

# Prisoner Apprenticeship Pathway

**AELP & ERSA**

Recommendations for the path ahead

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## Milton Keynes College

Milton Keynes College has worked successfully with students both in custody and on licence in the wider community for almost 30 years. The College has delivered and worked in partnership, across a range of prisons and locations across England, to enable students to improve their personal skills and self-belief, whilst developing the skills needed to help them settle into prison life, develop a career in custody or resettle on release. Milton Keynes College's approach is to focus on character as much as the curriculum to achieve long-term behaviour change and lasting social impact, as they work to reduce re-offending through education and learning.

## About AELP

Members of the Association of Employment and Learning Providers (AELP) support employers in the delivery of 75% of apprenticeships in England and they deliver other publicly funded skills and employment programmes. The majority of AELP's 980+ members are independent private, not-for-profit and voluntary sector training and employment services organisations with employers, universities, FE colleges, schools and end-point assessment organisations joining AELP in increasing numbers.

## About ERSA

The Employment Related Services Association (ERSA) is the membership and campaign body for providers of employment support. ERSA has over 270 members spanning the public, private and voluntary sectors, with nearly 80% drawn from the not for profit sector.

## The Pathway Working Group

The Prisoner Apprenticeship Working Group is made up of organisations providing employment support in prisons and through the gate, who understand the unique challenges the prison estate poses for the delivery of apprenticeships, as well as the complexity of delivering within prisons and on release. The group was established in 2017 following the announcement of the Prisoner Apprenticeship Pathway in the Government's White Paper on Prison Safety and Reform and is made up of AELP and ERSA members.

# Foreword from the Chairs

In simple terms - the introduction of the Prisoner Apprenticeship Pathway is a Win-Win!

*The contributors to the PAP working group have shown that the social and business case for implementing a through the gate prisoner apprenticeship pathway is well understood. There are already some emerging examples of good practice. However, if it was easy to do it would already be happening!*

*Far too many prisoners are being released back into our communities without the necessary skills and qualifications to be employed. And too many employers are not willing to take the 'risk' of employing an ex-prisoner. To implement an effective and sustainable through the gate prisoner apprenticeship pathway will require high levels of collaboration, leadership and an effective communication strategy to engage prisoners and employers.*

## We know that:

- » *Employment is a significant factor in reducing reoffending*
- » *There is a projected skills shortage in industries such as the construction sector*
- » *Prisoners released back into our communities are often not equipped to be able to enter the workplace*
- » *Ex-prisoners face discrimination when applying for jobs.*

*But we also know that there are unrealised opportunities to replicate the 'world of work' within a prison setting that could support the practical vocational element of a Prisoner Apprenticeship Pathway such as catering, cleaning and facilities management, carpentry, electrical installation, plumbing, construction, painting and decorating and groundworks.*

*This report is very much a 'bottom-up approach' based on the significant experience of our working group members. It aims to identify key issues and barriers, provide examples of best practice and make specific recommendations which will support the introduction of the Prisoner Apprenticeship Pathway.*

*Lastly, thank you to all of the members of the Offender Related Services Forum who gave up their time to share their valuable knowledge and experience to contribute to this report.*

**Co-Chair Prisoner Apprenticeship Pathway**  
**Dan Hayes**  
**Justice Solutions Director, Gov Facility Services Ltd (GFSL)**



## Foreward from the Chairs

*Working in the Criminal Justice Sector for the past 14 years and having seen a range of different innovations and ideologies tried, tested and occasionally failed, it has been a pleasure and a refreshing experience to be part of the Prisoner Apprenticeship Pathway Working Group. I have had the opportunity to work with a wide range of colleagues with vast experience and a breadth of knowledge around delivering services in prisons. We have also heard the unique perspective of employers who have had to learn the complexities of manoeuvring their way around different establishments whilst keeping a careful eye on the business benefits of sustaining these working relationships. This leads to some much-needed clarity on the financial incentives for employers engaging positively with the prison population and ensuring their needs are taken into account when establishing best practice.*

*Understanding the key challenges and looking at examples of good practices, has led to the clear recommendations in this report. Implementing these will support prisoners through their rehabilitative journey by linking training and employment opportunities to establish a guaranteed job and guaranteed income on release through apprenticeships.*

*There is no doubt these recommendations raise challenging legislative questions. However, the benefits of education in prisons being linked more closely to the skills required in the local labour market is key to developing appropriate apprenticeship opportunities as well as raising a sense of purpose, hope and aspiration in our prisoner population. The development of a Pathway has the opportunity to improve employment prospects upon release as well as reduce the rate of re-offending and the costly bill associated with this - rightly a priority for the Ministry of Justice.*

*I am grateful to everyone who has taken the time to contribute their knowledge and experiences to help shape this report.*

**Suzanne Purcell, Co-Chair Prisoner Apprenticeship Pathway  
Employment & Skills Manager, Kent, Surrey & Sussex CRC**

# Synopsis of recommendations

## Recognising the benefits of a Pathway

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- » The Government's priority to create 3 million apprenticeship starts by 2020 should provide opportunities for people both inside and outside the prison gate, given its prominence as a major route into employment. A Prisoner Apprenticeship Pathway has numerous benefits for Government, prisoners and businesses in relation to addressing local labour shortages, as well as creating meaningful activity inside the prison which translates to opportunities on release.
- » The commitment to linking prison activity to real job opportunities as well as the intention to involve employers throughout the process is welcome. There should be further clarity on how this will work, and how the pathway will be funded.
- » The Government must recognise the barriers that providers currently face in securing opportunities for ex-prisoners, as well as acknowledging current good practice.

## Leadership

- » The Government should convene a cross-departmental working group to develop the Prisoner Apprenticeship Pathway, with stakeholder representation.
- » The next stage of development must be reflected in the Industrial Strategy, with BEIS and employers in the lead on the demand side.
- » Further detail of the Prisoner Apprenticeship Pathway should be laid out in the DfE Apprenticeship Standard Criteria.
- » The development of the Prisoner Apprenticeship Pathway should reflect, and be informed by, the specific needs, aspirations and skills of prisoners themselves.

## Creating the right conditions

- » A holistic approach to a Pathway within the prison estate should be taken with due consideration for the variation in prisoner cohorts and local labour market requirements.



## Synopsis of recommendations

- » The work environment should be replicated in prisons to the highest of standards to satisfy employers and give prisoners access to good facilities thus ensuring parity of esteem with apprentices on the outside.
- » Staffing levels should be stabilised on the frontline to ensure prisoners are able to complete their programme successfully.
- » The initial Pathway pilots should include one trial of VR to investigate its applicability for training learners in the prison environment.
- » The Pathway should evolve in response to changing prisoner and employer needs, shaped by a flow of feedback from learners, providers and employers. In addition, there should be a review 2 years after the Pathway's implementation to assess its feasibility.

## Engaging prisoners

- » The Pathway must be built on a complete understanding of the prison population, their motives for participation in education and training, and the barriers to participation they face.
- » Government must give greater consideration to prisoners with regards to English and maths requirements- in particular, greater use of Functional Skills as part of the Pathway.
- » Government must address the underfunding in English and Maths as a matter of urgency.
- » An urgent Government review is needed of the current framework for prisoner pay, with a refocus on work opportunities and career progression outside the gate.
- » A stronger focus is needed on those in custody who are care leavers and/or have a care plan, as 100% of their training will be given by the government to take them on.
- » There should be a concentrated focus on a handful of sectors for a successful implementation of the Pathway.

## Engaging employers

- » Government should pilot the East Midlands BITC model in two other areas to test scalability.
- » New Futures Network ambassadors should have previous experience of delivering education and training in prisons.
- » ROTL should be used as a key part of the Pathway to bring learners into employment prior to release.
- » Employers must be engaged in conducting interviews and meeting prisoners before the Pathway to create trust and a positive start.
- » The MoJ should produce easy to understand FAQs or flowcharts for employers to navigate the Pathway process.
- » Government should improve the marketing of the NI payment break to employers and clarify the timeframe of an 'ex-offender'.
- » Prisons should share with employers information on the mapping of where prisoners will be released to geographically.

## Continuity through the gate

- » There should be a single point of contact to coordinate information sharing between different agencies and at different points of a prisoner's sentence.
- » There needs to be further clarity on who is responsible for providing employment support, the outcomes that are used to measure performance, and the associated funding.
- » An individual's financial situation should be assessed prior to their release, and agencies inside the prison should work with CRCs to ensure the right support is in place before the apprenticeship begins.
- » A bursary model should be considered for certain groups of ex-prisoners, such as those with a history of homelessness.
- » The Government should state clearly who is responsible for providing employment support through the gate; further clarity over this responsibility should be made clear at the DPS stage.
- » Joint performance measures should be introduced, evaluating the long-term education, training and employment outcomes of ex-prisoners.

# Introduction

## Policy context

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*“ The purpose of education in prisons is to give individuals the skills they need to unlock their potential, gain employment and become assets to their communities. It should also build social capital and improve the wellbeing of prisoners during their sentences and once release.”*

**Ministry of Justice (2017) <sup>1</sup>**

The Prisoner Apprenticeship Pathway (Pathway) was first announced in the White Paper on Prison Safety and Reform<sup>2</sup> in 2016 as part of a number of proposals to reform prison education. The proposal specifies that training carried out in prison would contribute towards “the completion of a formal apprenticeship on release”. The White Paper also outlined plans to allow prison governors to have overall responsibility for the commissioning of education and training provision once existing provision comes to an end, with the intention of enabling governors to offer joined-up services that continue through the gate. This is still in its early stages as procurement is taking place, but we look forward to seeing the opportunities this gives governors in determining the best opportunities for their prison population. These proposals have drawn on recommendations from the Coates Review<sup>3</sup>, which recommended that governors should be given autonomy and be held accountable for educational outcomes.

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1 ) Prison Education Trust (2017) *Moj: the expectations and options behind governor commissioning*. [online]. Available from: <https://www.prisonerseducation.org.uk/news/moj-on-education-balancing-autonomy-with-consistency> [Accessed: 14 September 2018].

2 ) Ministry of Justice (2016) *Prison Safety and Reform*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565014/cm-9350-prison-safety-and-reform-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-web.pdf) [Accessed: 17 December 2018].

3 ) Dame Sally Coates (2016) *Unlocking Potential: A review of education in prison*. [online]. Available from: <https://www.gov.uk/government/publications/unlocking-potential-a-review-of-education-in-prison> [Accessed: 17 December 2018].

The recently published Ministry of Justice (MoJ) Education and Employment Strategy<sup>4</sup> (EE Strategy) sets out plans to link training in prison with apprenticeships on release. The Prisoner Apprenticeship Pathway is placed in the education section of the strategy and is framed as a vocational route and an alternative means of gaining a “qualification and work experience” whilst in prison. In essence, the Pathway is a pre-apprenticeship to be completed in custody, with opportunities to carry out work experience leading to a 12-month “guaranteed” apprenticeship on release.

The Working Group welcomes the commitment to link prison activity to real job opportunities as well as the intention to involve employers throughout the process. Currently, there is not enough detail on how the Pathway will work. In addition, there continue to be uncertainties around funding for training in prison and how activity will link up with through the gate delivery. In addition, there needs to be greater clarity on how agencies will come together to provide continued support in the community. To overcome these difficulties, the Government must recognise the barriers that providers currently face in securing opportunities for ex-prisoners, as well as acknowledging current good practice and how these can be scaled up.

## The Apprenticeship Levy

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An important element of the Government’s strategy to develop the UK’s skills base is through its commitment to increase the quality and quantity of apprenticeships. The apprenticeship levy was established as part of the Government’s Apprenticeships (England): 2020 vision<sup>5</sup> with the aim of achieving three million high-quality apprenticeship starts by 2020. The policy came into force in April 2017, affecting all UK employers with a pay bill of over £3 million, and includes the gradual phasing out of apprenticeship frameworks, which are being replaced with high-quality apprenticeship standards. The intention of the levy is to help to deliver new apprenticeships and to support quality training by putting employers in the driving seat.

The Pathway creates an opportunity to increase the use of apprenticeships as well as supporting the focus on the prisoner’s eventual return to the community. In addition, prisoners have skills and potential that will be key to addressing skills gaps likely to be created post-Brexit, as well as contributing towards the UK’s long-established productivity challenges, which the Government’s Industrial Strategy<sup>6</sup> aims to address.

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4 ) Ministry of Justice (2018) Education and Employment Strategy. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710406/education-and-employment-strategy-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf) [Accessed 17 December 2018].

5 ) Department for Business, Innovation and Skills (BIS) (2015) *Apprenticeships (in England): vision for 2020*. [online]. Available from: <https://www.gov.uk/government/publications/apprenticeships-in-england-vision-for-2020> [Accessed 17 December 2018].

6 ) Department for Business, Energy and Industrial Strategy (BEIS) (2017) *Industrial Strategy: Building a Britain fit for the future*. [online]. Available from: <https://www.gov.uk/government/topical-events/the-uks-industrial-strategy> [Accessed 17 December 2018].



## Benefits of apprenticeships

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There are numerous benefits associated with apprenticeships, including increased productivity and improved employment prospects. According to the National Apprenticeship Service, apprenticeships offer “the chance to earn a salary while also undertaking training in the skills that employers want, excellent progression opportunities, increased future earning potential and the support of a mentor”. An evaluation conducted by the Department for Business, Innovation and Skills<sup>7</sup> (BIS) recorded that the majority of apprentices reported both their ability to do the job and their future career prospects had improved. The vast majority of employers said apprenticeships improved the quality of their product or service, and that the productivity of the apprentice increases over time.

A longitudinal cohort study of prisoners sentenced in 2005/06 found that 53% had no qualifications, compared with 85% of the general population, and 42% have been permanently excluded from school-age education<sup>8</sup>. Apprenticeships must offer training to Level 2 in English and Maths or Functional Skills if the apprentice does not already have these or equivalent qualifications. Within a prison, providing a credible and engaging ‘through the gate’ vocational offer can be an effective way to motivate prisoners to achieve Level 2 literacy and numeracy, which they may not otherwise achieve through standalone classroom-based provision.

The EE Strategy recognises that many prisoners are not able to secure basic English and maths skills by the time they finish their sentence and that the availability and quality of education and employment support varies significantly across different prison estates. It outlines plans to tailor prison education with the requirements of employers and the needs of different cohorts of prisoners, with governors being given the ability to commission programmes that match local labour markets. Apprenticeships, therefore, offer a real opportunity for improving the skills base of prisoners and addressing the gap in outcomes for prisoners.

## Getting ex-prisoners into work: the evidence base

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Reducing reoffending and creating rehabilitative prisons is a key priority for the MoJ. Connecting ex-prisoners to employment opportunities on release is central to making the Government’s rehabilitation agenda successful. The EE Strategy acknowledges that meaningful activity inside the prison should also create further opportunities for individuals on release.

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7 ) Department for Education and Department for Business, Innovation & Skills (BIS) (2016) *Apprenticeship Evaluation 2015: learner survey*. [online]. Available from: <https://www.gov.uk/government/publications/apprenticeship-evaluation-2015-learner-and-employer-surveys> [Accessed: 17 December 2018].

8 ) Brunton-Smith et al. (2014), *The impact of experience in prison on the employment status of longer-sentenced prisoners after release*, MoJ Analytical Series.



Reoffending costs the economy around £15 billion per year.<sup>9</sup> Between Oct-Dec 2016 the proven reoffending rate stood at 29.4% or 36,000 people within one year of release. This percentage has remained fairly consistent across the whole prison population, although it varies by subgroup.<sup>10</sup> For young prisoners reoffending is considerably higher at 41.6% for the same time period. Proven reoffending rates for adults ranges from 6.9% for prisoners with no previous offences to 49.5% for prisoners with 11 or more previous offences.

Employment has been shown to significantly reduce the chances of reoffending. The MoJ's analysis on the impact of employment on reoffending compares reoffending rates with employment a year following release from prison. It shows a reduction in re-offending of 9.4% for those sentenced to less than 12 months imprisonment and 5.6% for those sentenced to more than 12 months.<sup>11</sup> Supporting prisoners into good quality, sustainable employment is, therefore, an essential element towards reducing the national reoffending rate. Currently, however, only 17% of ex-prisoners manage to secure employment one year after release. This low employment rate contributes to the cycle of reoffending and has a direct cost to the welfare system. Data jointly published by the MoJ and the Department for Work and Pensions (DWP) in 2014 showed that 28% of Jobseeker's Allowance claims were made by people who had come into contact with the criminal justice system<sup>12</sup>.

Other positive outcomes from employment which reduce reoffending include financial stability, increased self-esteem and securing long-term accommodation. Many ex-prisoners face additional barriers to employment, such as employer bias, resulting in longer periods out of work. A guaranteed apprenticeship upon release may, therefore, mitigate circumstances that prevent people from accessing immediate employment opportunities, as well as leading to better accommodation outcomes and financial stability.

It has been widely acknowledged that meaningful activity inside prison can also help tackle feelings of isolation and boredom. Preparing prisoners for employment opportunities and making use of existing knowledge and skills means that they are able to serve their sentence in a constructive way, and prisons are able to create more rehabilitative environments which divert people from reoffending.

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9 ) Ministry of Justice (2018) *Education and Employment Strategy*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710406/education-and-employment-strategy-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf) [Accessed: 17 December 2018].

10 ) Ministry of Justice (2018) *Proven Reoffending Statistics Quarterly Bulletin, October 2016 to December 2016*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/751109/proven\\_reoffending\\_bulletin\\_October\\_to\\_December\\_16.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751109/proven_reoffending_bulletin_October_to_December_16.pdf) [Accessed: 17 December 2018].

11 ) Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217412/impact-employment-reoffending.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217412/impact-employment-reoffending.pdf) [Accessed: 17 December 2018].

12 ) Ministry of Justice (2014) *Experimental statistics from the 2013 MoJ/DWP/HMRC data share: linking data on offenders with benefit, employment and income data*. [online]. Available from: <https://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share> [Accessed: 17 December 2018].

## Summary

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- » The Government must recognise the barriers that providers currently face in securing opportunities for ex-prisoners, as well as acknowledging current good practice.
- » The Ministry's commitment to linking prison activity to real job opportunities and the intention to involve employers throughout the process is welcome. There should, however, be further clarity on how this will work, and how the Prisoner Apprenticeship Pathway will be funded.
- » The Government's priority to create 3 million apprenticeship starts by 2020 should provide opportunities for people both inside and outside the prison gate. A Prisoner Apprenticeship Pathway has numerous benefits for Government, prisoners and businesses by creating meaningful activity inside the prison which translates to opportunities on release and can address local labour shortages.

## Leadership and Commissioning

The MoJ has acknowledged that a cross-government approach is needed to tackle re-offending. The Secretary of State recently pledged to convene a cross-government group of senior Ministers to work with relevant departments to “target prisoners and ex-prisoners with the support they need to find a job, a home, to get help with debt, or to get treatment for [...] a mental health issue.”<sup>13</sup>

Government departments need to work together strategically to successfully develop and execute the Pathway. In particular, there needs to be greater collaboration between the Department for Education (DfE), the Department for Business, Energy & Industrial Strategy (BEIS) and MoJ. In addition, Government priorities such as the 3 million apprenticeship starts target, the Industrial Strategy and prison rehabilitation agenda mean a variety of stakeholders have reason to support the Pathway’s implementation and should be engaged with to support its success. These include those Government departments mentioned above, employers, providers together with networks such as the Prisoner Learning Alliance, which have extensive experience of working in prisons should be engaged.

## The Industrial Strategy

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As the Pathway will mainly need to be delivered within the prison estate, it is right that the MoJ is responsible for the principles and delivery of the Pathway. However, the drivers for it sit with BEIS.

Tackling the UK’s productivity puzzle is an increasing priority for policymakers and employers alike, particularly in light of potential skills gaps post-Brexit. The Government’s Industrial Strategy White Paper sets out a plan for tackling the productivity gap by improving the UK’s skills and infrastructure. It looks towards increasing labour market participation for under-represented groups, such as women and BAME groups. A key part of this will be looking at local solutions to improve skills and to increase innovation. The Pathway must form part of this approach as it develops and an appropriate amount of funding be allocated.

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<sup>13</sup> ) Rt Hon David Gauke MP (2018). *Prison reform speech 2018*. [online]. Available from: <https://www.gov.uk/government/speeches/prisons-reform-speech> [Accessed: 17 December 2018].

## Education

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Responsibility for apprenticeships and skills, along with higher and further education policy, was transferred to the DfE in 2016. The independent public body, the Institute for Apprenticeships, is responsible for developing the new apprenticeship standards and assessment plans. The Institute aims to ensure apprenticeships meet the needs of both employers and learners, giving it a key role in the future development of the Pathway. In addition, since policy on vulnerable groups, further levy reforms and quality of apprenticeships will be developed by the Institute of Apprenticeships along with the DfE, the Pathway needs to be solidly built into this work. The full details of the Prisoner Apprenticeship Pathway should, therefore, be laid out in the DfE Apprenticeship Standard Criteria.

## The apprentice in the lead

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The development of the Pathway model should be rooted in the practice of prisoners being engaged in their own rehabilitation journey and resettlement. The education and training undertaken should, therefore, relate to the skills, previous qualifications and aspirations of the individual, in addition to the needs of the employer. The diversity of the prison population, as well as the barriers faced by prisoners explored further throughout this report, should be considered.

## Recommendations:

- » The Government should convene a cross-departmental working group to develop the Prisoner Apprenticeship Pathway, with stakeholder representation.
- » The next stage of development must be reflected in the Industrial Strategy, with BEIS and employers in the lead on the demand side.
- » Further detail of the Prisoner Apprenticeship Pathway should be laid out in the DfE Apprenticeship Standard Criteria.
- » The development of the Prisoner Apprenticeship Pathway should reflect, and be informed by, the specific needs, aspirations and skills of prisoners themselves.



# Creating the right conditions inside prisons

A successful Pathway will be dependent upon a range of factors that must be considered in the design stage. These are set out in detail below.

## A holistic approach to delivering apprenticeships within prisons

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A holistic approach is needed to ensure the Pathway is a success for both prisoners and employers. Common knowledge should not be assumed across the sector, particularly as many employers will be engaging in apprenticeships within the prison estate for the first time. Furthermore, all stakeholders involved in the Pathway should have an awareness or a degree of understanding in regards to the basic operations of running apprenticeships in secure environments. Understandably, prison estates will vary from one another therefore not all prisons would be able to deliver apprenticeships to the same extent. We believe that a good starting point to deliver the Pathway would be in Category C and Category D open prisons, with consideration to be given for this to move upstream into closed prisons as some prisoners, such as those in Category A and B, are prohibited from being released on temporary licence (ROTL). Initially the prisoner, should they fall into this category, could participate in pre-apprenticeship training such as completing English and maths requirements, followed by the Pathway once they enter a Category C or D open prison. Once in a Category C or D open prison, the prisoner would have the opportunity to participate in the work experience element of the Pathway.

Ultimately, it is Governors working in collaboration with employment and skills providers who are best placed to decide how the Pathway will work in their prison estate. Their approach should be influenced by their thorough understanding of prison populations as well as the local and national employment markets they feed into. The Pathway should evolve in response to changing prisoner and employer needs, shaped by a flow of feedback from learners, providers and employers.

## Facilities and Staffing

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A vital component in ensuring the Pathway is successful is the availability and quality of prison facilities. The Pathway Working Group identified a barrier with regards to the lack of facilities or training in prisons that accurately replicates the world of work. For example, HMP Huntercombe



– rated ‘Good’ for learning and skills in their Ofsted inspection – has a virtual campus which is redundant as it does not connect to the internet. It is discouraging that opportunities to learn and rehabilitate prisoners are unused due to constraints on provision.

There are several examples of best practice currently taking place across prisons which have excellent facilities. For example, HMP Garth<sup>14</sup> makes good use of the virtual campus to link learners to community education, training and employment, and to help prisoners access Open University pages. Furthermore, HMP Garth has 13 ‘well-equipped and managed work areas’ where prisoners develop skills in catering, woodwork, waste management and tool hire maintenance. In addition, PeoplePlus runs a programme called Way2Learn+ which is a classroom-based, offline virtual learning environment that ensures staff and prisoners have access to modern teaching and learning materials including videos, e-learning, e-books and is installed in 10 prison establishments.

Evidently, high-quality facilities stand to bring significant benefits to prisoners undergoing rehabilitation. Given that current facilities are patchy at best across prisons, it is important that, where possible, facilities are of a good standard and are utilised effectively to the benefit of learners. The Pathway Working Group also identified issues in a lack of communication and stability in staffing which is required to create favourable learning conditions. There are concerns this may negatively impact frontline provision to the detriment of prisoners and their ability to complete their Pathway. It was highlighted that prisons in the South, in particular, are chronically understaffed. Whilst the MoJ has achieved their target of recruiting 2500 extra prison officers before the end of 2018, staff retention issues continue to persist as 27% of frontline operational staff quit before two years in the role<sup>15</sup>. It must also be acknowledged that the MoJ is expected to make a further £600m in savings between 2018-20<sup>16</sup> but it is not yet clear how this will be achieved. It is important that this area is not one where savings will look to be made before it’s even begun.

## Replicating the work environment

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Secondly, there should be a greater focus on simulating the workplace whilst in custody which can be built upon release. It is imperative that the classroom environment replicates the work environment regardless of what employment sector the Pathway reflects. By doing so, it will give learners the opportunity to immerse themselves in a setting they can become comfortable with. Furthermore, in a bid to foster a rehabilitative culture, learners participating in the Pathway will be encouraged to

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14 ) Prisoners’ Education Trust (2017) *Inspection Round Up* [online]. Available from: <https://www.prisonerseducation.org.uk/news/inspection-notes-> [Accessed: 10 August 2018].

15 ) Prison Reform Trust (2017) *Prison: the facts Bromley Briefings Summer 2017* [online]. Available from: <http://www.prisonreformtrust.org.uk/portals/0/documents/bromley%20briefings/summer%202017%20factfile.pdf> [Accessed: 10 August 2018].

16 ) HM Treasury (2017) *Autumn Budget 2017*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/661480/autumn\\_budget\\_2017\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/661480/autumn_budget_2017_web.pdf) [Accessed: 10 August 2018].

be placed in one area within the prison. This would provide motivation and encourage learners to complete their Pathway. We recognise that this may not be feasible in all prison estates, but where it is, it should be encouraged.

Several barriers have been identified in the current prison regime with regard to work environments which will need to be addressed to ensure the Pathway is a success. Furthermore, if employers are to be convinced to participate in the Pathway, training and facilities must be of a comparative standard within the prison as they are outside. There are cases of best practice, which illustrate the possibility of replicating work settings successfully.

### **Case Study - Successfully Replicating Work Settings: HMP Bristol**

HMP Bristol, like many category B prisons has often been characterised as a prison that struggles to provide a decent living and working environment. A CRED refurbishment programme introduced by Government Facilities Service Ltd in partnership with HMPPS and the OLASS provider Weston College has provided prisoners with full time vocational work placements integrated into a large scale refurbishment programme of the residential units. The Clean, Rehabilitative, Enabling & Decent (CRED) Programme is now being developed by GFSL and Amey Facilities Management across a wide range of prisons.

*“ The programme provides a fabulous opportunity for our residents to secure valuable skills, experience and resettlement opportunities. These outcomes also integrate with our broader resettlement strategy (NPS, CRC, Health, Third Sector etc) to change lives. ”*

**Source: Steve Cross, Governor HMP Bristol**

### **Case Study - Successfully Replicating Work Settings: HMP Brixton**

Ofsted has reported that work in catering and laundry are of a good standard. Prisoners appreciated the excellent training in the Clink restaurant and Bad Boys Bakery which provides good accredited training in catering, baking, and customer service skills in realistic commercial settings. The bakery supplies food to external companies and the restaurant is open to members of the public. BounceBack provides good construction training and good post-release employment opportunities for prisoners.

**Source: Prisoners Education Trust**

The current prison regime has also been identified as a barrier to the Pathway, for example, prisoner movement within prisons does not replicate the realities of the working world. An employer described the running of training academy at HMP Onley as challenging due to security and the prison's category (Category C) which makes tasks such as prisoner movement difficult. Furthermore, the HM Chief Inspector of Prisons 2017/18 Annual Report<sup>17</sup> has criticised Governors for not giving sufficient priority to education and training, allowing other activities to disrupt the working day. The report also criticises the ineffective management of prisoner movement, often leaving learners failing to turn up to their activity or turning up late. The working day should be replicated within the prison to ensure trainees are successful on the Pathway, and to reassure employers that the prisoners whom they invest in will receive their training.

Another barrier identified by employers is the movement of prisoners through the system and a lack of follow-up upon release. From first-hand experience, Ricoh has engaged with prisoners who are then lost in the system when their course finishes early and are often moved around the wing. As a result, Ricoh loses out on valuable time and resources as prisoners cannot be traced and the prisoner has lost out on an opportunity for meaningful employment. Currently, Ricoh does not receive feedback regarding the release of prisoners, therefore a joined-up system is recommended whereby prisoner movements can be successfully monitored. This is important in ensuring a continuation of their learning and to provide reassurance to employers who may otherwise have reservations about participating in an apprenticeship.

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<sup>17</sup>) Ministry of Justice (2018) *HM Chief Inspector of Prisons annual report: 2017 to 2018*. [online]. Available from: <https://www.gov.uk/government/publications/hm-chief-inspector-of-prisons-annual-report-2017-to-2018> [Accessed: 10 August 2018].

## Virtual Reality (VR)

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Technology has the potential to revolutionise education, particularly further education which has yet to fully benefit from the opportunities technology provides. One area that could prove to be an incredibly effective tool in teaching and training is the use of virtual reality (VR). A virtual environment is a simulated, computer-generated world that incorporates 3D visualisation and allows user interaction through transmission devices. VR systems would be beneficial for prisoners who would have the opportunity to participate in training they may not otherwise be able to do prior to their release. Virtual training environments are of immense value particularly in professions where mistakes can equate to a loss of life. Trainees can respond to high-risk or high-stress situations while avoiding real-world harm. Furthermore, it provides an opportunity to teach learners within a prison estate the appropriate social norms required within the workplace, along with reducing the anxiety that coincides with reintegration into conventional social settings. VR can work perfectly for prisoners gaining virtual experience before release. The technology can be completely locked down so that no data escapes and is contained within the local environment. VR can also be used in situations where there are constraints for the apprentice, such as dangerous environments, expensive materials, limited workplace and workspace.

An example of VR capabilities is currently in development by eLearning Studios who are building a pedagogy called “Feedforward” with the University of Bath. Feedforward assesses the user’s current skill set and challenges them to build their skills further. VR creates a state of belief, control and immersion away from the prison environment and recreates a situation where the user is in the workplace and builds skills without them leaving the prison. As well as the change in environment, tasks can be created for learners to undertake, enabling them to develop their skill levels. As an example, eLearning Studios is building a VR experience in the construction sector where the workers go through health and safety training and other work they need to do on site. This is expected to be completed by September/October 2018. It is evident in cases of best practice such as eLearning Studios that VR if fully embraced, has the potential to provide a revolution in prison education.

It is welcoming to hear in the EE Strategy that Government supports utilising technology to support education and allowing greater access to pastoral resources from prisoners’ cells. However, consideration must be given to the physical size of some prison estates with regards to facilities and what opportunities and limitations this poses.



## Apprenticeship standards

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The EE Strategy acknowledges that prison education has delivered qualifications but it has not been tailored closely enough to the requirements of employers. Apprenticeships provide an opportunity to address this issue as the new standards are designed by employers, effectively putting them in the driving seat of qualification design. The apprenticeship standards used for the Pathway would be the same as those used by learners on the outside, therefore, the quality of teaching and the delivery of the programme will not be compromised. As previously identified, due to the legal definition of apprenticeships, in its current form it would appear that implementing a Pathway would encounter challenges around the work element of apprenticeships. To overcome this, the underpinning theory of apprenticeships could be completed whilst the learner is in prison. This can include, for example, English and maths requirements and the off the job training element of the apprenticeship whereby, upon release from prison, the learner can put this knowledge into practice.

Most importantly, the standards that learners are enrolled on must be linked with the right employment. This is where Labour Market Information (LMI) plays a vital role in helping to understand local skills demands and ensuring learners in prison benefit from relevant apprenticeships upon release in their local area.

## Recommendations

- » A holistic approach to a Pathway within the prison estate should be taken with due consideration for the variation in prisoner cohorts and local labour market requirements.
- » The work environment should be replicated in prisons to the highest of standards to satisfy employers and give prisoners access to good facilities thus ensuring parity of esteem with apprentices on the outside.
- » Staffing levels should be stabilised on the frontline to ensure prisoners are able to complete their programme successfully.
- » The initial Pathway pilots should include one trial of VR to investigate its applicability for training learners in the prison environment.
- » The Pathway should evolve in response to changing prisoner and employer needs, shaped by a flow of feedback from learners, providers and employers. In addition, there should be a review 2 years after the Pathway's implementation to assess its feasibility.



## Engaging prisoners

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Historically, prisons were perceived as an establishment for retribution following the conviction of an offender. However, the modern penal policy has made provisions for prisoner needs with a greater emphasis on the benefits of rehabilitation in a bid to reduce both the rate of reoffending and the annual £15bn reoffending cost to the taxpayer.

*“ Prisons need to be places where those in custody are safe and secure, where they are provided with opportunities for personal growth and treated as individuals. Where we encourage hope and belief in the potential to change, along with developing the tools and skills they need to build a better future.”*

**Michael Spurr's Introduction to the Rehabilitative Culture Handbook 2018**

Before prisoners can be engaged to successfully participate in the Pathway or any education within the prison, it is important to recognise and understand the diversity of the prison population. The MoJ EE Strategy acknowledged that there is a limited understanding of the complexities of different cohorts within the prison system. As of December 2018, there are 82,964 prisoners across the country, meaning that the prison system is operating at 96% capacity<sup>18</sup>. Within these figures, there is a complex combination of cohorts, each with unique characteristics that make no two groups the same.

### Black and Minority Ethnic (BAME) prisoners

This group is overrepresented in the prison system with 25% of prisoners being recorded as BAME in 2015. Figures by the Prison Reform Trust highlight that 11% of British prisoners are black- four times higher than their general population representation of 3%. The Coates Review raised concerns over the way in which prison education prepared young black men in particular for employment post-release. In addition, BAME women are over-represented in the criminal justice system and

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<sup>18</sup> ) Ministry of Justice, HM Prison Service and Her Majesty's Prison and Probation Service (2018) *Prison population figures: 2018*. [online]. Available from: <https://www.gov.uk/government/statistics/prison-population-figures-2018> [Accessed: 10 August 2018].

experience worse outcomes than their White counterparts. Black and Mixed Ethnic women are more than twice as likely to be arrested than White women. Furthermore, BAME women are 28% more likely to be imprisoned compared to White women.<sup>19</sup>

## Young prisoners

Despite their numbers in prison declining, young learners are often considered the most challenging group to engage with. There are additional issues posed by the expectations of young adults transferring from secure youth estates, where they undergo 30 hours of compulsory education, into adult prisons.

Governors should be aware of the high proportion of prisoners who were previously in local authority care (around 24%). Care leavers are entitled to continuing practical and financial support from local authorities up to the age of 21. It is important, therefore, that prisons identify care leavers and enable them to access all the support they are entitled to under the Children (Leaving Care) Act 2000.<sup>20</sup>

## Female prisoners

Approximately 13,500 women are sent to prison each year in the UK- a figure that has doubled in 20 years. Despite making up just 5% of the prison population, they account for 25% of self-harm incidents- an indication of the traumatic impact of imprisonment on many.<sup>21</sup> Female offending is strongly linked to underlying mental health needs, drug and alcohol problems, coercive relationships and financial difficulties. Over 50% of women in prison have suffered domestic violence and one-third have experienced sexual abuse. Women have a different profile with regards to their offending and have a higher prevalence of need compared to their male counterparts. The MoJ's recently published Female Offender Strategy<sup>22</sup> is a welcome report given its timely publication following the EE Strategy. The Female Offender Strategy acknowledges the complex causalities of female offending with the Secretary of State committed to supporting locally-led approaches and collaboration with stakeholders across the sector. This is vital to ensuring successful rehabilitation and a reduction in reoffending among this cohort.

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19 ) Ministry of Justice (2018) *Women in the Criminal Justice System (CJS)*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719768/infographic-for-the-female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719768/infographic-for-the-female-offender-strategy.pdf) [Accessed: 10 August 2018].

20 ) Children (Leaving Care) Act 2000, c35. Available from: <https://www.legislation.gov.uk/ukpga/2000/35/contents> [Accessed: 10 August 2018].

21 ) Prison Reform Trust (2018) *Prison: the facts. Bromley Briefings Summer 2018*. [online]. Available from: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202018%20factfile.pdf> [Accessed: 17 December 2018].

22 ) Ministry of Justice (2018) *Female Offender Strategy*. [online]. Available from: <https://www.gov.uk/government/publications/female-offender-strategy> [Accessed 10 August 2018].

## Older prisoners and those serving longer sentences

The number of prisoners aged 50+ in custody continues to rise and is expected to constitute 17% of the prison population by 2020. This is due to sentences becoming longer- particularly those convicted for sexual offences. Over half of elderly prisoners suffer from a mental illness, the most common being depression which often emerges as a result of imprisonment. The Coates Review observed this cohort, concluding that engagement in learning that interests this cohort can be an important factor in supporting mental well-being, even if in some cases the opportunity for the practical application of their education in a future workplace may be limited.

Prisoners with learning difficulties & disabilities (LDD) face additional challenges in adapting to prison life and in engaging with prison education and training. Education provision has not always offered the support that people with LDD needed in order to participate effectively. There may be issues with communication, interaction, cognition and learning. Many may have additional physical needs and/or mental health considerations.

Evidently, the prison population is incredibly diverse, with a range of needs that varies between cohorts. A one-size fits all approach will not work therefore it is important that tailored support and engagement techniques are applied within the Pathway.

## Motives for participation in education

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Prisoner motivation for participating in education and training often differs from those perceived by officials. Petra McGuinness's research<sup>23</sup> on prison education establishes several motives for prisoner participation in education. These include participation to catch up, keep up or to improve employment prospects which are detailed below.

### 1. Starting education to catch up

Upon reflection, learners claim to have realised they have missed out and that this lack of education contributes to their low self-esteem. As many in peer groups come from a similar background, prisoners feel more comfortable attempting formal learning.

### 2. Starting education to keep occupied

Prisoners will encounter boredom during their sentence. Boredom in an environment that constricts movement and does not offer many distractions becomes enforced boredom which can be problematic. Participation in education under this motive is often triggered by the concept of challenge which creates excitement by itself as well as disproves assumptions about the learner.

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26. <sup>23</sup> ) As cited in Reuss, A., & Wilson, David. (2000). *Prison(er) education: Stories of change and transformation*. Winchester: Waterside Press.

### 3. Starting education to improve employment prospects

Inmates decide that the time spent in prison is worthwhile if qualifications that help to secure future employment are gained, thereby using the time of their sentence to address the gap between the ideal sought and the present reality.

Ultimately, the strongest contribution to the discussion of factors influencing participation in prison education must come from prisoners themselves. Understanding their motives rather than imposing a programme upon them can contribute to determining if an apprenticeship is an appropriate choice for the individual.

## Barriers faced by prisoners

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The prison population undoubtedly faces barriers both across the board as well as on a contextual level. Before exploring the more general barriers prisoners face with regards to the Pathway, contextual barriers need to be addressed.

As highlighted in the Coates Review, young people are the hardest group to engage in education, and they make less progress, which is partly attributed to peer and gang-related pressure. Therefore, those accessing learning are more likely to be withdrawn due to security reasons.

Barriers have been imposed on women insofar as they are limited to stereotypical educational courses. The Coates Review highlights a complaint whereby 'hair and beauty reign supreme' despite there being a very strong appetite for mechanical courses for women, and further training around managing emotions for men. This appetite for a broader curriculum should not go unnoticed as it has the potential to give women real employment prospects. Currently, their employment outcomes following short prison sentences are three times worse than their male counterparts. The Female Offender Strategy mentions [supporting female prisoners to gain employment](#) and training through Residential Women's Centres, which is a welcome announcement. However, the MoJ has missed an opportunity to promote the Pathway as mentioned in the EE Strategy, which has the potential to be beneficial to this process.

Older prisoners and those serving long sentences may be reluctant to participate in education. This is particularly so with those serving long sentences who may not 'see the point' in participation in education. Apprenticeships are often seen as something for the young, as research by ERSA for the ESFA has shown. As a result, many older people consider apprenticeships to be inappropriate for them, or are reluctant to go 'back to school' as it would harm their self-esteem and reduce their social standing amongst their peers. Alongside this image problem, it has been reported that a lack of confidence or unwillingness to retrain in a new industry is a unique barrier for older people entering apprenticeships. These 'mindset' issues exacerbate the other barriers above and overcoming them



will be key to increased take-up. It is clear that a substantial publicity drive is needed to increase awareness of apprenticeships as a viable route for older people to take. Suggestions for how such a campaign could be directed to resonate better includes using case studies of older people who have benefitted from an apprenticeship.

Furthermore, the Working Group has suggested that apprenticeships be 'rebadged' to help distance them from the younger association of vocational education. There should be a focus on apprenticeships as re-training opportunities with greater emphasis placed on the goal (namely employment in a skilled trade) and the value of those trades and the skills they acquire. Employer buy-in and engagement with older apprenticeships will be crucial to building the credibility of apprenticeships for older learners in prison, as well as for ensuring that there are positions available for those completing apprenticeships. Companies more commonly use apprenticeships as a training opportunity for existing older employees rather than 'new hires', but even then the practice is not widespread. Creating these roles for older unemployed apprentices will be necessary for the success of any scheme targeting older learners in prison.

LDD learners are not always offered the support they need to participate effectively which was duly noted in the Coates Review. The Prison Reform Trust has reported that four-fifths of prisoners with LDD report having problems reading prison information. They also had difficulties expressing themselves and understanding certain words. It is vital that the Pathway recognises learners with LDD have individual needs so they can effectively participate in apprenticeships within the prison. This includes ensuring that English and maths within apprenticeships are sufficiently funded as, currently, Functional Skills, English and maths are underfunded.

There should be a particular focus on those in custody who are care leavers and/or have a care plan. 100% of their training will be given by the government to take them on, but there is no system in the adult prison estate to identify the individuals.

At an individual level, it is evident that prisoners face barriers that discourage participation in training and education which should not be overlooked, rather they should be at the forefront when creating the Pathway. More broadly, there are several barriers associated with the implementation of the pathway and encouraging prisoner participation which will be explored further.



## Careers Information, Advice and Guidance (IAG)

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Whilst apprenticeships are being designed by employers to best suit their business needs, the Prisoner Apprenticeship Pathway must also ensure it is in the best interests of the prisoner—therefore access to impartial, all-age careers information, advice and guidance is vital. Additionally, it is important that careers advisers are trained to work with a diverse range of cohorts, each with their own unique requirements that must be taken into consideration. By doing so, prisoners will have access to high-quality advice that is specifically tailored to serve their needs.

Careers advice should also include family members of prisoners to encourage their participation in decision-making, thereby promoting inclusivity. According to the Farmer Review<sup>24</sup>, family involvement in decisions has encouraged men in prison to change their lives for the better, as they were able to envision a future beyond prison and to move beyond the identity of ‘offender’. The Working Group is concerned that provision, which was under the responsibility of the National Career Service (NCS), was terminated in March 2018 following Government’s decision not to extend NCS’s contracts. This leaves a gap in the careers advice available for prisoners. Whilst the EE Strategy highlights the Government’s intentions for careers IAG insofar as the new approach will allow Governors to commission, there is no timeframe for its implementation, which results in a gap for prisoners in the process.

## The Apprenticeship Levy

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It has been over a year since the introduction of the apprenticeship levy. Since then, there has been a reduction in the apprenticeship starts by SMEs who account for 98% of apprenticeship recruitment. This is due to the fact that SMEs are now required to co-invest 10% of costs associated with the apprenticeship programme. Furthermore, there is no guaranteed budget for non-levy payers which is a major cause for concern as the sector will struggle to deliver an expected increase in the volume of apprenticeships on a limited budget that has no financial guarantee.

As noted previously, apprenticeship starts in 2016/17 have declined by 25%, of which there was a 15.7% decline in the number of 16-18-year-olds starts. There are concerns that there is a lack of suitable incentives to support employers recruiting under 25s and new entrants into the labour market as opposed to training existing staff. For example, Government currently offers both the employer and provider a flat rate incentive of £1000 for each 16-18-year-old they take on. But this is less than the £1500 Apprenticeship Grant for Employers (AGE) that was in place prior to the reforms.

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24 ) Ministry of Justice (2017) *The Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642244/farmer-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf) [Accessed: 17 December 2018].

Some employers feel that the flat rate incentive of £1000 is not enough to opt for a young person over an older individual.

SMEs have traditionally had strong partnerships with prison Governors, but there are concerns that SME participation in this Pathway may be limited due to them being sidelined by the levy reforms.

## English and Maths

According to the Coates Review, a large proportion of prisoners assessed upon entry into prison have English and maths at entry level 1-3 (equivalent to primary school levels of attainment) rather than level 1 / level 2 combined (GCSE equivalent). Furthermore, nearly one-third of prisoners self-identified as having LDD during their initial assessment.

Academic year:	2014/15		2015/16		2016/17	
	Number	%	Number	%	Number	%
Education assessments in English	72,680		62,230		54,170	
of which ...						
Entry Level 1	5,760	7.9%	4,620	7.4%	4,350	8.0%
Entry Level 2	9,630	13.2%	9,770	15.7%	8,440	15.6%
Entry Level 3	21,620	29.7%	21,050	33.8%	16,610	30.7%
Level 1	25,850	35.6%	18,560	29.8%	17,360	32.0%
Level 2	9,340	12.9%	6,340	10.2%	5,830	10.8%
Not known	890	1.2%	2,410	3.9%	2,110	3.9%

Figure 1: Assessed levels of English on reception for prisoners in custody in England.

Figure one shows the assessed levels of English for prisoners upon arrival into the prison system. Entry Level 3 would be the level expected of an 11-year old: in the 2016/17 academic year, 54% of prisoners were at or below that level in English<sup>25</sup>. As of September 2017<sup>26</sup>, the new minimum requirements in English and maths to complete an apprenticeship were amended to entry level 3 functional skills for a defined group of people with LDD on the basis that:

- » *The apprentice has either an existing or previously issued Education, Health and Care (EHC) Plan, a Statement of Special Educational Needs (SEN) or a Learning Difficulty Assessment (LDA).*

25 ) Ministry of Justice (2018) *Prisoners: Literacy: Written question - HL7940* [online]. Available from: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-05-16/HL7940> [Accessed 13 August 2018].

26 ) Department for Education (2018) *Summary of changes to English and maths requirements for apprenticeships – supporting notes September 2017* [online]. Available from: <https://haso.skillsforhealth.org.uk/wp-content/uploads/2017/10/English-and-Maths-apprenticeship-changes-Sept-2017-1.pdf> [Accessed 13 August 2018].

- » *The provider has conducted an evidenced assessment demonstrating that even with support, reasonable adjustments and stepping stone qualifications the apprentice is not able to achieve English or maths to the minimum level as a result of their learning difficulty or disability.*
- » *The employer and provider must reasonably expect that the apprentice will be able to successfully achieve all other aspects of the apprenticeship requirements, become occupationally competent and achieve Entry Level 3 in the adjusted subject(s) before the end of their apprenticeship.*
- » *There are no minimum requirements in the framework or standard that are higher than the minimum apprenticeship requirements.*

Given the complexities of the prison population, of which a significant proportion do not have a secondary education let alone GCSE's, coupled with mental health challenges, a degree of consideration should be given to prisoners with regards to English and maths, similar to those with LDD. We highly encourage similar requirements in English and maths for prisoners that are embedded in a way that encourage learners to participate.

Often people who have underachieved would struggle in this area and need high levels of intensive support. If this could be managed whilst people were still in prison, this would give an opportunity for more practical/on the job training to be completed by employers post-release.

## Prisoner pay

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In 1964, the Prison Service Rules<sup>27</sup> indicated that prisoners may be paid for the purposeful activity they take part in. Currently, the minimum rate of pay in England and Wales is as followed:

1. All prisoners who are in some form of employment have to earn the minimum of £4 a week, although they can earn more; in 2010 the average working prisoner earned £10 a week.
2. A mandatory rate of pay of £3.25 a week is paid for those who are unable to work for health reasons or have reached retirement age.
3. Those who wish to work, but are unable to due to a lack of activity places in the prison, are paid a minimum of £2.50 a week.
4. Unconvicted prisoners who choose to work are paid the same as convicted prisoners.

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<sup>27</sup>) The Prison Rules 1964. Available from: <https://www.legislation.gov.uk/ukxi/1964/388/made> [Accessed: 13 August 2018].

These rates of pay have remained unchanged since the Prison Service Order (PSO) was introduced in 2002. As PSO 4460<sup>28</sup> only sets out a minimum rate, the rates of pay can vary greatly, usually as a result of the following factors:

- » The prison in which they are held. PSO 4460 allows for governors and directors to set the rate of pay for their establishment. This allows those in some prisons, such as open prisons, to earn more than those in closed prisons.
- » A prisoner's incentives and earned privileges (IEP) level. PSI 30/2013 (2013) allows governors to set local pay rates above the minimum to 'encourage and reward prisoner's constructive participation in the regime'. Those on enhanced status can earn a higher rate of pay. Prisoners doing the same job may, therefore, earn different wages.
- » The type of employment, education or training a prisoner takes part in. Inspections have identified, for example, that those taking part in education or an offending behaviour course can earn less than those in employment or carrying out manual work in a workshop. This can act as a disincentive to a prisoner taking part in education or an offending behaviour programme, even where these would better meet their needs and help reduce the likelihood that they will re-offend.

Furthermore, the Prisoners' Earnings Act 1996<sup>29</sup> and related rules came into force in 2011. Under the terms of the Act, prisoners who are undertaking paid work in the community and earning above £20/week may be subject to the imposition of a levy of up to 40% of their remaining earnings in excess of this amount. Levies are currently paid to voluntary organisations associated with victim support or crime prevention.

The Working Group is concerned that the current framework for prisoner pay is ten years outdated with no updated guidance to work with. Furthermore, the differences between each prison are significant which impacts incentivising and encouraging an individual's involvement in education. For example, a prisoner could choose to work in laundry because it pays better than education but it might not lead to career progression outside the gate.

Additionally, the national minimum wage for an apprentice is £3.70/hour- a figure far higher than current legislation allows prisoners to receive<sup>30</sup>. The difference between what prisoners can earn and what they would require to be paid on an apprenticeship are not aligned. Legislation requires prisoners to receive this amount for the duration of their apprenticeship which differs

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28 ) Ministry of Justice (2018) *Prison Service Order 4460- Prisoners pay* [online]. Available from: <https://www.justice.gov.uk/offenders/psos> [Accessed: 13 August 2018].

29 ) Prisoners' Earnings Act 1996, c35. Available from: <https://www.legislation.gov.uk/ukpga/1996/33/contents> [Accessed 13 August 2018].

30 ) GOV.UK (2018) *National Minimum Wage and National Living Wage rates* [online]. Available from: <https://www.gov.uk/national-minimum-wage-rates> [Accessed: 13 August 2018].



from guidelines set out in PSO 4460. On this basis in the current format, this would be a challenge to overcome. However, this is not to say that this cannot be overcome. In Finland for example, the Act on Vocational Training (2014) allows for apprenticeship contracts offered to prisoners to deviate from regulations that would usually prohibit a prisoner's participation.

## A Quality Offer

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It is vital that apprenticeships offered within prisons are of the same high quality as those undertaken outside the prison estate. Parity of esteem between apprenticeships is vital to encouraging employers to participate in the Pathway regardless of whether or not it is achieved within a prison. Trainees must have the opportunity to demonstrate to employers that they are just as good as a recruit on the outside.

Prison education in the past may have benefitted from a stronger focus on employer requirements, however, the new apprenticeship standards have enhanced employer engagement in the process of developing new programmes. The knowledge, skills and behaviours expected of an apprentice to successfully carry out their role are determined, thereby ensuring a strong focus on employer needs. However, as previously stated, English and maths remain underfunded which undermines the quality offer apprenticeships can provide. This must be addressed urgently to ensure learners receive high-quality English and maths provision, particularly in an environment where learners may require additional support.

As a result of previous experiences in education and training provision in prisons, the Working Group strongly encourages the MoJ to focus initially on a select few sectors in which apprenticeships should be delivered. These include construction, facilities management, hospitality and retail, with Governors having the responsibility of selecting the provision that is most beneficial in light of local labour demand. Governors, in partnership with employment support specialists, are best positioned since many have long held relations and partnerships with local employers.

## Sectors

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Whilst apprenticeships cover 15 routeways, totalling 300 'fully approved' standards (as of July 2018), we believe the Pathway should concentrate on a select few which takes into consideration geographical areas and their respective skills shortages. It is important that these are looked at on a sector by sector basis to gauge need and interest. For example, in the South West, there is demand for hospitality and catering and construction apprenticeships- sectors struggling to fill vacancies which will be further exacerbated by Brexit should there be restrictions on free movement of labour between the EU and Britain.

Consideration must also be given to the fact that the length of the Pathway may vary according to each sector, therefore, employers need to be aware that they may be required to give additional time to prisoners than they expect- flexibility is vital in this respect.

We recommend the Pathway focuses on 2-3 big areas whereby Governors will choose who to work with and what pathways to use. This could be a combination of any of the following:

- » Hospitality and catering
- » Construction including, plumbing, joinery, electrical, plastering, dry lining and decorating
- » Retail
- » FM, cleaning and environment
- » Logistics and warehousing

## Self-employment

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Self-employment is a route for prisoners to enter the labour market, which in turn generates savings for the taxpayer. According to the Centre for Entrepreneurs<sup>31</sup>, 46% of prisoners surveyed said they would prefer to be self-employed.

Given the appetite for self-employment among prisoners, particularly in sectors where self-employment is high, such as construction, there should be a focus on self-employment routes within the pathway. However, self-employed people cannot take up an apprenticeship as they need a contract of employment with an employer. To remedy this, existing self-employed business owners could recruit prisoners onto an apprenticeship, thus enabling them to become self-employed upon completion of the programme.

In construction, staff are provided primarily through agencies and self-employment. Whilst there is the option of utilising apprenticeship training agencies (ATAs), this would be problematic to get set up. However, there are around 120 recognised ATAs so utilising an existing ATA is certainly an option that should be considered. Furthermore, the recent relaxation to enable apprenticeship levy transfers of up to 10% of funding from levy paying employers to ATAs represents further opportunity to leverage funding to pay the apprenticeship training required as part of the Pathway.

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<sup>31</sup> ) Centre for Entrepreneurs (2016) *From inmates to entrepreneurs- How prison entrepreneurship can break the cycle of reoffending* [online]. Available from: <https://centreforentrepreneurs.org/wp-content/uploads/2016/05/Prison-Entrepreneurs-Report-WEB-1.pdf> [Accessed: 13 August 2018].

## Examples of engaging prisoners

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The way in which prisoners are engaged is fundamental to the success of their participation in apprenticeships. Currently, there is a variety of engagement projects and pilots taking place in prisons that illustrate best practice by both employers and ex-prisoners.

One of the challenges identified in engaging prisoners upon their entry into the prison estate is the plethora of information, particularly complex written information such as brochures and leaflets that are provided. This has in the opposite result of their intentions and often leaves prisoners reluctant to engage. To overcome disengagement, HMP Springhill, for example, has taken an alternative approach by creating a welcome video that is shown to young men upon entry into prison. The video is made by prisoners, for prisoners and encourages productive use of time for learning and employer engagement. As a result, prisoners have felt more encouraged to participate in education and training through visual communication, particularly when the messages conveyed are peer-led. There have also been successful examples of ex-prisoners engaging current prisoners that have resulted in positive outcomes for those involved:

### **Ex-prisoners engaging with current prisoners:**

#### **Case Study 1: Ian Perkins- Inside Out Ventures Limited**

*“ After serving a total of 7 years in custody I decided that my life had to change and that the only person that could change it was me. I'd worked hard and not wasted my time but I'd seen so many people who had wanted to change but found it difficult to admit they needed help.*

*Upon release, I found it very hard to find employment due to my criminal record. I was a volunteer for Sova, whilst I was there I was approached by an entrepreneur from the course. After several meetings involving other business leaders I now run my own company providing work-based training, qualifications, mentoring and employment to offenders in custody. [...] On a more personal note having this opportunity to change my life has changed my whole outlook on life. I now have the chance to help others and reduce reoffending.*

*'Inside Out' provides reliable solutions to enable potential meaningful employment so offenders can gain a stable future. We are a commercially focused business facilitating practical training and incorporating work-based qualifications to gain achievable employment for offenders in the UK. We believe that this will ultimately significantly reduce re-offending rates. We offer a unique personalised mentoring programme enabling offenders to re-join society with skills and support to help their readjustment and significantly increasing potential employment on release.'*

### **Case Study 2: Marie-Claire O'Brien- New Leaf Initiative**

*“ My name is Marie-Claire O'Brien and I am the Managing Director of the New Leaf Initiative CIC. Like most company directors, I am extremely proud of our grassroots organisation. I've worked hard to get it to where it is today and this continues as I study for my BSc majoring in Health and Social and most importantly, forge a life and run a home with my son. I'm happy to be a contributing, functional, dare I say and be a valuable member of society. However, it's important for me to point out that I wasn't always this way... I was once TG5868, and I am and always will be an ex-prisoner.*

*My offending behaviour was triggered by grief after nursing my father through lung cancer at the age of 21. This led to me becoming a destructive member of society for a few years and this is one of the reasons that I formed New Leaf in November 2014 to face the choices I made back then every day. I also formed New Leaf because of a Staffordshire and West Midlands Probation project I ran whilst working for another charity after my release, where over 400 service users voiced a need for mentoring support around education, training and employment. The system is full of men and women who want to work, in fact, 68% of offenders believe having a job is the single most important factor in reducing reoffending. New Leaf supports ex-offenders through trained peer mentors helping them to see that there are different choices that can be made.*



*We created a peer mentoring organisation that does not just focus on employability; we create jobs and directly employ ex-offenders, helping them to get sustainable Jobs with employers such as Virgin Trains. We have implemented prison Industry within HMP Brinsford making environmentally friendly pallet furniture which we sell, and we are aiming for networked production in all prisons which resettle men and women into the West Midlands area.*

*Employment interventions have been proven by Timpson's, National Grid and The Lattice Foundation to produce excellent results with reoffending rates of around 6-10%. The Coates review mentioned the need to make education in prison employment more like traineeships. If we know that employment reduces reoffending, and we know there are mechanisms such as traineeships which can give prisoners the maximum amount of incentives for their commitment to learn and embed Maths and English, we should follow it up, and much further than the gate.*

*Our work has proved to make a difference. We say, the devil makes work for idle hands, so let's give people something fun, creative and inspiring to take part in and have it run by people they can really relate to and learn from. All of the evidence says this works, and with 57% of our service users getting into work or volunteering, we really do seem to be helping people to turn over a new leaf.”*

What these case studies highlight is the importance of stakeholders working in partnership with each other to ensure such initiatives positively contribute to the rehabilitation of prisoners, giving them meaningful opportunities to have a second chance in life. Most importantly, these cases demonstrate the supportive environment for employers to work with prisoners which can serve as an incentive to potential employers who may be considering participating in the Pathway.

Equally employers themselves are important in engaging prisoners into work. For example, the Mitie Foundation runs Business Challenge Days which helps to remove barriers to employment for serving prisoners and lead to offers of work experience, guaranteed interview and employment upon release. Ricoh runs Corporate Responsibility Days, whereby volunteers from the business go to the prison and support the prisoners within the allotments or joinery workshop in their day

to day tasks. Employers such as Mitie and Ricoh benefit from support from organisations such as PeoplePlus who have a pre-release offer called WayForward and are successful in placing ex-prisoners into jobs and engaging employers both locally and nationally.

## Recommendations

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- » The Pathway must be built on a complete understanding of the prison population, their motives for participation in education and training, and the barriers to participation they face.
- » Government must give greater consideration to prisoners with regards to English and maths requirements- in particular, greater use of Functional Skills as part of the Pathway.
- » Government must address the underfunding in English and Maths as a matter of urgency.
- » An urgent Government review is needed of the current framework for prisoner pay, with a refocus on work opportunities and career progression outside the gate.
- » A stronger focus is needed on those in custody who are care leavers and/or have a care plan, as 100% of their training will be given by the government to take them on.
- » There should be a concentrated focus on a handful of sectors for a successful implementation of the Pathway.

# Engaging Employers

The Prison Safety and Reform White Paper and more recently the EE Strategy are very explicit in their determination to involve employers with prisoners on the Prisoner Apprenticeship Pathway. We welcome this decision as we strongly believe engagement between the employer and prisoner is critical to ensuring the Pathway is successful.

Employers of all sizes including both public and private sectors, should be encouraged and incentivised to participate in the Pathway. The Pathway provides levy-paying employers with the opportunity to spend their levy within the prison. Furthermore, levy payers can also transfer up to 10% of levy funds within their supply chain to smaller businesses who could use that funding for apprenticeships in prison within their local area. By doing so, large employers have the opportunity to strengthen their Corporate Social Responsibility profile by either direct involvement in prison apprenticeships or through financially supporting SMEs training prisoners.

SMEs historically have had strong partnerships with prisons and successful relationships with Governors. SMEs, who are non-levy payers, are open to recruiting ex-prisoners but can have apprehensions about the individuals and their ability to sustain a job.

Furthermore, the public sector should participate in the recruitment of prisoners. By doing so, they would be seen as leading by example thus giving the Pathway momentum. Large public sector institutions such as the NHS and local authorities are levy-payers with a levy pot worth hundreds of millions of pounds of potential apprenticeship investment with just 24 months to spend funds. This could provide an opportunity for public sector bodies who fall under the requirements of having 2.3% of their workforce comprised of new apprenticeship starts between 2017-2021<sup>32</sup> looking to reach this target by recruiting prisoners. In addition, it is welcoming to hear the civil service has publicly committed to recruiting ex-prisoners directly and has already begun to do so.

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<sup>32</sup> ) Department for Education (2018) *Meeting the Public Sector Apprenticeship Target Statutory guidance for bodies in scope of the Public Sector Apprenticeship Target* [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680544/Meeting\\_the\\_Public\\_Sector\\_Apprenticeship\\_Target.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680544/Meeting_the_Public_Sector_Apprenticeship_Target.pdf) [Accessed: 13 August 2018].

## Employer-Provider engagement

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Whilst there is an appetite for individual employers to get involved, the Working Group overall acknowledges that employers are not incentivised to collaborate. Nonetheless, there are some excellent examples of employer-provider engagement taking place.

The Employers Forum For Reducing Reoffending (EFFRR) is an established employer-led group, chaired by Greggs with a wide range of employer that are keen to support ex-prisoners into employment including; APM, Amey, GFSL, Mitie, Tesco, M&S, Dunhelm, Recycling Lives, DHL, Sodexo, Wilmott Dixon and Halfords. In October 2018 EFFRR held their annual event and made awards to several employers and prisons for their contribution to supporting employment of ex-prisoners including Tideway Tunnel, Pen Optical, HMP Sudbury and HMP Ford.

Employer members of Business in the Community's Reducing Reoffending through Employment Network are mostly working directly and individually with prison governors or Reducing Reoffending staff within prisons. Some are also working with charities and education providers in prisons. Some also work with Community Rehabilitation Companies (CRCs) to provide opportunities for prisoners on release. This tends to work best when employers have one key contact within a prison or cluster of prisons with whom they can liaise on all employment matters.

### **Case Study 1: BITC**

In the East Midlands, BITC works in partnership with the National Careers Service to draw employers together with education providers and prison staff at a prison or cluster level to shape the training and work experience offer for prisoners. If funding was available, this model could be replicated in other areas.

There is some potential for employers to come together on a location and/or sector basis to jointly commit to offering a certain number of apprenticeships. However, this would require a degree of coordination. Furthermore, the MoJ in their EE Strategy intend to allow the New Futures Network (NFN) to appoint ambassadors from the five priority sectors to promote NFN's key messages. While the Strategy suggests these ambassadors will be drawn from leading employers in the sector, we recommend that those who are selected should have previous experience of delivering education and training in prisons. This would assist in boosting confidence among employers who will need



meaningful persuasion. Additionally, a more natural system would be the case of a lead employer engaging their supply chain to meet certain commitments, illustrated by Tideway:

### **Case Study 2: TIDEWAY**

Tideway – a newly formed company set up to finance and build the Thames Tideway Tunnel – has a target for one out of every 100 employees working on the project to be an ex-offender. This is part of their commitment to give back to the communities that are affected by the build of the tunnel. Tideway has overall responsibility for making sure each of the main works contractors building the tunnel meets the target.

Tideway won the EFFRR 2018 Award for Business working with Local Communities

### **Case Study 3: Milton Keynes College Employment Academies**

Employment academies were first introduced in the spring of 2015 and, currently, there are academies established and running in 17 prisons working in conjunction with 16 employers. The prisons where these are operating are in all three areas of procurement of the Milton Keynes College OLASS 4 contract: East and West Midlands and the South Central regions.

The academy concept came about from focusing on sector skills shortages and how those in custody could be assisted to find meaningful, sustainable employment on release. It quickly became evident that employers both regionally and nationally were keen to embrace the opportunities that such collaborative working could offer and the development of the concept continues apace. The sectors that are currently represented are in construction, waste management and recycling and hospitality.

The mode of operation is either through subcontracted delivery arrangements or direct delivery with college staff who are then supported by industry specialists and employer input. Where there is direct delivery it is often the case that an employer representative will take part in the selection of learners to the programme, or take part in an evaluation session which may combine the interviewing of graduates for jobs if they are on offer with that company at the point of completion.

To be eligible for a place on an academy course, prospective learners must be within 12 months of their release date, have attained an appropriate level of English and maths, must agree to be contactable on release in order to track success outcomes, and must have a positive attitude towards education and training. Depending on the subject area, the respective courses differ in length and can run from between two weeks to several months. The courses are bespoke and designed to fit around the prison regime and the needs of the employer/s. All courses offer qualifications either within the programme or as a main aim.

To date, the employment academy team have now helped 606 learners secure sustainable employment post-release.

There are several notable points from these examples of frontline practice. Firstly, it is important that employers are engaged in the process of conducting interviews and meetings with prisoners. Doing so helps to create trust between employers and prisoner and a positive start to the prisoners' apprenticeship journey. Secondly, employers enter prisons with high standards which are reflected by prisoners who aspire to have those standards. This has been an effective engagement tool used by employers such as Timpson and we encourage this to be conducted by employers participating in the Pathway. Furthermore, whilst the responsibility of coordination and brokerage of partnerships between prisons and employers will be with the NFN, it is important that Governors are a part of this process, as the ultimate decision of approval for any education and training lies with their authority.

## Incentives to employers

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To entice a greater number of employers to engage in prison education, they should be incentivised. Historically, public perceptions of prisoners have been unforgiving. A 2015 poll carried out by OnePoll<sup>33</sup> surveyed 1000 UK adults with 47% of respondents feeling that the key action to take when someone is convicted of a crime is to punish them. However, 40% also felt rehabilitation was the most important response in order to reduce the chance of reoffending. The Howard League for Penal Reform has highlighted that the biggest challenge for prisons today is the punitive mindset of the public. Employers are increasingly conscious of their public image and it is expected that those who have no previous engagement in prisons will research public attitudes towards prisoners as much as they would research the benefits of employing prisoner or ex-prisoners. The Government's EE Strategy reveals 50% of employers would not consider employing an ex-prisoner with one of the reasons cited as the reputational risk to their business. However, 70% of respondents to the One Poll survey said the government should incentivise companies to run employment schemes, in the belief that it would be better to spend taxpayers' money on measures to reduce crime than on prison places. Given the complexities of public opinion, it should be acknowledged that employers may be unwilling to participate in the Pathway. Therefore, there should be a focus on the many incentives to encourage employer participation which will be explored in detail.

## An opportunity for businesses to strengthen their Corporate Responsibility profile

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In an era whereby employers have an increasing commitment to social responsibility, large apprenticeship levy paying organisations have the opportunity to promote good practices by using their levy to recruit prisoners onto apprenticeships. In addition, levy-payers can transfer 10% of their levy within their supply chains to a single employer thus giving SMEs an opportunity to recruit and train prisoners. More recently (June 2018), the Skills Minister gave the green light to allow levy-paying employers to transfer a maximum of 10% of their apprenticeship levy funds to multiple businesses thus providing greater flexibility. Both options provide a win-win for levy-payers who should be encouraged to utilise this opportunity or transfer it to SMEs to engage with prisons.

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<sup>33</sup> ) OnePoll (2015) *Public attitudes towards criminal punishment, rehabilitation and reform* [online]. Available from: <http://www.onepoll.com/public-attitudes-towards-criminal-punishment-rehabilitation-and-reform/> [Accessed: 13 August 2018].

## A diversified workforce

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Promoting diversity in the workplace is vital as it values everyone in the organisation as an individual. Whilst UK legislation prevents discrimination on the basis of race, age and disability to name a few, this is merely the minimum standard. Employers wishing to stand out from the rest seek to go beyond this, adding value to their business and contributing to employee engagement. Employers such as Timpson have long diversified their workforce, promoting the inclusivity of ex-prisoners and giving them a second chance. By participating in the Pathway, employers have the opportunity to be seen as going 'above and beyond' what is legally required of them to promote inclusivity and diversity within the workplace. This can, in turn, attract new recruits to join the organisation as good employers.

## An increased pool of labour

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From experience, the Working Group noted that employers are very interested in working with prisons because it is a route to training up local talent and developing a workforce exclusively relevant to the skills gaps in the local area. It is not news that the UK is experiencing skills shortages in some sector of the economy, such as construction and hospitality, and with Brexit fast approaching, employers are increasingly looking at their skills pipeline. Training prisoners through apprenticeships can provide the solution for employers who are struggling to fill vacancies.

## Capturing talent

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Employers will be able to run assessment centres within prisons, more freely enabling them to capture potential talent easily. Furthermore, having access to prisons and their education system will also allow employers to be able to deliver content that is relevant to their business/sector specifically in order to give individuals an insight in to the business prior to release, free of charge upon release, individuals are already trained and aware of the business, which in turn will bring significant savings to employers.

## Release on Temporary Licence (ROTL)

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By definition, Release on Temporary Licence (ROTL) is "the mechanism that enables [offenders] to participate in necessary activities, outside of the prison establishment, that directly contributes to



their resettlement into the community and their development of a purposeful, law-abiding life".<sup>34</sup> Decisions on granting ROTL are taken by the prison Governor although some prisoners, such as Category A and B prisoners, are prohibited from accessing ROTL. In 2016, 7000 individuals were released on ROTL with most of those being resettlement day release which includes taking part in training or education courses related to work skills outside prison. During this period, ROTL failures, such as failing to return to prison or breaching license conditions, were rare (less than 0.1%<sup>35</sup>). Such a low risk underpins the benefits that ROTL can bring to employers regardless of their reservations to work with prisoners.

The EE Strategy notes that whilst ROTL is an effective rehabilitation tool, it is not being used to its potential to assist prisoners to secure employment. ROTL placements have fallen in recent years which limits the ability of prisoners to gain valuable work experience whilst completing their sentence. ROTL should be incorporated into the Pathway which has the potential to bridge the gap between being in prison, studying and working. Furthermore, ROTL can provide an opportunity for prisoners undertaking apprenticeships to gain work experience in the workplace whilst they are serving their sentence.

In addition, research commissioned by the MoJ highlights the use of ROTL in reducing reoffending rates. This is particularly the case when used in the 6 months prior to release from prison. This has the potential to be incredibly useful as part of the Pathway as it would allow employers to capture talent and bring learners into the organisation prior to release, giving the learner the opportunity to immerse themselves in a professional work environment, build their confidence and prove they are hardworking and committed.

## Communication

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Employers would benefit from a single point of contact within the prison to discuss apprenticeship opportunities to build a pipeline of talent, trained to their specification, to bring into the organisation. The detail of prison apprenticeships will, therefore, need to match external apprenticeships as closely as possible, with the option of moving the apprenticeship from a prison education provider to a different provider in the community, if necessary. The Working Group recommended that there be easy to understand FAQ/flowcharts for clarity and ease of understanding for employers, with the caveat that each prison will be different. Furthermore, language needs to be made easier for employers to read and portfolios for learners need to be translatable from one employer to another. Eventually, this needs to sit in a different government department from the MoJ and it needs to be

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<sup>34</sup> ) Ministry of Justice (2018) *Prison Service Order 6300- Release on Temporary Licence* [online]. Available from: <https://www.justice.gov.uk/offenders/psos> [Accessed: 13 August 2018].

<sup>35</sup> ) Ministry of Justice (2018) *The reoffending impact of increased release of prisoners on Temporary Licence* [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/709123/rotl-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709123/rotl-report.pdf) [Accessed: 13 August 2018].

brought together with employer information on recruitment in a hub under the remit of either the DfE or BEIS. Employer demand must come first and there must be an emphasis on real jobs on release.

We see strong potential for a structured way for employers to become involved in prison education and training, helping to shape the skills and attributes of a future workforce through direct involvement in apprenticeship pathways from within prison to through the gate. This requires a commitment, both from employers to honour the apprenticeship through the gate, and from the prison system to ensure the apprentices are available to take part in the programme in full, including Release on Temporary Licence for the work experience element of the apprenticeship. Employers will want to be sure that the education and training in prison are of equal quality to the apprenticeships they are supporting outside the prison system. Having employer involvement in delivering training within the prison, as well as outside the prison on ROTL and in the workplace once the prisoner has completed their sentence is a way to create continuity and provide a sustainable pathway into work.

### Employer challenges in the current system

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Uncertainty was an issue immediately raised as employers are unclear what financial incentives are currently in place to increase their participation. Ideas for incentives include greater marketing of the National Insurance payment break for one year that employers receive when recruiting an ex-prisoner, which needs to be better publicised to employers. In addition, clarity is required over what constitutes an 'ex-offender'. Clearer information is needed as to how long a time-frame after release is an 'ex-offender' still considered one to benefit from this tax break.

In view of how often prisoners are transferred to other locations, poses a serious challenge for continuity of training. Ricoh has experienced this issue which negatively impacts on the continuity of their programmes during prisoner relocation. Employers will engage with a prison where the individual is incarcerated but that isn't necessarily where they are released. Employers will want assurances that prisons and education providers will enable prisoners to continue their apprenticeships if they are moved within the prison system and that ROTL will be available for apprentices nearing the end of their sentence. Understanding where prisoners will be released to is vital. Employers risk putting resources into training people who will never end up working with them because of the location- this will need to be addressed. Information on the mapping of where prisoners will be released to will prove beneficial to employers.

Prisoners will need to be at the right point in their sentence to be able to begin the apprenticeship whilst in prison and complete it with the same employer or consortia of employers out in the community. Creating a system where part of an apprenticeship is completed without any commitment from employers and education providers to support its completion in the community would defeat the purpose. Apprenticeships need to be based on real work opportunities that continue when the prisoner is released.

## Recommendations

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- » Government should pilot the East Midlands BITC model in two other areas to test scalability.
- » New Futures Network ambassadors should have previous experience of delivering education and training in prisons.
- » ROTL should be used as a key part of the Pathway to bring learners into employment prior to release.
- » Employers must be engaged in conducting interviews and meeting prisoners before the Pathway to create trust and a positive start.
- » The MoJ should produce easy to understand FAQs or flowcharts for employers to navigate the Pathway process.
- » Government should improve the marketing of the NI payment break to employers and clarify the timeframe of an 'ex-offender'.
- » Prisons should share with employers information on the mapping of where prisoners will be released to geographically .

# Collaboration and continuity through the gate

## Collaboration and data sharing inside the prison

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Supporting the education and employment of ex-prisoners should be a key part of a wider package of support that is offered to individuals both in prison and in the community.

Feedback from employment support providers working inside the prison estate is that the problem does not lie so much with the nature of support on offer, but the fragmented landscape of support across different prisons and the lack of integration within them. Currently, there are multiple agencies working inside the prison to provide education, welfare and employability support for prisoners. These include Jobcentre Plus Work Coaches, OLASS providers, the National Careers Service and voluntary organisations.

The responsibility for the commissioning of education and employment in prisons will be handed over to Governors from April 2019.<sup>36</sup> Governors will, therefore, be key to ensuring collaboration between education providers and other types of support. It is important that further devolution of responsibility to Governors encourages a joined-up approach in the delivery of provision.

To ensure effective engagement and confidence in the Pathway with employers, there should be a single point of contact within the prison. There should also be clarity over who is responsible for collating, inputting and sharing information through the gate relating to progress made during an individual's sentence. Employment support providers have expressed concern about the lack of information sharing between different agencies and at different points of a prisoner's sentence. For example, some ex-prisoners are unable to evidence previous qualifications, which creates unhelpful barriers to securing employment. An individual's health, housing and education record should be accessible via a centralised system. In addition, Community Rehabilitation Companies (CRCs) resettlement provision and relevant providers should be able to share this information; if a 'guaranteed apprenticeship' is to be secured towards the end of a person's sentence, it is crucial that documents such as bank account details, right to work and proof of address are prepared on time.

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<sup>36</sup> ) Ministry of Justice (2018) *Education and Employment Strategy*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710406/education-and-employment-strategy-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf) [Accessed: 17 December 2018].



### Case Study 3: The Forward Trust

The Forward Trust (Forward) is a registered charity that supports people to break the cycles of crime addiction to move forward with their lives. We support people through a range of services, including education and employment programmes both in prison and the community.

Forward's prison education works alongside our award-winning Blue Sky employment agency, which has recruited and placed over 1,500 ex-offenders into paid jobs. We hold longstanding relationships with employers in a range of sectors, including local and national companies as well as local authorities. As well as jobs through Blue Sky, we also offer an Apprenticeships scheme for ex-offenders in recovery from addiction; and the Forward Enterprise Fund to support ex-offenders to start their own businesses.

*Our prison education service is founded on a simple three stage approach we call 'heart, head and hands':*

**Heart** is the process of engaging and motivating prison learners by promoting the message that getting a job is achievable – with hundreds of peer examples as inspiration – as well as raising awareness of realistic job opportunities.

**Head** is about developing skills, confidence and work-ready behaviours of offenders through practical learning methods.

**Hands** involves supporting service users to gain vocational or occupational skills and qualifications in specific industries, leading to real jobs and progression to long-term employment.

Mez is a prime example of how this approach works in practice.

*“ I first heard about Blue Sky while I still in prison. I was near the end of my sentence and told a member of prison staff I wanted to get a job when I got out. They told me about Blue Sky and asked if I wanted to sign up for one of their courses, so I said yes. I went on Blue Sky's one-day 'Work Taster' session at HMP Onley in April 2018.*

*It was a great opportunity – I'd never done anything like that before. It was really practical and hands on, and gave me an idea of the kinds of jobs that I could do when I got out of prison and how to apply for a job, as well as belief that I could get work on the outside.*

*They gave me their contact details and when I was released I gave them a call to see if there were any jobs. I had an interview for a job washing cars, but although that didn't work out, Blue Sky stuck with me. They offered me a job in their Blue Sky Services team in June 2018 working in grounds maintenance, a month after I got out of prison, and I've been there ever since.*

*I really enjoy my job. I get to go different places every day and meet new people. I like working with the tools in the outdoors – it keeps me fit and my mind fresh. We do lots of different jobs – strimming hedges, cutting branches, cleaning ponds, you name it. Because I enjoy my job, I know it helps me do it well – I care about the work and that shows. I'm a really committed employee and I'm here on time every day. I even work overtime when I can.*

*I've been with Blue Sky for nearly four months and they are supporting me with a grant to get driving lessons soon so I can continue to build my skills and progress my career even further.*

*My family are so proud of me and I'm proud of myself too – I'm a man of my word now. The work keeps me busy and out of trouble and so probation are happy with how I'm doing as well! This job keeps me smiling. Not many companies would have given me this opportunity with my background and I'm so grateful.”*

**Mez, Blue Sky employee**

## Continued support on release

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Continuity through the gate is vital to an ex-prisoner's transition into employment, and no one should face a cliff-edge of support at this point. Working Group members, however, have stated that support does not always follow people at this crucial time. For an apprenticeship on release to be successful, agencies must join up to provide continued support in the community. There

should also be further clarity on who is responsible for providing this support, the outcomes that are used to measure performance, and the associated funding attached to this support.

Ex-prisoners face a variety of barriers upon release. Working Group members cited housing and financial insecurity as the main barriers to helping ex-prisoners into employment. Joined-up support at this transition point, which includes support with finances and accommodation, are likely to increase the chances of a successful transition into work and training.

Barriers to housing include the inability to provide references and deposits to private landlords. Analysis published by the MoJ in 2012 shows that individuals who re-offend are more likely to have a history of homelessness or rough sleeping.<sup>37</sup> Some organisations have reported that some people actively seek to return to prison, as the relative routine and security of prison is a preferable alternative to being homeless.

Prison and probation services have limited capacity in relation to supporting people with accommodation prior to release, and the ultimate responsibility lies with local authorities. However, JCP Work Coaches, employment support providers and apprenticeship providers should be aware of an individual's housing situation, and employment and accommodation support should be integrated and tailored to the individual.

Many people will also require financial support, such as travel costs to interviews, from the outset. Release without immediate access to financial assistance can leave people with a history of offending with no legitimate income on release. This also means that people who do not have a network of support are left particularly vulnerable.

This instability affects the likelihood that someone may be able to sustain their apprenticeship throughout the 12 months. In addition, providers and employers need to understand that some ex-prisoners may have challenging lives and their circumstances may, therefore, be subject to change. For some Level 2 and Level 3 apprenticeships, there is a minimum commitment of 18 months. Both sides need to invest in the time and support which will need to be continuous.

An individual's financial situation should be assessed prior to their release and agencies inside the prison should work with CRCs to ensure the right support is in place. It is encouraging that the EE Strategy commits to working with the DWP to look at delivering improvements to Universal Credit to ensure that ex-prisoners have access to financial support at day one of release. The Government should also consider whether a bursary model – such as the recently announced apprenticeship bursary for care leavers – should be considered for certain groups of ex-prisoners, such as those with a history of homelessness.

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<sup>37</sup> ) Ministry of Justice (2012) *Accommodation, homelessness and reoffending of prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey*. [online]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278806/homelessness-reoffending-prisoners.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278806/homelessness-reoffending-prisoners.pdf) [Accessed: 17 December 2018].

The prospect of prisoners sustaining an apprenticeship in the community is more likely to increase if they have a period of transition to ensure these issues are addressed. There should also be a period of time to engage with statutory housing and health services. Providers will also need to spend time with the individual to ensure they receive the right support throughout their apprenticeship. This will need to be incentivised and funded accordingly for providers.

Another major barrier to work identified by Working Group members is confidence, motivation and the need for training in soft skills. A 'pre-apprenticeship' within the prison estate may, therefore, offer an opportunity to use the time in custody to equip people with the skills and confidence to complete an apprenticeship. Prisoners should be able to focus on the 'life skills' of resilience, problem-solving, communications and team working.

## Who is responsible for employment outcomes?

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It is therefore crucial that ex-prisoners have access to support that is coherent and effective, particularly when they face multiple issues on release. However, there is no clarity on who is responsible for providing employment support and how this will translate into a formal apprenticeship.

The Government should state clearly who is responsible for providing employment support through the gate. CRCs should, at a minimum, promote links to specialist employment support providers. Funding for education is currently limited to the prison and governors do not have a budget that goes through the gate. Moreover, there is currently no detail on how a Prisoner Apprenticeship Pathway might be integrated into the individual's resettlement plan set by the CRC and how this will relate to providers. It should be made clear at Dynamic Purchasing System (DPS) stage what the Prisoner Apprenticeship Pathway looks like and the extent the provider is involved both in the prison and in the community. It is also essential that funding frameworks reflect the new pathway delivery models.

Joint employment targets would support collaboration between these agencies. Joint performance measures should be introduced, evaluating the long-term education, training and employment outcomes after release. This would provide a further incentive for agencies to work together to secure sustainable apprenticeships and employment.



## Recommendations:

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- » There should be a single point of contact to coordinate information sharing between different agencies and at different points of a prisoner's sentence.
- » There needs to be further clarity on who is responsible for providing employment support, the outcomes that are used to measure performance, and the associated funding.
- » An individual's financial situation should be assessed prior to their release, and agencies inside the prison should work with CRCs to ensure the right support is in place before the apprenticeship begins.
- » A bursary model should be considered for certain groups of ex-prisoners, such as those with a history of homelessness.
- » The Government should state clearly who is responsible for providing employment support through the gate; further clarity over this responsibility should be made clear at the DPS stage.
- » Joint performance measures should be introduced, evaluating the long-term education, training and employment outcomes of ex-prisoners.

## Conclusion

As a nation, we continue to suffer from stubbornly high incarceration rates compared to our Western European neighbours. Our re-offending rates remain high as significant financial and social cost despite various initiatives within prisons which have often failed. The Prisoner Apprenticeship Pathway has the potential to reduce re-offending, fill skills shortages in key sectors and provide prisoners with realistic and meaningful employment prospects upon release.

With a cross-government approach, investing in a Pathway has the potential for Government to achieve several of its domestic priorities including the 3 million apprenticeship starts target, improve productivity levels and achieve its Industrial Strategy objectives.

A holistic rehabilitation process will include access to education and training which can lead to employment. To be successful it will need to be replicated to the exact high standards expected on the outside and to evolve in line with the changing needs of both employers and prisoners.

The development of a Pathway will rely on a strong understanding of the prisoner population; both its diversity and barriers that prevent prisoners from willingly participating in education. Ultimately, employer engagement will underpin the success of the Pathway which must continue to be strengthened.

Through the case studies provided, we know there are fantastic examples of best practice taking place within prisons. We believe that going to scale requires an enabling policy environment, a combination of public, private and third sector resources and sufficient human resource capacity. The FE and Skills sector has a plethora of individuals with the knowledge and expertise to advance the Pathway and increasing numbers of employers looking to engage with prisons in the education space. The recommendations set out in this paper proposes next steps Government should take to successfully implement apprenticeships within prisons. The Pathway has every prospect of being successful if sufficient resources and purpose are committed to the task. However, the level of financial and human investment both simply has to be stepped up.

Re-offending costs the taxpayer £13bn each year- vital funds that could be better spent in an era of austerity. With high rates of re-offending, there is an urgent need to reinvent the wheel through a Pathway. It would be money well spent and resources effectively utilised given the benefits a Pathway provides for all stakeholders involved- a small price to pay for delivering a high-quality programme that gives meaningful employment opportunities to prisoners.

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