January 2021

CLINKS RESPONSE

Response to the Education Select Committee inquiry 'Education: Are prisoners being left behind?'

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the CJS and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 13,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

Clinks manages the National Criminal Justice Arts Alliance (NCJAA), a national network of over 800 artists, arts organisations and criminal justice practitioners using creative approaches to reduce reoffending. We also support a network of women's centres and specialist women's services working in the CJS.

About this response

We welcome the opportunity to respond to this inquiry. Our response focuses on the role of the voluntary sector working in criminal justice in delivering prison education. We have focused on the areas in the inquiry most relevant to our expertise. We have drawn on the knowledge we have gathered through our extensive and ongoing engagement with the voluntary sector. Clinks is also a member, and sits on the steering group of, the Prisoner Learning Alliance (PLA). The PLA is a network that brings together organisations and individuals to provide expertise and strategic vision to inform prison education priorities, policies and practices in order that all prisoners can engage in high-quality and diverse learning opportunities to help them transform their lives.

CLINKS
Supporting the voluntary sector working in the criminal justice system
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Summary of recommendations

- We recommend the Committee seek a progress update for implementation of the Coates Review recommendations and for implementation of the Education and Employment Strategy.
- In the post-pandemic prison estate once 'normal regimes' are resumed, we recommend that time out of cell is increased from the amount given in pre-Covid-19 regimes. Greater time out of cell is important for creating a culture which is welfare-centred and encourages active participation in education and learning activities that supports development and desistance. By overusing time in cell as a mechanism for dealing with violence or leveraging it as an incentive or reward, those confined to the most basic regime – who may be most in need of interventions and support which could improve their outcomes – will be excluded from them.
- We recommend the Committee considers how the government's recent white paper on sentencing reform[1] could further exacerbate the issues with prison conditions and resource, as it is likely to increase the number of people in prison and length of time spent in prison which in turn will impact prisoners' learning needs and the ability to meet them.
- Commissioning should be underpinned by the following principles:
  - » Grants should be the default funding option for voluntary sector organisations to ensure a more diverse range of education and learning services and the involvement of small, specialist organisations.
  - » Grants should be for three years to provide sustainable funding for the sector.
  - » Guidance should be developed on what circumstances a commissioner would choose a contract over a grant to support decision-making.
  - » Where contracts are used, MoJ should be able to work with the Cabinet Office to identify procurement processes that fit with its requirements but are also not so complex that the processes present a barrier to the voluntary sector. To support this, they should consult with organisations with the expertise to bid to deliver the service needed and who could represent potential bidders.
- We encourage the Committee to seek clarification about how the new through the gate model will coordinate with providers of Information, Advice and Guidance (IAG) through prison education contracts. Clarification should also be sought about the status of the roll-out of the Offender Management in Custody (OMiC) model and its readiness to play an integral role in resettlement planning from June 2021, and how this relates to the support provided to people in prison to find opportunities for continuing work, training, or studying after release.
- We recommend that youth custodial institutions, YOTs and probation services explore ways to record – six and 12 months after release – educational and employment (where applicable to age) outcomes. This should also include working with the NPS for those children who transition to the adult justice system during their sentence. The data should be broken down by ethnicity and gender. For those transferring to the adult estate, prisons must provide a curriculum with content and learning settings that are tailored to young people transitioning to adulthood and engages their interests and aspirations.
- We recommend a more wide-ranging and diverse education curriculum with greater access to arts and creative opportunities. Prior to the pandemic, the government accepted a recommendation by the Digital, Culture, Media and Sport (DCMS) committee for a review of arts in the prison estate[2] but it is unclear what progress has been made on this. We recommend that this Committee seek an update from DCMS and the Ministry of Justice on the plans for implementing this review. This review could provide vital evidence on the role of arts in prison and ensure its positive impact is not overlooked as the CJS recovers from the pandemic. It is essential that the NCJAA are engaged in this review.

- We recommend a more flexible and person-centred approach to education in prison that provides opportunities tailored to the needs and interests of the individual, particularly ensuring that the curriculum enables the development of positive self-identity amongst black, Asian and minority ethnic (BAME[3]) and other minoritised groups.
- We recommend that the women's estate develop a women-centred, holistic and trauma-informed approach to education which recognises and addresses the particular barriers that women often face in education and employment. This should include providing more higher education opportunities and meaningful work and education related options for women on short sentences.
- The same priority should be placed on ensuring continuation of education in prison throughout the pandemic as in the wider community. As such we support the recommendations made by the Prisoner Learner Alliance for HMPPS in its briefing on increasing access to digital technology in prisons in order to support education and learning.[4] This should be prioritised as a matter of urgency with institutions facing ongoing Covid-19 restrictions, but should not be limited to the pandemic, so that going forward the digital divide in the prison estate is broken down and in-cell devices and technology become the norm.

What is the purpose of education in prisons?

Context

A high percentage of people in prison come from socially and economically excluded and poor educational backgrounds. In the adult prison population, 47% have no qualifications compared to 15% of the working age population.[5] In youth custody, looked after children;[6] children with learning disabilities or difficulties;[7] and children that have been excluded from school,[8] are overrepresented.

On top of this, BAME people are disproportionately represented in the youth and adult custody populations and face even greater disadvantage and unequal outcomes as a result of the institutionalised and structural racism they face. Black children in particular are more likely to be excluded from school and impacted by the 'school to prison pipeline'.[9] Black, Asian, minority ethnic and Gypsy, Roma and Traveller people in prison are also less likely to have their mental health needs and learning difficulties or disabilities recognised and recorded. This has knock-on consequences for access to support and tailored education provision.[10]

Education and desistance

Educational opportunities can be a powerful tool in an individual's desistance journey – the process of ceasing offending which often relates to long-term changes in a person – empowering individuals to reach their potential and supporting them to develop a sense of identity that isn't defined by prison or offending.

Education in prisons can provide people with important opportunities to achieve qualifications, learn new skills, develop confidence, and work to a better future. Education not only improves individuals' employability but when embedded across a prison, education can improve a prison's overall culture and environment. It improves wellbeing, resilience and mental health in a challenging, stressful and isolating environment; provides stimulation and motivation, improving engagement in sentence plans; and reduces conflict by learning in groups and encouraging a sense of collaboration and community.

We highly welcomed the 2016 Coates Review of education in prisons[11] which highlighted the important role of prison education in transforming individuals' lives and the benefits to wider society and raised concern that recognition of this had been lost. However, a detailed implementation plan for the review's recommendations for addressing this and improving provision was never published and we are concerned about the progress that has been made since in achieving its vision for education in prison. We have similar concerns about the progress in implementing the Ministry of Justice's 2018 education and employment strategy.[12]

Despite the Coates Review and the government's strategy, the latest annual report by Ofsted reveals nearly two thirds of inspections showed poor management of the quality of education, skills and work in the custodial estate. Only nine of the 32 institutions inspected were judged to be good or outstanding, compared to 8 out of 10 providers of further education in the community. In particular, Ofsted found support for people in prison with additional learning needs was insufficient.[13] The latest prison inspectorate annual report also criticised prisons for too often having shortfalls in the number of jobs or education places available, even in training prisons.[14]

We recommend the Committee seek a progress update for implementation of the Coates Review recommendations and for implementation of the Education and Employment Strategy.

The role of the voluntary sector in delivering prison education

- **How does the variability in the prison estate and infrastructure impact on learning?**
- **Are current resources for prison learning meeting need?**
- **How effective and flexible is prison education and training in dealing with different lengths of sentences and the movement of prisoners across the estate?**

Our latest annual research on the voluntary sector working in criminal justice highlights the essential role the voluntary sector plays in prison education, with 53% of voluntary organisations providing education, training and learning support.[15] Organisations provide a diverse of range of educational opportunities including, workshops to learn new skills, academic courses, and a variety of arts-based provision. However voluntary sector organisations have faced a growing number of barriers impacting their ability to deliver meaningful education interventions in prison.

Prison conditions

TThe prison estate is overcrowded, has an ageing infrastructure and not enough resources to cope. This is worsening conditions in institutions and impacting the delivery of education, learning and training interventions.

Access and time out of cells

Prior to the Covid-19 pandemic, feedback we were receiving from the voluntary sector highlighted that it was getting increasingly hard for organisations to get access to prisons. Statistics show that when the Covid-19 pandemic hit, prisons were at their most unsafe.[16] This meant that services and activities were often cancelled over security concerns. Understaffing meant staff would not have the capacity to support and supervise or oversee services and escort prisoners to undertake educational activity. Last year, the inspectorate found that even before Covid-19 restrictions, nearly a quarter of those surveyed spent

less than two hours out of their cells on weekdays, preventing them from engaging in activities and educational opportunities.[17] This is reinforced by Ofsted which found poor attendance and punctuality to be a particular area of concern in the custodial estate.[18]

This is also an issue in the youth estate. The Children's Commissioner found children were left in segregation units with little to no stimuli such as books and too many children were on the most basic regime with limited time of cells and by extension restricting access to education and learning activities.[19] The Joint Human Rights Committee found that BAME[20] children are particularly affected by this.[21]

In the post-pandemic prison estate once 'normal regimes' are resumed, we recommend that time out of cell is increased from the amount given in pre-Covid-19 regimes. Greater time out of cell is important for creating a culture which is welfare-centred and encourages active participation in education and learning activities that supports development and desistance. By overusing time in cell as a mechanism for dealing with violence or leveraging it as an incentive or reward, those confined to the most basic regime – who may be most in need of interventions and support which could improve their outcomes – will be excluded from them.

Infrastructure

As the Prisoner's Education Trust (PET) has highlighted in its response, the infrastructure in many prisons is inadequate to support educational, training and classroom-based activities. For example, a number of prisons are Victorian-era and the spaces are often not appropriately designed for services, workshops and activities today. In other instances – as PET highlights – new classrooms have been built with too little space to facilitate sessions. This has made adapting to Covid-19 social distancing restrictions even more challenging.

Mental health and wellbeing

Worsening prison conditions impacts the wellbeing and outcomes of those in prison, leading to high levels of drug use, self-harm and suicide. The Justice Committee has described the situation as an 'enduring crisis'.[22] Our own State of the sector research found voluntary organisations reported that prisoners were presenting at their services with worsening, unmet mental health needs that they were not equipped to support and that was outside of the scope of their services. Where a person's mental health is under such significant strain and is going unsupported, it is challenging for them to meaningfully participate in educational activities and enjoy their benefits. This widespread issue in prisons creates an environment for everyone that is not conducive to learning and prevents engagement in education.

Long sentences

Over the past decade the number of people sentenced to over 10 years in prison has increased by more than three times.[23] This sentence inflation creates further overcrowding, exacerbating the challenges outlined above. It also impacts educational opportunities for long-sentenced prisoners. Long-term and indeterminate sentenced prisoners can face situations where they have engaged with a number of programmes, courses and various other services on offer throughout their time in custody but still have many years left to serve. Most prisons will have little longer-term education provision to offer after these options have been exhausted. It also raises questions about the meaningfulness of the activity and what it is working towards, particularly as the functional skills and employability that is the focus of much of the education provision available, will not apply to everyone.

We recommend the Committee considers how the government's recent white paper on sentencing reform[24] could further exacerbate these issues as it is likely to increase number of people in prison and length of time spent in prison which in turn will impact prisoner's learning needs and the ability to meet them.

Commissioning

In April 2019, the process for commissioning education and learning services in prisons was overhauled. Core education provision was commissioned through the Prison Education Framework. These are large contracts requiring the ability to deliver education services across multiple prison sites. As such they were not contracts which the majority of the voluntary sector working in criminal justice, who are disproportionately small organisations, were able to bid for.

Alongside this, the prison education Dynamic Purchasing System (DPS) was introduced for prisons to directly commission bespoke or flexible activity provision and give prison governors more of an input in the programme of education and training available at their institutions. This is the route through which the majority of education services and activities delivered by the voluntary sector is now procured.

A particular challenge with the DPS is that all funding available is in the form of contracts and there were no grants available. Our State of the sector research on the voluntary sector in criminal justice shows that small, specialist criminal justice organisations are more reliant on government grants than contracts.[25] Bidding for and managing contracts is complex and resource-intensive and there has been particular feedback that the roll out of the DPS was further challenging due to a lack of sufficient and timely information regarding contracts being available at the initial call off stage. This disadvantages small voluntary sector organisations whose expertise and limited resource is focused on service delivery. They require simpler, less bureaucratic and more proportionate commissioning processes that enable grant-making.

Since the launch of the DPS, the voluntary sector has highlighted a number of other challenges and barriers to engaging with it.

Unpredictability and challenging communication

In the past, voluntary sector organisations had often built strong relationships with prison governors meaning they would not only have a sense of their available budget and intentions to commission activity in advance but be able to provide their knowledge and expertise of prisoners' needs to governors to support with those considerations. Since the arrival of the DPS there has been a lack of clarity around the engagement the sector can have outside of the DPS process. This has effectively rendered the sector's role as simply a provider of services rather than a partner in the design of those services that should be engaged with at every stage of the commissioning cycle. As a result, there is little visibility of the potential pipeline of contracts that will become available through the DPS, making it challenging for voluntary sector organisations to plan.

Contract lengths

This is further exacerbated by the length of contracts available through the DPS which initially were for a maximum of one year with the intention to drive innovation. This required organisations to spend a significant amount of time bidding for short-term speculative contracts. In response to this feedback the minimum contract length was extended to two years from 1st February 2020, however this is still a relatively short period of time given the complexity of the bidding process. This has also meant that many contracts

have been due to end during the Covid-19 pandemic. Re-tendering during this crisis presents significant challenges both in terms of capacity for organisations to engage in a commissioning process and in what services can be meaningfully agreed to, with all new contracts for this year looking for in-cell material provision until prison restrictions are eased (more detail on the impact of the pandemic on education below).

Since these major changes were introduced, Ofsted's findings show that education delivery has actually worsened in over a third (35%) of institutions inspected. Only 16% had improved their education delivery.[26]

Commissioning should be underpinned by the following principles:

- **Grants should be the default funding option for voluntary sector organisations to ensure a more diverse range of education and learning services and the involvement of small, specialist organisations.**
- **Grants should be for three years to provide sustainable funding for the sector.**
- **Guidance should be developed on what circumstances a commissioner would choose a contract over a grant to support decision-making.**
- **Where contracts are used, MoJ should be able to work with the Cabinet Office to identify procurement processes that fit with its requirements but are also not so complex that the processes present a barrier to the voluntary sector. To support this, they should consult with organisations with the expertise to bid to deliver the service needed and who could represent potential bidders.**

Co-ordinating with opportunities through the gate

Providing advice and guidance on future education and development was identified by the Coates review as a key issue in the prison estate. These Information, Advice and Guidance (IAG) services are also commissioned through the Prison Education DPS and in the first year of the new DPS, over half (55%) of contract spend through the DPS went on IAG.[27] Disappointingly, Ofsted has since continued to find that prisons are not offering appropriate information, advice and guidance to prisoners to support them in finding work or training, or to carry on studying after leaving prison.[28]

The Coates Review similarly identified 'through the gate support' as a vital component for achieving holistic approach to education in prison. It is important that resettlement work supports educational progress as people transition for release to the community and that partnership working with prisons, probations and local services is in place to facilitate this.

The probation service is currently undergoing major reform to address the challenges in the current system. In June 2021 the new probation model will go live. We welcome and recognise the work that the Ministry of Justice and HMPPS have done to address the issues and fragmentation within the current system and ensure a new model that improves outcomes for people in the CJS.

Under the new system it is intended that the Offender Management in Custody (OMiC) model will have a central role in resettlement planning for prisoners with more than 10 months left to serve of their sentences. Prisoners with less than 10 months to serve will receive resettlement services from probation officers based in the community in-reaching into prisons. This is a significant change from the current Enhanced Through the Gate

system, under which resettlement is undertaken by Community Rehabilitation Companies staff or sub-contracted partners based in prisons. There is concern that the positive aspects of the current model which currently facilitates coordination between prisons, probation and providers of resettlement services – in part by virtue of co-location – will be lost. Added to this concern is the fact that the OMiC model is yet to be fully implemented and embedded across the prison estate. In this context there is concern that there will be lack of join up and coordination with the IAG provided through prison education contracts.

We encourage the Committee to seek clarification about how the new through the gate model will coordinate with providers of IAG through prison education contracts. Clarification should also be sought about the status of the roll-out of the OMiC model and its readiness to play an integral role in resettlement planning from June 2021, and how this relates to the support provided to people in prison to find opportunities for continuing work, training, or studying after release.

Continuity of education has also been shown to be a problem in the youth estate. A thematic review by the prison and probation inspectorates on youth resettlement work found "little evidence of planning towards a longer-term goal or imagination about what children could achieve". Children in custody generally 'fitted into' what was on offer at the establishment rather than with what was best for them and with little consideration of their needs, experiences or future education. Limited collaboration between casework teams and Education, Training and Employment (ETE) providers meant that in most cases inspected education, training or employment had not been arranged on release.[29] For young people transitioning to adulthood, the Coates Review highlights the particular challenge of going from the youth estate where education is mandated and there are different expectations and duties to the adult estate where those do not apply.

We recommend that youth custodial institutions, YOTs and probation services explore ways to record, six and 12 months after release, educational and employment (where applicable to age) outcomes. This should also include working with the NPS for those children who transition to the adult justice system during their sentence. The data should be broken down by ethnicity and gender. For those transferring to the adult estate, prisons must provide a curriculum with content and learning settings that are tailored to young people transitioning to adulthood and engages their interests and aspirations.

A wide ranging and varied curriculum

- **How can successful participation in education be incentivised in prisons?**
- **Does education in prisons deliver the skills needed by employers, and what more can be done to better align these?**

Ofsted's annual report highlights that only a third of the prisons inspected were found to deliver an appropriate curriculum that met the needs of their prisoners.[30] In order to provide as many opportunities as possible for people in prison to achieve qualifications and learn new skills, there must be a wide-ranging and varied curriculum that responds to the diverse learning experiences, needs and ambitions of those in prison. This is especially important with so many not having had the chance to benefit from school, colleague or university education and other mainstream learning opportunities.

Arts and creativity

It is vital for all prisons to ensure arts interventions are made available to people in prison. The prison inspectorate's annual report criticised the activities on offer at prisons as often being mundane and offering little incentive for prisoners to attend.[31] Evidence from the National Criminal Justice Arts Alliance (NCJAA) shows increased access to the arts offers engagement opportunities for people from diverse backgrounds and those who may have previously had negative experiences of mainstream classroom based education.

Arts and cultural interventions can unlock previously untapped talent, build new skills and expand the opportunities that people imagine are possible for themselves, providing greater routes to a more diverse range of education and employment. It also offers avenues for individuals to interpret and reflect on their involvement in the CJS, to see themselves from new perspectives and to build positive relationships with those around them.

Arts and culture also has the power to awaken an interest in even further learning. As Dame Sally Coates' review of education in prison found, arts can provide a valuable "bridge to formal education" with its empowering approach removing some of the barriers for individuals engaging in education, especially for those struggling with self-esteem and communication. As such, the review recommends that there should be no restriction on the use of prison education budgets for arts courses.[32]

We recommend a more wide-ranging and diverse education curriculum with greater access to arts and creative opportunities. Prior to the pandemic, the government accepted a recommendation by the Digital, Culture, Media and Sport (DCMS) committee for a review of arts in the prison estate[33] but it is unclear what progress has been made on this. We recommend that this Committee seek an update from DCMS and the Ministry of Justice on the plans for implementing this review. This review could provide vital evidence on the role of arts in prison and ensure its positive impact is not overlooked as the CJS recovers from the pandemic. It is essential that the NCJAA are engaged in this review.

Education and learning that is relevant and inspiring to BAME people

A recent thematic review by the prison inspectorate found black and minority ethnic prisoners were less likely than white prisoners to say it was easy to get access to purposeful activity. Despite the barrier of access, they had a strong appetite for prison education, training and work but were dissatisfied at not having as much opportunity to engage in it as they would have liked. This was in part ascribed to discrimination and feeling staff did not encourage or support them as much to attend such activities.[34]

We held a consultation event last year with voluntary sector organisations set up to provide tailored support to BAME people in the CJS. Feedback at the event highlighted concern that the curriculum in custody is too narrow and the education on offer not responsive enough to the diverse needs, experiences and wants of black, Asian, and Gypsy, Roma and Traveller people.

It was felt that black, Asian, and Gypsy, Roma and Traveller people should have better access to learning that empowers, represents and inspires them. Particularly in the youth estate, education should provide role models the children can identify with and should teach all children about black history and other civil rights struggles.

Research by Maslaha highlights the positive impact that creating a more diverse range of learning and education opportunities can have in prison, providing an example of good practice where imams were supported to organise and deliver Islamic lessons in prison.[35] Muslim men that took part in this course spoke about the positive role the lessons played for them, enabling them to "open up" and providing a "comfort zone" for them.

However, the availability of those courses was inconsistent which created frustration and made the courses difficult to access. This made some Muslim people in prison feel like they weren't viewed as important.

Those who did engage in the courses felt it encouraged them to pursue further education. But some found that when they tried to do so they got no response to their requests when applying for further courses. The lack of response was demotivating and as a result they did not try to again. Ofsted also found approximately half of people in prison were not having their education progress recorded which was similarly demotivating as their achievements were going unrecognised.[36]

Maslaha has shown the positive role that access to a more diverse range of courses can have and is working with the Prison Education Trust to improve accessibility to the education they provide. This research has also highlighted why these educational opportunities must be properly recognised, celebrated and capitalised on to lead to further opportunities, otherwise this risks being counterproductive and leading to disengagement.

We recommend a more flexible and person-centred approach to education in prison that provides opportunities tailored to the needs and interests of the individual, particularly ensuring that the curriculum enables the development of positive self-identity amongst BAME and other minoritised groups.

Developing a tailored and inclusive approach for women

Concern continues to be raised about the extent to which education, learning and training opportunities in prison are appropriately tailored to the needs, experiences and aspirations of women. Concern has been consistently raised about a gendered curriculum leading to a focus on stereotypical courses such as hairdressing and beauty.

In February this year research found that women in prison continue to express frustration about the educational options available. Women often felt that the courses on offer were too basic, of little or no use and provided no opportunity for progression to further educational or vocational opportunities, and that there was a lack of higher educational opportunities beyond levels 1 and 2.[37]

For an educational programme that is more inclusive and accessible to the diversity of women in the prison estate, prisons need to re-evaluate the assumptions and stereotypes made about women in prison. A women-centred approach must be responsive to a number of factors that can impact their experience of education in prison. For example, women are more likely to be held on short custodial sentences and this leaves little time to engage in education, training and work opportunities.[38] Women are also held on average much further away from their homes which creates additional challenges for release on temporary licence (ROTL) for education, training and employment. It also makes it more difficult to co-coordinate continuation of educational and employment opportunities through the gate.

Women in prison have often also experienced trauma and abuse before entering prison. Voluntary sector organisations that specialise in working with women in the criminal justice system have well established track records of developing and embedded trauma-informed approaches in their services. This enables them to support women in the most effective way and improve their outcomes. Trauma-informed approaches can be helpful for teachers and learning providers to embed in their work as well as other prison staff in women's prisons in order to create an environment that is most conducive to learning.

We recommend that the women's estate develop a women-centred, holistic and trauma-informed approach to education which recognises and addresses the particular barriers that women often face in education and employment. This should include providing more higher educational opportunities and meaningful work and educational related options for women on short sentences.

The impact of Covid-19

Adapting to restrictions

In the community, maintaining education has been a national priority for the government, with schools remaining open for as long as possible and with remote learning maintained when schools had to close. The same cannot be so easily said for education in prisons. Education providers in prison were not classed as key workers or as providing an essential services during the first lockdown and even during the times when prisons have been able to move towards recovery, education providers have faced challenges accessing prisons due to ongoing restrictions on regimes.

In response to the pandemic, in March HMPPS implemented a lockdown across the prison estate. This meant all movement was severely restricted, with people locked in their cells for 23 hours a day. Overnight physical visits were cancelled, including all face-to-face education, training and workshop activities. Even in the youth estate, taught education for children came to a halt with no access to online alternatives.

During this time, education and arts organisations have responded flexibly and innovatively to continue providing opportunities to people in prison and maintain contact with them. In particular there has been an increased demand for in-cell learning activities, arts materials/resources, and distraction packs. This has not been without challenge however, with organisations facing difficulty:

Creating meaningful in-cell activity

Organisations have been grappling with practical challenges in adapting their services into meaningful, paper-based alternatives that can be done in cells without compromising the quality of education and learning provided and the purpose of, and vision for, their services. Tailoring these alternatives to the needs and learning experiences of individuals and ensuring the right learning activities reach the right people has been difficult to track.

Fostering meaningful relationships

The relationship between learners in prison and tutors/practitioners is often integral to the learning, educational experience and outcomes of the services provided by the voluntary sector and especially in making the activities accessible to people with learning difficulties and disabilities.

There is not the same opportunities to provide guidance, follow-up or explore questions or challenges from participants, hampering the effectiveness of the in-cell, paper-based alternatives.

Access

It has been challenging to provide materials that are not paper-based, such as musical instruments or audio recordings, due to practical and security issues getting them into prisons.

Loss of group learning

The group learning environments can foster positive relationships and enrich the learning experience. Some education and learning activities – particularly arts activities like theatre, dance and other performance-based work – are highly interactive which is lost when converted into solitary in-cell activities.

Lack of additional funding

There are additional costs associated with obtaining the necessary materials and technology for adapted service provision, preparing activity packs and materials and distributing them. Yet despite this, some organisations found they were expected by prisons to provide additional in-cell materials and activity packs for free or as part of their existing contracts.

HMPPS has published a framework outlining the stages for easing lockdown in prisons. Over the course of the pandemic prison regimes remained heavily restricted and only a small handful of providers were able to regain access to deliver education and learning activities directly to small numbers of people in prison towards the end of last year.

As cases of Covid-19 rise across the estate and as England and Wales went into another national lockdown in the wider community in January 2021, HMPPS announced that all prisons have gone back into stricter lockdown as well (stage 4 of the 5 stages in the *National Framework*). This means prisoners are again restricted to their cells and most services will take place as remote in-cell activity. As a result, the majority of prisoners have been without face-to-face education and training for the entirety of the pandemic. This will likely remain the case for the foreseeable future.

Numerous reports from the prison inspectorate during the pandemic highlight the toll this is having on the well-being and health of those in prison. For those whose release date is dependent on the Parole Board, lockdown conditions also pose very serious risks of having to spend longer in prison. Having lost out on almost a year of education, training and rehabilitation activities, it has limited people's ability progress in their sentences and demonstrate progress to the parole board.[39]

Utilising technology: learning from the crisis and supporting innovation in education and learning

Covid-19 restrictions have forced innovation in prisons, probation and wider society. This should continue to be built on to develop more creative solutions for supporting learning and remote education in the future, and enabling services to expand their reach.

Lack of technology has always been a barrier to education in prisons and during the pandemic, with the lack of out-of-cell options, this has only been exacerbated. For most people in lockdown across the UK, the use of digital technology has been the factor that has most enabled us to continue using our time purposefully through study and work. However, this has not been the case for people in prison. The lack of IT in prisons has made adapting education services and supporting distance learning more challenging, shining a spotlight on the divide between education and learning in the community and in prison.

During the pandemic, there have been some welcome steps from HMPPS in the provision of technology in prisons. For example, wider rollout of virtual visits and in-cell telephony to prisons to facilitate family contact with prisoners during lockdown. We believe more can be done to build on this and utilise technology even more during Covid-19 restrictions and in the future in ways that could benefit education provision.

The Reducing Reoffending Third Sector Advisory Group – an advisory group to the government – produced a paper to advise on recovery in the criminal justice system. The paper highlighted how a proper digital infrastructure would exponentially improve prisoner experiences of areas like education and that there are a number of wired and wireless approaches that could be rolled out whilst still maintaining the required level of security. This could be done at pace and is especially important as the prison estate faces a further prolonged period of lockdown.

Digital learning material can be tailored for individual student needs and allows rapid electronic feedback to help students to quickly address barriers to understanding. It also allows prisoners to develop the digital skills essential to modern living and being part of a modern workforce. If this were embedded consistently across the estate it would improve the overall offer of education in prisons, support with embedding a culture of learning across the whole prison environment and make opportunities more accessible to all.

The same priority should be placed on ensuring continuation of education in prison throughout the pandemic as in the wider community. As such we support the recommendations made by the Prisoner Learner Alliance for HMPPS in its briefing on increasing access to digital technology in prisons in order to support education and learning.[40] This should be prioritised as a matter of urgency with institutions facing ongoing Covid-19 restrictions, but should not be limited to the pandemic, so that going forward the digital divide in the prison estate is broken down and in-cell devices and technology become the norm.

Conclusion

Clinks will continue to work to support and advocate on behalf of the voluntary sector working in criminal justice. In recognition that this is changing environment as Covid-19 restrictions change and prisons and probation undergo a number of reforms, we would be pleased to provide the committee with additional information as the situation develops.

End notes

1. Ministry of Justice (2020). *A Smarter Approach to Sentencing*. Available at: https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing [accessed 21 December 2020].
2. Digital, Culture, Media and Sport Committee (2019). *Changing Lives: the social impact of participation in culture and sport*. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/734/73402.htm [accessed 14h December 2020].
3. We acknowledge that the term BAME can be problematic as it refers to a group of people who are far from homogenous. The intersection of race, ethnicity, faith, and culture makes social identities multi-faceted and shifting and the experiences of individuals within these groups will vary. Wherever possible, we seek to be specific when describing groups of people but at times use the term BAME – albeit reluctantly – to describe inequality and discrimination across groups when necessary.
4. See briefing on the benefits that increasing access to digital technology would bring to prisoners and the communities they will return to on release. Available here.
5. Prison Reform Trust (2019). *Bromley Briefings Prison Factfile: Winter 2019*. Available at: http://www.prisonreformtrust.org.uk/Publications/Factfile [accessed 11 December 2020].
6. Children in care in England are six times more likely to be cautioned or convicted of an offence than their peers. It has been estimated that approximately 400 looked after children are in custody at any one time – slightly less than half the current total number of children in custody (*Care not Custody*, 2018, Prison Reform Trust).
7. In 2018/19, 30% of children that entered youth custody were assessed as having special educational needs or disabilities. This does not account for those whose need or disability will have been missed and gone undiagnosed. See here.
8. It is estimated that around a quarter of children in custody have been permanently excluded from school, and 90% have a history of persistent absence and exclusions.
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20. We acknowledge that the term 'BAME' [black, Asian and minority ethnic] is problematic as it refers to a group of people who are not homogenous. The intersection of race, ethnicity, faith, and culture makes social identities multi-faceted and shifting: the experiences of individuals within these groups will vary. Wherever possible, we seek to be specific when describing groups of people but at times use the term BAME – albeit reluctantly – to describe inequality and discrimination across groups when necessary.
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