

## Written evidence submitted by Prisoners' Education Trust

### **Prisoners' Education Trust submission to the Education Select Committee – are prisoners being left behind?**

**January 2021**

Prisoners' Education Trust (PET) is delighted to be responding to this inquiry, which is extremely welcome. PET works with prisons across England and Wales, funding distance-learning courses at levels and in subjects which learners would otherwise be unable to access in prison. Since 1989, we have given over 43,000 awards to people in prison – equipping them with skills and qualifications to build brighter futures. We also carry out policy work, evaluating and monitoring the quality of education in prisons. We are the leading charity advocating for prisoner learners in England and Wales, and support networks of prison/university partnerships, researchers and alumni. We also convene the <sup>1</sup>Prisoner Learning Alliance.

This submission covers the following areas:

- The purpose of prison education
- Background- overcrowding and infrastructure, regime and types of prison
- Engagement and incentivising education
- Curriculum and education providers
- Covid-19 and lockdown in prisons
- Digital technology
- Additional learning needs
- Higher level learning in prisons and distance learning
- Skills training and apprenticeships
- Data and evidence
- Conclusion

### **The purpose of prison education**

The Ministry of Justice state that the purpose of education in prisons is to give individuals the skills they need to unlock their potential, gain employment and become assets to their communities. It should also build social capital and improve the wellbeing of prisoners during their sentences and once released. Our own vision echoes the idea of unlocking potential - every prisoner can be a learner and every prison a place to learn. Education is the engine of rehabilitation, and can provide people with skills, qualifications and attributes that will help them on release.<sup>2</sup>

### **Background – delivering education in prisons**

Overcrowding and infrastructure

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<sup>1</sup> <https://prisonerlearningalliance.org.uk/>

<sup>2</sup> <sup>2</sup> See also [Theory-of-Change-Report.pdf \(prisonerseducation.org.uk\)](https://prisonerseducation.org.uk/Theory-of-Change-Report.pdf)

The impact of population overcrowding on the ability to deliver education effectively cannot be underestimated. This, coupled with scant resources and in particular, a reduction in the number of prison officers, makes accessing education in some prisons extremely difficult. The number of frontline operational prison staff (officers at bands 3–5) was cut by 26% between 2010–2017<sup>3</sup>. Shortages of officers means that prisoners cannot always be escorted safely around the prison or moved from wing to activity. Cells often cannot be opened because there are too few officers to supervise and other important activities such as gym or library can be closed at little or no notice because there are no staff to oversee activities. The infrastructure in many prisons is inadequate – there is too little space for new classrooms or workshops and some were designed for a different era. It is not unusual, for instance, for staff and prisoners to be cooking meals for over 1000 prisoners in kitchens that were designed to service 700.

### Regime

For many years before the Covid lockdown, some prisons had been running a restricted regime. This might mean that people are unlocked for activities during either the morning or afternoon but not both; it could mean wings access education on a rota system on different weeks. Many prisons holding men, including local prisons (taking from the courts), and category B and C training prisons, theoretically designed particularly to offer vocational opportunities, are really struggling. On Friday afternoons, many prisons do not provide education or any activities other than those essential to the running of the prison (cleaning, kitchen workers etc.). This means people are often locked up from Friday lunchtime to Saturday evening, with no time out of cell. No prison education providers offer education during the evenings or weekends, although earlier versions of the Prison Rules provided for evening classes. While prisoners who are located in the health care wing, or in segregation (punishment and separation block) are technically able to receive education, in practice this rarely happens.

Prisoners can transfer from one prison to another, without notice. This takes no account of their educational needs or their participation in a course. This ‘churn’ disrupts the routines, relationships and activities of prisoners, and is particularly problematic when a prisoner is partway through a course not offered at the receiving prison. Impending assignments, course ends or exams make no difference to the decision to transfer someone.

### Types of prison

Prisons vary widely and it is difficult to compare across categories. Open prisons and women prisons tend to score higher in inspections for both purposeful activity and education. Male local prisons fare the worst. It has also been noticeable that during the Covid crisis some contracted out prisons (most noticeably HMPs Parc and Bronzefield)<sup>4</sup>, where education staff and custody staff have the same employer, have offered a better service to prisoner learners. HMP Swansea, where education staff are employed by HMPPS has also been able to provide more activities<sup>5</sup>.

High security prisons and those holding men convicted of sex offences can hold prisoners from any part of the country. They are not designed or resourced to release people or focus

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<sup>4</sup> <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/short-scrutiny-visit-aggregate-report/>

<sup>5</sup> <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/10/Swansea-SV-web-2020.pdf>

on resettlement and are highly unlikely to have links with local education or training providers. The current contracting model, with four PEF providers, means that in many places education is not provided by a local college and this makes building links locally more difficult.

### **Engagement and incentivising education**

Prison education is compulsory for children in prison, who are supposed to receive 15 hours of education a week, although Ofsted reports confirm that this often does not happen. While education for adults is technically a voluntary activity, the situation is more complicated. Many prisons will expect prisoners to participate in functional skills classes before getting a place on any other workshop, course, or activity in prison. This means that the alternative to attending functional skills is being locked in a cell all day. Clearly, prisons do have a duty to teach people to read, write and count, and the public would expect this. However, the way that functional skills is sometimes taught in prison does not encourage engagement and the fact that it is mandatory can cause resentment. Classes can be too long, based around a regime with three-hour long activity spaces. This is not ideal for people with little or negative prior experience of class based education. In many prisons, the daily routine fits around staff rotas, rather than creating a normalising routine. Prisoners are often locked up for a couple of hours over lunchtime for a roll count and officer shift change. Prisoners often eat the evening meal around five and are locked up soon after. This is not good training for a normal workday and does not replicate a real training or study environment.

Prisons are coercive environments, and the idea of people choosing something voluntarily can be misleading. There can be implicit pressure that a prisoner won't progress, or explicit pressure 'if you don't attend education you won't get paid' and this does not support active engagement in education. Ideally, PET would like to see education become an intrinsic part of the daily routine. Every part of prison life could contribute to learning and development. There is no reason why all prison activities (kitchen work, wing cleaning, peer support roles etc.) could not have expectations of achieving qualifications or recording transferable skills acquired as part of the activity. We understand that engaging prisoners can be challenging, but we believe that the offer should be designed so that people want to participate, not be coerced into doing so.

Prisons can incentivise education and promote engagement through:

- Advice and guidance from trained staff that identifies a learner's skill set and aspirations and access to opportunities that fit with their goals
- Allocation processes that ensure people are allocated to the right course
- The ability to attend activities as scheduled
- Education that is viewed as relevant and practical including teaching methods that are embedded in practical experience
- Offering courses that are nationally recognised and seen as valuable by employers
- Progression routes that are clear, to build aspiration and motivation
- Education having the same status and remunerations as work/workshops
- Culture from officers and prison staff that values education and is motivational
- Well-resourced classrooms and digital technology
- Recognising of achievements, awards and celebrations (if at all possible inviting family members to these)

### **The curriculum and education providers**

Governors must ensure that their prison offers a core curriculum of numeracy, literacy and IT courses. Although ESOL should also be provided as core curriculum<sup>6</sup>, the reality is that many prisons do not provide specific support for speakers of other languages. There is clearly a massive need for functional skills support. However, we have concerns about the literacy and numeracy qualifications offered and whether they are adequate, or recognised by employers and higher education providers. We have known of former prisoners who have found they needed to do further study at GCSE level to be able to take the next steps in their training or education. PET believe that GCSEs and A levels should be offered as standard alongside lower functional skills qualifications.

In most prisons, education is provided through one of four Prison Education Framework (PEF) providers (Milton Keynes College, Novus, PeoplePlus and Weston College). Each PEF contract covers a small number of prisons. In Wales, the Welsh Government funds learning and skills provision and prison libraries in Welsh public sector prisons, provided through a joint Memorandum of Understanding with HMPPS<sup>7</sup>. Contracted out prisons are also different – in most, the education is provided by the custody provider and in others by one of the four PEF providers.

The PEF contracts were introduced in April 2019<sup>8</sup>. While the contractual process monitoring is exhaustive, they have not led to better education delivery<sup>9</sup>. Governors have more input into the education provided in their prison, but do not have autonomy over it, There are regional and national structures in place overseeing the contracts that were commissioned and agreed by procurement officials in the MoJ, rather than HMPPS. Alongside the PEF contract, from April 2019 Governors have been able to commission smaller education services through the Dynamic Purchasing System (DPS). In the first year, the majority of this provision was Information, Advice and Guidance services, although the DPS was not designed for this. We believe that some of the second year DPS budget has been used for supplier relief payments for providers with existing contracts that they were unable to deliver and to develop in-cell materials.

### **Covid-19 and lockdown in prisons**

At the end of March, PEF provider staff were withdrawn from prisons with no notice and no chance to make arrangements for people with outstanding assignments or exams. We have been unable to obtain data on how many learners have missed planned assessments. Most prisoners have been locked in cell for 23 hours or more for nine months<sup>10</sup>. PEF providers have been creating in-cell materials. There have been a few face-to-face opportunities– open prisons have been able to deliver a bit more and some prisons have run socially distanced education. However although education was described by government as ‘a national priority’ and colleges and schools are expected to offer face-to -face classes this has not been the case in prisons .

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/821271/Learning\\_and\\_Skills\\_Strategy\\_for\\_Wales\\_Prison\\_July\\_2019\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821271/Learning_and_Skills_Strategy_for_Wales_Prison_July_2019_.pdf)

<sup>8</sup> <https://www.prisonerseducation.org.uk/2019/01/new-prison-education-contracts-create-challenges-and-opportunities/>

<sup>9</sup> There is very little published data on what has been delivered under the PEF contracts. But the evidence of HMIP inspections (conducted in partnership with Ofsted) shows no evidence of an improvement in standards

<sup>10</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-and-prisons>

We and many others are extremely concerned about the impact of long-term isolation on prisoners and we know this is extremely psychologically damaging. Alongside the massive toll on emotional wellbeing, this has an impact on outcomes for prisoner learners. People have not been able to take qualifications, develop skills or access the training opportunities that could lead to employment. There is no real way to quantify the potential negative impact on people's life chances, but it is extremely severe.

### Digital technology

The impact of the Covid-19 crisis could have been mitigated in part if prisoners had access to digital technology. It has formed a key part of the response to lockdown in every other education sector. There is huge potential to use ICT and controlled internet access as a tool to improve prisoners' rehabilitation and reduce reoffending. The security risks can now be managed safely and we have the technology to provide restricted access securely. There is a resource cost involved in rolling out digital technology, but we believe that any cost benefit analysis would show that it would outweigh the significant cost to the taxpayer and victims of reoffending. ICT should be a key part of MoJ's strategy to support rehabilitation.

Interestingly, there is nothing in the current Prison Service policies that forbids prisoners to have access to the internet. The policy, which has not been updated since 2005, says that "Prisoners must not be allowed **uncontrolled** access to the Internet and/or to a computer that has software installed enabling Internet connectivity to be achieved.' (Bold, our emphasis). The regulations, the technology and the security are largely in place and HMPPS now need a fully resourced digital roll out including in-cell technology.

### Additional learning needs

Learners in prison have high levels of additional learning and other needs. Over a third of people (34%) are identified as having a learning difficulty or disability.<sup>11</sup> <sup>12</sup> Only 50% of the prison population in England (compared to 86% of the general population) is assessed on arrival in prison as having literacy skills at Level 1 or above - i.e. the 'functional skills' deemed necessary for people to have in order to succeed in most types of employment.<sup>13</sup> Learners in prison are not only disadvantaged by virtue of the restrictions of access to education in secure environments, but also as learners with a high degree of additional and complex support needs.

On entry to prison it is mandatory for education departments to carry out a skills assessment to determine levels of ability in literacy and numeracy. While the assessment determines levels of ability, it does not identify underlying causes; it is an assessment rather than a diagnostic tool. Since April 2019, there has been a duty for prison education departments to screen prisoners for LD/D (learning difficulty and/or disability). If a potential need is identified learners are likely to need further in-depth assessments to evaluate their needs. While all prisons carry out initial screening, there is no national screening tool and so the four providers, and contracted out and Welsh prisons, use different tools. This screening

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<sup>11</sup> Skills Funding Agency. 2018. *OLASS English and maths assessments by ethnicity and learners with learning difficulties or disabilities: Participation 2014/15 to 2017/18*. London: Skills Funding Agency.

<sup>12</sup> Prison Reform Trust. 2019. *Bromley Briefings Prison Factfile*, Winter. London: Prison Reform Trust (p. 20). <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202019%20Factfile%20web.pdf>

<sup>13</sup> Creese, B. 2016. An assessment of the English and maths skills levels of prisoners in England. *London Review of Education*, 14(3), pp. 13-30 (p. 18).

data is centrally recorded, but not yet published. HMPPS has been exploring options for a single national tool for many years but data protection considerations and financial constraints have impeded progress. They have now convened a working group amongst providers to develop a national tool – although we understand there has been progress this has not yet been implemented.

Prison routines are subject to change at short notice and people can be transferred unexpectedly. Continuity can be very important for people with learning disabilities in particular, so frequent moves may cause such prisoners additional hardship.

While there are pockets of good practice, very few prisons have a ‘whole-prison’ approach to LD/D. Assessments previously carried out in the community are rarely shared with prisons. Medical and education assessments carried out in prisons are not routinely shared with residential or officer staff and few prisons have clear information sharing protocols. There is an urgent need for effective and reciprocal information sharing agreements and processes between criminal justice agencies, health, social services and education

### **Higher level learning and distance learning**

We do not know the educational background and former achievements or qualifications of many prisoners. The data published so far only tells us that people are assessed as up to level two<sup>14</sup>, meaning that there are no figures for anyone beyond GCSE level. Without data about the number of higher-level students, their assessed level and their needs, it is impossible to plan or deliver education to this group.

Learners can study at degree level with the [Open University](#) (OU) and can apply for funding for other distance learning courses from PET. We support a wide range of distance learning courses from level 2 upwards. However, access to distance learning is problematic - due to the limited digital technology available to prisoners distance-learning courses are only accessible in paper-based format. The application process and delivery of distance learning is dependent on the facilitative and mediating role of prison education staff, which varies across establishments. There is a significant workload in sending off applications and ensuring that learners receive course materials and have access to libraries and (sometimes) word processing facilities. Distance learning in prisons is not systematically supported so while some prisons have a named co-ordinator with this role, in others it is added on to existing duties.

There is no standard procedure for students who are studying distance learning to be able to sit exams. It is complicated to invigilate an exam in prison and many do not cover the cost of becoming an exam centre. This means that someone can spend months, or even years on a course and then not be able to be examined.

The OU have been providing courses to prisoners for over 50 years. They offer a limited range of their courses from Access courses to higher degree levels in prison. All of these courses have to be available on paper, and the OU receive a grant from HMPPS to be able to convert some of their digital courses into correspondence courses, and to provide support to their learners.

Around 1800 prisoners in the UK study with the Open University every year. The OU are well placed to support prisoners but very few people can study with other universities. However, while there are a large number of obstacles to overcome, including allowing digital

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<sup>14</sup> <https://www.gov.uk/government/statistical-data-sets/fe-data-library-education-and-training>

access, a few universities have expressed an interest in working with prisons. HMPPS is also keen to be able to offer prisoner students more choice.

In the community, people with no previous experience of undergraduate study and who are on a low income are eligible to study an Access module free<sup>15</sup>. In prisons, because these modules cannot be provided digitally there is a cost to studying an Access module which is covered by HMPPS through a grant to PET.

While there are a few charitable sources of funding for prisoners wishing to do a degree, these grants are highly competitive and do not cover the bulk of degree fees. Prisoners are able to apply for student loans using the same process as students in the community (although they cannot make online applications).

Prisoners are much more likely to be the first person in their family to study at degree level and therefore much less likely to know people who already have student loans. They are less likely to have savings or other income and many have significant debt already. Accessing loans is a disincentive for some prisoners and the complexities of applying for loans from prison are a challenge. We would like the prospective undergraduates to be able to easily access good advice and for updated processes to be in place. We also note that there is legislation currently in the US Congress that will restore federal financial aid to prisoners wanting to study a degree.<sup>16</sup>

Long sentenced prisoners who wish to study a degree also fall foul of the 'six-year rule'. The current student loan regulations say that people with more than six years left until their earliest release date are ineligible to access a student loan. Sentence lengths have increased significantly since the loan regulations were introduced and many more people are serving indefinite or long sentences. This regulation disproportionately affects people who might benefit most from higher-level study.

Since 2014, when Durham University began the Inside Out project<sup>17</sup>, we have seen a proliferation of prison university partnerships. A number of universities (we estimate around 50) run activities in prisons, ranging from a full-taught module, with prisoner learners participating alongside university students, discussion groups, workshops, mentoring, seminars and reading groups. While these have been on hold during Covid, some universities have been providing materials or activities via correspondence to support learners.

### **Skills training and apprenticeships**

While the Ministry of Justice's focus on employment is welcome – and necessary – it needs to also articulate that education needs to be the cornerstone of any employment strategy for prisoners. There is a need for much more nuanced and detailed thinking. The growth in people serving longer and life sentences mean that for many, release is a remote prospect. Some will never be released or when they are, will be elderly and not job-seeking. For these groups, education has to be about more than short-term 'employability'. In addition, some people will need support before becoming 'job ready' from the fundamental need to find a home, to other practical considerations of acquiring a bank account, NI number, work clothes and a mobile phone.

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<sup>15</sup> <http://www.open.ac.uk/courses/do-it/access>

<sup>16</sup> <https://www.nytimes.com/2020/12/21/us/politics/stimulus-law-education.html>

<sup>17</sup> <https://www.dur.ac.uk/news/newsitem/?itemno=22565>

Many prisoners will not be 'job ready' without adequate education support. The skills and competences needed to secure meaningful employment are varied. There are a set of skills and attitudes that many employers expect and set candidates apart at interview.

Programmes and interventions that build these are valuable. There is [some research](#) that demonstrates that employers deem transferable skills more important than qualifications. The policy agenda on employability often overshadows education, but they need to be integrated. Education is generally good insurance against unemployment and can be so even in difficult economic times.

Despite the policy focus and a number of new initiatives, the low numbers of people leaving prison with jobs or finding work soon after remain stark. The latest figures we have are that just 12% of people were in employment six weeks after release

There are a number of positive government initiatives for skills training, apprenticeships and adult education in the community. Prisoner learners and prisons leavers should be included in these and in any national strategies.

The New Futures Network, set up in May 2018, brokers relationships between employers and prisons. It is doing a good job of promoting prisoners as a workforce. However, the infrastructure is not in place in prisons to develop further workshops and training easily. There have been no published figures of people who have secured employment through the network yet.

Currently, there are no apprenticeships schemes running in prisons or for groups of prison leavers. Our understanding is that there is a legal requirement for apprenticeships to be paid at minimum wage, while prisoners are not eligible for minimum wage. We believe this could be changed to enable prison apprenticeship schemes and that this approach should be piloted with prisoners under 25. Prisoners who work in the community on day release have employment contracts and back accounts, so this could be facilitated.

## Data and evidence

There is evidence that prisoners who reported having a qualification were 15% less likely to be reconvicted in the year after release from custody than those having no qualifications<sup>18</sup>. A large-scale national study reported a 7.5% reduction in one-year reoffending rates.<sup>19</sup> Similarly, a large-scale United States study found that there was a reduction in re-offending of 13 percentage points for those who participated in correctional education programmes in the USA versus those who did not<sup>20</sup>.

The Justice Data Lab, part of the MoJ, carries out analysis of programmes and interventions to evaluate any impact on reoffending rates. The one year proven re-offending rate for 5,846 learners who received a grant through the Prisoners' Education Trust for distance learning courses or arts materials was over a quarter lower than a matched control group of similar prison leavers (18% compared with 25%)<sup>21</sup>. PET has numerous individual and anecdotal

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/199224/compendium-of-reoffending-statistics-and-analysis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/199224/compendium-of-reoffending-statistics-and-analysis.pdf)

<sup>19</sup> <https://www.gov.uk/government/publications/evaluation-of-prisoner-learning-initial-impacts-and-delivery>

<sup>20</sup> [https://www.rand.org/pubs/research\\_reports/RR266.html](https://www.rand.org/pubs/research_reports/RR266.html)

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/459470/prisoners-education-trust-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/459470/prisoners-education-trust-report.pdf)



examples of the impact of education. We know that the opportunity to study has been transformative for many of our learners,

Another Justice Data Lab study<sup>22</sup> found that PET participants were more likely to be employed during the one-year period after their release from prison, compared to non-participants, and to spend more days in employment, compared with non-participants over that year.

Other studies such as one undertaken by the University of Leicester show the positive impact of digital technology in prisons as an incentive for good behaviour.<sup>23</sup> Many organisations have commissioned their own research into the impact of their services. Governors have set their own measures for programmes funded through the Dynamic Purchasing System. Currently, however, there are no large-scale UK studies of prison education that evaluate effectiveness. Published data from prison education contracts focuses on assessment, participation and qualifications. There are no prison performance measures related to education, but there are measurements of time out of cell, working hours, time and time in 'purposeful activity'. There are different ways of evaluating the effectiveness and impact of education but no established process for doing this.

## Conclusion

There needs to be a culture change in prisons, so that education is not seen as a privilege, a transaction or an unnecessary add-on. Education in prison needs a framework, which describes it as valuable and continuous. The value of accessing education in prison is high, and supporting people to complete a course once started must be prioritised.

The curriculum should be far broader - the core educational offer should be expanded, commissioned by educational specialists working in consultation with Governors. This should be aligned with models that have more in common with how education is "commissioned" from schools and college, rather than current procurement models.

This should cover functional, vocational and academic provision. Access to GCSEs and A levels should be standard provision. It should also offer educational progression and development for the large and increasing number of prisoners facing long sentences.

There need to be clear systems to support exams and assignments for all learners, including distance learners. Prisoners who are doing courses that are not replicated elsewhere, or who have exams that cannot be facilitated in another prison should only be transferred on completion of their course.

Distance learning needs to be supported and embedded into standard education provision, with adequate staff time to support both the administrative processes and the study skills and learning support needed.

Rolling out access to digital technology, nationally, and with in-cell access would make the most fundamental difference to educational delivery.

A national screening tool for learning difficulties/disability should be introduced so that needs can be identified and support made available. Information sharing protocols should be in place.

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<sup>22</sup> [Experimental statistics Employment benefits outcomes final.pdf \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899942/experimental_statistics_employment_benefits_outcomes_final.pdf)

<sup>23</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/899942/evaluation-digital-technology-prisons-report.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899942/evaluation-digital-technology-prisons-report.PDF)

HMPPS needs a strategic approach to developing partnerships with further education and higher education providers

Prisons should be included in all national and regional training, apprenticeships and further education strategies, and prison leavers should have sufficient access to funding streams and initiatives supporting their skills development and employment options

Prison Governors should have adequate budgets for activities that meet the need of their population. This should include library, gym, arts, creative activities, recreational activities, IAG (information, advice and guidance) and peer mentoring qualifications.

Data on the progress of the education contracts should be published annually. A clear framework for assessing and evaluating education in prisons should be introduced.

January 2021