



ASSOCIATION
OF COLLEGES

A Vision for Prison Education – A provider perspective

May 2022

Foreword

My first involvement in prison education was over 20 years ago, when I had responsibility for funding the offender learning contracts in the East Midlands and then London. Back then it was patently clear that the 'service' was not funded enough, and the culture of prison life was often a barrier to the sort of learning, training, and education that I believe every citizen deserves access to.

Sadly, nothing much has changed since then in terms of resources, culture, and the needs of prisoners. If anything, it is worse now than it was then, with all of the pressures of rising numbers and insufficient resources. That's why we are presenting a vision for how prison education could look in the future, highlighting the frustrations the current education providers feel about how things have been operating in recent years.

This paper, therefore, is not a long complaint, but a positive setting out of the policies, resources and infrastructure needed, as well as the cultural changes, which if implemented would lead to better outcomes. It is optimistic and forward-looking and of course calls for more resources, so that every prisoner can get the support and education they need to succeed after they walk through the gate into the world.

What is clear to us, though, is that this is not solely about more funding, because more money spent in the same ways as now would not work much better. There must be a stronger partnership between the prison leadership and staff, the other service providers, and the education provider. There has to be a culture of prioritising learning and helping people get the skills they will need to secure good jobs on the outside.

Achieving that should be within our grasp as a society and I hope that this paper helps nudge policy in the right direction. [The Education Select Committee's report](#) says some very similar things and shows that there is the possibility of cross-party support for a better system of education and training. I really hope the Department for Education, working with the Ministry of Justice seizes the opportunity and implements constructive changes. I know that colleges are keen to play their part, and they can offer so much more if they are given the chance with proper resourcing and the right policies.

David Hughes, Chief Executive, Association of Colleges

May 2022

Debates around the quality and effectiveness of prison education have been rumbling on behind the scenes for some time. Recently, they have been galvanised by the coronavirus pandemic and its impact on education, as well as by the House of Commons Education Select Committee inquiry into prison education.

There are currently four prison education framework providers working in this space, three of them are further education colleges – Novus (as part LTE group), Weston College and Milton Keynes College.

This paper sets out what college prison education providers believe prison education should look like, and how it could be improved on the ground, both for prisoners and those involved in providing the education service. In the paper's appendix, we make the case for why change is so urgently needed – and how it fits into the current policy context.

The vision for prison education

Our sector vision for prison education is for a properly-funded service to bring it into line with general further education and apprenticeships, as set out in the Skills For Jobs white paper, to provide prisoners with education and training which prepares them for successful reintegration into society and the world of work. This must, however, recognise that prisoners have often been failed by education first time around; 40% excluded from school, a third declare support needs and half have a reading age of 11 on entry to prison. As a second chance to re-engage with learning, there will be additional support needs that must be accounted for and funded properly.

System leadership

- **Partnership:** Government, prison management and prison education providers should work together in true partnership, focused on what is in the best interests of learners. That partnership must be based on trust and mutual respect.
- **Whole Prison approach:** It is key to recognise that just as in mainstream FE, a “one size fits all” strategy is not appropriate, and what is needed is a creative and dynamic approach to the curriculum and a “whole prison/provider” approach, designed and delivered using strong evidence-based practices. This requires buy-in from all parts of the service – not just from those directly involved in education provision.
- **Valuing expertise and experience:** The system should recognise the existing expertise within the current prison education service in order for providers to be empowered to design an appropriate curriculum. Current providers have extensive experience of delivering in what can be a challenging environment, as well as understanding the sometimes complex teaching and learning needs and the innovative approaches required to support this.

Operational pre-requisites for success

Supporting prisoners:

- **Tracking and portability:** We need a system that allows for flexible, accessible, and portable learning ensuring that if prisoners are moved to another prison facility, their education journey and prior learning follows them and is fully recognised. It might be worth considering micro-credentialing to allow prisoners to get reward for shorter chunks of learning, rather than solely for longer qualifications which can seem inaccessible and unattainable. This also allows for their next steps into employment or further education and training to be properly planned.
- **Information sharing:** At the level of the individual prisoner, this should mean all staff (including subcontractors/providers) have access to necessary information to better the support offered and the sequencing of interventions (e.g., prioritising health/drug issues) across multiple agencies/professional disciplines into a single rehabilitation journey.
- **Progress tracking technology:** This should be underpinned by technology which supports information sharing and multi-agency customer journey delivery (e.g., a CRM or secure APIs to automate data sharing) and eliminates the current duplication of data gathering. This will make it easier to identify needs once, and share across departments as well as across prisons.
- **Access:** Prison educators should have better access to prisoners to support their learning. It cannot be down to education staff to seek out learners and ensure attendance. Future regime design should also consider flexibilities in attendance patterns which may be relevant for prisoners to enable them to engage in learning alongside programmes and interventions for departments (e.g., health care).
- **English, maths and digital:** English, maths, and digital skills provide an important foundation, not only underpinning vocational skills and training for employment but also in enabling former prisoners to apply or register for services digitally, manage personal budgets to pay bills, and be responsible, active citizens.
- **Through the gate:** Support through-the-gate is instrumental, so the work undertaken within prison walls (vocational skills as well as life skills) continues to be developed on the outside. As part of a prisoner's transition, we should be more ambitious in ensuring that they leave with a holistic plan which ensures their basic needs have been met (food, clothing, somewhere to live, sobriety etc.) to eliminate

any significant barriers to securing and maintaining employment and continuing learning.

Supporting outstanding teaching:

- **Funding:** Per-learner funding in prisons needs to be brought in line with the amount available in general further education. This would allow providers to attract and retain high performing teachers and invest in resources.

This would then facilitate provision that maintains small group sizes with individualised support, a quality education on a par with that in general further education, and increased employability prospects for prisoners.

- **Viability:** Any changes to the funding methodology must not lead to a fragmentation of the market, as economies of scale are essential to make sure providers can maintain the quality of provision and invest in CPD for staff.
- **Capital funding:** Capital investment will allow for the prison education estate to be comparable to standards of most general FE colleges as well as equipment and tools to enable a realistic technical skills-based learning environment.
- **Pay and conditions:** All FE staff, whether in general FE or prison education, need to be paid competitive salaries reflecting their expertise and experience. There needs to be recognition that teaching in a prison education environment is perhaps not as attractive as other teaching roles, so there should be particular incentives to attract and retain high quality teaching staff into prison education. Access to and funding for continuing professional development (CPD) will also support staff retention.
- **Digital infrastructure:** In order to truly align with general FE and apprenticeship provision, prison education needs to be equipped with a strong digital infrastructure to allow better access to technology for online and remote learning – even if in a controlled and restricted way.

By not having access to technology to develop digital skills as well as technology related to vocational learning, prisoners will always be at a disadvantage to FE learners in wider society.

Better access to technology can support applications and software typically used in the community to better provide support, especially for those with mental ill-health and neurodiversity, as well as replicate the software used by businesses which will ultimately be providing employment opportunities. It should also facilitate digital learning tools such as VR to increase breadth of learning offer and learning experiences - which can be curtailed by available facilities and equipment.

- **Accountability:** The specific roles and responsibilities of prison education providers should be acknowledged in any inspection framework. There should be recognition of barriers to effective delivery which are beyond the control of the prison education deliverers.

Appendix: The context

The MoJ perspective

In December 2021, the Ministry of Justice published its prison strategy white paper. In it, the MoJ says that improving education is “crucial to improving the employment rate of prison leavers”. It adds: “The challenges in delivering good education in prison are well understood. Most prisoners have low levels of education and 42 per cent were excluded from school. Of the prisoners who undertook an initial assessment between April 2019 and March 2020, most were at entry level 1-3 (equivalent to primary school): 57 per cent in English and 61 per cent in maths; and 29 per cent had a learning difficulty/disability (LDD), although a recent study by the Criminal Justice Joint Inspectorate estimates that this could be as high as 50 per cent.”

The MoJ says that currently, education facilities and quality of teaching are “*inconsistent and governors struggle to get the right prisoners to class*”. “*Prison education has also not kept pace with the increasingly high standard of skills required by employers in the community*”. It goes on to state that despite recent changes, “*the current quality of education provision is not good enough, with 60 per cent of prisons in England receiving Ofsted grades of ‘requires improvement’ or ‘inadequate’ over the last five years*”. The pandemic has also caused considerable disruption, it adds, stressing it is “determined to build back better”.

“To address this, we have committed in our manifesto to deliver a transformed Prisoner Education Service. Through this, education will have a clear purpose and a goal. We will focus on two overriding strategic priorities. First, improving the numeracy and literacy of all prisoners. Second, incentivising them to improve their qualifications to increase their prospects of finding work. The aim for every prisoner should be to improve their levels of numeracy, literacy, training, and qualifications during the course of their sentence, with a tailored plan developed from entry into prison.”

“We will work with our providers to improve the delivery and quality of training in prisons to drive year on year improvements to Ofsted grades, so they are much closer to those achieved by further education in the community. The new Prisoner Education Service will expect prisoners to set their ambitions for employment on release. Prisoners will have an English and maths assessment and screening to identify additional learning support needs and record the level of their qualifications to date. Over the next two years, we will invest in the digital and data platform needed to develop personal learning plans for prisoners, which will record clear career goals and the progress we expect prisoners to make towards them throughout their sentences, in particular focusing on numeracy, literacy and qualifications that will improve their job prospects.”

The MoJ sets out ambitious plans, saying that having assessed prisoner capabilities and needs at an early stage, the Prisoner Education Service will integrate learning and skills across the prison regime, better support literacy and numeracy and provide clearer and

stronger expectations that prisoners will acquire the additional qualifications they need to increase job prospects. *"We will build stronger links with employers, particularly those with skills shortages, who will work closely with prisons to maximise job opportunities (inside and outside the estate) and help to shape the curriculum on offer. To do this, we will give governors the tools they need to deliver high-quality learning, training, and skills, and we will hold prisons to account for the job opportunities and outcomes they achieve for prisoners."*

To achieve this, the MoJ says it will, over the next two years:

- Provide governors with expert support to work with education providers and employers to design a curriculum focused on work. This includes hiring new education, work, and skills specialists to review and improve the prison education offer and expand learning beyond the classroom into workshops and digital platforms, and support managers for prisoners with conditions such as learning disabilities, autism, acquired brain injury or ADHD to strengthen the identification process and related follow-up support for those who have learning needs, within the classroom and across the prison more broadly;
- Establish an Employability Innovation Fund to enable governors to work with more employers and training providers to repurpose workshops, deliver sector specific skills training to meet the changing needs of the economy and smooth the path from prison to employment;
- Start market engagement with a range of providers to encourage more to work with us to deliver education, work, and employment services when current contracts end;
- Establish a 'Literacy Innovation Scheme' to challenge potential providers to trial literacy improvement programmes;
- Develop new digital content and expand the use of secure laptops so that more prisoners can study from their cells, with appropriate safeguarding and access limitations in place;
- Invest in staff training to build a prison culture that values education and learning across the prison and increase the quality of teaching and training.

The Providers

Novus

Novus is part of LTE Group – one of the largest college groups in the UK. In various guises, the group has been involved with prison education for almost 30 years. LTE Group was created in 2016, and is the first integrated education and skills group of its kind, and the largest social enterprise in the country dedicated to learning, training and employment

One of the largest college groups in the country, has been rated “good” by Ofsted, with all aspects of the group’s provision, including the quality of teaching, learning and assessment, personal development, behaviour and welfare, and outcomes for learners, all found to be of that standard. LTE employs around 4,200 staff and supports over 95,000 students and learners across a range of sites.

Weston College

Weston College is an Ofsted “outstanding” college of further and higher education in Weston-Super-Mare, providing education and vocational training to around 40,000 learners across the country.

The college holds the top Investors in People “Platinum” accreditation and is a Sunday Times “Best Companies to Work for” employer. It has won numerous Beacon Awards from the Association of Colleges for initiatives to enhance and innovate mental health, wellbeing, welfare, careers advice and digital innovation - and has also been named “Employer of the year” at the Lloyds Bank National Business Awards.

Furthermore, it provides a range of higher education courses through University Centre Weston, 70 different apprenticeships from intermediate to degree-level and provides education in 20 prisons across the country.

MK College Group

MK College Group is an Ofsted ‘Good’ provider with over 3,000 16-18 year-olds currently studying at the College in Milton Keynes, with the total student population standing at over 8,000.

The College offers a broad variety of qualifications, including vocational courses, apprenticeships, higher education, professional certificates as well as employability skills and community training.

The College leads the South Central Institute of Technology, working with a consortium of world-leading brands including Microsoft, KPMG, McAfee, Activate Learning, and Cranfield University.

The case for change

Leaders have told AoC that they feel policy makers need better information on the environment prison educators operate in. Issues such as attendance, entirely outside the control of providers, inhibit their ability to deliver. The lack of investment and linked shortcomings in prison infrastructure further impact on provision and make it challenging to deliver a 2022 curriculum. All of those issues have been further exacerbated by the coronavirus pandemic.

Who is in charge?

Following a change in policy approach which saw prison education move from the Department for Education's remit to that of the Ministry of Justice, the nature of contracts changed fundamentally. Colleges also believe there are commonly tensions between what they are being asked to deliver by government and what prison governors expect.

Colleges are also concerned that the staff within government now tasked with managing contracts often will not have education as their main specialism, which affects their engagement with colleges. Providers feel this has meant that education is now viewed simply as one of many services the MoJ contracts out, with every detail controlled centrally. Colleges say they have gone from having a level of control over what they deliver, leaving them space to innovate and be flexible, to working within a contract where every detail is prescribed. This ranges from the qualification that has been delivered to the number of students in any class and the number of hours on the particular day.

The approach is a very transactional contract management approach, focused on whether contractual commitments have been met and targets achieved.

"As opposed to looking at the broader development of education, the broader development of quality, the broader development of innovation, everything comes back to this micro-management approach"

Colleges commonly find themselves at the receiving end of knee-jerk decision-making as a result of a request from government ministers with little or no consideration for what these decisions may mean on the ground.

"Instead of a centre strategically leading the development of education across the country, what they're doing is they're micromanaging the contract and in essence, weighing the pig constantly requiring assurance at multiple levels, not allowing us to actually get on and do the job. It's about whether a target has been met or not. And if the target is 80 per cent and you get 79.5 per cent you have missed the target - fail. That is that. That's the nature of how it's working. Whereas we as education providers and education experts are constantly trying to bring it back to the learner. It does feel like the whole contracting arrangement is being pulled away from that."

"We are all aware that this is an extremely challenging recruitment and retention market – yet we are penalised for each vacancy where even though we may have successfully appointed, kept the candidates warm and have no control over the extremely protracted vetting processes (which seems to have little to no accountability) – this is another stick with which to beat providers."

Providers stressed they rely on the prisons to ensure learners attend and are able to come to the classroom, but it is providers who are penalised financially if that does not happen.

"It's not in our gift or our responsibility to go and access learners or unlock learners from cells so they'd get some sort of education, that's the prison's responsibility. That's not a teacher's responsibility. But we have the dependency on that happening on a frequent level."

"In our first year of the PEF contract, we had about a 58% attendance rate so every 10 chairs we would only have 5.8 occupied. That's not good. We're only paid for the 5.8 and that then puts a stake on the viability on the contracts. How can we invest in our staff in those areas or facilities or take the risk? Our board is not going to do that when they're not seeing assurance around the revenue."

Providers also talk of the tension between the priorities governors focus on and the requirements of a successful education programme in a prison. Governors should be prioritising education, they believe – while continuing to consider safety and security.

"It's about how we square that circle between safety, security, and being able to deliver an education service. The tension is that HMPPS's prime purpose is to keep prison safe and keep prisons secure. If there are any issues that link back to prison security or prison safety, they will always take precedence."

The coronavirus pandemic illustrated this issue: "Before we went into lockdown, the focus was about locking down to keep prisoners safe and trying to stop the pandemic from getting into prisons. It would have decimated the population. Now as we move out of lockdown, we're seeing in some of our sites where prisoner movement is absolutely restricted, what the authorities see is the real benefits around the reduction in traffic and greater operational security. The sense is that we may maintain all that because it's better for the establishment, even though that has a massive, massive impact on our ability as education providers to meet the needs of lots and lots of disadvantaged learners. What we've got as the priority is almost automatically security and safety over education or rehabilitation.

Funding

Funding for prison education is tight, and there are a number of factors that contribute to this. Firstly, the per-student funding rate is significantly lower within prison education than it is in general further education colleges.

"It was about 110 million for the Prison Education Framework (PEF) contract, including private providers. There is a prison population about 83,000 - that works out as something like £600 and £700. All of the providers will see a significant proportion of the places they provide not taken up, a significant proportion of the people who are on programmes not finishing them because they get moved or there's something else going on, or the allocation of prisoners is not right. And that fundamental way the prisons run education is the structural issue, and without fixing that we're never going to maximise the existing resources for the taxpayer and the public."

Secondly, the way education contracts are awarded by the MoJ means they are awarded to providers able to offer courses most cheaply – contributing to the downward trajectory of income for providers. Thirdly, as already highlighted, providers find themselves impacted heavily by decisions made by prison governors and prisoner attendance of their provision.

"We are probably getting a prisoner funded to the tune of about 600 pounds in the prison, where they would probably get at least twice to about £4000 in the community. And the approach the MOJ takes to procurement is driving value and lowest price. If they want to find quality providers with quality teachers then they need to pay a reasonable funding rate to achieve that. At the moment it is a race to the bottom. I think that needs to be a whole change in terms of the funding approach. The MOJ are treating it like the buying food, or clothing."

Finally, colleges do not receive additional funding for learners with learning difficulties or disabilities – and yet the LDD community in prison is large, most often undiagnosed before they arrive in custody. Providers are under pressure to screen students – but this is again not accounted for in the funding package they receive.

This, combined with the need to invest in the prison estate, means education providers find themselves under increasing financial pressure – a pressure that can even destabilise an entire college. The Covid pandemic led to a temporary change in the funding model to a "Cost+" model – however, there is an expectation that this will end after coronavirus restrictions come to an end.

"The only way that we could achieve maximum contract value is if we had a member of staff in every classroom every day, and every classroom was full. That's never been the case. From a prison point of view, they can't fill every class. So, what would happen normally at the end of the year or every month, we would say, Look, we should have had 10 learners, we had five. We put forward an exceptional claim, they don't give 100

per cent of the money, they give us a percentage of the money that's missing. So, there's not actually any way of ever achieving the whole contract value."

Infrastructure

Colleges feel strongly that the current infrastructure and available resource does not allow them to meet the needs of the prison population. Following decades of underinvestment, one provider estimates that around 25 to 30 per cent of the prison estate is Victorian and therefore increasingly unfit for purpose.

"You're expecting 21st century outcomes and progress and are judging it on that level with learners - within at best a 20th century infrastructure and at worst a 19th century infrastructure."

"So, at the point of taking on the contract we took on the responsibility for all of the assets associated with learners whether that was tools and equipment, tables and chairs, cabinets or IT. We did a full audit of all of those assets. And to say that the net book value of all of those assets was zero would be an understatement. In other words what we took on was a load of crap. But contractually we are obliged to maintain and refresh all of that old crap."

"If you pick up a prison, hold it in the air and shake it, anything that falls out is the provider's responsibility. Anything that stays intact is the prisons responsibility. So, on the one side, you've got prisons that haven't got any money to invest in the state and the fabric of the building, and then separately, we have to make it work out of our existing financial envelope, which we've seen reduced, year on year"

The current contract is focused on providing a curriculum of core skills, English, maths, ICT, vocational pathways such as construction, motor vehicle, horticulture, but colleges believe they need to be able to consider the construction techniques that we are seeing the evolution of in the community and in colleges - but that is simply not possible with the current level of investment.

"The capital investment should be coming from the MoJ, they are responsible for that. We are responsible for putting the staff in to deliver the service and buy consumable materials, pay accreditation, exams."

The infrastructure has become, in the words of another provider, a "prohibitive barrier", because it is impossible to introduce the right equipment to run a curriculum that fully meets future skill needs. This is particularly evident when considering areas that are currently in the spotlight within mainstream FE provision – such as green technology, green skills or e-technology.

"There is nowhere to put it in Victorian buildings. It needs capital investment in terms of not just the buildings but the capital fixtures and equipment to do it. So, while you are seeing a drip feed in mainstream FE, there is no tap, not even a dripping tap [of investment] in custody over the years. It's not been a priority in terms of investment."

“So, you can put the best provider the best teachers in these environments, but they won’t be able to deliver outstanding teaching and learning.”

Ofsted

Two years ago, Ofsted, the education inspectorate, removed the specific grade for prison education providers.

“Actually, you can have an outstanding or very good education provider with a prison that is poorly managed, and management is inadequate. It’s easy then to assume that all education providers are the same, which is far from the truth.”

International perspective

The Netherlands

Previously, the Dutch Ministry of Justice funded a range of programmes that saw FE teachers go into prisons to teach courses from language training and citizenship to vocational courses programmes that could be given inside prison walls.

About 15 years ago due to budget constraints the ministry of justice stopped this budget. According to AoC contacts in the Netherlands, this was at least in part due to uncertainty as to which ministry should be responsible for prison education – the education ministry, the ministry of social affairs, or the Moj.

Finland

In Finland, VET providers need a special licence provided by the Ministry of Education and Culture to provide educational programmes in prisons. There are currently 15 VET providers with that license.

In the last few years, the government has invested heavily in technology. This resulted in the “smart prisons” project, where prisoners have access to technology to engage with a range of services – including education. In 2015, Finnish legislation enabled prisoners to gain digital access to social, educational and health care services and use video calls to contact their family and friends. Between 2015 and 2017, the Finnish Criminal Sanctions Agency provided all units with joint-use workstations with limited access to the Internet and Skype. Prisoners also got access to the Moodle server for educational purposes.

However, digital services remained limited, and so the “smart prison project” was developed in 2016, with the first prison launching in 2020. The aim was to offer each prisoner in the smart prison a personal cell device and develop nationwide digital services for offenders in all units, using joint-use workstations. Extending the scheme beyond the pilot prison has reportedly become more of a focus in light of the coronavirus pandemic and its impact on prisoners’ access to services.

The Skills for Jobs white paper

The Skills for Jobs white paper, alongside the now published Levelling Up the United Kingdom white paper, is a missed opportunity to change the fortunes of prisoners in England and line up provision in prisons in a way that allows them to re-integrate into society and boost the local economy.

There continues to be a disconnect between the wider skills agenda, driven by the Department for Education and, to some extent, Number 10, and the Ministry of Justice with its own separate plans for prison education. Learning in prisons needs to be brought in line with the Skills for Jobs white paper and a more modern approach needs

to be taken to apprenticeships for the prison population so they can provide work experience and a “through the gate experience”.

Colleges also feel they need to be trusted by those that contract them.

“We're not trusted, we're not valued as the educational experts. We're seen as contractors who are potentially going to try and get one over on them. Previously, there was more of a sense of we were partners, and we were the educational experts. We understand skills, we understand adults. FE colleges' bread and butter is adults with challenging backgrounds who are vulnerable.”

Contracting

The contract, whether based within the MoJ or the DfE/ESFA, needs to be set out by people and with people who understand education and are focused on the fact that offender learning is not like any other kind of service – it is about learning, about helping people progress and that the ethos and the contract design has to follow that. Educational targets need to be integrated and incentivised within the prison, but if it leaves hmPPS there's probably less likelihood of that happening than if it stays.

Given some flexibility, colleges believe they could work much more closely with governors who, if they were accountable, would be able to get what's needed for the prison and the prisoners.

www.aoc.co.uk

Association of Colleges

2-5 Stedham Place, London WC1A 1HU

T: 020 7034 9900

E: enquiries@aoc.co.uk

 @AoC_info

 Association-of-Colleges