

Written submission submitted by Dr Anne O'Grady

Introduction

This submission is provided by myself, Dr Anne O'Grady. I am a Principal Lecturer at Nottingham Trent University. However, the views expressed below are my own, based on the research I have been engaged with over the last two decades. Over this time, I have undertaken research across the prison estate, exploring the lived experiences of education with prisoners, as well as prison education staff. Additionally, I have facilitated placement opportunities for university students in prison education settings. Furthermore, I have co-delivered higher education modules across the prison estate, bringing together higher education students and prison learners, in partnership with prisons.

This submission, below therefore, draws on the evidence base from my research over this period.

Evidence Summary:

- Education is undervalued in prisons;
- Education is compromised as a result of prison regimes;
- The current prison education offers limits progression for a significant number of prisoners;
- The criteria for commencement of undergraduate degrees does not align with criteria in the general population;
- Prisoners report not being able to undertake courses due to high demand;
- Prisoners report being allocated to courses that they have not requested;
- The value of 'basic skills' education, whilst crucial – for social and economic capital growth – is not well understood by many prisoners;
- An 'adult learning' pedagogic approach to education is not always in evidence; prisoners report their experiences of education in prison being akin to their primary education experience, both in terms of resources, behaviour management, and didactic teacher-driven approach;
- The currency and value of qualification is often either not understood or explained to prisoners;
- Prisoners report undertaking qualifications that have no currency in the employment market as they are outdated;
- Prisoners report their disinclination to show potential future employers' evidence of qualifications gained as they can signal the place at which they were achieved (i.e. HMP);
- Prisoners report limited access to resources to assist them with learning – both in terms of library access and technology;
- Prisoners state that there is limited, if any discussion or planning that is undertaken with them in relation to ongoing education opportunities as part of their sentencing planning and release to mainstream society.
- The 'churn' of prison education staff can contribute to a loss of expertise and skills to deliver key courses.

Context

It is well established in law that an individual who is incarcerated should lose their liberty. The treatment of prisoners is most notably set out in the United Nations Standard Minimum rules for the Treatment of Prisoners (also referred to as the Nelson Mandela Rules) (2015). Highlighted below are the rules I would urge to be a focus as part of this important and timely review of education provision in prisons:

Rule 5 1.

The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings. (United Nations, 2016: 8)

Rule 64

Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it. (United Nations, 2016: 21)

Rule 104

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.
2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty. (United Nations, 2016: 30)

Rule 105

Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners. (United Nations, 2016: 30)

Asking whether prisoners are being left behind, educationally, is very timely, not least because, as a result of the COVID-19 pandemic, much of the education provision in prisons has ceased. As we worked swiftly to radically re-position structures, systems and processes associated with education to enable and provide alternative ways of engaging in learning (largely through technology) for mainstream society, education in prisons fundamentally stopped. Limited in its capability to quickly reframe itself through digital and technological means, prison education has since struggled to re-commence in any meaningful capacity. Prisoners continue to live under tight regime and consequently, prisoners have few, if any, access to educational resources. Furthermore, any work underway towards the attainment of qualifications has stalled and opportunity to engage in learning with external partners has likewise largely come to an end.

What is the purpose of education in prisons?

In responding to this question, one should seek to challenge the premise of the question entirely.

The purpose of education in prisons should align with the purpose of education across society and should strive to reflect this educational offer.

The landmark review of prison education undertaken by Dame Sally Coates in 2016, made 31 recommendations to government to improve the educational offer within prisons. In responding to these findings, the focus and purpose of education in prison in England has been clearly laid out in the 2018 Ministry of Justice Education and Employment Strategy. Throughout, there is an overarching focus on education for employment; recognising that individuals who have good levels of literacy and numeracy capability, increase their employability capacity and are more likely to obtain and sustain employment post-release. Additionally, there is recognition of the social capital benefits associated with engaging in educational activity, and its consequential capacity to enhance social responsibility and increase active citizenship post-release.

Responding to the Coates review (2016) and acting on the MoJ (2018) strategy, prison education contracts were redesigned and renegotiated. The new contracting mechanism laid responsibility for the provision of education in prisons with respective Governors who had a new mandate to deliver a core curriculum from designated providers, alongside the ability to be able to draw on a dynamic purchasing framework to secure education opportunities specifically for the benefit of their individual population.

When discussing the purpose of education in prison with prisoners themselves, they present a very mixed picture of what they think education is for. Some report they see little value in the educational offer, stating they feel the qualifications available have limited value in the employment market; that any digital technology is outdated; that the range of qualification is too limited or that they personally do not value education or qualifications at all. Alternatively, there are prisoners who can – and do - see the potential value in the education offer; those who have a desire to learn invest their time diligently to acquiring qualifications – often linked to post-prison ambitions. Such ambitions are often, but not exclusively, linked to employment; but also include aspirations to develop closer connections with family, or to be a role model for their children.

Education in prisons, then, should be underpinned by the same ambitions and purposes as for all members of our society – to educate to develop one's knowledge, understanding and potential, socially, culturally and economically. The heterogeneity of the prisoner population should not be underestimated (see: O'GRADY, A and Hamilton, P., 2017. *Re-Imagining The Prison Education Paradigm: identity transitions, social learning and 'de-othering' in a climate of penal exactitude*. In: Crane, P., 2017. *Life Beyond Crime*. London: Lemos & Crane. ISBN: 9781898001775).

What data exist to demonstrate the effectiveness of education and training in prisons and on prisoner attainment, and what international comparisons are available?

There is limited data available in the public domain that demonstrates the effectiveness of education and training. Both the Coates (2016) review of prison education in the adult estate and the Taylor (2016) review of youth justice, whilst emphasising the importance of placing education at the centre of the criminal/youth justice systems, acknowledged the lack of available data.

Currently, data can be drawn from Ofsted/Ministry of Justice reports. Internationally, data can be drawn from OECD lifelong learning adult education databases; the Rand Corporation, USA, also provides data. Additionally, the EU, through Erasmus+ grants, has funded adult education mobility projects in the field of prison education.

What does exist paints a very bleak picture of education engagement, persistence, progression, or success. However, there is evidence in the data to argue that where prisoners do participate in education successfully, a reduction in recidivism rates can be evidenced.

How well are additional learning needs met by the prison education and youth custody systems, including SEND and language and communication needs?

Whilst there is a commitment to assessing all prisoners' educational needs upon entry to custody, there is recognition that there is still a significant amount of work to do here.

In discussions with prisoners over time, they report repeatedly being required to undertake initial assessments of educational needs when they enter prison or transfer to another prison. However, they routinely share that they either cannot remember the outcome of the assessment; were not advised of the outcomes or that they could not see a link between the outcome of this assessment and how this impacts on them at an individual level in the learning space.

Prisoners state that whilst they can be employed as 'Learning support assistants' and may have undertaken some initial training for this role, they have little or no specialist knowledge or understanding in relation to SEND (Special Educational Needs and Disability) or EAL (English as an Additional Language). They further report little evidence of dedicated teaching assistants who have specialist SEND/EAL knowledge, or any prison education staff with SEND /EAL knowledge or responsibility.

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

Whilst it can be evidenced that the current prison education offer can provide some capacity – and capability – to enable prisoners to develop some of the transferrable skills needed by employers, there are real development needs here. There are some notably good examples of employer-prisoner partnerships; i.e. Railtrack; Timpson, but these are very few.

The provision of training in prisons does not represent the diversity or range of employment opportunities, or potential of the prisoner community. Additionally, training programmes that are certificated often acknowledge the place at which the qualification was gained – a continual reinforcement and acknowledgement of incarceration when presented to potential employers.

For many prisoners, the link between education and employment is a strong one. Many prisoners report wanting to develop the knowledge and skills associated with particular areas of employment; but they also report many frustrations; these include: a lack of clear career guidance; a presumption of employment opportunities (often low-skilled, self-employment and minimum wage); a lack of links between the education qualifications on offer and post-release employment (often qualifications linked to in-prison workshops that may not be transferrable to the employment market post-release). Additionally, some prisoners report an ambition to learn beyond qualifications that link directly to employment; and report some frustrations at the limitations imposed on them. For example, prisoner may wish to study for qualifications at higher education level but are constrained by imposed criteria which do not align to criteria in mainstream society. For others, they may wish to engage in creative, non-qualification based learning but such opportunities have been extremely curtailed, despite the introduction of the new dynamic purchasing framework.

An approach is required that enables training programmes that meet the individual needs of prisoners, rather than assuming a homogenous audience. This could be achieved through the provision of online training packages.

How can successful participation in education be incentivised in prisons?

Education provision needs, as indicated by Coates (2016) as the central tenant of a prison's purposeful activity. All too often, prisoners report not being able to attend education as a result of a lack of flexibility of the prison regime. Consequently, it can be challenging for educational activity to be valued or valuable when all too often it is the first activity to be closed and the last activity to reopen; exemplified in the recent pandemic.

When considering incentivisation based on successful participation, it will be important to be very clear about what success means. There are many reasons why a prisoner may not be able to attend a face-to-face learning event that is beyond their control; examples include: prison regime, legal visits, court attendance, personal illness. Additionally, prisoners may be moved throughout the estate with little notice and so continuation of a course may not be possible. It would be important to distinguish between successful participation in a course; successful completion of a course; or successful achievement of a qualification as a result of participating and completing a course.

Furthermore, prisoners tell me there is little incentive, capacity or capability on the part of the prisons' staff to support a prisoner's educational endeavour. Prisoners report a lack of clarity of the educational offer, in part because prison staff don't know, don't want to know or are not supportive in seeking out information.

Any incentivisation, therefore, needs to be carefully considered. It is reasonable to argue that if the educational offer is fit for purpose, there is little need for incentivisation; in line with all other educational provision in society.

A good example here is the Learning Together programmes, delivered in partnership with NTU and local HMPs where students from both institutions self-selected to participate in a non-accredited module of higher education learning. Students reported a growth in confidence, knowledge, understanding and agency – which can be considered to offer opportunities for both social and economic capital growth (see O'GRADY, A. and HAMILTON, P., 2019. 'There's more that binds us together than separates us': exploring the role of Prison-University partnerships in promoting democratic dialogue, transformative learning opportunities and social citizenship, In: Journal of Prison Education and Reentry: <https://scholarscompass.vcu.edu/jper/>).

Are current resources for prison learning meeting need?

The range of educational resources available to meet prisoners' learning needs are limited, and do not reflect the resources available to either educators or learners beyond prison walls. Prison educator staff should be commended for persevering with the limited resources available to them whilst attempting to deliver pedagogically sound, creative and informative learning events for students.

The lack of current resource to meet learning needs for prisoners is compounded by the demand to make education work within established prison regimes, rather than the regime being flexible to optimise learning opportunities. For the most part, learning events are scheduled for a whole morning or afternoon; as a result, prisoners are not able to engage in multiple curriculum offers.

The prison education offer would benefit from employing andragogic adult pedagogies; utilising 'problem-based learning' or 'project' pedagogies. Such approaches provide opportunities for prisoners to develop multiple skills and in engage in a range of subjects simultaneously. Problem-based learning closely aligns with apprenticeships models of learning, requiring teamwork, communication, critical thinking and debate, affording opportunities to meet prisons learning needs across a range of levels. Significant investment in continuing professional development for prisoner educators would be required.

Furthermore, technology across much of the prison education estate is old, and very often redundant in contemporary employment spaces. Prisoners reflect on the lack of appropriate technology to enable them to engage in, or complete, learning programmes; and comment that qualifications they are studying for are often outdated and not familiar to potential future employers.

Additionally, prisoners describe learning spaces as old, cold and uninviting. Whilst some prisons have gone some way to develop comfortable learning spaces, there are many instances where classrooms can be seen to have old, uninspiring displays which are often not appropriate for the audience, with displays often drawing from resources intended for primary school settings.

What should happen when prison education is assessed as not meeting standards?

There is no doubt that there are many challenges facing those who provide education within custodial settings, and indeed, prison education seems to have an entrenched inability to achieve good or outstanding standards. Prison education is currently assessed through Ofsted mechanisms; and it is a sad reflection of our prison education offer that much of the estate, according to Ofsted metrics, is not of the standard required by education providers in general society.

In order to develop standards in prison education; providers should be encouraged to work collaboratively in partnership with other education providers. Where standards are not met, action plans that allow peer mentoring, and shared training with other education providers – whether secondary, further or higher education institutions – should be put in place.

Furthermore, the prison estate – and society more widely - should aim to build a culture where prisons are considered as a campus for learning, rather than a space of punishment. A cultural shift, therefore, is required, that sees prison staff and prisoners working together to achieve ambitions of positive reintegration into society, based on developing knowledge, understanding and agency; rather than a ‘them and us’ power and control culture. Such an approach would enable education to be valued and valuable.

Again, an investment in training for prison staff, as well as prison educators is needed.

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

In responding to Coates (2016), there has been some work undertaken to minimise the variability of the education offer across the prison estate, as part of the newly introduced contracting arrangements – both with qualification providers and education providers. There is now a core set of curricula on offer that should, theoretically, enable a prisoner to be moved within the estate and pick up their learning from where they left off in the previous prison. However, it is evident that there are time-lags which occur, resulting in courses being repeated, lost or not continued. This can result in a loss of momentum and motivation on the part of the prisoner. Additionally, the motivation of the prison staff, and prison educators to promote, encourage and support the commencement and engagement in education also plays a significant role in a prisoner’s determinations to continue with their learning ambitions. As stated elsewhere, the limited flexibility of the daily prison regime is reported by prisoners to be one of the most cited reason why they do not conclude their learning programme.

How does provision compare in public sector and privately run prisons?

The distinctive difference in prison education provision between the public sector and privately-run prison sector is that prison education staff in the private estate are prison staff. As such, they often wear prison uniforms and align their education policies and practices to the prison regime. This is most visible in, for example, codes of behaviour; and how behaviour strategies are employed within the classroom setting. It is important to recognise that such alignment is not necessarily unique to the privately-run estate.

Prisoners routinely recount examples of education staff imposing very strict behaviour management strategies in learning spaces, which appear extremely draconian and would be most unlikely to be in place in adult learning spaces in mainstream society. Prisoners state that the implementation of power and control, of ‘them and us’, compounds a feeling of not being recognised as an individual who can actively and positively contribute to society on completion of their sentence.

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

This is perhaps the area where there is little in the way of evidence. There is little indication of differentiation by prisoner; either by prison category, previous educational experience; qualification level; or employment history (see: SLATER, J., WINDER, B., O’GRADY, A., and BANYARD, P., 2017. Prison Education for Prisoners

Convicted of a Sexual Offence In: Crane, P., 2017. Life Beyond Crime. London: Lemos & Crane. ISBN: 9781898001775).

Prisoners report being 'put on to' courses that they have little interest or knowledge of; or being placed on a waiting list, only to see other prisoners appearing to 'jump the queue' and get onto a preferred course, or that they are too close to release to commence the course.

Furthermore, prisoners who are serving long sentences (10+ years) express their disappointment at wishing to undertake higher level qualifications to be told that funding is not available. For these prisoners, they can experience somewhat of a 'hiatus' between completion of lower level study, and the time at which they can access higher level study. During this interim period, which can be a significant number of years, prisoners may feel forgotten, particularly as there are currently so few opportunities to engage in informal, non-accredited, adult learning opportunities.

Summary

In summary, prisoners' experiences of education reflect the diversity of who they are. For some, education has provided a platform for them to start to engage in learning, to develop and deepen their knowledge, understanding and skills. This positions them positively for successful re-entry into mainstream society upon release, socially and economically.

For many, however, education represents the very essence of their expectations and experiences. Many recount historically poor relationships with the compulsory education system which, they feel, is once again played out in prison. Prisoners state that education is not seen as a priority for them, and that there are many obstacles placed in their way if they wish to get on a course that has meaning for them. They state that some prison staff are not supportive of enabling them to engage in educational opportunities, and that the prison regime can, at times, seem to actively construe to ensure educational opportunities are squeezed out, or minimised, to ensure the daily routine of the prison is preserved.

The question asked: Education: are prisoners are being left behind? At the heart of this question is not whether prisoners are being left behind, but rather as a society, whether we are willing to enable those who have been incarcerated to experience education that will enable them to choose a life beyond crime.

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