

Written evidence from the Prisoner Learning Alliance (PLA) (COV0211)

Impact of Covid

The PLA is a network of organisations and individuals with expertise in prison education. We use our collective voice to advocate for improvements in prison education and to hold the government to account. We have over 170 members across the sector, including education providers, professional bodies and voluntary sector organisations. The Prisoners' Education Trust provides our secretariat.

We welcome the opportunity to respond to this inquiry. We believe that many rights are currently being curtailed - most notably the rights to family life and to protections from inhuman and degrading treatment - but we have focused our submission on rights relating to education.

Education is a human right to which all people are entitled, regardless of age or sociocultural background. The Universal Declaration of Human Rights and the [Council of Europe recommendations](#) recognise this, highlighting 'the importance of education in the development of the individual and the community', and noting that a 'high proportion of prisoners have had very little successful educational experience, and therefore now have many educational needs'. The 'pains' of imprisonment have been extensively researched and prison education can powerfully mitigate the risks to emotional and mental wellbeing inherent in the prison environment.

HMPPS' human rights responsibilities are clear: prisoners should be subject to no more restrictions than necessary for safe custody and a well-ordered community life.

Prison education during Covid-19

Education providers¹ stopped working in prisons on March 23rd 2020. This means that as of 23rd July 2020 prisoner learners will have been without taught education for four months. Learners in the middle of assessments and qualifications, beneficial on release, have been unable to continue these. The decision to remove education provider staff, practically overnight, was, in our view, flawed and short-sighted. The vulnerabilities of the prison population and the additional needs of learners should have been considered to enable some sort of skeleton education provision or tutor support for in-cell/distance learning.

Impact of specific measures on human rights

¹ In most prisons, education is provided under PEF (Prison Education Framework) contracts. The arrangements are different in Wales and in some contracted-out prisons.

Measure: universal lockdown and withdrawal of activities in prisons

Impact: loss of work and education

Currently, most prisoners are locked in their cell for 23, or 23 ½ hours a day. Prisoners who are part of the prison work force (i.e. they work in the kitchens, laundry or cleaning) are allowed out of cells to do these duties. Education providers and other organisations have been providing in-cell materials and education packs for distribution but this is not systematic.

Prisons are beginning to ease out of lockdown but the pace of change is too slow and too variable across establishments. Some prisons are beginning to hold additional exercise sessions and activities, so that people may be unlocked for 2-3 hours on some days. A handful of prisons have started socially-distanced visits - but many prisons have not even started video visits yet.

Restricted, socially-distanced learning (as in schools) was viable and could have been implemented. In some prisons, some socially-distanced workshops have been able to run. However, this is exceptional - the reality is that the majority of the 80,000 people in our care have been experiencing solitary confinement.

This has also had a very significant impact on prisoners who were security-cleared for temporary day release to attend college, university or work, as these activities ceased. A recent HMIP report outlines that some prisoners are in danger of losing their jobs.

Impact: no digital access

The most significant difference between prison and community education is that prison learners have no internet access. While adult education provision in the community has been able to develop new and creative ways of teaching and learning, prisons are unable to do this. Prison learners are significantly disadvantaged. The Covid-19 crisis has brought into stark relief the complete inadequacy of provision for prison learners. Without this access, prisoners remain isolated and unable to access basic information, connect with loved ones and participate in education.

Impact: emotional and psychological well-being

Segregating people for long periods of time impacts severely on mental health and wellbeing. Rates of mental illness are high amongst prisoners and many will be finding it very difficult to cope. All studies of prisoners in involuntarily solitary confinement in regular prison settings for longer than ten days have demonstrated some negative health effects². We note that the Mandela rules prohibit indefinite and prolonged solitary confinement (of 15 days plus).

Impact: loss of access to library

² Shalev, Sharon (2008) A Sourcebook on Solitary Confinement

International human rights instruments (including the Mandela Rules) call for prison libraries to be in place, adequately stocked and accessible to all prisoners. During lockdown, access to prison library services has been variable- some have closed completely, and in other prisons, officers have distributed books to prisoners.

Impact: access to time in the open air

The importance of fresh air and exercise for the mental health and wellbeing of prisoners in general and those segregated in particular is well recognised and long established in international human rights law. An hour of fresh air and exercise per day is viewed as the absolute minimum required. During the lockdown, prisoners have often received less than an hour a day and prison inspectors have [found that some have received no time outside](#) for up to two weeks.

We have particular concerns about education provision for the following groups of prisoners:

Children

In the community, children of key-working parents and vulnerable children (including those at risk, in care, and/or with an EHCP) have been receiving taught education. Many children in prison will be in vulnerable categories. In the community, children have individual assessments enabling attendance at education where possible. We believe that the almost blanket ban³ on education for children in custody has not been in their best interests.

Young adults

There are around 15,000 young adults (up to age 25) in prison, many with a complex set of backgrounds and experiences, including significant trauma. This age group is particularly vulnerable: although officially adults, and therefore placed in the adult estate, young adults are still in a process of transition into adulthood, [as neuro-developmental research](#) shows that brains are not fully mature until the mid-20s. They therefore need additional support. We believe that solitary confinement is particularly damaging to this group and that the break in their education could have far-reaching consequences.

People with learning needs and people with English as an additional language

Over a third (34%) of prisoners have self-identified as having a learning difficulty or disability. There is a lack of focus on their needs generally and it is not clear how learners with additional needs have been catered for during Covid-19, whether prison staff have identified them, and how much adapted material (if any) has been made available to them in-cell. Many prisons have made significant efforts to update prisoners with newsletters and written briefings, but we do not believe

³ HMP Parc has been providing limited face-to-face education for children every weekday, which is positive but the only example. We support [HMIP's assessment](#) that there is no reason for such significant disparity in such a small estate.

that many have been written in easy read. Access to the prison radio station and in-cell television channels provided by prisons is helpful but this coverage is inconsistent. Foreign national prisoners make up around 11% of the prison population, but there is no clear data on how many people do not speak or read English. Information in other languages and foreign language books have not been provided systematically during the lockdown.

People who have needed to shield because of their health or age

Prisons have developed systems and specific locations for those who have been advised to shield. Many prisoners are physically vulnerable. Six out of ten have a long-standing illness or disability. In some prisons, people who are shielded are receiving even less time out of cell or in the open air. It is unclear when and whether shielding prisoners will be able to access any kind of group activity or face-to-face education. We also know that shielding in prisons is expected to last longer than in the community and [potentially up to March 2021](#).

Conclusion

We have no doubt that the swift and decisive action taken by HMPPS in March has prevented infections. Immediate lockdown was justifiable but the continued restrictions are not. There is a danger that averting a Covid-19 pandemic in prisons could lead to a mental health or self-harm pandemic. Currently, the community is easing out of lockdown with many freedoms reinstated. Further education colleges opened on the 13th July. Prisoners are being left behind, with no access to the digital learning that partly mitigates losing taught classes in every other sector. HMPPS must urgently progress out of lockdown. We do not expect taught education to begin again until November so in the meantime HMPPS must encourage wing-based, digital and distance learning, alongside working towards resuming classes with the minimum of delay.

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