

Written evidence submitted by Prisoners' Education Trust

## **Education Committee inquiry: The impact of Covid-19 on education and children's services**

### **Response from Prisoners' Education Trust**

#### **About Prisoners' Education Trust**

Prisoners' Education Trust (PET) works with all prisons across England and Wales, funding distance learning courses in levels and subjects which learners would otherwise be unable to access in prison. Since 1989 we have given more than 40,000 awards to people in prison – equipping them with skills and qualifications to build brighter futures. We currently provide funding for learners on around 250 different courses which range from beekeeping to bookkeeping and include GCSEs, A Levels, degree-level study and vocational qualifications. We also provide advice and guidance to learners in prisons. In April 2020, we launched our freephone Advice Line, to support current learners with their studies as well as to answer questions from potential learners, their families and friends, and prison staff.

#### **Education in prison**

Education in prison can transform lives. The 2016 Coates Review stressed the important role education plays in the rehabilitation process and its ability to 'unlock' learners' potential and reduce reoffending.<sup>1</sup> Statistics show that reoffending rates for prison learners are significantly lower than for those who do not engage in any form of education in prison (34% compared to 43%).<sup>2</sup> Yet prison education has long been under-resourced and often not given parity of esteem to other aspects of the prison service. This is evidenced by the OFSTED (England) and Estyn (Wales) inspections which are carried out as part of the HM Inspectorate of Prisons' (HMIP) unannounced prison inspections; in 2018-19, OFSTED judged the overall effectiveness of education, skills and work as 'requiring improvement' in 40% and 'inadequate' in 30% of English prisons inspected.<sup>3</sup>

Following the recommendations of the Coates Review, a new commissioning system was introduced for the delivery of prison education in England. Four education providers (Novus, PeoplePlus, Weston College and Milton Keynes College) were awarded the new Prison

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<sup>1</sup> Coates, S. 2016. *Unlocking potential: A review of education in prison*. London: Ministry of Justice.

<sup>2</sup> Ministry of Justice and Department for Education. 2017. *Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records*. London: Ministry of Justice.

<sup>3</sup> HM Chief Inspector of Prisons for England and Wales (HMCIP). 2019. *Annual Report 2018-2019*. London: HM Inspectorate of Prisons (p. 35).

Education Framework (PEF) contracts to provide all core education programmes across the prison estate (with the exception of some privately-run prisons) from April 2019. In Wales, education is still delivered by HM Prison and Probation Service (HMPPS) staff. In addition to the PEF contracts, prison governors in England are able to commission additional bespoke education provision using the newly rolled-out Dynamic Purchasing System (DPS).

Education in prison can take several forms, from classroom learning, vocational learning in workshops, interactive digital learning through the 'Virtual Campus' on computers accessible in education departments (though access to this remains problematic on many sites), as well as a wide range of distance learning courses at varying levels. 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, specifically Heads of Learning and Skills (HOLS), in sending off applications and ensuring that learners receive course materials and have access to libraries and (sometimes) word processing facilities.

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>4</sup> 42 percent of adult prisoners have been permanently excluded from school.<sup>5</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' the Skills for Life programme deem necessary for people to have in order to succeed in most types of employment.<sup>6</sup> Almost a quarter of prisoners are care-leavers and 67% of women and 43% of men surveyed by HMIP inspectors in 2018-19 reported having mental health problems.<sup>7</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.

## The impact of Covid-19 on education in prison

### ***Lockdown in prisons***

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<sup>4</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>5</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>6</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).

<sup>7</sup> Prison Reform Trust. 2019; HMCIP. 2019 (p. 116).

There are currently around 80,000 people held in prisons and young offender institutions in England and Wales. Since the start of the Covid-19 lockdown, all family visits have been suspended. In order for social distancing to be maintained, regular regimes are in the main not operating, which means people are not allowed to leave their cells for activities such as education, exercise or worship. The majority of prisoners are now locked in their cells 23 hours a day. While guidance for the general population about lockdown has shifted from the 'Stay home' to the 'Stay alert' policy, there is no immediate plan to relax restrictions in prisons, due to the high risk of the virus spreading in confined environments. It is possible that regime restrictions and long lockups will be ongoing until a Covid-19 vaccine has been developed, which, at most optimistic estimates, could take 12-18 months but may take much longer.<sup>8</sup> This means that independent study and distance learning are likely to be more needed than ever over the next year. It is therefore essential that HMPPS has a clear strategy to facilitate this, ensuring that distance learning is fully resourced and supported.

The Ministry of Justice (MoJ) has so far not taken meaningful action to reduce the prison population at this time, despite calls to do so by, among others, the Prison Governors' Association, The Shadow Justice Secretary and many voluntary sector organisations, including the Prison Reform Trust and the Howard League for Prison Reform.<sup>9</sup> Alongside highlighting the risk of preventable deaths from Covid-19 in an overcrowded prison estate, these calls have raised concerns about the impact long periods of lockup and isolation will have on prisoners' health and rehabilitation. It should be noted that these are not new concerns: years of overcrowding, staff shortages and under-investment in rehabilitation means there is already a crisis within the prison system.<sup>10</sup> High pre-existing levels of self-harm and mental health problems among prisoners are likely to be significantly compounded in the context of the pandemic.

### ***Interruption to education delivery***

From the learners and education staff that we have contact with, we have heard that much face-to-face education provision stopped in the wake of the lockdown and that there has been a slow response to the pandemic within the prison education system. PEF providers have worked to distribute learning material via paper-based worksheets to prisoners in lockdown. However the lack of access by PEF to prisons has severely limited their ability to

<sup>8</sup> Gallagher, J. 2020. Coronavirus vaccine: When will we have one? *BBC News*, 18 May. <https://www.bbc.co.uk/news/health-51665497>

<sup>9</sup> Prison Governors Association. 2020. Prison Governors Association press release – Early release of prisoners announcement. 4 April. <https://prison-governors-association.org.uk/prison-governors-association-press-release-early-release-of-prisoners-announcement/>; Lammy, D. 2020. House of Commons Debate, 27 April. <https://www.theyworkforyou.com/debates/?id=2020-04-27b.89.5#g92.0>; Howard League of Penal Reform. 2020. Howard League and Prison Reform Trust urge ministers to move further and faster to protect prisoners, staff and public from coronavirus. <https://howardleague.org/news/howard-league-and-prison-reform-trust-urge-ministers-to-move-further-and-faster-to-protect-prisoners-staff-and-public-from-coronavirus/>

<sup>10</sup> Justice Committee. 2019. *Prison population 2022: Planning for the future. Sixteenth Report of Session 2017–19*. London: House of Commons. <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/483.pdf>

support individual learner needs. Anecdotally, we have heard about a lack of information available for distance learners, with a lot of questions left unanswered, e.g.: What will happen to my course? How will my assessments be sent off? How will I get my feedback? The lack of information has led to additional anxieties within an already extremely difficult situation.

In publicly-owned prisons in England, the fact that core education courses are run by separate providers has been an additional barrier during the lockdown, as the providers are not based in the prison and are not easily able to communicate directly with learners. Education staff who are HMPPS employees (which is the case for all education staff in Wales, and for HOLS in both England and Wales) have often had to cover other duties, as pre-existing under-staffing has been compounded by higher levels of sick leave among prison staff due to the virus. In our experience, HOLS have been helpful in attempting to bridge the gap, but their resources and time are limited. The Covid-19 shutdown thereby highlights the challenges of contracting out large portions of prison delivery, with a whole department managed and supported by separate organisations. Contracts in themselves can create barriers, as contractors may feel less confident in going beyond the boundaries of their contract in unprecedented circumstances.

To date, the picture is still unclear in terms of what is being provided. We are aware of some delays and cancellations to courses and assessments which impact prison-based learners. In particular, all Open University distance learning courses which were scheduled for a February start have been automatically deferred to September. This decision has been imposed on learners without consultation,. The National Examination Board in Occupational Safety and Health (NEBOSH) has postponed examinations in June and July, and many of the trade courses which prison learners take are currently suspended, with suppliers suggesting that prison learners can take their exams upon release.

However, the majority of distance learning providers are still open and are able to continue to print, produce and post course materials, although there are some to be expected delays in these materials reaching learners. There has been an expected drop in numbers, but we are still receiving new applications via post and processing these as they come in. A handful of providers have informed us that they are still providing tutorial support but it is taking longer than usual for things to be marked and returned to the learners. Course providers are also contacting prison staff where possible and are doing the best they can to find different ways of communicating with learners.

Learners in prison are particularly vulnerable to the negative impacts of course delays and cancellations of assessments. For instance, learners who are nearing release are likely to face additional challenges to those faced by other learners in completing their course at a later date. In our experience, it is often difficult for people to complete courses they have started in prison after they have been released, as the post-release period is often stressful and involves many immediate challenges, such as securing accommodation and work.

### ***The status of education within the prison system***

While it is understandable that health and safety concerns have needed to take priority in this initial phase of the Covid-19 lockdown, in order to minimise the risk of the virus spreading within prisons, the fact that so much of the education provision so quickly disappeared, and that it has taken a long time for anything to start happening again highlights education's lack of status within the prison service. Although the new system of commissioning education has been implemented in order to improve the delivery of education in prisons, this new system does not solve problems caused by years of underfunding and under-resourcing of prison services in general and prison education in particular. HMIP inspection reports in 2018-19 highlight that there were not enough places for education, skills and work activity in almost half of all prisons inspected, and that 'chronic staff shortages', both in education and more generally across prisons, led to a lot of cancelled sessions and poor attendance (i.e. when staff escorts are not available).<sup>11</sup> The pandemic has thus laid bare pre-existing under-investment and under-valuing of prison education.

### ***Lack of in-cell technology***

Prisoners' Education Trust currently provides distance learning through paper based courses. We strongly advocate for greater access to digital technology in prisons, both in education departments and in-cell. Providing prisoner learners with in-cell devices, with links to a secure intranet or whitelisted sites, would revolutionise prison education. The lockdown has brought to the fore the urgency for such technology being made available.

Safe technology already exists in the form of devices which can be used to access only a secure intranet and/or restricted pre-selected and approved websites. The Virtual Campus could thereby be made available to people in their cells, which would mean learners could continue working towards their qualifications and assessments. Many of the classes which would normally be held in the education department's classrooms could also be held remotely rather than having to stop altogether.

In the wake of the lockdown, there has been some movement from the HMPPS in making more communication technology available to prisoners, to mitigate the isolation and distress caused by the suspension of family visits and regular activities. Secure video calls with families have been trialled and are being rolled out since the start of the pandemic, starting initially with 10 institutions.<sup>12</sup>

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<sup>11</sup> HMCIP (p. 36).

<sup>12</sup> MoJ and HMPPS. 2020. Secure video calls to help prisoners maintain family ties. GOV.UK, 15 May. <https://www.gov.uk/government/news/secure-video-calls-to-help-prisoners-maintain-family-ties>

What is clear is that safe technology exists, and has done for some time, but the lack of a national strategy and will in implementing its use has held up this development. The Covid-19 lockdown has demonstrated even further the necessity of digital technology for all, as only operations which have been able to be adapted for online delivery have been able to continue (e.g. university teaching). Learners in prison are being significantly disadvantaged by not being able to continue their learning online. In every other sector of education, the use of digital technology has been central to efforts to continue the delivery of learning through lockdown. Prison learners, arguably amongst the least well supported in the education sector in other respects, and as evidenced by Ofsted inspections, have been further disadvantaged by this lack of digital access.

## **Recommendations**

In order to ensure that learners in prison are not further disadvantaged by the effects of the Covid-19 lockdown, we recommend the following:

1. The continued under-investment in prison education must be rectified as a matter of urgency, as the Covid-19 crisis has laid bare. Prison education needs to be better funded and resourced in order to ensure continuity of capacity, provision and support even at times, such as the present, when the prison service is facing additional pressure and challenges.
2. The MoJ and HMPPS must ensure that education is better integrated into the everyday operations of prisons, to reflect the fact that education is at the heart of rehabilitation.
3. Distance learning and self-directed learning must be properly supported. Additional resources should be made available as a matter of urgency to avoid further disruption to learners.
4. In-cell technology must be rolled out through a well-resourced and coordinated approach across the prison estate. It should be noted that in-cell independent learning does not replace the need for face-to-face learning, but should be supported and enabled as part of a wider and holistic education programme.
5. Additional support should be offered to those soon to be released whose courses have been delayed or cancelled, in order to ensure that they can complete their courses upon release.

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