

Written evidence submitted by the Ministry of Justice

This response primarily applies to education for adult prisoners in England. Prison education is a devolved matter in Wales but the Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS) work closely with their officials to align strategy and approaches.

A summary of the approach for under 18s is provided in a separate annex. Please note that the term "Governor" is used to denote the Governor of a public sector prison or Director of a privately managed prison.

Executive Summary

1. Prison education can change lives. A good recent example is Hamid, a prisoner who completed carpentry, bricklaying and decorating courses during a six-year sentence for a drugs related offence. In the final year of his custodial sentence, HMPPS matched him with a job in a construction firm which he started while on day release from prison. On release, the company offered him a permanent role closer to his home, where he still works. To date, he has sustained his success and not re-entered prison.
2. We want to create many more journeys like these as we work to implement the government's commitment to create a Prisoner Education Service (PES) focused on work-based training and skills.
3. But the challenges are stark. Most offenders enter prison with limited education: over 60% have the English and maths levels at or below those expected of an eleven-year-old ¹ and over 40% have been permanently excluded from school.² The latest published data estimates that 34% of prisoners had a learning difficulty or challenge³ and we know that prisoners with learning difficulties, challenges and

¹ Department for Education (2018) FE Data Library—OLASS English and maths assessments: participation 2017/18

² Williams, Papadopoulou, & Booth (2012) Prisoners' childhood and family backgrounds
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf

³ <https://www.gov.uk/government/statistics/identified-needs-of-offenders-in-custody-and-the-community-from-oasys>

other neurodivergent conditions like autism can have difficulties understanding and processing complex information and may need extra support.⁴

4. In developing the Prisoner Education Service, we are mindful that delivery has been severely impacted by the need to focus on protecting prisoners' health during the current pandemic. However, we are planning an ambitious programme of reform which will start by providing additional expert support to a small number of selected prisons during 2021-22. This will focus on getting the building blocks right and improving support to prisoners with learning difficulties and neuro-diverse conditions. We want to ensure high-quality initial assessment with all prisoners having digital personal learning plans aligned with a curriculum tailored to the skills employers need. We want to develop the use of technology to expand learning and to prepare them for life in the community. We will also build a system that makes education providers and governors more accountable for education and employment outcomes.
5. We will be working in partnership with current prison education providers but will also seek advice from experts with strong experience in Further Education and supporting learners with complex needs. Our vision for the work is not just about improving classroom education, we will ensure the whole prison is focused on developing skills for employment and work towards delivering a new high-quality service across the estate in England by 2023.

How is education in adult prisons currently delivered?

6. Following the Coates Review (2016)⁵ and the Education and Employment strategy (2018)⁶, the responsibility and budget for prison education and the main education contracts⁷ was moved from the Department for Education (DfE) to the MoJ with the aim of making Governors more central to commissioning so that they can more easily design provision that best meets the needs of their prisoners and local employers.

⁴ For the purposes of this document and to ensure an all-inclusive approach, the term 'neurodiversity' or 'neurodiverse' will be used to describe prisoners who may have additional needs and/or require additional support due to a learning difficulty or disability (LDD). This is commonly referred to 'special educational needs and disabilities' (SEND) for children, and LDD within adult settings.

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf

⁷ formerly the Offenders' Learning and Skills Service (OLASS 4)

7. The new commissioning arrangements started on 1 April 2019. Most of the formal education is delivered by four 'Prison Education Framework' (PEF) providers⁸. Milton Keynes College; Novus LTE (Manchester College Group); People Plus and Weston College. PEF delivers the core common curriculum (maths, English, ICT, English for Speakers of other Languages (ESOL)), assessment of prisoners' maths, English and additional needs on arrival as well as vocational training in areas such as construction and catering. These contracts have a total annual value of c£125m and run for four years (1 Apr 2019 – 31 March 2023), with the option to extend.
8. Governors also commission bespoke education and careers guidance through a mechanism which can bring providers in to deliver a specific training course for a period of up to two years in length. This is known as the "Dynamic Purchasing System" (DPS). Examples of DPS delivery include careers guidance, roofing and arts activities aimed at engaging "hard to reach" prisoners in out of cell activity. The current 2020/21 investment in DPS contracts is approximately £22m.
9. In addition to PEF and DPS, HMPPS supplements the education on offer with workshops and industry facilities which we are also keen to develop. These are sometimes sourced centrally, and sometimes developed by Governors locally. These cover work in prison industry (often supporting the internal market e.g. textiles and printing) and workshops delivered in partnership with external employers (e.g. Halfords and Timpson). Prisons also offer other types of prison work to which training can be attached, e.g. wing and kitchen work.
10. Restriction of prison regimes since March 2020 due to COVID-19 means that face to face delivery has been curtailed across the adult estate with in-cell packs being provided as an alternative during this time. The pandemic has also negatively impacted on the development of current contracts and our ability to collect meaningful current data on learner and provider performance.

⁸ PEF/DPS commissioning arrangements apply in all adult public sector prisons and four of the twelve Privately Managed Prisons (PMPs) in England. Arrangements in the remaining eight PMPs⁸ vary, e.g. by the custodial contractor or through a different contracted supplier.

Question 1: What is the purpose of education in prisons?

11. Education in prisons should give individuals the skills they need to unlock their potential, gain employment and become assets to their communities.

12. There is a statutory duty to provide education in prisons under:

- Section 86 of the Apprenticeships, Skills, Children and Learning Act 2009 - the Secretary of State must secure the provisions of such facilities as s/he considers appropriate for education and training suitable for prisoners; and,
- Section 32 of the Prison Rules 1999 - educational classes should be arranged at every prison, and every prisoner able to profit from education facilities at a prison should be encouraged to do so.

13. The recent sentencing white paper⁹ set out this Government's priorities in reducing re-offending, one of which was ambitious plans to increase the number of prison leavers who get jobs on release. Education has an important role to play in meeting this ambition. The combination of education, skills and work opportunities can enable prisoners to develop personal and employability skills employers want, such as communication and teamwork.

14. Education and skills play a significant role in reducing reoffending. A 2017 MoJ/DfE statistical report showed that prisoners who took part in any form of learning activity have a significantly lower re-offending rate – prison learners were 9 percentage points less likely to reoffend compared to prison non-learners.¹⁰

⁹ 'A Smarter Approach to Sentencing (2020) <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>
¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/633198/pnc-ilr.pdf

Question 2: What data exists that demonstrates the effectiveness of education and training in prisons and on prisoner attainment, and what international comparisons are available?

15. Improving our data and being able to link education activity to employment outcomes on release is an important strand of current work.
16. Ofsted's recent annual report tells us that the overall quality of education, skills and work inspected during September 2019 - August 2020 was good or better in only around 28% of prisons and Young Offender Institutions¹¹ and we are determined to improve from this poor position. Ofsted judge that only one third of prisons were found to deliver an appropriate curriculum to meet the needs of prisoners and in many cases that the number of activity spaces available in education, skills and work was often insufficient for the number of prisoners.¹²
17. Although we have not yet published data for current contracts, we have data from the previous Offenders' Learning and Skills Service (OLASS 4) contracts.¹³ This shows that around 78,000 learners participated in education in 2017/18, of which just over half (52%) achieved Level 2.
18. Since April 2019 under the new commissioning arrangements, we have implemented a new data collection system, "CURIOUS", to capture a range of operational delivery data including: assessment, enrolment, completion and achievement data. The collection of reliable data for the last year has been greatly affected by the impact of COVID-19 but we are currently assessing and assuring the suitability of CURIOUS data for use in performance metrics and statistical publications. CURIOUS does not yet cover all private prisons or prisons in Wales so we will need to remain cautious in drawing estate-wide conclusions. Going forwards we would like to develop work with the DfE to access community further education and skills data to compare prisoner performance and outcomes.

¹¹ Ofsted's 2019/20 annual report can be accessed here: <https://www.gov.uk/government/publications/ofsted-annual-report-201920-education-childrens-services-and-skills/the-annual-report-of-her-majestys-chief-inspector-of-education-childrens-services-and-skills-201920>

¹² <https://www.gov.uk/government/publications/ofsted-annual-report-201920-education-childrens-services-and-skills/the-annual-report-of-her-majestys-chief-inspector-of-education-childrens-services-and-skills-201920#further-education-and-skills>

¹³ 2017/18 data can be accessed here: <https://www.gov.uk/government/statistical-data-sets/fe-data-library-education-and-training>

19. In addition to Ofsted assessments and the data we collect from education contracts, the following information has been published:

- A survey of prisoners sentenced in 2005/06 found that only 53% had any qualifications at all, compared with 85% of the general working age population¹⁴ and 42% have been permanently excluded from school-age education.¹⁵
- A larger proportion of prisoners were assessed on reception as having English and Maths at entry level 1-3 (equivalent to expected primary school levels of attainment) than Level 1 and 2 combined (GCSE level).¹⁶
- There is promising international evidence that education reduces reoffending and improves the employment outcomes post release.¹⁷ We are keen to learn from international practice but none of the studies reviewed have been evaluated in a way that enables easy or meaningful comparison due to the many different ways in which countries define and measure 'education', 'employment' and 'reoffending'.

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278832/newly-sentenced-prisoners.pdf

¹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf

¹⁶ BIS (2015) OLASS English and Maths Assessments: participation 2014/15, at Further Education library: Education and training <https://www.gov.uk/government/statistical-data-sets/fe-data-library-education-and-training>

¹⁷ Weisburd, D., Farrington, D., & Gill, C. (2017). What works in crime prevention and rehabilitation: An assessment of systematic review. *Criminology & Public Policy*, 16(2), 415-449.

Question 3: How well are additional learning needs met by the prison education and youth custody systems, including SEND and language and communication needs?

20. We need to improve the provision of good quality specialist support for those with additional needs arising from any form of neurodiversity. We are developing plans to test out a newly created support post, which will include looking at how we can better support prisoners with additional learning needs irrespective of whether they are in education at any one time.
21. The scale of need is significant and recent data estimates that 34% of prisoners had a learning difficulty or challenge¹⁸. In the Sentencing White Paper,¹⁹ MoJ announced wider work to support people with neurodiversity in the CJS, including launching an Independent National Call for Evidence²⁰. This will help provide an understanding of the availability and impact of programmes tailored for neurodivergent offenders including those supporting prisoner education.
22. Since April 2019, we have acted to ensure Governors screen newly sentenced prisoners, record assessment information on CURIOUS and provide appropriate support for those who continue in education. However, we know there is room for improvement to ensure greater consistency in assessment and development of tools so that assessments can cover the full range of neurodiversity.
23. Neurodiverse prisoners undertaking education with the PEF supplier will have a learner support plan, which will contain details of the support required such as help with reading, assistance from a peer mentor and/or extra time for exams. We would expect local arrangements to be in place to assure the quality of plans produced. However, we know we need to do more and are planning to trial improvements to better support all prisoners who need additional support with learning and communication – many of whom will not be participating in PEF education at any one time. We will also work with the current education suppliers to look at what can be done as part of continual improvement when face to face teaching resumes.

¹⁸<https://www.gov.uk/government/statistics/identified-needs-of-offenders-in-custody-and-the-community-from-oasys>

¹⁹ <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

²⁰ <https://www.justiceinspectorates.gov.uk/hmiprisoners/about-hmi-prisons/current-consultations/evidence-review-on-neurodiversity-in-the-criminal-justice-system/>

Question 4: Does education in prisons deliver the skills needed by employers, and what more can be done to better align these?

24. We want to strengthen links between prisons and the local labour market to ensure the skills, training and qualifications delivered through prison education are closely aligned with the needs of employers.
25. In 2018 we created the New Future's Network (NFN) to improve employment outcomes for prisoners. The NFN brokers partnerships between prisons and employers, to provide employment opportunities for serving prisoners and prison leavers, as well as identify skills gaps within industries. Since launching as a pilot in three areas initially, the NFN is now fully staffed to cover all 18 prison group regions across England and Wales. This intelligence informs both the training and education curriculum in prisons and the work experience available for prisoners eligible for release on temporary licence. One of the challenges for NFN is identifying relevant job opportunities right across the country as prisoners can often be held some distance from the locality they will return to when released.
26. We have some good practice to build on. For example, in 2020, Ofsted found that HMP Drake Hall offered a combination of “highly relevant workplace training, a more challenging curriculum and a greater range of progression pathways” to help female prisoners achieve positive outcomes on release²¹. Other good examples include the construction academy at HMP Leeds (delivered by the charity Bounce Back); textile recycling workshops run by LM Barry at prisons including HMP High Point; industrial injection moulding workshops run by Inpress Plastics at HMP Ford, and employer academies developed with businesses such as Halfords, RMF Construction and Timpson.
27. Strengthening the role of careers guidance is also important and we have recently reviewed arrangements and developed a “best practice” service specification template for commissioning of services from April 2021. We plan to carry out consultations with prisons, suppliers and other key organisations during 2021 as we develop policy in this area further. We want to ensure that career goals form the basis of a prisoner's personal learning plan, which should define a “pathway”

²¹ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-yoi-drake-hall/>

of education, vocational training, skills acquisition and work experience for each prisoner based on realistic employment destinations.

28. We are also working closely with DWP to review the role of the prison work coach and to then increase their numbers. We have set up a joint working group to focus on this as well as determining where they are best placed. This will also improve the support available for prisoners to get and sustain jobs on release.

Question 5: How can successful participation in education be incentivised in prisons?

29. We want to ensure Governors and their senior teams have the support they need to develop a strong culture that values education and skills. Many prisoners will be reluctant to engage in education and we are mindful of the negative experience many will have previously had in the classroom.

30. A good example of where staff have worked to engage prisoners more effectively in education is an orientation week which has been introduced at HMP Wayland. Prisoners complete a rolling programme of sessions which include neurodiversity screening. Prisoners must attend before they can progress to employment within the prison. At the end of the week, the prisoner sits with an allocation panel to review his personal development plan and next steps in prison education and/or employment.

31. Learning from operational experience, we believe the best incentives are based around the following options:

- Ensuring the education, skills and work curriculum is fundamentally engaging and presented to prisoners in a manner that is motivational to all by, for example, linking what is on offer to real jobs on release, enhanced ability to apply for jobs, manage a personal budget or assist younger family members with school homework.
- Clear parity of curriculum with the best of what is available in the further education and skills sector in the community.
- Encouraging participation by linking education to rewards that motivate prisoners such as prison pay rates, access to the gym or additional visits.
- Enabling prisoners to have a choice of activity and a sense of “it’s OK to try something and find it’s not for you after all, then try something else” but this needs to be balanced against making sure prisoners are following an individualised pathway which is well sequenced and maths/English needs are addressed.

- “Promoted posts” for prisoners (e.g. peer mentors). During a prison arts event held on 3 Dec 2020, there was a recommendation that the arts needed more mentors across prisons to encourage take up and a view that “Mentors help to build lives”.
- Job interviews/college course places for when they progress to ROTL or release.

Question 6: How might apprenticeships work for those in custody?

32. MoJ and DfE are working together to develop new proposals for supporting prisoners onto apprenticeships and traineeships.
33. Apprenticeships are jobs, created by employers, that offer substantial and sustained on and off-the-job training in a skilled occupation. Skills policy is devolved and so the DfE is responsible for apprenticeships in England only.
34. Most apprenticeships, other than certain specific office holders such as police constables, involve a contract of employment, which means they are not available to prisoners. When working out of prison on temporary licence, prisoners do not have a standard contract of employment (instead there is usually a memorandum of understanding between the prisoner, the employer and the governor).
35. The potential to develop and introduce apprenticeships and/or an apprenticeship type model for prisoners has previously been considered by the DfE and MoJ. The most recent work on a 'Prisoner Apprenticeship Pathway', which ran from 2017 to 2018, adopted a model whereby prisoners were offered employer-designed training in prisons and the offer of an apprenticeship place on release. The approach was tested in one prison and had limited success. Contributory factors to this were insufficient interest from prisoners (some of whom believed they could achieve higher earnings elsewhere) and lack of commitment from employers. There was also concern from employers about their capacity to take on more than one or two prison apprentices from any one prison.
36. MoJ and DfE are now working to explore the options for supporting serving prisoners onto apprenticeships or traineeships²². The approach is likely to be different depending on whether the prisoner can be released on temporary licence or not. In prison we might focus on preparing prisoners for potential apprenticeship opportunities through training, for example vocational courses, and traineeships. Within this we will look at the scope for that training to be aligned to specific sectors in the labour market to facilitate progression into jobs and apprenticeship opportunities. We will also explore how we can better educate prisoners on the benefits that apprenticeships can bring and we will review what

²² A traineeship is a skills development programme that includes a work placement.

information prisoners have available to them, and how accessible it is. In addition, we will discuss employer views towards employing prisoners and ex-offenders with the Apprenticeship Diversity Champions Network, including exploring what can be done to improve interest from employers in taking on an ex-offender.

Question 7: Are current resources for prison learning meeting need?

37. We have recently improved the flexibility of commissioning models so that Governors can commission based on prisoner needs. However, their ability to meet the complex needs of prisoners is constrained by a combination of factors that includes a lack of specialist expertise, lack of digital capability and challenges for providers in recruiting and retaining high quality staff.
38. We have improved the support available for governors through the development of a central HMPPS team who provide oversight in managing contracts, support digital developments, and support improvement work but we also plan to test the provision of more local expertise for governors. This local support will ensure stronger curriculum management related to the labour market and enhanced support for learners with needs relating to neurodiversity. We intend to evaluate the impact of this work to build the case for future investment.
39. To increase the potential for more flexible delivery of education we want to develop the digital capability to deliver learning 'in-cell'. This would enable us to provide more bespoke learning and support more learners to engage in education. We have recently improved the "Virtual Campus" secure learning platform, but access is currently limited to the classrooms. Regime challenges associated with COVID-19 have acted as a salutary reminder of our reliance on "face to face" teaching and this is providing additional impetus to our plans to develop digital resources.
40. We are also considering options to develop the capability of the teachers and instructors that work in prisons. We are keen to explore the potential to align our teaching workforce strategy with DFEs ambition to enhance the quality of technical and vocational tuition.

Question 8: What should happen when prison education is assessed as not meeting standards?

41. When Ofsted judge a prison's education, skills and work as inadequate or requiring improvement, the Governor is expected to produce an improvement plan with clear targets and timescales. We plan to improve the establishment level expert support for Governors alongside developing a more formal approach to hold them to account.
42. HMPPS currently has a central team to monitor and track Ofsted data. This helps inform when to offer additional local support and challenge. When HMP Bristol had a poor inspection in June 2019 education, employment and contract management experts offered support and helped them identify recommendations for improvement.
43. When the main education provider performance is poor there are mechanisms in the contract to incentivise improvement. An example of this is the monitoring of providers' Teacher Quality Management Plans²³ (TQMPs) which define a level of service against which a PEF provider's full contract earnings depend. Contractual standards relating to the percentage of learners getting an accredited outcome and the percentage of learners who started that complete a course were due to start in April 2020 but have been delayed due to COVID-19. Performance against these metrics is constantly monitored and establishments and providers are challenged if performance falls short of expectations.
44. Where standards are not met the central contract management team will work with the provider and establishment to try and improve performance before going down a more formal route. Options for escalation include; withholding 5% performance payments; the issuing of a formal improvement notice; the issuing of a formal rectification notice, or ultimately the termination of the contract. We have issued five improvement notices to date under the main PEF contracts.
45. For the Dynamic Purchasing System (DPS) contracts²⁴ performance management is led by the prisons with support available from the national

²⁴ There were 312 active suppliers on the DPS as at March 2020 and 76% of these suppliers were SME's.

contract management team, and if needed MoJ commercial. To date HMPPS have terminated 10 contracts under the DPS where poor supplier performance was the primary reason, typically due to unreasonable delays in starting delivery. This has not resulted in any financial loss to HMPPS.

Question 9: How does the variability in the prison estate and infrastructure impact on learning?

46. There are differences in the number, type and accessibility of education and workshop facilities across the estate. In many cases these are linked to the function of the prison (e.g. the offer prisoners on remand or short-sentences in a city location is quite different to what can be delivered in a training or open prison where there may be more space for workshops for prisoners who will be resident for some time). There are also variances between facilities in older prisons (e.g. HMP Pentonville built in 1842) and relatively new, modern purpose-built education spaces (a new education block has just been opened at HMP Bristol).
47. However, whatever the constraints, Governors work with their education provider to deliver as broad a range of courses as possible. There is a common core curriculum (see page 21) for all prisons which covers the functional skills prisoners need (maths, English, ICT and English for Speakers of Other Languages) and these will be supplemented by relevant vocational training and life-skills courses informed by the needs of the prisoners. We have plans to improve facilities when funding allows.
48. In addition to classroom facilities there are also differences in the extent to which prisons have the technological infrastructure necessary to support the use of digital tools. The ability to provide the infrastructure is also impacted by the age and design of the prison. Developing the infrastructure to support flexible digital learning is one of our key priorities for reform.

Question 10: How does provision compare in public sector and privately-run prisons?

49. Of the 112 adult prisons in England, twelve are Privately Managed Prisons (PMPs). Four of these use the same PEF contract structure but eight have separate arrangements. Of these eight, some deliver their own education “in house” with their own staff (e.g. HMP Peterborough), whilst others operate via a separately contracted service (e.g. HMP Rye Hill). PMPs are generally responsible for managing their own budget, curriculum design and quality of delivery. HMPPS do not provide any dedicated support or separate expert oversight for the eight prisons outside PEF arrangements.
50. Prisons within PEF are mandated to input data into CURIOUS, the prison education data management platform. However, PMPs outside of PEF have so far been under no obligation to do so, meaning that there is no standardised access to data on the performance of these prisons’ education provision. However, from now on, any new contract with a private operator under the Prison Operator Services Framework will be mandated to use CURIOUS.
51. All prisons are subject to the same HMIP inspection arrangements and Ofsted Education Inspection Framework criteria, except for Wales, which is inspected by Estyn (Wales equivalent to Ofsted). This means that privately managed prisons have the same inspection arrangements as public sector prisons. In their most recent pre-COVID assessments of Education Skills and Work in PMPs, Ofsted found 7 prisons were Good, 5 were Requiring Improvement, and 1 was Inadequate. ^{25 26}
52. This means approximately 54% of PMPs were rated Good by Ofsted in their most recent inspection, compared to 43% of public sector prisons²⁷. However, care should be taken when interpreting these results. There is wide variation across the much larger number of prisons in the public sector estate (including two ‘outstanding’ judgements at HMPs Askham Grange²⁸ and Whatton²⁹) and we are

²⁵ Data extracted from individual HMIP inspection reports can be found in Annex B.

²⁶ Note that HMP Peterborough’s male and female sites are subject to separate inspection arrangements, hence the total of 13 inspection results for 12 prisons.

²⁷ As 26

²⁸ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hm-yoi-askham-grange/>

²⁹ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-whatton/>

mindful that the private sector does not manage any male 'local' prisons which accommodate the large churn of prisoners on remand or short sentences.

Question 11: How effective and flexible is prison education and training in dealing with different lengths of sentences and the movement of prisoners across the estate?

53. Governors have the flexibility to design the curriculum to meet the needs of their prisoners. However, there are some logistical challenges in delivering learning in prisons, notably that learners have different starting points and they are likely to move through several different prisons if they have long sentences. Some prisoners will be restricted in what and how they can learn by their behaviour and the nature of their offending. There is also the challenge of providing “continual learning”, rather than academic years divided into seasonal terms with holiday periods as found in the community further education and skills sector.

54. What can be delivered in a local prison (where there will be a high churn of prisoners on short sentences) will look quite different to what can be offered in a training prison (where longer sentenced prisoners will be able to take higher level vocational courses and even degree level distance learning). In the open estate many prisoners can be released on temporary licence to attend colleges or work in the community.

55. Recent reforms have introduced “Common Awarding Organisation” contracts. These contracts require all staff working in prisons to use specific awarding organisations, where the qualification belongs to seven common subject areas³⁰. This means that a prisoner can start a course in one prison and finish it in the next prison. For example, construction qualifications offered in prisons must be through City and Guilds.

56. Further examples of provision Governors can commission include:

- Unaccredited learning for very short stay and/or “hard to reach” prisoners. Examples range from English and maths to arts (drawing, reading groups, music and choirs);
- Using the more flexible DPS contracts to try out new approaches, e.g. independent living skills and a support groups for older offenders;

³⁰ Maths, English, Construction, Catering/Hospitality – City & Guilds; Cleaning/Waste management – WAMITAB; English for Speakers of Other Languages – Gateway; IT – OCR.

- Self-employment support for prisoners, noting that for some sex offenders this is the most realistic option on release;
- Support for prisoners undertaking Higher Education (HE) degree courses (undergraduate and postgraduate) and/or Level 3 HE access courses by distance learning. Currently, only prisoners within six years of their earliest release date can apply for HE undergraduate loans but we are exploring the potential to make this rule more flexible.

Annex A**YOUTH CUSTODY SERVICE (YCS) WRITTEN EVIDENCE**

1. The delivery and access to education is a statutory requirement for all children in custody and a key element of the youth custody provision, vital to children's mental wellbeing, and essential to successful resettlement.
2. Published statistics in October 2020 show the population of youth custody estate at 607 children and young people, including 18 years old. This has dipped against the 2019/20 average of 855 due to COVID-19.³¹
3. Many of the children in youth custody present with very complex needs, with a third of children in 2019 recorded as having mental health concerns or a learning disability. Internal analysis shows that over 60% of children were not engaged in education prior to entering custody.³²
4. In 2018/19, children on remand accounted for 28% of all children in custody with evidence suggesting that children remanded to custody have comparatively poorer experiences than sentenced children and are much less likely to take part in education, or any other activity that would help them on release.³³
5. There are three distinct types of secure accommodation for children in custody; Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs) of which beds are contracted out for justice placements.
6. The two contracted-out STCs (Rainsbrook and Oakhill) deliver education as part of the overall custodial offer commissioned by the YCS. At one site the main provider delivers the education element via a sub-contract.

³¹ Youth Custody Report: Average Population tab: <https://www.gov.uk/government/statistics/youth-custody-data>

³² Figures based on analysis looking at new admissions to custody between April 2014 – March 2016

³³ Published Youth Justice stats for 2018/2019 (Pg 40) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862078/youth-justice-statistics-bulletin-march-2019.pdf

7. The seven SCHs in England that take justice placements are all operated by Local Authorities and have a variety of arrangements in place that ensure the children accommodated can access on-site education in dedicated facilities.
8. The four public-sector YOIs in England all have education providers on-site offering education to all the children they accommodate in dedicated facilities.³⁴
9. Much of the education provision in custody has previously focused around a classroom-based teaching model and timetable, although classes are smaller than in mainstream schools, often with no more than 8 pupils in a class. However, even very small class sizes can present a challenge for the growing number of children with complex needs and there are options for children to receive more bespoke small group or one-to-one work in different settings, but the offer varies dependant on site. Educational delivery is also affected by the way some education services have been commissioned assuming a high level of time-tabled classroom attendance.
10. The YCS is committed to improving education outcomes for children in custody. Work is under way to commission a new education service for under-18 YOIs in England designed to improve the learning outcomes for children in YOIs by supporting the integration of custody, education and health services, and developing a better understanding of education outcomes for children in custody.
11. In line with the government's response to Charlie Taylor's review of the Youth Justice System on placing education and health at the heart of the secure estate. the government is committed to developing secure schools, a new concept to establish 'schools with security', moving away from secure settings with education. Secure schools will be run by child-focused providers and have integrated education, health, care and physical activity front and centre. The YCS is currently working with the provider to open the first secure school at Medway in 2022.

³⁴ Value of those contracts and specifications are accessible via <https://data.gov.uk/data/contracts-finder-archive> (contract references: 1680529; 1680531; 1680525; 1714389)

Annex B**OFSTED JUDGEMENT OF OVERALL EFFECTIVENESS OF EDUCATION, SKILLS AND WORK OF PRIVATELY MANAGED PRISONS**

Data extracted from individual HMIP inspection reports:

Her Majesty's Prison	Ofsted judgement of overall effectiveness
Doncaster	Requires improvement ³⁵
Northumberland	Requires improvement ³⁶
Oakwood	Good ³⁷
Thameside	Requires improvement ³⁸
Altcourse	Good ³⁹
Ashfield	Good ⁴⁰
Bronzefield	Good ⁴¹
Dovegate	Requires improvement ⁴²
Forest Bank	Good ⁴³
Lowdham Grange	Inadequate ⁴⁴
Peterborough (male)	Good ⁴⁵
Peterborough (female)	Good ⁴⁶
Rye Hill	Requires improvement ⁴⁷

³⁵ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-yoi-doncaster-2/>

³⁶ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-northumberland-2/>

³⁷ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-oakwood-2/>

³⁸ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-thameside-2/>

³⁹ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-altcourse-2/>

⁴⁰ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-ashfield-2/>

⁴¹ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-yoi-bronzefield-2/>

⁴² <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-dovegate-3/>

⁴³ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-forest-bank-2/>

⁴⁴ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-lowdham-grange-2/>

⁴⁵ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-peterborough-male/>

⁴⁶ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-yoi-peterborough-women-2/>

⁴⁷ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-rye-hill-2/>

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