

The New Prison Education System for Adults in England

1. Purpose of Prison Education

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 well-being of prisoners during their sentences and once released.

Education is a proven route to tackling re-offending. Recent data published by the Ministry of Justice showed that prisoners who take any form of learning activity have a significantly lower re-offending rate on release from prison than their peers. The proven one-year re-offending rate is 34% for prisoner learners compared to 43% for prisoner non-learners¹.

The challenge

However, prison education is not as effective as it needs to be. Even though the Ofsted Chief Inspector's most recent annual report² notes that 56% of prisons were judged to be good or outstanding for the overall effectiveness of learning and skills and work activities in 2016/17 (16 percentage points higher than the previous year) this still leaves prisons comfortably the lowest performing sector within the analysis of the overall effectiveness of further education and skills providers at their most recent inspection.

Particularly concerning has been the proliferation of low level qualifications, which Ofsted queries as a route towards securing employment upon release. HMIP notes that, although there had been a slight improvement in the teaching and learning of English and mathematics in 2016-17, in too many prisons these areas remained weak, reflected in the poor achievement of accredited qualifications.

In his most recent annual report³, HM Chief Inspector of Prisons criticises governors for not giving sufficient priority to education and training, allowing other activities to interrupt the working day. The report notes too that prisoner movement was often ineffective and poorly managed, with prisoners

¹ *Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records*, 27 July 2017;

www.gov.uk/government/uploads/system/uploads/attachment_data/file/633198/pnc-ilr.pdf

² *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17*;

www.gov.uk/government/uploads/system/uploads/attachment_data/file/666871/Ofsted_Annual_Report_2016-17_Accessible.pdf

³ *HM Chief Inspector of Prisons for England and Wales Annual Report 2016-17*;

www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_11-07-17-WEB.pdf

regularly failing to turn up to their allocated activity or arriving late. This poor attendance and punctuality of prisoners, which often went unchallenged by prison staff, failed to promote a good work ethic and could disrupt teaching and learning.

Reform

The prison education reform agenda seeks to address the shortcomings Ofsted identifies and at its heart is a belief that governors should have greater control over and responsibility for delivering quality education in prisons, with a particular focus on the basic skills necessary to succeed in life.

Prison governors are best placed to decide on the education that should be delivered in their establishments, how it should be delivered and who should deliver it. They will take responsibility for developing the education on offer in their prisons, in partnership with their prison group, and will be held accountable for the effectiveness of this offer and how well the provider manages to deliver it. Where this is done well, we expect that education will become a far more integral part of the prison's culture.

A governor's approach will be directed by their in-depth understanding of the following: the needs of their changeable and complex prison populations; the local and national employment markets into which they feed; and the challenges and contexts they share with other prisons within their group and within their procurement Lot.

Resulting educational provision should not be static. It should evolve in response to changing prisoner and employment needs, shaped by the flow of feedback from the learners and the community and routine evaluation of provision. Governors will have access to a Dynamic Purchasing System that will enable them to respond at pace when new needs are identified and alternative services are required.

There are four key parts to making this system work effectively:

1. **Empowering Governors:** giving them levers, support and information to ensure delivery of high quality education;
2. **Effective partnerships:**
between prisons:
 - logical, consistent groups of prisons that enable individual prison needs to be met through sufficient independence, whilst achieving economies of scale and managing resources efficiently, with procurement Lots similarly reflecting those operational economies and efficiencies;and between services:
 - more local control enabling better join-up between services both inside prison and through the gate;
3. **Ensuring consistency:** the minimum system requirements to ensure consistency for prisoners as they move between prisons; and
4. **Focused accountability:** the process which will drive improvement in the system and allow the identification of best practice.

We intend to implement the proposed reform alongside the introduction of the new prison education contracts. In the new world, governors will control their budgets and have choice about who provides their education. There will be two procurement routes available:

1. Prison Education Framework: from which groups of prisons will draw down the core common curriculum services they require (English, maths, ICT and ESOL) and other educational services as specified. We are aware that some prisons may want a single supplier delivering most or all of their provision: governors will be able to procure as wide and as holistic a service as they want through this route.
2. Prison Education Dynamic Purchasing System (DPS): will allow governors to purchase additional or niche education, on a shorter-term basis, to meet their prisoners' needs.

2. Empowering Governors

We want every element of the new education system to help contribute to its success and aid empowered governors to make the best decisions for their prisoners' education.

We will ensure governors have the delivery levers they need, such as:

- owning their own devolved education budgets;
- having support from their group and from other prisons within it, to share workloads and resources, and flex to new challenges;
- having efficient and effective processes to swiftly engage the providers they want for the provision they need, and then manage them effectively;
- ensuring that wider parts of the prison system, and other activity in each prison, embed and support education.

The role of the governor and prison staff

The Coates⁴ review of education in prison stressed a whole-organisation approach to education in the prison system, with a key role not just for governors and senior leaders, but also prison officers, teaching and support staff and the prisoners themselves. Our reforms build upon this expectation, with high calibre and engaged staff, across both prisons and providers, delivering high quality, effective learning for prisoners. Staff will be supported through initial training and ongoing professional development to ensure that they have the skills they need to develop and deliver a bespoke education strategy for their own establishment.

At the forefront of these reforms will be the empowered prison governor, who has the freedom to set the strategic vision for their establishment's education programme, and ensure this is delivered in the best way for their prisoners. They will work in close partnership with the other prisons in their HMPPS prison group, and the group director, to procure the cornerstones of their educational offer whilst being able to commission any specific additional provision separately, as required.

The governor's senior team and wider prison staff will play a key role in delivering this vision, whether through direct contact with learners outside the classroom or through effective relationship management of the providers.

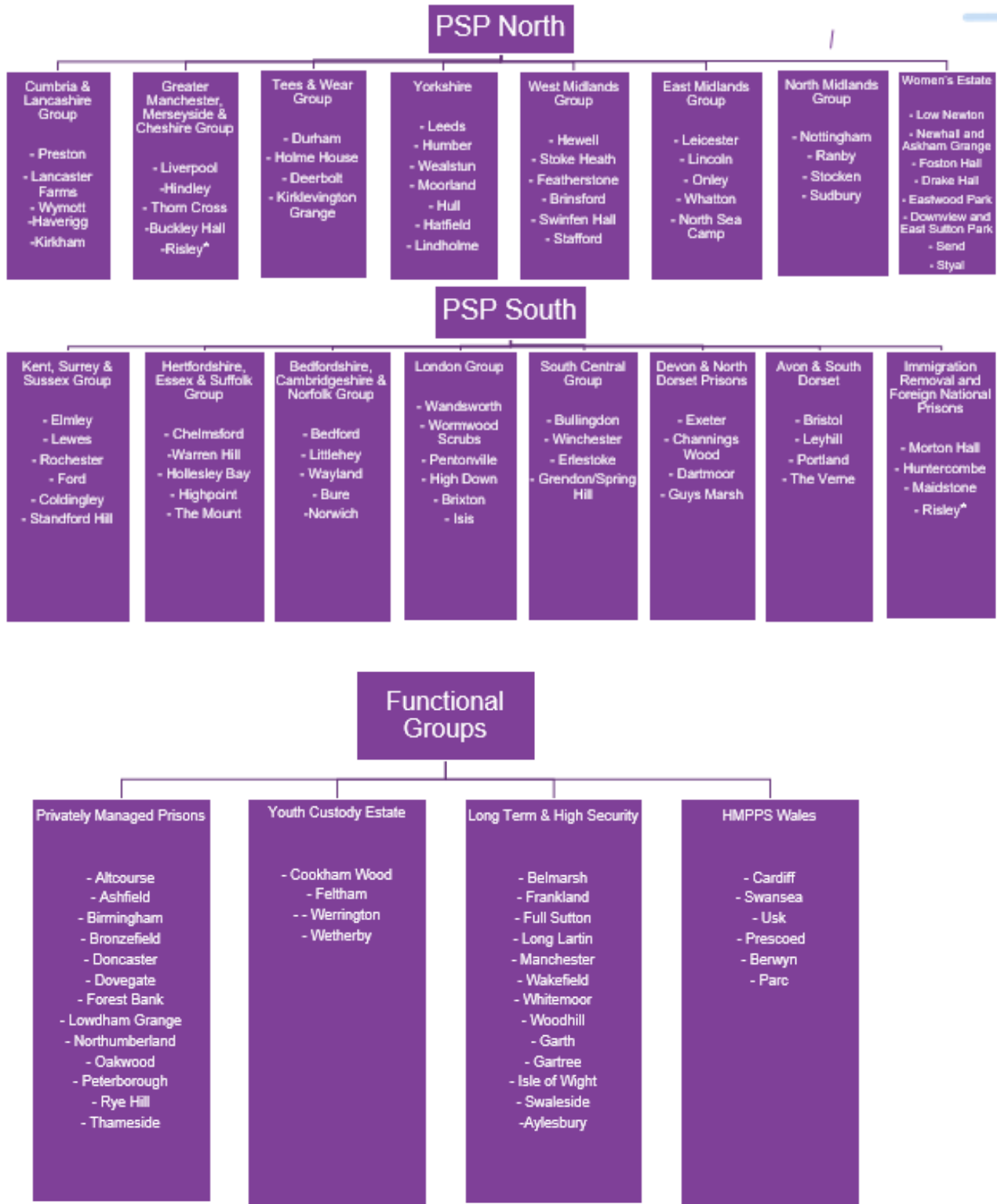
Prison Officers

The prison officer role is also changing. In the Prison Safety and Reform White Paper, the Ministry of Justice committed to giving every prisoner a dedicated officer who can engage with them one-to-one. In line with the recommendation in the Coates review, an element of this role will be supporting the setting and reaching of educational and social outcomes, according to personal learning plans.

⁴ *Unlocking potential: a review of education in prison, 18 May 2016*; www.gov.uk/government/publications/unlocking-potential-a-review-of-education-in-prison

Prison groups

These groups reflect the HMPPS management structure and not the Lot structure – to see that please refer to ITTD Part A.



Education culture

Governors' leadership will instil an education-focused ethos across their establishments. Widespread knowledge of the prison's educational offer and the benefits of education once released will help engage prisoners; the ability to recognise learning needs will ensure effective support for all prisoners; and a sense of shared responsibility to meet educational aims will impact across the system. This will range from getting the basics right (ensuring prisoners attend their lessons, on time) to achieving the most stretching goals (engagement in learning for the first time, or a prisoner achieving recognised qualifications to help secure employment on release).

With education recognised as a pillar of effective rehabilitation, responsibility for encouraging engagement and ensuring attendance will be shared by all prison staff. Governors will be able to support and reaffirm this objective through the establishment of a culture of high standards and expectations of staff through the setting of clear behaviour and performance objectives and taking action when these are not met.

Education will be better integrated with prison industry, building and embedding links between the two. Governors may also look to providers and their teams to develop and grow their links – formal and informal – with local colleges and/or FE providers for instance, to ensure prisoners can continue their learning journey once released. Education will be understood as a central part of the prisoner journey, right through from reception to eventual release and resettlement.

Staffing and skills

This will be a new way of working for governors and in a specialist area with which many may not be familiar. MoJ and HMPPS will make sure they have the support and training they need to make the most of this new empowered approach, focusing especially on giving access to the expertise needed to guide them through the commissioning process. Expert commercial advice will be available centrally to enable governors to assess options and then decide which commissioning model best suits their needs. This means governors will be supported as they plan and then commission their education provision.

However, governors will not be wholly dependent on the centre for support. The outcome of the review of learning and skills specialist support means governors can staff and structure their educational team in a way that works for them – this could mean upskilling and training existing staff or bringing in new roles or expertise to meet current gaps (educational, strategic, or commercial).

Curriculum planning

Governors will plan a curriculum that will deliver their strategic vision for the education provision in their prison. This will take into account their cohorts, their communities, their sentences, and social and academic needs. Governors will have gained insights into their prisoners' needs and aspirations, as a result of effective consultation. Supported by HMPPS and wider partners (such as for example, their local authority) they will have up-to-date knowledge of local labour market trends and employer needs to enable them to bring in provision more likely to result in employment upon release. Through effective collection of management information, they will be better able to direct and manage their providers, and improve their provision year on year.

Governors will use the educational expertise of their teams, or can buy in shared or short-term support to help analyse and assimilate data on learning needs, and develop a strategy to deliver against these findings.

Prisoners

Prisoners already make an important contribution to the education workforce, and we will expect this to grow as governors maximise on the value learners themselves can add. Peer to peer mentoring or acting as classroom assistants are roles which can benefit the wider prison community as well as the prisoners themselves, whilst offering value for money for the establishment. It also provides additional routes for the learner voice to filter through the system, improving the responsiveness of the overall offer in the long run.

Contract Management

Gains made by effective planning and commissioning must not then dissipate as a result of poor contract management. All education contracts remain held by the centre (i.e. between MoJ/Secretary of State and the education provider) with a central team to manage these in cases of formal conflict against delivery. However, the integral role of the governors in setting their education strategies and from these, their procurement specifications, alongside choosing the provider will greatly increase their confidence and ability to challenge their provider day to day, and to judge where performance is not in line with their contract.

They will use tools and approaches, informed by training received or skills new staff have already, to monitor performance, including through the regular consideration of management information. This day-to-day understanding of the contracts and management of the provider will lead to more effective relationships between the prisons and their providers. This arrangement will also support decision-making about alterations to the education offer, allowing it to flex and adapt to employer demand or the particular needs of specific groups of learners.

However, where the provider is falling short, and management on the ground cannot resolve the issue, formal action will be handled by HQ, assisted by the governor and group director and their teams.

Funding and procurement

Devolution of budgets to governors

Education budgets will be devolved to governors, via their groups. Governors, in partnership with their group director, will have the chance to amend allocations in light of their in-depth understanding of the capacity of the group's prisons to deliver. Once agreed across the group, the final allocations will be devolved to each prison.

Devolution of education budgets to governors will be supported by a reviewed funding formula, replacing current allocations which are significantly out of date and rely on significant transfers within regions to prevent prison level over- and underspends. The new formula will take into account the number, type and needs of different prison populations anticipating changes to the estate.

Efficient and effective commercial arrangements

As outlined in previous sections, to provide governors with access to effective and competitively-tendered education providers, we will establish a new Prison Education Framework for core provision, alongside a flexible Prison Education Dynamic Purchasing System (DPS) that can be used to purchase provision meeting defined local needs. These agreements will include a range of

providers, of all sizes and types, which have the capability to meet the diverse educational needs of prisons.

The Prison Education Framework

Based upon their education strategies, governors will decide upon the Core Common Curriculum needs of their establishment (required service levels for maths, English, ICT and ESOL provision, as well as possible reception/induction assessment requirements). Should a prison wish to commission services that fall outside of these key areas through the Prison Education Framework, for delivery by a single provider, they can do so: prisons will not have to use the DPS for wider requirements if they do not want to.

These needs will be fed in to a group-level commissioning exercise, committing the required proportion of their budget with it. Governors will retain the uncommitted remainder of their budgets for use in procuring provision meeting specific local needs via the DPS (see next section).

The Prison Education Dynamic Purchasing System (DPS)

Alongside the Prison Education Framework, we will establish a DPS that allows governors the opportunity to engage a wide range of providers to secure smaller, shorter-term or niche elements of education provision that meet specific local needs. Providers can come on or off the DPS at any time. For example, where a local business may have labour gaps that require specific skills to be filled (e.g. forklift truck driving, barista training, car maintenance etc.) a governor could directly, and swiftly, commission a provider to train prisoners to a level which meets the requirements of the available roles, enabling prisoners to take advantage of the employment opportunity.

The DPS will allow for the governor to access a broad range of suppliers, including SME and third sector providers and those who provide specialist training specific to the local labour market. A governor will not always have to use the DPS for their niche provision needs. If their main education provider can supply the required service, then they can secure it through them if they wish, but there is no obligation to do so.

3. Effective partnerships

Wider collaboration

It is widely accepted that prison education is not as closely engaged with other prisoner support services as it could be, and greater join-up and collaboration would be to the benefit of the learners. In handing greater control to governors, we are freeing them to collaborate more fully with their individual group of partners. Governors should consider, in their planning, who to engage both within the prison walls and outside. For example, there may be opportunity to work more closely with the local authority, or combined authority, to gain insights into local labour market trends. Information flows and joint understanding of individual prisons by education providers, Community Rehabilitation Companies, Information, Advice and Guidance services and health services (to name a few) are clearly beneficial to the individual learner. We will look to governors to set the expectation of greater collaborative learning as part of their prison culture and to require the same ways of working from their education providers, utilising the opportunities presented by drafting their own procurement specifications and through local management of delivery.

4. Ensuring consistency

There are currently 13 private prisons in England, with five of those establishments currently utilising OLASS for their education provision and therefore being included within the Lots for the Prison Education Framework procurement and able to use the DPS. The remaining prisons deliver education in-house or sub-contract education themselves, and these prison operators will be able to call off services from the Prison Education Framework and DPS in the future if they choose to do so. We will continue to work collaboratively with private prison operators to align services, recognising that in some areas, policy will not apply or will be slightly different. The focus will be on ensuring that prisoners transferred between the public and private estate benefit from the consistency of policies, such as the use of common awarding organisations and of personal learning plans.

Dame Sally Coates, in undertaking her review, was a powerful advocate of the proposition that a system in which empowered governors, held properly accountable, made commissioning decisions and were responsible for local management of delivery would lead to better outcomes. However, she also said in her report:

“Governors... cannot operate unilaterally. There will need to be some practices that are centrally mandated to ensure consistency. Many prisoners will continue to move between establishments as they progress through their sentence, or to access offending behaviour programmes, or as their risk assessment changes, or to prepare them for release. [The education offered in prisons needs to be] able to respond to that on-going ‘churn’ in the system ...”

We will have 12 mandatory requirements that prison governors will need to ensure are delivered, either by prison staff or education service providers. These fall into two broad categories: a minimum bar for education provision we expect to be delivered and actions that will ensure the coherence of the system.

Minimum delivery expectations include:

- assessment of sentenced prisoners’ levels of maths and English on first and subsequent receptions and prior to release (the establishment of a new personal learning plan system may reduce the need for such assessments over time);
- screening of sentenced prisoners’ learning difficulties and/or disabilities on first reception or other occasion where one has not been undertaken;
- development of a personal learning plan for each prisoner that will map out and follow them on their journey through the prison education system;
- recording of progress against the personal learning plan;
- maths and English delivery, adjusted to the needs of the establishment’s learners, but focused on progression towards Level 2;
- monthly data submissions on the education delivered;
- arrangements for the Continuing Professional Development of education staff;
- education providers’ staff, and those prison staff who deliver learning, to be appropriately trained and qualified to develop and meet the additional support needs of prisoners with learning difficulties and/or disabilities (LDD); and
- all prison information, forms and digital systems to be available and/or designed with suitable adaptations to support those with dyslexia.

Our system coherence requirements are:

- recording of maths and English assessment results, LDD screening, and all education-related inputs and outcomes;
- recording the personal learning plan on a digital platform to allow easy transfer of information between prisons;
- use of qualifications offered by particular awarding organisations only.

Assessment

To get a job, maths and English skills are vital. In August 2017, maths and English assessments were introduced for prisoners where they transfer between prisons and when they are released, building upon the mandatory reception assessments introduced in 2014⁵. The data resulting from these assessments will be used to develop performance indicators that will demonstrate the progress made by prisoners in these key subject areas.

As the employment market continues to evolve, the areas for mandatory assessment will be kept under review. This will ensure that if other basic skill areas, such as ICT, become clear requisites for general preparation for employment, they can be included within the obligatory focus of prison education.

Learning support

Learners with learning difficulties and/or disabilities (LDD) require additional support to succeed in education. Given the high levels of LDD in the prison population, there needs to be a greater focus on ensuring appropriate screening, followed by assessment and then provision of the necessary support to help deliver successful educational outcomes.

This was emphasised in the Coates review of prison education and work will be undertaken with a view to implementing a consistent and rigorous mechanism to screen/assess for LDD and encouraging governors and education providers to put in place adequate support structures for those prisoners with LDD requirements. To support these aims, there will be a specific schedule drafted into new education contracts regarding LDD.

In recognition of the high occurrence of learning difficulties and additional needs, suppliers will be expected to design and price their services to deliver a comprehensive service that supports the needs of all prisoners. This will be reflected in the payment mechanism, where automatic additional payments based on the number of prisoners identified as having additional needs will be ended, and replaced by a system in which additional funding is released only for specific and planned support – ensuring that both additional needs are identified and supported and that public funds are used appropriately.

Common Awarding Organisations

In the wider post-16 skills system, the last government published proposals to implement 15 'routeways' which organised vocational and technical qualifications into suites of provision based on

⁵ Written PQ response, 12 March 2014;

www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140312w0001.htm#14031270000274

occupational areas (for example, Catering and Hospitality, Construction, etc.). Each pathway is to have a common awarding body. Current plans envisage teaching 'early adopter' pathways from 2020, with full roll-out by 2022. We have always assumed our common awarding body designations would have a brief lifespan, with the prison system adopting the mainstream routeways as they became available. We are in contact with Department for Education officials to ensure our arrangements align.

The following Awarding Organisations' qualifications will be used in these subjects:

- Maths - **City & Guilds**
- English - **City & Guilds**
- ESOL (English for Speakers of Other Languages) - **Gateway Qualifications**
- ICT - **OCR**
- Catering and Hospitality qualifications - **City & Guilds** (within the following suites of National Occupational Standards occupations:
 - Chef
 - Cook
 - Kitchen Assistant
 - Waiter/Waitress
 - Bar Staff
 - Bar Supervisor
 - Drinks Dispense Technician
 - Barista
 - Hospitality and Catering Team Members
 - Hospitality and Catering Supervisors)
- Construction, planning and the built environment qualifications - **City & Guilds** (within the following National Occupational Standard occupations:
 - Bricklayer and Mason
 - Plasterer
 - Carpenter and Joiner
 - Shopfitter
 - Construction and Building Trade Supervisors
 - Painter and Decorator
 - Floor and Wall Tiler
 - Construction/Maintenance Operatives
 - Roof Tilers and Slaters
 - Scaffolders, Stagers and Riggers
 - Plumber)
- Cleaning and Facilities Management qualifications – **WAMITAB** (within the following National Occupational Standards:
 - Cleaning Support Operative

- Specialist Cleaning Operative
- Service Enterprise Operative
- Combined Facilities Support Activities Operative
- Elementary Cleaning Operative
- Cleaning Supervisor
- Waste Management Operative)

The above represent the programmes of study which are likely to be longer and where volumes are greatest (more learners, therefore more likelihood of being affected by transfer) and covering around 40% of learning delivery.

We have excluded two other high-volume areas (Employment skills and Foundation Learning and Life Skills, accounting for a further 20% of delivery, but both made up of relatively short provision with less impact on transfer) to avoid constraining governors' freedom.

There will be no restrictions on the use of particular awarding bodies for the remainder of a prison's curriculum, including for other 'trades' within the descriptions above, but not covered by the specified National Occupational Standards.

The Prison Library

Prisons must have a library⁶. However, Ofsted inspection findings show that prison libraries vary significantly in quality, effectiveness and - possibly partly as a result - the extent to which they are utilised.

Governors will be able to continue commissioning library services from the appropriate Public Library Authority where both parties are content to continue. Such relationships will continue to be conditioned by a Service Level Agreement. Where either the governor or the Public Library Authority does not wish to continue or where an alternative library provider is in place⁷, the governor will need to make alternative arrangements for the provision of library services using the Prison Education Framework.

Governors will want to put in place a well-stocked library and learning resource centre, offering a place where prisoners can access a wide range of hard-copy and virtual material which can be used in the library, the classroom or, over time, back in the prisoner's cell. That new library resource will actively support the governor's learning strategy and agenda, and there will be close joint working such that the prison's learning activity encourages the use of libraries as places of calm and reflection where study can be undertaken in a supportive environment without interruption.

Libraries will increasingly become places of study, including the use of the facilities for taught provision or other directed activity. Peer mentors will also use the library facilities to provide support to other prisoners, with library staff signposting those prisoners who would benefit from such support to well-qualified peer mentors able to support, between them, a broad range of learning and developmental activity.

⁶ The Prison Rules 1999, Rule 33

⁷ This may not always be the case: we are arranging to provide detailed advice to governors in this situation.

5. Focused accountability

Governor accountability

There is agreement across MoJ and HMPPS that prison governors will be held accountable for the quality of the education provision in their prisons. This follows the devolution of budgets and choice from the centre to individual establishments.

As set out in the *Prison Safety and Reform White Paper*, we will hold governors to account against national performance indicators, using the data and evidence gathered to inform any intervention activity from HMPPS and Ofsted. Governors will be consulted on any formal performance measures agreed through commissioning processes.

The White Paper also committed to introducing measures of prisoner progression into employment post-release, which will also be an important indicator of potential educational success.

Once finalised and agreed, any performance measures will enter into governors' Performance Agreements, which will be used, via the HMPPS management structure, to hold governors to account against any agreed targets and for the successful implementation of their education strategy.

Personal learning plans; future for accountability

The White Paper outlined a vision for the future, where educational performance is measured by how well prisoners are progressing against the milestones in their personal learning plans. To achieve this aim, a consistent, digital structure for prisoners' personal learning plans will need to be designed and implemented across the system, with detailed input from stakeholders to help define the local requirements the product will need to meet.

A new learning plan system will not only allow central government to collect the necessary data to produce performance measures, but also ensure a smoother transition for prisoners between establishments, meaning that their learning aims and objectives can move around the system with them. This development, along with others such as the use of Common Awarding Organisations mentioned earlier in this document, will minimise disruption to prisoners' education as they transition through the system.

Alongside this development work on personal learning plans, we will seek to integrate it as much as possible with other prisoner plans.

Education provider accountability

Prior to the commencement of any education contracts, each governor will agree a Delivery Plan with their education provider(s). This plan will set out the key indicators, what will be delivered and the cost of delivery.

At prison level, the provider(s) will need to give governors and their teams a monthly delivery and financial update, along with supporting documentation, through a centrally-agreed Provider Performance Report (PPR). The PPR will contain key indicators that capture actual outputs/outcomes against forecast delivery as detailed in the Delivery Plan.

The common format of the PPR will enable performance to be monitored consistently and reported across all prisons, and will help central government to maintain an overview of the system and provider performance across all prisons with which they may work.

In the event of underperformance, the provider will be subject to a formal improvement and rectification process (founded in education contracts), which is managed by the governor and, if appropriate, supported by the national education co-ordination team. A performance-related payment mechanism will also be applied to support management of the contract and drive performance.

The performance management at individual establishment level will be supplemented by national leadership, coordination and guidance to manage risk; recognise and respond swiftly to any developing national trends; and make links between patterns in different prisons.

Ofsted and Inspection

The Ministry of Justice and Her Majesty's Prison and Probation Service will work together with Her Majesty's Inspectorate of Prisons and Ofsted to explore the recommendations made by Dame Sally Coates in her review, seeking to develop a regime in which inspection becomes increasingly needs-focused, with inspection intervals and follow-up arrangements driven by performance data and levels of performance.

A system of intervention

MoJ and HMPPS will develop an intervention system based upon both national performance indicators and contractual performance indicators, which applies a variety of interventions based upon local intelligence and the severity of the issue. This will set standards for how we seek to address sustained poor performance, differentiating between long term problems and shorter-term performance dips.

In all scenarios, gathering local intelligence will be extremely important as we are aware that a prison's education provision, and its quality, can be impacted by a wide variety of other issues, and that poor educational performance should not be looked at in isolation of wider regime happenings.

The triggers for intervention will be performance data and indicators (both national and contractual), and external scrutiny by the inspectorates. We expect intervention to range from simple conversations to understand local issues, such as governors who are new to post inheriting poorly performing provision, to requiring and monitoring formal improvement and rectification plans, to more hands-on approaches such as embedding temporary educational support staff in prisons. Further detail of the emerging intervention system will be communicated in due course.