "inadequate". It said that since the National Careers Service lost its contract in 2018, many prisons were failing to assess residents and produce individual learning plans and, as a consequence, prisoners were being allocated to education or skills activities which did not best meet their needs.

9.8: The Ofsted annual report for 2019/20 stated: “The key issues affecting education in prisons are poor management of quality in education, skills and work and slow progress with improving the provision since the previous inspection. Only a third of prisons inspected since September 2019 deliver an appropriate curriculum to meet the needs of their prisoners. In many cases, the number of activity spaces available in education, skills and work is insufficient for the number of prisoners, or spaces are poorly allocated and used.”

9.9. This decline in the quantity and quality of prison education is not necessarily the fault of the contracted providers. The Prisoners Education Trust has pointed out that whilst the reasons for the decline since 2014 are unclear, it coincides with austerity cuts to the number of prison officers, which resulted in prisoners spending more time in their cells because not enough staff were available to supervise their movement to education or other activities. However, I believe that the figures do show that under the present system, education is not as high a priority for the Prison Service and prison governors as it ought to be.

9.10. The healthcare function in prisons used to be controlled by the Prison Service/prison governors, but some years ago it was taken out of their hands and placed in the hands of the NHS. This is widely seen as having been a successful switch. I believe a national Prisoner Education Service, run by the Department for Education, offering a standard curriculum with only minor variations from prison to prison, might do a better job of running prison education than the current arrangements.

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