



Justice Select Committee

Crime Reduction Policies - A Co-ordinated Approach?

A response from the Prisoner Learning Alliance

(Chair and Secretariat provided by Prisoners Education Trust)

November 2013

What is the Government's approach to cutting crime?

1. How reliable is the evidence on which these policies are based?

1.1 The benefits of learning are well documented (See annex A for a summary of key evidence)

1.2 Although more could be done to develop UK - based research, there is strong evidence of the link between education and positive rehabilitation outcomes. There is much less, if any, evidence for the outcome benefits of other types of purposeful activity such as prison work once the educational impact is discounted.

1.3 The government clearly understands the value of learning, as set out in its consultation earlier this year on 'Putting education at the heart of the youth estate':

*"Education is key to our vision. We want to see Secure Colleges providing education in a period of detention, rather than detention with education as an afterthought. It is through education that young offenders will gain the qualifications and skills for employment, as well as come to understand the importance of individual responsibility, self-discipline and self-respect. It is these things that will enable them to engage constructively in society and to lead law-abiding lives. All young people should receive a high quality education that gives them the greatest chance of success. This is just as important, if not more so, for those who have started off in the wrong direction and ended up in custody" (MoJ, 2013a).*

1.4 The PLA welcome a focus on learning (in its broadest sense) in the youth estate and would like to see this approach taken into the adult estate. Many of the arguments made by the government for putting education centre stage in the youth estate, also are appropriate for young people over 18, as well as adults who may have missed out on gaining a full education as a young person.

**MoJ SPCR research (Hopkins, 2012):**

59% of prisoners reported regularly playing truant.  
63% reported having been temporarily excluded from school  
42% reported having been permanently excluded.

1.5 However, as Ofsted has highlighted, prison education could work a whole lot better than it does today. In a recent speech by Matthew Coffey, Ofsted National Director of Further Education and Skills, he commented that only 35 per cent of prisons were judged good and he added “*If these figures related to our schools, there would be a national outcry*”.

**2. To what extent is the approach taken cross-departmental, and how are resources for such policies - from within and outside the criminal justice system - allocated and targeted?**

2.1 ‘Offender learning’ is the responsibility of the Department for Business, Innovation and Skills, however it is clearly impacted by policies from other departments including Ministry of Justice, NOMS, Department of Education for under 18s, the Home Office, the Department for Work and Pensions, Department for Communities and Local Government and the Treasury. There are also a wide range of education providers and voluntary sector organisations working in this sector.

2.2 To bring together some of these key stakeholders, Prisoners Education Trust established the Prisoner Learning Alliance (PLA) in November 2012. The aim of the PLA is:

*To bring together diverse non-statutory stakeholders with senior cross-departmental officials, to provide expertise and strategic vision to inform future priorities, policies and practices relating to prison education, learning and skills’.*

2.3 Parliament should consider how best it can ensure that there is scrutiny of these different government departments and how effectively they work together to achieve overall rehabilitation outcomes. We therefore welcome the Justice Select Committee inquiry on the issue of a co-ordinated approach crime reduction, including reducing reoffending.

2.4 In our meetings and roundtable focus groups, we have been grappling with some fundamental strategic issues including the purpose of education in prison, how to develop a learning culture and how to improve the learning journey in custody and through the gate. It is vital that we address these questions now, when so much is changing so rapidly in the Criminal Justice environment. For example, 2012/13 saw the introduction of phase four of the Offender Learning and Skills contracts which are still bedding in; we will shortly see the introduction of resettlement and non-resettlement prisons, Secure Colleges and Community Rehabilitation Companies; and, alongside all of this, large, cumulative cost savings are being made across the prison estate.

2.5 In our first report ‘*Smart Rehabilitation: Learning how to get better outcomes*’, which is being launched on 9<sup>th</sup> December, the PLA tackles strategic questions about using limited and reducing resources to help secure the best outcomes, so that prisoners can desist from crime and make a positive contribution to their families and society.

2.6 In this time of unprecedented change, it is crucial that the role of learning in achieving rehabilitation outcomes is championed at the highest levels. The increasingly complex matrix of providers and commissioners means that improved co-ordination is key, from a government departmental level down to a local level. Aligning outcomes would help ensure that different stakeholders’ policies do not conflict with each other, and that cutting costs in one area does not inadvertently damage opportunities for making greater cost savings elsewhere through reducing reoffending.

2.7 We believe that a more joined-up, outcome-focused and value-driven approach should lead to improvements, and shape how the Offender Learning and Skills contracts evolve to fit the new criminal justice landscape (see Annex B for the Executive Summary)

2.8 Improved mechanisms to share data between stakeholders and government departments is essential for a more co-ordinated approach.

2.9 The current narrow focus on employability can potentially exclude potential learners, including older prisoners, carers (including single mothers), high risk/lifer prisoners, prisoners from BAME backgrounds and prisoners with addictions or mental health problems and learners with learning

difficulties or disabilities. Therefore there should be a broad vision of successful rehabilitation outcomes for learning. Learning outcomes in prison should focus on giving prisoners the ability to cope with life in and out of prison (resilience), the ability to desist from offending (desistance) and the ability to make a positive contribution to their family and community. These outcomes may encompass, but go far beyond, helping a prisoner have a job on release.

**3. What impact have recent spending reductions had on the implementation of crime reduction policies, and the way in which resources for crime reduction are channeled at local level?**

3.1 The MoJ are implementing significant cost savings as part of the 'fair and sustainable' agenda. The PLA heard evidence that this policy was making it harder on the ground to achieve rehabilitation outcomes in custody. Although the MoJ may be making initial savings in the prison estate, if this makes it harder to achieve rehabilitation and desistance outcomes, then the predicted savings as a result of reduced reoffending will not be achieved. Therefore a balance needs to be struck between the two competing policy agendas in order for the economics to add up.

3.2 One Governor who spoke to the PLA said; *"The challenges are cuts in funding, staffing cuts, low staff morale and being expected to do more with less. It is the most difficult time I have experienced in 25 years. I would like a 'utopia' where a high level of education, training and work are available to prisoners, but in reality all we can do is teach prisoners about doing an honest day's work and sticking to a job which involves doing the same tasks each day. With another 5 million being taken out of the budget this year, partnerships are key. We have a contract to repair bed sheets and iron dressing downs. I realise this is low level work, but the contract has an output that can make us a profit"*.

3.3 A prison officer who attended the expert roundtable said *"One of the biggest problems is cutting staff numbers, so it will be difficult to get people to education. If you've got someone on an education course but you can't get them out they will lose interest. It worries me as education is important. With education behind them it's more likely they won't re-offend. If they are serious about reducing reoffending then they can't cut more staff"*.

3.4 The PLA were also told about specialist prison officer staff, for example those who provide sports courses in the gym, being moved back onto the wings for generic duties as staff are cut. This reduces the amount of embedded learning and makes learning more siloed to just the education department, reducing the number of potential 'hooks' for learning that are so important to engage 'hard to reach' learners.

3.5 Another participant from the voluntary sector said they had noticed staff cuts making it harder for charities providing learning activities to gain access and be escorted; sometimes they would arrive but not be allowed in. So even when organisations offer to resource activity from charitable funds, prisons find it difficult to use them. One recommendation was to increase the ability of such organisations to carry keys. One participant prison educator said they relied on input from the voluntary sector to liven up her curriculum *"projects in prisons need to continue so that is the norm. Prison education is really dry - we didn't have their input it would be dire. We need hooks. They shouldn't just come in once a year, it should be regular"*.

3.6 A prison teacher told the PLA that due to staffing cuts, association time was being severely restricted, so prisoners were telling her they now had to decide between coming to education or taking a shower. She had learners who valued education and so came to class, but apologised for smelling as they had not washed for several days.

#### 4. How cost-effective and sustainable are the Government's strategies for punishment and reform and their proposals for transforming rehabilitation?

4.1 In a nutshell, the impact of transforming rehabilitation on improving outcomes will depend crucially on how the changes are implemented and the relationships between the new and existing structures. Uncoordinated or poorly thought through implementation would risk deterioration in outcomes.

4.2 The department with responsibility for 'offender learning' is Business, Innovation and Skills (BIS). Through BIS the Offender Learning and Skills Service (OLASS) contracts are commissioned. OLASS is currently in phase four, with three year contracts having been commissioned starting in summer 2012 to four education providers covering ten OLASS regions. As these contracts will come to an end in summer 2015, a decision will need to be made by BIS whether to extend the contracts or to re-tender. This decision is however impacted by the Transforming Rehabilitation (TR) policies of the Ministry of Justice (MoJ). TR and OLASS policies need to be joined-up if they are to lead to desistance outcomes. Without sufficient co-ordination there is a risk of conflict.

4.3 TR has divided up England and Wales into 21 Contract Package Areas (CPAs), which do not directly match the ten OLASS areas. This adds an additional layer of complexity to the regional systems and may therefore lead to reduced accountability. This could ultimately lead to detrimental outcomes for the prisoner learners. This is exacerbated by the mismatch in time periods between the different contracts.

4.4 Under TR prisons will be divided into two types; resettlement and non-resettlement prisons. Resettlement prisons are intended to be local to where the prisoner will be released. The MoJ state that *"It is envisaged that the creation of resettlement prisons will present opportunities to create better continuity of service for offenders, in relation to wider mainstream and co-commissioned services. For instance, MoJ is testing, with the Department of Health, an 'end-to-end' approach to tackling addiction from custody into the community"*. This 'end to end' approach should also be applied to education and training between the two departments for the benefit of the learner.

4.5 It appears that prisoners will start their sentence in a resettlement prison, but if they are serving longer than six months in custody, they will be transferred to a non-resettlement prison, but will return to their resettlement prison three months prior to release. This would mean a shift in curriculum focus for different prisons. OLASS contracts will need to be sufficiently flexible to respond to the differing needs of the two types of prison populations.

4.6 Resettlement prisons, being the first port of call for a prisoner, will also need to take a greater role in ensuring there is sufficient induction and assessment processes and to developing a learning plan, as this should then determine which non-resettlement prison a prisoner attends that would best meet their learning needs.

4.7 In resettlement prisons education providers will be working with short sentenced prisoners with limited time for learning and competing priorities to sort out other resettlement issues such as accommodation, benefits, children and support for addictions if relevant. However there will also need to be a focus on planning for transition to education, training or employment (ETE) after release. In order to make the most of the short time available, some learning opportunities should be available at evenings and weekends and in-cell.

4.8 In non-resettlement prisons, with longer sentenced prisoners, there may need to be additional flexibility to support distance learning and higher level qualifications to enable progression for those who have time to reach higher levels. Non-resettlement prisons are also likely to be working

or training prisons, therefore the contracts will need to enable providers to provide vocational and embedded learning to go alongside work activity.

4.9 Non-resettlement prisons may also have more very long sentenced prisoners and therefore will need to ensure that informal and creative learning opportunities are available for those prisoners to be able to cope with their sentences.

4.10 In non-resettlement prisons there will be longer-sentenced prisoners providing a more stable population with more time to focus on learning. However there is a danger that due to the current focus placed on the beginning and end of the sentence, there is a gap in learning in the middle of the sentence. Time spent in a non-resettlement prison is valuable time to learn knowledge, skills and personal development. If left until a prisoner arrives back at a resettlement prison in the last three months this will be too late and valuable time to be engaged in productive activity, working towards the process of desistance, will have been wasted.

4.11 Longer term prisoners coming back to resettlement prisons at the end of their sentence may have started a course of learning in the non-resettlement prison and therefore require support to complete that course of study and take the appropriate assessment to gain the qualification.

4.12 CRCs, paid by their ability to reduce reoffending, will be interested to work with OLASS providers to ensure the learning in prison is preparing prisoners towards desistance. However currently OLASS providers have no incentive to consider whether the learning and curriculum they provide contributes to desistance. They are encouraged to think about employability, although are paid by numbers of accreditations rather than by outcomes of prisoners entering employment.

4.13 The Ministry of Justice has stated that there is a 'complex relationship' between employment and reducing reoffending and that there are other factors which contribute to the process of desistance. This could therefore lead to conflict between the CRC who will favour a desistance-led approach and the OLASS providers who will favour an accreditation / employability-led approach.

4.14 Under current TR arrangements CRCs will not have a say in the education and training provision in non-resettlement prisons. However, what happens in non-resettlement prisons will impact the CRCs' ability to achieve their reducing reoffending results. If the time in the non-resettlement prison has been used productively, including access to learning, the prisoner in question will be in a better position to prepare for resettlement than a prisoner who has not been engaged in learning. By aligning the focus on rehabilitation outcomes of primary and secondary desistance for both the OLASS provider and CRC, this should enable them to work closer together for the benefit of the prisoner learner whether at a resettlement or non-resettlement prison. Without this, there risks an approach which focuses solely on the final months of a sentence and valuable time earlier in the sentence to engage and progress with learning has been lost.

4.15 Another issue is the mismatch in contract lengths which adds additional complexity. The contract length for CRCs will be 7 to 10 years, with the option to extend by up to 3 years. Currently OLASS contracts are for 3 years, with the option to extend. The PLA roundtables heard from practitioners about the disruption caused each time the contracts are re-tendered and the length of time it can take to 'bed-in'. OLASS providers also told us that the short contract terms can disincentivise investment in capital projects, such as vocational training or social enterprises. Another disadvantage of shorter contract terms is that it prevents the collection of longitudinal data about 'what works'. This does not matter when the focus is on output measures such as number of accreditations, however if there is a move towards outcome desistance based measures, then shorter contracts will make longitudinal data collection of outcomes more difficult. These considerations must of course be balanced with the need to hold providers to account and

therefore if contract terms were lengthened, other strong measures of accountability would need to be in place.

4.16 Another concern about the contract length for CRCs is that prisoners who will not be released within that contract term may 'fall between the gaps' as CRCs have no incentive to be interested in that prisoner as they will not impact their payment by results. Therefore mechanisms should be in place to ensure longer sentenced prisoners have access to learning, despite not being released within the contract term.

4.17 Under TR prisoners subject to Multi Agency Public Protection Arrangements (MAPPA) and those who pose highest risk to the public will be managed by the new National Probation Service, rather than by the CRCs. Therefore NPS will need to work more closely with the education provider to ensure that these 'high risk' and MAPPA prisoners are able to access appropriate learning. Given that these prisoners are most likely to find it challenging to find traditional employment, an OLASS approach solely focused on employment is likely to exclude these prisoners. Therefore, as described in chapter one, a 'whole-person' and desistance - led approach to learning would be of benefit, for example by ensuring that Offending Behaviour Programmes are combined with appropriate personal and social development and other learning activities to ensure the soft skills / intermediate outcomes are practised and developed over time (NOMS, 2013).

4.18 Therefore in formulating sentence plans and learning plans there should be mechanisms to ensure a joined up approach between the NPS and OLASS providers to meet the needs of these prisoners.

## **Conclusion**

Given the importance of achieving reductions in reoffending and the increasingly complex matrix of governmental and other stakeholders involved, co-ordination and accountability is vital.

In this time of unprecedented change, it is crucial that the role of learning in achieving rehabilitation outcomes is championed at the highest levels. The increasingly complex matrix of providers and commissioners means that improved co-ordination is key, from a government departmental level down to a local level. Aligning outcomes would help ensure that different stakeholders' policies do not conflict with each other, and that cutting costs in one area does not inadvertently damage opportunities for making greater cost savings elsewhere through reducing reoffending. And the impact of transforming rehabilitation on improving outcomes will depend crucially on how the changes are implemented.

The PLA recommend that parliament should consider how best it can ensure that there is scrutiny of these different government departments and how effectively they work together to achieve overall rehabilitation outcomes.

We therefore welcome the Justice Select Committee inquiry on the issue of a co-ordinated approach crime reduction and hope this contribution has been useful in highlighting the particular areas of concern relating to learning in prison. We would urge you to read our full report which looks at the issues of co-ordination and outcomes in more detail. It also described a selection of 'values' which the PLA argue should underlie policies and practice relating to prisoner learning. (See Annex B for the Executive Summary).

## **Annex A: Summary of evidence (See full report for more detail and additional examples)**

- MoJ SPCR (Hopkins, 2012): Prisoners who reported having a qualification were less likely to be reconvicted in the year after release from custody (45% compared with 60%) than those who reported having no qualifications.
- Rand conducted a meta-analysis of published and unpublished studies in the USA between 1980 - 2011 and found a reduction in the risk of re-offending of 13 percentage points for

those who participate in correctional education programs versus those who don't (Davis et al, 2013).

- MoJ SPCR (Hopkins, 2012): For custodial sentences of less than one year, the proven one year reoffending rate was 9.4 % points lower for those who found P45 employment than those who didn't.
- NOMS Evidence of reducing reoffending (2013): 'Evidence suggests that steady employment - particularly if it offers a sense of achievement, satisfaction or mastery, can support offenders in stopping offending' (MoJ Analytical Services, 2013).
- BIS: Chavalier and Feinstein (2005) found that there is a positive effect of education on mental health outcomes and mental illness.
- NOMS (2013) Three studies provide evidence that arts projects may be able to enhance the effectiveness of offending behaviour programmes (Bairn *et al*, 1999; Blacker, Watson and Beech, 2008; Van Den Broek, Keulen-de Vos and Bernstein, 2011).
- Learners indicate that training and qualifications increased their appetite for further learning at a higher level, further reinforcing the possibility of transmitting learning within the family environment across generations. (BIS, 2013).
- Nichols (2013) and Hughes (2012); The short term benefits of prison education are important as a coping mechanism and in helping to prevent 'prisonisation' (Clemmer, 1940)

## Annex B: Executive Summary of 'Smart Rehabilitation: Learning how to get better outcomes'

### PLA recommendations

The Prisoner Learning Alliance, after consultation with its 16 members and over 50 teachers, prisoners, ex-prisoners, Governors, officers and other stakeholders, have developed a set of three key principles for the future of prisoner learning. At this time of unprecedented change in the Criminal Justice System, it is important for government departments and other stakeholders to keep these key principles in mind. Prisoner learning should be; outcome-focused, joined-up and value-driven. The PLA makes 17 recommendations for how to achieve this;



### Outcome focused:

1. **Learning works and should therefore be at the heart of both the youth and adult estate.** There is evidence that prisoner learning can contribute to rehabilitation outcomes. Learning is as important for most adult prisoners' rehabilitation as it is for young people.
2. **There should be a broad vision of successful rehabilitation outcomes for learning.** Learning outcomes in prison should focus on giving prisoners the ability to cope with life in and out of prison (resilience), the ability to desist from offending (desistance) and the ability to make a positive contribution to their family and community. These outcomes may encompass, but go far beyond, helping a prisoner have a job on release.
3. **When it comes to 'employability skills', a broader understanding is required to improve rehabilitation outcomes, including both becoming a valued employee and self-employment.** 'Employability skills' are often narrowly identified with learning skills for a particular occupation, basic literacy and numeracy or CV writing. True 'employability

skills' sought by employers encompass much wider capability in self belief, resilience and ability to work with others that are best promoted by a wider vision of learning. Where occupational skills are required, higher level or niche skills are more valued by employers and helpful in securing sustainable careers in an increasingly competitive jobs market.

4. **Prisoner learning should focus on rehabilitation outcomes and not outputs.** A focus on outputs e.g. numbers of accreditations or hours of teaching, can lead to perverse outcomes and deflects attention from the end rehabilitation outcomes that learning can achieve.
5. **A 'whole person' approach to learning is needed to achieve the desired rehabilitation outcomes.** Prisons should provide a range and combination of learning opportunities to develop 'the whole person'; their human capital, social capital and imaginative capital. Such learning will need to form a 'package' of learning which could include; informal, academic, vocational, relationship, life skills, creative, peer to peer and e-learning.

#### Joined - up:

6. **Improved co-ordination between government departments.** Prisoner learning is impacted by policies from multiple departments; BIS, MoJ, DoE, DWP, DCLG, Home Office and the Treasury. This is a time of unprecedented change; recent policies from each of these departments have the potential to conflict. Urgent consideration is needed of how these policies can be joined up in order to achieve positive rehabilitation outcomes. In order to achieve the best outcomes and value for money, policies should be co-ordinated and outcome targets aligned. Parliament should consider how best it can ensure that there is scrutiny of these different government departments and how effectively they work together to achieve overall rehabilitation outcomes.
7. **Improved co-ordination within individual prisons.** There are a range of stakeholders in prisons involved with delivering and funding learning. Education is often siloed from other learning and from broader 'reducing reoffending' work. Successful prisons have a strong cross-departmental, interdisciplinary and multi-agency collaboration and a prison-wide culture of learning. Plans made by different prison departments relating to a prisoner should align towards the same rehabilitation outcomes. All learning should be recorded in one place.
8. **Improved co-ordination between different prisons.** Co-ordination between prisons is vital to minimise disruption to learning. This is urgent given the changes to the prison estate in order to ensure smooth transitions between resettlement and non-resettlement prisons and through the gate. Mechanisms for sharing good practice between prisons needs to improve in order to increase efficiency and achieve better outcomes.
9. **Improved co-ordination between prisons and the community.** Most prisoners will leave prison and return to their communities and families. Learning should be part of resettlement plans including support to access learning after release, family learning and relationship skills. Stakeholders in the community should work closely with prisons and education providers to ensure the learning offer in custody will help lead to the desired rehabilitation outcomes after release. Initiatives working with 'troubled families' should work holistically with the parent in prison to improve the whole family outcomes.
10. **Clear leadership, management and accountability for achieving outcomes.** Given the diverse range of stakeholders for prisoner learning and rehabilitation, it is vital to have clear lines of accountability in this ever more complex landscape of rehabilitation. Those holding parties to account need the ability to ensure outcomes improve.

#### Value-driven

11. **Personalised.** Prison populations are diverse and therefore a 'one size fits all' approach will not achieve the outcomes desired. Effective inductions and individual learning plans are key to ensuring the prisoner reaches their learning goals and potential. A personalised

approach takes time to understand previous learning experiences and achievements and involves thorough assessments of learning levels and types.

12. **Inclusive.** Learning opportunities in prison should be accessible to all prisoners and reflect their diverse needs and motivations. A narrow employability focused model may indirectly exclude some groups of prisoners from learning. An inclusive learning culture also involves officers and staff.
13. **Engaging.** Insufficient numbers prisoners are engaged in learning as a purposeful activity. A prison's culture and regime must therefore have learning at the heart. Embedded learning and a learning culture can effectively 'hook' prisoners to become learners. Responsibility for a learning culture is found at all levels of a prison, from Governor down. What works must trump concerns about 'public acceptability'.
14. **Aspirational.** Once engaged, many prisoners develop a thirst for learning. Prisoners who achieve their basic skills should be enabled to progress with learning to higher levels to reach their potential. Mechanisms to enable progression to happen should be supported.
15. **Safe.** Learning areas such as the education department can be hot spots for tension and violence due to their communal nature. Staff must be supported appropriately in behaviour management. Measures should be taken to ensure staff and prisoners can teach and learn in safety. Safety can be both physical and emotional. A 'safe space' to learn is respectful, comfortable, builds on strengths and is motivational. Involving learners in solutions are vital in developing 'safe spaces' to learn.
16. **Empowering.** Enabling learners to take responsibility will improve their outcomes, for example through developing learning plans, peer mentoring, service user participation (learner voice) and self-directed learning (as part of a blended learning model).
17. **Excellence.** There should be 'the best teachers, the best managers and the best advisors' (Coffey, Oftsed, 2013). Achieving excellence requires a commitment to Continuing Professional Development of all staff. It also involves partnership working to secure a range of expertise and experience in those delivering learning in prisons including the Community and Voluntary Sector, employers, mainstream education providers, volunteers, prisoners and ex-prisoners.