



House of Commons

Committee of Public Accounts

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# Meeting needs? The Offenders' Learning and Skills Service

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Forty-seventh Report of Session  
2007–08

*Report, together with formal minutes, oral and  
written evidence*

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## Summary

Giving offenders opportunities to improve their basic and vocational skills can enhance their prospects of getting a job and is a major part of the Government's policy for reducing re-offending. Many offenders have severe learning needs: half of those in custody have no qualifications and almost 40% have a reading age beneath that expected of a competent 11 year old. In 2003, Ministers decided that the Learning and Skills Council (the LSC) should take over responsibility for a new Offenders' Learning and Skills Service which, after piloting, the LSC rolled out across England in July 2006. The intention was that the LSC, with its experience in commissioning mainstream further education, would raise the quality of provision. The new service was also expected to provide a single, integrated service for offenders in custody and the community irrespective of the organisational boundaries between the prison and probation services.

Delivering learning and skills to offenders is challenging, because the operational requirements of the Criminal Justice System take priority, and because offenders often have other problems such as mental health difficulties and dependence on alcohol or drugs. Nevertheless, the new Service set out to overcome many of the long standing problems with providing offenders with effective and useful skills training. In practice it has not succeeded.

Tensions in attempting to reconcile different organisational objectives have prevented progress and there continues to be confusion about where resources ought to be prioritised. The distribution of funding between prison establishments is based on historical allocations and funds are not necessarily targeted at meeting current learning needs. Shared priorities and performance measures have not been clearly articulated, and there is a risk that existing performance incentives do not encourage those delivering the Service to tackle the hardest to reach prisoners with serious literacy and numeracy needs. The programmes currently on offer are likely to be of limited practical use to prisoners serving less than 12 months, and reconviction rates for these prisoners are not improving. Contracts for learning providers do not incentivise them to increase offenders' employability and reduce their risk of re-offending, as payments are made to providers irrespective of offender take-up, attendance or achievement.

The National Audit Office's examination of prisoners' learning records showed that there was no record of assessment for a quarter of prisoners. Learning plans are frequently deficient, with a third not specifying the courses to be undertaken, and about the same proportion not recording progress. Only around a fifth of prisoners with serious literacy or numeracy needs enrol on a course that would help them. Although enrolment is voluntary, more could be done to motivate offenders to take up available opportunities, for example, by involving prison and probation officers and providing access to earned privileges. There is currently no core curriculum, and inconsistencies in the courses on offer make continuation of learning difficult when prisoners transfer between prisons. The prison service and education providers are not working adequately together to transfer learning records when prisoners move between prisons or into the probation service, and this hampers continuity of learning.

The LSC wants to make changes to the courses currently on offer, but there is insufficient information on what impact different sorts of training have on employment and re-offending rates. It is not working effectively with the probation service to record employment outcomes for offenders supervised in the community. Research to measure the effect of different factors that may impact on re-offending is underway, but results will not be available until 2012. Meanwhile, more could be done to involve employers and align skills training on offer with gaps in local labour markets. This work could be informed by early sight of emerging research findings, conclusions from smaller research projects and examples of local good practice.

On the basis of a Report by the Comptroller and Auditor General,<sup>1</sup> we took evidence from the Learning and Skills Council, the National Offender Management Service and the Department for Innovation, Universities and Skills on building a learning and skills service that will help increase employability and reduce re-offending.

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1 C&AG's Report, *Meeting needs? The Offenders' Learning and Skills Service*, HC (2007–08) 310

## Conclusions and recommendations

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1. **Tensions between the objectives of meeting the learning and skills needs of offenders and occupying prisoners in purposeful activity have prevented resources being reallocated so that they better meet needs.** All of the delivery partners—the Department for Innovation, Universities and Skills, Learning and Skills Council, and National Offender Management Service—should sign up to agreed funding priorities and work towards redistributing provision so that it better matches current needs. HM Prison Service should identify now where there may be a need for investment in classroom space or prison work areas, to allow for a managed redistribution of resources without disrupting prison regimes. The delivery partners should commit to joint performance targets so that decisions made at the frontline are consistent with the agreed priorities.
2. **The Learning and Skills Council and HM Prison Service disagree over what can be delivered to those on short sentences and what priority this group should be given.** The delivery partners should develop evidence-based, intensive programmes, aimed at getting offenders serving sentences under 12 months into local employment on release or signposting them towards further training in the community.
3. **A quarter of prisoners have no screening or assessment for learning and skills needs, despite this being a requirement of OLASS.** It may not be possible for assessments to be carried out in all cases, for instance, where offenders have very short sentences. However, if assessments are not carried out, it will be difficult to identify which offenders are most in need of the Service. The OLASS partners should either carry out an assessment or document the reasons why an assessment could not be carried out. The National Offender Management Service should instruct the Probation Service to meet the existing requirement to screen all offenders serving community sentences. Following screening, the Probation Service should make referrals to providers where the results of screening indicate a need, and training is likely to increase an individual's employment prospects.
4. **The quality of learning plans is poor and, without improvement, OLASS cannot hope to support offenders effectively.** The LSC should give clear guidance to all OLASS providers about their requirement to maintain a single consistent record of an offender's learning needs, the learning they plan to undertake, and the progress they have made. The LSC must enforce existing contractual requirements for providers to maintain comprehensive and accurate records of learners' participation and progress.
5. **The lack of a core curriculum means offenders' learning is unnecessarily disrupted when they are transferred between prisons.** The LSC should start consultations now with providers and other OLASS partners, and use the next contracting round to put in place a core curriculum of courses delivered throughout the prison estate and accessible in FE colleges to offenders in the community.

6. **Learning providers are paid regardless of attendance or course completion rates.** There is a risk that courses will be filled by offenders who are already well qualified but who may be easy to teach. When contracts are renegotiated in 2009, the LSC should make payments to providers conditional, in part, on increasing attendance on courses by those offenders who need them, and on the progress that those individuals make. Contracts must specify minimum acceptable standards for offender engagement and course completion. Consultation on these issues should begin now.
7. **Offenders' learning records are frequently not transferred when offenders are moved, making it harder for them to carry on courses, and difficult for the LSC and providers to measure the impact of interventions.** The LSC is trialling a new data system in two pilot areas in September 2008. So that offender managers can understand what progress offenders have made, the LSC must make data available accessible to all OLASS partners, in a format that meets their needs. The requirement for providers to transfer information about learners' progress when they move between prisons and into the community should be a condition built into the 2009 contracting round with OLASS providers.
8. **The LSC does not collect information to show whether or not offenders gain employment following completion of their sentence.** The probation service attempts to measure whether offenders secure employment. To show the extent to which interventions including learning and skills had helped offenders to get a job, the partners should share information about those offenders supervised by the probation service, including those supervised on release from custody. For those offenders who are not supervised by the probation service, the delivery partners should carry out research, on a sample basis, to measure the effectiveness of different interventions in helping offenders get a stable job.
9. **Offenders are more likely to gain a job when they are released if they are equipped with skills relevant to local employers.** Some prison governors are working with local employers to focus learning and skills provision and prison work on preparing offenders for realistic employment opportunities. Regional Learning and Skills Councils must work with providers to obtain feedback from local employers about the courses currently on offer, and make changes where necessary to ensure that the courses available meet employers' requirements. The LSC and the National Offender Management Service should promote local best practice and engage major employers nationally in order to tackle resistance to employing ex-offenders, and target learning and skills provision on employers' practical requirements.

# 1 Working to a common purpose

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1. In 2003, Ministers decided that the Learning and Skills Council (the LSC) should take on responsibility for the planning and funding of a new learning and skills service for offenders in custody and serving community sentences. Many offenders have severe learning deficits: half of those in custody have no qualifications and almost 40% have a reading age beneath that expected of a competent 11 year old. Giving offenders opportunities to improve their basic and vocational skills can enhance their prospects of getting a job, and is a major part of the Government's policy for reducing re-offending.<sup>2</sup>

2. Prior to the implementation of the new service, learning and skills for offenders in custody were delivered by providers under contract to HM Prison Service, and by Instructional Officers employed directly by HM Prison Service. Since April 2004, planning and funding basic skills provision for offenders under supervision in the community has been the responsibility of the Learning and Skills Council. The LSC was expected to draw on its experience in commissioning mainstream further education to raise the quality of learning and skills provision available to offenders. Creation of a single, integrated service for offenders in custody and the community was expected to reduce disruption of learning caused by offenders' movements around the criminal justice system. After a pilot in three regions, the LSC rolled out the new Offenders' Learning and Skills Service (OLASS) across England in August 2006. Spending on OLASS in the first full year of operation, the 2006–07 academic year,<sup>3</sup> was £109 million.<sup>4</sup>

3. Although the LSC has responsibility for planning and funding the new Service, delivering learning and skills to offenders relies on partnership working between several organisations. The Prison Service's role is to encourage and motivate offenders to take advantage of the learning opportunities presented to them, and to make sure that learning and skills provision fits in with other prison activities, such as offending behaviour programmes, prison work and family visits. For offenders serving community sentences and released from prison under supervision, the Probation Service is responsible for identifying deficiencies in offenders' skills and education, referring offenders to appropriate providers for further help, and encouraging and motivating them to participate. The LSC awards contracts for learning and skills provision to providers, which are mainly established further education colleges and private companies. The Department for Innovation, Universities and Skills leads the Offender Skills and Employment Programme Board, which also involves the Ministry of Justice and the delivery organisations, and which co-ordinates policy for offenders' learning and skills across all the agencies.<sup>5</sup>

4. The overriding objective for OLASS is to equip offenders with skills for life and vocational training, so that they stand a better chance of getting a job, and are less likely to re-offend. In practice, however, the education provided under OLASS also helps to meet

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2 C&AG's Report, paras 1.1–1.4

3 The academic year runs from 1 August to 31 July

4 C&AG's Report, paras 1.1–1.4, 1.14

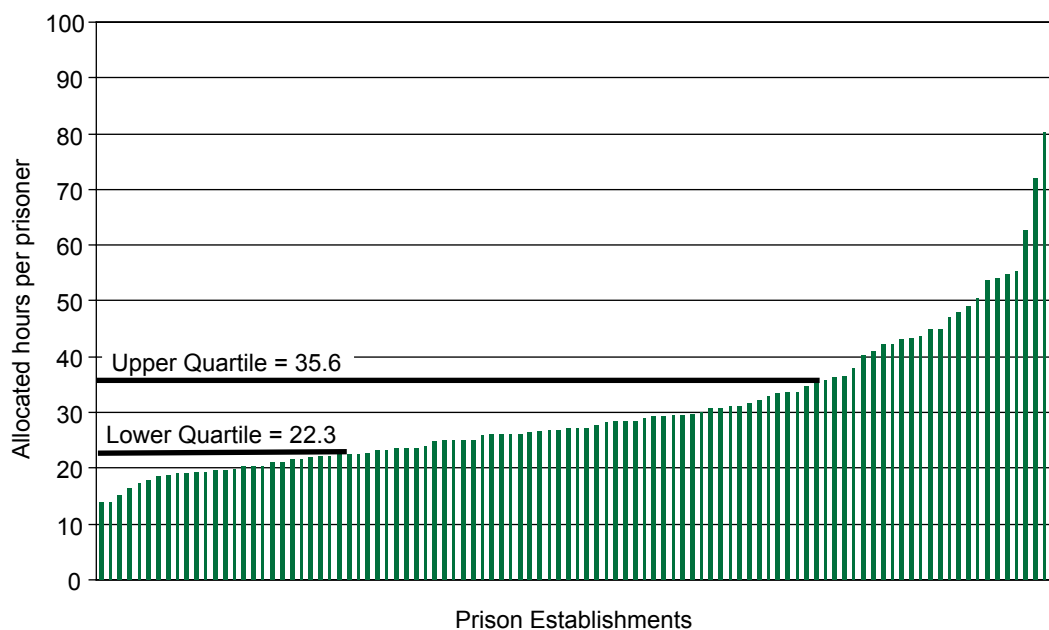
5 C&AG's Report, paras 1.9–1.11



the Prison Service's objective of keeping prisoners occupied. Against the background of rising prison populations, providing prisoners with appropriate levels of purposeful activity makes an important contribution to the maintenance of safe and well ordered establishments. Whilst the two objectives are not inconsistent, there is no consensus about where scarce resources ought to be targeted, nationally and locally. Giving prisoners who have long sentences or are already well qualified access to learning and skills provision can help settle them, but may have very limited impact on eventual employment or re-offending outcomes. The delivery partners have been unable to reconcile these different objectives and reallocate funding to prison establishments so that it better meets current levels of need.<sup>6</sup>

5. The number of teaching hours allocated to individual prison establishments in 2006–07 ranged from 14 hours per person per year to 95 hours per person per year (**Figure 1**). This distribution reflects historical allocations and there is no discernable pattern to the spread of provision and, in particular, no relationship to need. The LSC preserved existing allocations when it took on responsibility for the Service in 2005. This was because it was anxious that changes would destabilise prison institutions by altering the amount of purposeful activity available to prisoners. In a small number of prisons, changes to the amount of OLASS provision will only be possible once alternative means for occupying prisoners have been put in place. Nevertheless, both the LSC and HM Prison Service are committed to working together to achieve a better match between offenders' and employers' needs, and the provision that is available. Existing contracts between the LSC and learning providers expire in July 2009, and the LSC's intention is that an orderly transition will begin when the new contracts start.<sup>7</sup>

**Figure 1: The number of annual teaching hours per prisoner allocated to providers for offender learning and skills at prisons in England and Wales for the 2006–07 academic year**



Source: C&AG's report, Figure 6

6 Qq 50–54; C&AG's Report, paras 2.4, 2.11

7 Qq 14, 17–22, 64–67

6. In September 2007, the LSC set out proposals to allocate funding according to priority groups of learners (**Figure 2**). The LSC has defined those prisoners serving sentences under 12 months as a high priority group. The most recent data on re-offending outcomes show that actual rates of re-offending are improving for all groups of prisoners except those with sentences less than 12 months in length. Improvements to the outcomes for offenders with sentences under 12 months could have a significant impact on the overall rate and costs of re-offending, given that this group represents over 60% of the total prison population. The delivery partners accept that the programmes currently on offer may be of limited practical use to offenders serving sentences under 12 months. In practice, adult offenders serving sentences between 6 and 12 months will have served an average of 4 months, including remand time, and offenders on the shortest sentences will only be in custody for a matter of weeks. Nonetheless, the LSC's providers are working to understand what sort of learning and skills interventions could be delivered to make a difference to this group's employability and propensity to re-offend.<sup>8</sup>

**Figure 2: The priorities the Learning and Skills Council proposes to attach to different groups of learners**

OFFENDER LEARNING CURRICULUM AREA	LEARNER TARGET GROUP	PURPOSE OF LEARNING AND SKILLS PROVISION	PRIORITY FOR LSC OLASS FUNDING
Skills for Employment offer	Offenders with sentences less than 12 months to serve	To provide a short intensive programme and direct offenders to provision on release, acknowledging the limits on provision for those in custody for short periods	High
Skills for Life offer	Offenders needing basic skills provision, who are ready to learn, who will require at least a year to make progress	To address needs of those with basic skills needs, working towards national qualifications following further assessments	High
First full level 2 offer	Offenders with at least two full years prior to release and preparing for resettlement	To provide further assessments of need and learning support requirements, and provide a full programme of learning and skills to NVQ Level 2	High
Young people	Young people in custody	To provide a full range of learning and skills	High
Learning for living and work: communication and personal skills	Offenders with learning difficulties and/or disabilities	To provide additional support to enable engagement with learning	Medium
Higher level and personal interest learning	Offenders wishing to progress beyond NVQ level 2	To provide higher level learning at A level or equivalent	Low

Source: C&AG's report, Figure 7

7. The absence of clearly articulated common priorities is compounded by disjointed performance targets. The existing targets do not focus delivery towards those offenders with the greatest learning and skills needs, and some performance measures may incentivise delivery partners to act in ways inconsistent with the overall policy aims of increasing employability and reducing re-offending. There is a particular risk that HM Prison Service's target to achieve at least 80% classroom occupancy encourages it to fill classes with offenders most likely to turn up, rather than with those who most need to acquire learning and skills.<sup>9</sup>

8. Learning providers have no specific contractual incentives to help meet the partners' joint underlying policy objectives. The LSC's contracts with the 21 learning and skills providers stipulate the number of hours to be delivered in each prison, but payments are made irrespective of offender take-up, attendance rates, and whether or not offenders progress, complete courses or achieve qualifications. The LSC acknowledges these weaknesses, but did not make fundamental changes to the design of contracts at the outset because it was unsure what changes could be made without destabilising prison regimes. The LSC now intends that the next contracting round in 2009 will reward providers partly on the basis of offenders' levels of engagement and achievement.<sup>10</sup>

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9 Qq 6, 13, 55; C&AG's Report, para 2.5 ; Figure 5

10 Qq 15–17, 56; C&AG's Report, para 2.15

## 2 Getting offenders to start and complete the right courses

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9. The Offenders' Learning and Skills Unit in the Department for Innovation, Universities and Skills, describes the model learning and skills experience that it expects offenders to receive from OLASS in terms of an 'Offender Learning Journey'. Informed by an objective assessment of learning needs, and with appropriate information and support, offenders who participate are expected to be able to follow a personal learning plan which acts as a record of progress towards their learning and skills goals. Offenders should participate in relevant learning and skills, which satisfy the objectives set out on their Individual Learning Plan.<sup>11</sup>

10. The National Audit Office's examination of a sample of prisoners' learning records found that there was no record of assessment for a quarter of prisoners, and these prisoners may be missing out on the learning and skills opportunities that would be most likely to address their risk of re-offending. Some offenders who have already been assessed during previous sentences will be resistant to being assessed again, but the Prison Service believes the rate of assessment could be increased, even if there are obstacles, such as mental health disorders, problems with alcohol or drug use and short sentence durations.<sup>12</sup>

11. A key aim of the new Service is that, following assessment, providers will work with offenders to draw up individual learning plans. Individual learning plans should set out learning goals over a specified period of time, the milestones for achievement of goals and the outcomes of regular progress reviews. In practice, the quality of learning plans is poor. One third of those reviewed by the National Audit Office did not specify what courses individual prisoners would need in order to address their skills deficiencies and less than half recorded progress. In the first year of operating OLASS, the LSC did not have a consistent approach towards the completion of learning plans, setting out who should be responsible for drawing them up or specifying what information they should contain. The LSC acknowledges the urgent need to give providers guidance on improving individual learning plans.<sup>13</sup>

12. Of those assessed as having very low levels of basic skills, only about one in five had enrolled on a course that would help them improve their literacy or numeracy skills (**Figure 3**). Getting this "hard to reach" group to volunteer for assessment and courses may be particularly difficult because these prisoners often have a history of not attending school regularly, and some may have been excluded permanently from school. For some prisoners, for example, those with serious mental health difficulties or drug problems, participating in learning will not be practical. HM Prison Service has concentrated its efforts on enrolling prisoners who are keen to volunteer and will be compliant in classes.<sup>14</sup>

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11 C&AG's Report, para 3.1

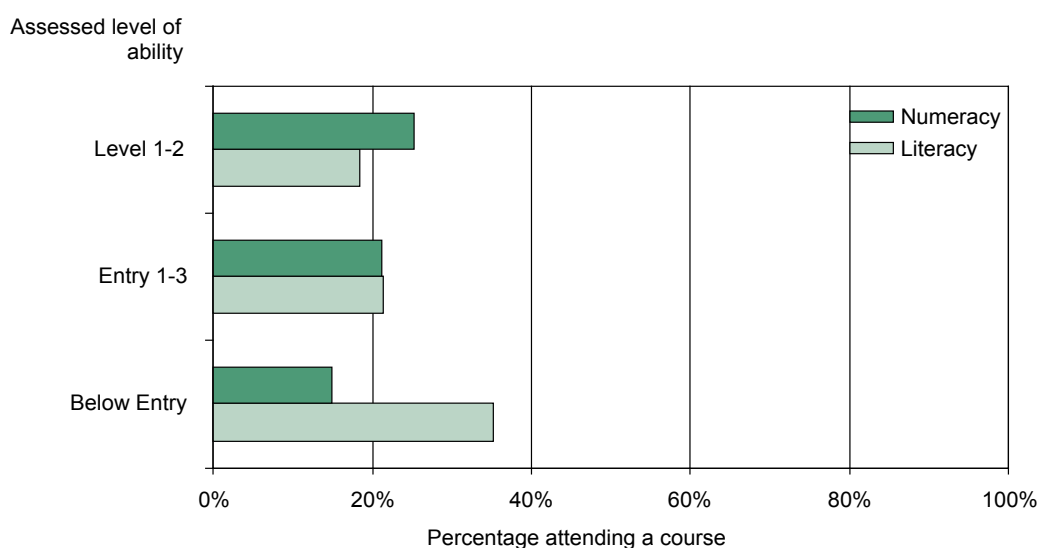
12 Qq 23–24; C&AG's Report, para 3.4

13 Qq 8, 11; C&AG's Report, para 3.8–3.9

14 Qq 6, 23–24, 58–60; C&AG's Report, para 3.15

13. Although participation in learning is voluntary, there are ways of motivating prisoners to join classes and attend regularly. The chance to earn privileges such as telephone calls and visits from friends and relatives is one way of encouraging participation. Prison and probation officers could do more to motivate offenders to take up opportunities. Outside OLASS, HM Prison Service operates peer mentoring schemes to improve the basic skills of prisoners who may be reluctant to engage in formal education, and this is a further useful model to follow. There are also opportunities for embedding learning through prison activities such as prison work, which can help to raise skill levels for prisoners who are not working towards qualifications.<sup>15</sup>

**Figure 3: The proportion of prisoners assessed as having low levels of basic skills who had started a course**



Note: 'Level 1' is equivalent to the standard expected of an 11 year old, and 'Level 2' equivalent to a GCSE grade A\*-C. 'Entry levels 1-3' are broadly equivalent to the attainment levels of 5, 7 and 9 year olds respectively. 'Below entry' is pre-curriculum.

Source: C&AG's Report, Figure 13

14. Once offenders have enrolled on courses, their learning is often disrupted when they are transferred between prisons. This is because the courses on offer at different establishments are different. The LSC intends to bring about greater consistency in the core subjects on offer at different prisons, which should make it easier for prisoners to continue learning after being moved. Trials are currently underway in clusters of prisons in some regions to develop a core curriculum.<sup>16</sup>

15. Failing to transfer offenders' learning records can also disrupt learning when offenders move between prisons, or from prison into supervision in the community. Two years ago, this Committee recommended that all records should be transferred when a prisoner is moved.<sup>17</sup> Despite this, offenders' learning records are still not being transferred routinely when offenders move, leading in many cases to offenders undergoing new assessments,

<sup>15</sup> Qq 7, 29-30, 47-48

<sup>16</sup> Q 12

<sup>17</sup> Committee of Public Accounts, Forty-fourth Report, Session 2005-06, *National Offender Management Service: Dealing with increased number in custody*, HC 788

which are both unnecessary and may not record earlier progress. The LSC has put interim systems in place to assist with the transfer of learning records held by providers, along with HM Prison Service prisoner files, but it recognises that there are weaknesses with them. The LSC now plans to trial a new system in two regions in September 2008, and roll it out across England by August 2009.<sup>18</sup>

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18 Qq 5, 25–28; C&AG’s Report, paras 3.27–3.29

### 3 Helping increase employability as a means of reducing re-offending

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16. The LSC acknowledges that the courses offered across all prisons during the early stages of OLASS were not those it would wish to see provided in future. However, delivery partners do not have sufficient information to enable them to give guidance to learning providers about the courses that should be delivered, because they do not measure the impact OLASS provision has on employability or re-offending.<sup>19</sup>

17. The LSC has begun to collect data on what sorts of learning offenders in custody are participating in and what qualifications they are achieving. There are difficulties, however, with tracking offenders into employment to measure the effectiveness of the Service at increasing employability. Offenders are under no obligation to report their employment history once their sentences are complete. The Probation Service already measures whether offenders secure employment as one of its performance standards, but the LSC does not currently use these data to measure employment outcomes. It is working on its own system to track offenders' progress when they come out of prison. For those prisoners who are not released into the supervision of the Probation Service, research on a sample basis will be the only practical option for examining what mix of learning and skills provision is most effective at increasing offenders' employability.<sup>20</sup>

18. Measuring the impact that learning and skills provision has on re-offending outcomes is also difficult. Disaggregating the effect of learning and skills provision from the other factors such as offending behaviour courses or drug treatment programmes that impact on re-offending is complicated. Nevertheless, without such research the delivery partners cannot hope to understand, even imperfectly, what progress they are making towards their policy objectives.<sup>21</sup>

19. The National Offender Management Service is seeking to understand better the factors that impact on re-offending by following up a large tranche of offenders over a number of years. This longitudinal study is due to produce its final results in 2012 and will provide better information on what is more effective. In the meantime, smaller research projects continue to confirm that getting a job reduces the likelihood of re-offending.<sup>22</sup>

20. There are local good practice examples where employers have been involved in the design and delivery of learning and skills provision to increase the chances of offenders securing employment on release. Aligning learning and skills provision with local job opportunities not only increases offenders' chances of getting employment on release, but can also help motivate prisoners if they see that there will be a "payback" for participating. In HMP Hull, for example, the governor is working with a local employers' forum, the local authority and the Regional Development Agency, Yorkshire Forward, to identify

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19 Qq 2–4, 12; C&AG's Report, para 2.22

20 Q 3; C&AG's Report, Figure 5

21 Q 2

22 Qq 45–46

skills gaps in the labour market which prisoners could fill.<sup>23</sup> Elsewhere, the voluntary sector, for example, has been developing opportunities for offenders to work for profit-making enterprises that operate inside prisons. Such enterprises have been good for prisoners in providing them with marketable skills and real experiences of work.<sup>24</sup>

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23 Qq 38–42

24 Qq 72–76; Ev 15



# Formal Minutes

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**Monday 30 June 2008**

Members present:

Mr Edward Leigh, in the Chair.

Mr Richard Bacon  
Mr Paul Burstow  
Keith Hill

Mr Austin Mitchell  
Phil Wilson

Draft Report (*Meeting needs? The Offenders' Learning and Skills Service*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 20 read and agreed to.

*Resolved*, That the Report be the Forty-seventh Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 15 July at 12.00 pm.]

## Witnesses

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**Monday 19 May 2008**

*Page*

**Mr Ian Watmore**, Permanent Secretary, Department for Innovation, Universities and Skills, **Mr Mark Haysom**, Chief Executive, Learning and Skills Council and **Mr Phil Wheatley**, Director General, National Offender Management Service

**Ev 1**

## List of written evidence

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Fifteenth Report	The Pensions Regulator: Progress in establishing its new regulatory arrangements	HC 122 (Cm 7365)
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Thirty-first Report	Progress in Tackling Benefit Fraud	HC 323 (Cm 7453)
Thirty-second Report	Reducing the cost of complying with regulations: The delivery of the Administrative Burdens Reduction Programme, 2007	HC 363 (Cm 7453)
Thirty-third Report	Ministry of Defence: Major Projects Report 2007	HC 433 (Cm 7453)
Thirty-fourth Report	Increasing employment rates for ethnic minorities	HC 472 (Cm 7453)
Thirty-fifth Report	Housing Market Renewal: Pathfinders	HC 106 (Cm 7453)
Thirty-sixth Report	HM Treasury: Making Changes in Operational Projects	HC 332
Thirty-seventh Report	Ministry of Defence: Leaving the Services	HC 351 (Cm 7453)
Thirty-eighth Report	Nuclear Decommissioning Authority—Taking forward decommissioning	HC 370 (Cm 7453)

Thirty-ninth Report	Preparing to deliver the 14–19 education reforms in England	HC 413
Fortieth Report	Department of Environment, Food and Rural Affairs: Management of Expenditure	HC 447
Forty-first Report	Department of Health: NHS Pay Modernisation: New contracts for General Practice services in England	HC 463
Forty-second Report	Preparing for sporting success at the London 2012 Olympic and Paralympic Games and beyond	HC 477 (Cm 7453)
Forty-third Report	Managing financial resources to deliver better public services	HC 519
Forty-fourth Report	The roll-out of the Jobcentre Plus office network	HC 532
Forty-fifth Report	Reducing the risk of violent crime	HC 546
Forty-sixth Report	The procurement of the National Roads Telecommunications Services	HC 558
Forty-seventh Report	Meeting Needs? The Offenders' Learning and Skills Service	HC 584
Fiftieth Report	Preparations for the London 2012 Olympic and Paralympic Games	HC 890 (Cm 7453)
First Special Report	The BBC's management of risk	HC 518 (Cm 7366)
Second Special Report	Evasion of Vehicle Excise Duty	HC 557 (Cm 7366)

# Oral evidence

## Taken before the Committee of Public Accounts

on Monday 19 May 2008

Members present:

Mr Richard Bacon  
Mr David Curry

Mr Ian Davidson  
Mr Alan Williams

In the absence of the Chairman, Mr Williams was called to the Chair

**Mr Tim Burr**, Comptroller and Auditor General and **Mr James Robertson**, Director, National Audit Office, gave evidence.

**Mr Marius Gallaher**, Alternate Treasury Officer of Accounts, HM Treasury, gave evidence.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

#### MEETING NEEDS? THE OFFENDERS' LEARNING AND SKILLS SERVICE (HC 310)

*Witnesses:* **Mr Ian Watmore**, Permanent Secretary, Department for Innovation, Universities and Skills, **Mr Mark Haysom**, Chief Executive, Learning and Skills Council and **Mr Phil Wheatley**, Director General, National Offender Management Service, gave evidence.

**Q1 Mr Williams:** Good afternoon. Today we are considering the CAG's Report *Meeting Needs? The Offenders' Learning and Skills Service*. Our principal witness is Ian Watmore, Permanent Secretary, Department of Innovations. Perhaps you would introduce your colleagues.

**Mr Watmore:** Yes, of course. Mark Haysom from the Learning and Skills Council; he is the Chief Executive there. Phil Wheatley is now the Director General of the National Offender Management Service within the Ministry of Justice.

**Q2 Mr Williams:** The prime policy objectives as I understand from the Report are to reduce re-offending and to improve employability. If we go first of all to Mr Wheatley, why is it that you do not know what impact the learning and skills provision has on re-offending?

**Mr Wheatley:** Trying to work out which of various interventions—there are a number of interventions we are using on prisoners—made the difference is very difficult in research methodological terms. For an offender arriving with us they may well have had a very good personal officer who formed a good relationship with them and offered them good advice and they respect it; a probation officer who assessed them from the outside who made some impact on them; they have done an offending behaviour course which was a good offending behaviour course and they cooperated with it; they have de-toxed while they were with us and then done a drug treatment programme; they have also done education. Trying to find the methodology that works out which of those interventions have the effect is difficult. I can tell you that as a result of the various interventions and the increased funding we have had—including increased funding for education and skills training—there has been an improvement in the rate of re-conviction, particularly for prisoners who are serving over 12 months, in other words people we

have had long enough to work with. The mix is producing an improvement comparing actual pre-convictions with predicted re-convictions.

**Q3 Mr Williams:** Can we turn to you, Mr Haysom, with a somewhat similar question on the other arm of the policy. Why is it that your Department does not even collect information on whether offenders are improving their learning and skills and going on to employment? This information is not available; is it impossible to obtain or is it something you are trying to develop?

**Mr Haysom:** That is exactly right. We are collecting more information than ever before so we know an awful lot more about offenders and their learning and we know what they are learning and their achievements. We know how they are progressing when they are learning within the establishment that they are being held in. What we cannot do at the moment is track them beyond that when they come out into the wider community. We are working on a system which enables us to track their progress.

**Q4 Mr Williams:** I can see there are statistical problems but it does make it impossible to judge effectiveness.

**Mr Haysom:** It is very early and I wanted to say by way of answering some of these early questions, this is a really helpful Report. It is very timely but it is very early in terms of the Offenders' Learning and Skills Service.

**Q5 Mr Williams:** It seems only the other day you were here for the last Report.

**Mr Haysom:** It certainly feels like that for me. It is very early into the life of the Service. The work was actually undertaken shortly after the first year of the Service and at that stage we were still bedding in a lot of the new approaches to it, but we were a bit poor in terms of data at that stage, understandably

because the data simply was not there. What we now have is a lot more data because time has gone by and as we go through this hearing I may take the opportunity, if the Committee permits me, to update you in terms of some of the progress that has been achieved. Particularly with the new systems that we are trying to put in place there has been good progress. You will have noted in the Report that it talks about the fact that there was a very urgent requirement to put systems in place that would enable us to track learners as they move through the system, and particularly as they move them between different prisons within the system. We have put in place some temporary measures which have enabled us to do just that. They are not perfect but they are an awful lot better than they were before. We are now building a system which will be trialled from September in two regions, the North East and the North West, and that system will enable us to track offenders within the prison service but importantly it will also link into mainstream further education so it will actually develop a learner record from which we will be able to understand what happens to them beyond their immediate learning.

**Q6 Mr Williams:** Mr Wheatley, serious literacy and numeracy problems are defined in the Report as the “ability of nine year olds and under”; that is a very, very low starting point. Why is it that about four-fifths of prisoners who are in that category are not even taking courses?

**Mr Wheatley:** There are certainly very low levels of literacy as the Report makes clear and we also know that many of the prisoners arriving with us have a history of not attending school regularly and indeed many of them have a history of being excluded permanently from school at some point in their past. They are not people who have accessed education; many of them come in with substantial problems that make it difficult to access education—mental health problems and particularly drug abuse problems and major work often goes into de-toxing people or coping with significant mental health problems—so not everybody is immediately able to access education nor indeed when stabilised appropriate for education or skills training. As we engage in getting people into skills and education we are looking for people who are going to volunteer and be compliant and make the best of the opportunities. Quite a number, particularly of our very short sentence prisoners, simply do not match that. If you look at the prison population, a large number of prisoners churn through over a very small period of time; they are either in on short periods of remand or in on very short sentences. There is a smaller number who stay a long time and who probably much better match the sort of provision that is really going to make a difference to their education.

**Q7 Mr Williams:** Is there anything further you can do to motivate them?

**Mr Wheatley:** I think there is and I think that is part of what we are trying to do, particularly through offender management. We are trying to motivate

offenders who are in prison in order to engage with what is available and trying to get them to want to make a difference to themselves. That is part of the work we are doing as we develop offender management using personal officer schemes in particular to try to motivate offenders to take up what is available. We are using what is available and we are making sure we use it properly.

**Mr Haysom:** It might be helpful if I just add to that that we are enjoying some success in terms of engaging more and more prisoners in learning. We now have detailed information about the first year of the Service which is 2006/07 and we now know that 82,290 learners engaged with learning at that time. That represents 53% of the total number of prisoners that were in custody during that year. We know that we are growing the numbers of people engaged so we know on an average monthly basis that prior to the Learning and Skills Service about 30% of offenders were engaging. In the first year of the Service that grew to 36% and is now running at 38%. We are really seeing more and more offenders engaging. I do not want to sound complacent here or that it is a job done, but it is quite encouraging and I am sure that Phil will echo that. It is encouraging that more and more learners are actually engaging and some of the things we are doing are working.

**Mr Wheatley:** That indicates that we are making progress and we are making use of what is available. It is the substantial government investment in learning and skills that has enabled us to expand what we have on offer in a way that is actually producing, along with the other interventions, reductions in re-offending for those who are in prison long enough to use them.

**Q8 Mr Williams:** Mr Haysom, why is it that the quality of learning plans are so poor as described in the Report? One third do not specify what course the prisoner should be on; less than half recorded progress.

**Mr Haysom:** This again was a really helpful intervention from the NAO because it has highlighted something that is a bit concerning in terms of our work. One of the things it has highlighted is that we need much greater clarity over what we mean by learning plan. What is very clear is that those providers who returned the forms at the request of the NAO did not quite understand what a learning plan was so they returned what we would call a guidance plan on which you would not expect to have a lot of the information you have just referred to actually in the Report. It has highlighted there is an urgent need for us to get greater clarity into this whole area and to make sure that learning plans are as robust as they should be. Again I would stress that this was early on and we have worked hard at this and there has been progress. I do not think we could have achieved the kind of improvement that we have seen that I have already spoken about unless that whole area is becoming more robust. What is encouraging—if I can just throw some more numbers at you—is that not only are more learners engaging, they are achieving more and that is so, so important. We know that in the first

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**Department for Innovation, Universities and Skills, Learning Skills Council and National Management Service**


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year of the Service there was an achievement rate of 43.5% which was okay but it did not compare terribly favourably with the broader FE achievement rate of 66%. It is now running at 55% so already, because of the quality of what is being delivered, we are seeing some significant progress there. You have to say that the learning plans must be contributing to that.

**Q9 Mr Bacon:** I would like to start with Mr Wheatley. This is a question the Chairman asked us to ask because he cannot be here today. What practical use are your programmes for prisoners serving 12 months or less?

**Mr Wheatley:** I think for the very short sentence prisoners the programmes that we have have little impact and are not easily accessed; they are simply not there long enough to access them. That is one of the reasons why very short term sentences have no measurable effect on re-offending and we never claim they do. The most we are able to do is do some initial assessment of people; we can sometimes signpost them into other ways of improving their education outside of prison. Somebody who is doing, say, a one month sentence will only be with us for two weeks and if they have been with us for three or four days on remand that is even less.

**Q10 Mr Bacon:** So the answer to his question is not a lot.

**Mr Wheatley:** Yes.

**Q11 Mr Bacon:** Mr Haysom, you said that there was some confusion as to what learning plans were. This was by the contractors whose job it is to provide the teaching in the prisons; they were confused about what a learning plan is.

**Mr Haysom:** They are also contractors who provide information, advice and guidance, so they are doing two parts of this. At this stage of OLASS we did not actually have a consistent approach to learning plans across the piece. One of the things we have taken from this Report is an urgent need to put that in place.

**Q12 Mr Bacon:** Looking at paragraph 2.25 on page 24 it talks about the providers who returned data and it says, "The data we did receive showed that the extent to which an individual offender could leave off and then take up the same course after transferring between establishments was often limited, even where provided by the same contractor". You might have thought there would be a problem if they were different contractors, but surely the same contractor is going to have the same modules on offer.

**Mr Haysom:** No, and you go to something very important in terms of the Report and in terms of our engagement with this whole new Service. You will have read in the Report that the curriculum offer that has been put in place in the early stages of OLASS is not the curriculum offer that we would wish to put in place going forward. We had to take some cautious, considered, pragmatic steps when we got involved in this work. Some of those steps were

to lock in the hours of learning that were taking place and the nature of learning that was taking place in different establishments. It was not possible to make all the changes we would have wished. The future is all about having a core curriculum which enables people to start a course in one institution and to carry on with that, their learning plan having gone with them to the next institution and they can pick that up as they transfer. That is the future; that is what we are working towards. We have work underway on that; we have some trials underway in different parts of the country with clusters of prisons working together to develop that core curriculum.

**Q13 Mr Bacon:** Could I ask you to turn to page 18? In paragraph 2.4, halfway down, it says that "there is confusion about where scarce resources ought to be targeted". Would you like to comment on that and say whether the confusion has now been cleared up?

**Mr Haysom:** We are in the process of clearing that up. Again, when we took over the Service, there was at that stage no focus on priorities and there was no understanding of what were the priorities and how we should target our scarce resources. You will have noticed in the Report references to our prospectus which was published in September last year and the prospectus laid out a whole approach to managing the provision to meet need. We are putting in place a whole series of reviews which will look at demand, at employer need, at the curriculum that should be provided, at priorities and at the nature of the institutions as well and the facilities they have and try to match those in a targeted way. That is what we are trying to move to.

**Q14 Mr Bacon:** You have said a couple of times that this is very early days, so to speak. You have been going in your new form since July 2006; you were recast because of the serious weaknesses that have been identified hitherto. You have been going for a couple of years and yet this Report can still say that "there are currently no data on the true level of need and demand for learning and skills provision at each establishment or in probation areas". A second ago you were talking about the need to find out what courses are needed. What is so difficult about finding out what is needed?

**Mr Haysom:** I do not think it is that difficult. I think what we have to have is a careful approach to managing that, and that is what we have. We entered into a contractual round for a fixed number of learning hours when we first got involved in the Service in 2006. The next round is in 2009 and we are developing these plans to introduce at that stage.

**Q15 Mr Bacon:** You bring me neatly onto paragraph 2.15 which is on page 23 where it says, "Teaching hours are defined in terms of the hours spent by employees of the provider delivering courses" (which I suppose is fair enough, it seems the easiest way to count teaching hours). "Payments are made irrespective of offender take-up, offender attendance rates and whether offenders progress, complete courses or achieve qualifications." In your next

contractual round that will start after this one finishing in 2009 is over, will you be addressing these points? Will you be trying to incentivise the providers to have higher outcomes?

**Mr Haysom:** That is absolutely right; that is exactly what we will be doing. We will be targeting and rewarding providers on the basis of engagement and achievement.

**Q16 Mr Bacon:** Why did you not do it to start with?

**Mr Haysom:** As I said, when we took over responsibility in this area we wanted to go about this in a careful and considered way.

**Q17 Mr Bacon:** Essentially, from July 2006 onwards, you were transferring the status quo ante and then trying to work at it rather than introduce a brave new world.

**Mr Haysom:** Yes, there is a bit of that. I think the last thing we would have wished to have done is go gung-ho with this and gone in to try to change the world overnight. I am not sure that would have gone down terribly well at all. We needed to learn this whole area; we needed to work this out; we need to build partnerships and relationships; we need to find out what works and what does not. We have been spending the time very constructively and that is why I can share with you the progress that has been achieved. Although at the moment we work on the basis of contracted hours of delivery we have actually made some good steps in terms of learning all of those things. We have introduced equity in terms of the funding methodology that sits behind that; we have used the last contracting round to introduce high quality providers who are delivering the results that we talked about and so on. This is not an area that we wanted to come into afresh and within months try to change everything. We needed to build experience, knowledge and skills. That is what we have done and we have actually created a very encouraging platform to build on. I genuinely believe that.

**Q18 Mr Bacon:** On page 21 in figure six there is a very obvious blip at one end of that chart. This is the distribution of the annual teaching hours per prisoner allocated to providers. What is the explanation for that peak at one end of 80 hours and only ten or 12 hours at the other end?

**Mr Haysom:** I cannot give you an explanation for that.

**Q19 Mr Bacon:** It is very marked.

**Mr Haysom:** Yes, it is very marked and the spread there is very marked. This again is part of what I am talking about. This is the inheritance, this is what we have had to work through and understand.

**Q20 Mr Bacon:** I take it these are for individual prisons, are they?

**Mr Haysom:** Yes. This is also what we have had to be very careful about not disturbing too quickly because that would have a destabilising effect.

**Q21 Mr Bacon:** Can the NAO comment on this? Is there a particular reason why some prison establishments have so much more provision than others? Is it because of the nature of the prisoners?

**Mr Robertson:** There is no reason that we could discern. We subjected this distribution to a statistical analysis, trying to take account of the type of prison, the people in it and so on. There is no real explanation that we could find. The only possible explanation I think, which I cannot vouch for as an audited finding, is that the highest institution is a youth offender institution and for younger people maybe there is more education, learning and skills.

**Q22 Mr Bacon:** I can see why you would not want to disturb it quickly because you could cause more problems than you solved.

**Mr Haysom:** Absolutely, and we need to work through this very carefully.

**Mr Wheatley:** Could I offer an explanation? This does not mean that what we have been told is not right, but the peak establishments are both young offender establishments with juvenile wings so they have juveniles in with additional funding and they are in full time education.

**Q23 Mr Bacon:** In paragraph 3.4 it says, "Evidence that offenders had received any form of assessment or screening was weak". It looks like 24% did not have learning needs assessments; 76% did have. "The lack of evidence that offenders' learning needs had been identified suggests that some offenders may be missing out on the learning and skills opportunities that they need." Presumably your ambition is to get to the point where every offender has the learning and skills opportunities that they need.

**Mr Haysom:** Yes, that has to be our ambition.

**Q24 Mr Bacon:** How long is that going to take?

**Mr Haysom:** We do need to be very realistic about this. Phil may be best placed to answer this, but there are all sorts of barriers to offenders coming in and going straight into learning. Phil has already touched on some of those and we need to understand them. This is a voluntary area as well; that needs to be understood.

**Mr Wheatley:** There are practical issues that get in the way of this but this does not mean that we should not drive up the percentage. I do not think we will reach 100%. It will include people coming in who are plainly, to the average person, suffering from a mental disorder and are really in some difficulties. It will include some very short stay prisoners who are with us for a very limited time. It will also include some who have been in before and been assessed before and are reluctant to being re-assessed again because they have previously done a sentence. There is a revolving door for some of the short sentence prisoners who will be well-known to the establishments. Some of those practical factors probably bear on this.



**Q25 Mr Bacon:** Could I ask you about transferring of records? This is a pretty basic point. It is referred to in paragraph 3.29 on page 35 where it says, "The failure to transfer records of assessment and learning and skills undertaken can result in assessments being repeated and learning plans being drawn up again". Just having the records follow a prisoner round the system ought not to be that difficult, including his or her educational records. Presumably if the prisoner is guilty of murder or grievous bodily harm that is something that the next prison where he or she goes would wish to be aware of, so the records will be transferred around with them. Why can you not also do it for education?

**Mr Wheatley:** You are quite right in thinking that their prison record transfers with them. Provider records which are kept separately—the education records—no longer form part of the main prison record. They should, in my view, be sent on.

**Q26 Mr Bacon:** Are they transferred separately?

**Mr Wheatley:** They are not part of the prison records.

**Q27 Mr Bacon:** What are they part of?

**Mr Wheatley:** They are provider records on learning held by the provider and not by the prison therefore I think the provider should be in a position to be able to move them. That is my view.

**Mr Haysom:** That is right, and that is what I was responding to earlier in saying that we are putting systems in place to achieve that. There are interim systems in place at the moment which are not perfect but they were put in as quick fixes to prove where we were and there is a new system which is going to be trialled as of September of this year in two regions, the North West and the North East, and will be fully rolled out by August next year. It is a system that we are currently building.

**Q28 Mr Bacon:** It sounds to me like basically you have a prisoner arrive and suddenly somebody realises the educational records are not there and you have to phone round to get them.

**Mr Haysom:** We have been very aware of this issue from the time we took on responsibility. We have been very conscious to put in place the systems that we have. As I say, they are not perfect. We have two approaches currently but they are not perfect and that is why the new system is being developed as a matter of urgency to put in place something which has not previously existed.

**Q29 Mr Bacon:** Mr Wheatley, you mentioned earlier the subject of motivating prisoners to take part in these courses. Do the techniques for motivating prisoners include levels of privileges which prisoners can only access when they have taken part in or succeeded in certain courses?

**Mr Wheatley:** They do include the privilege system.

**Q30 Mr Bacon:** Can you give us an example of the sorts of privileges that would be denied or withheld or allowed?

**Mr Wheatley:** There are three levels in the privilege system: basic, standard and enhanced. These are locally set schemes run by governors, not centrally mandated with me saying exactly what has to happen in each establishment. They are so different that it would be misguided to try to do that kind of bureaucratic process. It is possible to use the incentive scheme to incentivise prisoners to engage with their sentence plan, which can include education. That has been challenged by prisoners who say that we should not be using incentives to motivate them to engage in their sentence plan and that has been robustly defended. That means they can get access to a wider range of privileges which typically will involve longer periods out of cell, better access to visits, better access to telephones; the things that prisoners value in other words. There is greater access to privileges for those who are on enhanced. In my experience of running prisons—I spent quite a long time working in them rather than just working at headquarters—a lot of prisoners are very well motivated to engage in education which really inspires them. It is a very good way of doing time for a number of prisoners because whilst you are engaged in improving your prospects in a way you escape in your head and that is valued quite highly in prison. We do not need to apply many privileges to get prisoners to engage in education. However, that does not apply to all prisoners. We need to be careful we are not using the privileges we have unnecessarily to get people to engage in something that actually they value quite highly and particularly work that links with training is very highly valued by prisoners. I think that comes over in the Report from some of the focus groups. For many prisoners we can motivate them but there is probably a hard to reach group who also find it hard, even when they are accessing education and training, to make the best of it. They are the people who have been particularly challenged at school and have often ended up excluded; they are very difficult to work with in a learning situation.

**Q31 Mr Curry:** We are really talking about members of the underclass here, are we not, to a large extent?

**Mr Wheatley:** In many cases yes, but we have locked up some people who are anything but the underclass. The vast majority will not be life's successes.

**Q32 Mr Curry:** Let us not be too pedantic about it, but if you look at the description of the prisoners which is contained in paragraph 1.2 on page 10 they have no qualifications, they are not literate, they are not numerate; they were excluded from school, they have played truant regularly; they have mental health problems; they are from extremely unstable family backgrounds. So it is pretty rough material to work with.

**Mr Wheatley:** The majority will fit in that description.

**Q33 Mr Curry:** That means that their attention span is probably very, very limited indeed.

**Mr Wheatley:** It will with a number of them. Quite interestingly, in amongst this group are some really quite bright people who have used their brains on crime. They match your description in that they often have bad homes, they have often used drugs, but they have got brains and they do engage. You can engage them; they have quite long attention spans. However, there are a number who are difficult.

**Q34 Mr Curry:** The reason I ask the question is that my wife is a sculptor and some years ago she did voluntary work in one of the prisons with prisoners. She said the thing that was most frustrating was that they signed up and they wanted to be Michelangelo by the end of the week.

**Mr Wheatley:** I recognise that.

**Q35 Mr Curry:** They were not prepared to put in all the slow grind to develop the skill and then they got fed up because they were not Michelangelo. They drifted out and did other things. It became a sort of social event to break the boredom rather than any real learning experience.

**Mr Wheatley:** What we have been trying to produce by way of educational opportunities has been nearer to the hard grind of learning. We have for some time, even before we introduced these changes, been concentrating on basic skills and probably moving away a bit from the way we used to engage prisoners in education which was often round something like an interest in art or sculpture and then hope they would come to education from that. We have moved into a much more focussed approach on basic skills.

**Q36 Mr Curry:** That is what skills for life is, is it? It means reading and writing.

**Mr Wheatley:** Yes, and some life skills like budgeting; things you need to survive in society.

**Q37 Mr Curry:** Vocational training is skills for work, is it?

**Mr Wheatley:** Yes, specific skills.

**Q38 Mr Curry:** If you start with somebody who comes from that sort of background and at the end of the term that prisoner is going to be released, that prisoner is going to be released probably without a home to go to or any sort of supportive family; he is going to be released into a labour market in which a lot of the lower paid jobs have been taken by people who have come from abroad because they are better trained, better motivated and they will work for less pay (employers much prefer working with them because they are much more reliable than native Brits might be). It is quite tough for that prisoner to think that there is a pay back for the training; it is quite tough for me as a tax payer to think I have a pay back for it.

**Mr Wheatley:** I think if we can get people into work you have a pay back for it. We need to be absolutely realistic about what the labour market is like. We need to train people for the sorts of jobs they can realistically get. I do not mean to be flippant about it, but it is no good training somebody to be a bank

manager who has a lot of previous convictions. On the other hand, it is probably sensible to train them for cleaning work. I was at Hull Prison on Friday; they have a secure yard with a roof on it. They are training prisoners to do scaffolding in that. Scaffolding you can do with previous convictions. Scaffolding may seem a strange thing to do in prison but with a lid on the yard it is very safe and there are a lot of jobs in scaffolding. We need to make sure we train for what there is and looking for what the shortfalls are in the locality.

**Q39 Mr Curry:** How do you match a prisoner aspiration with a realistic assessment of what the prisoner can deliver?

**Mr Wheatley:** For me that is what offender management is about. It is about not saying, "We're glad you engaged in sculpture and you might be Michelangelo" when you can see they are not, but saying, "We want you to settle down outside". Most prisoners actually do. At the point they are in prison they do not want to perpetually keep getting involved in crime, particularly crime that is not very successful which is what most of them are involved in. We need to work with them and say, "What can you realistically do in this labour market?" In Hull, for example, we need to know what jobs there are. There are scaffolding jobs in Hull so that is a sensible thing to train people in. There are jobs in the caravan building trade so that is a sensible thing to try to give people some skills for. You have to be realistic about where pre-convictions will make it difficult to get a job.

**Q40 Mr Curry:** A prisoner is more likely to be motivated—presuming they do not want to end up back in prison—if they think there is a realistic prospect of employment which they can then hold down.

**Mr Wheatley:** Yes.

**Q41 Mr Curry:** What is the process whereby you try to find where the jobs are, you try to match a prisoner to a job, you try to see that process through?

**Mr Wheatley:** From a prison point of view and from the Learning and Skills Council point of view Mark may want to say something. From a prisoner's point of view governors are working closely within their area to find out what is happening. Let us use Hull Prison as an example; I happened to be there on Friday. The governor of Hull Prison is working with local employers, with the local employers' forum, he is working with the local authority and the probation service; they are also reaching out to Yorkshire Forward which is one of the development organisations that operates slightly outside their area but they also draw on the Yorkshire area. They are looking at what is happening in their area, what they can realistically do, given the facilities at Hull, which will increase the chances of somebody getting a job and breaking free of crime.

**Q42 Mr Curry:** Why would Tesco want to employ somebody who had been in prison when there are already Job Centre schemes to try and get people who have been long term unemployed into levels of employment?

**Mr Wheatley:** I do not want to comment on Tesco because I do not know what their view is on employing ex-offenders. I think we have to be realistic about who will employ ex-offenders and the sort of work they can go into. People do not usually worry on building sites about whether somebody has previous convictions; they do worry about whether they have the right ticket and the right training to do the job. Making sure that people have got that and can get into work is something we can sensibly do. I think quite a number of employers are not anxious to employ anybody who has a record, some for very good reasons but some could actually be more adventurous. Again, you have to be realistic about the risks that an employer takes on, hence the close work with local employers: this is what we have in Hull, you have skills shortages; if we turn people out with these skills are you interested? It has to be almost at that level. It is not possible to do it from London because the labour markets are quite different.

**Q43 Mr Curry:** What do you train female prisoners to do? What is your perception of where the opportunities in the job market are for female prisoners? Not scaffolding, I expect.

**Mr Wheatley:** So far as we have specific training for women, we are particularly looking at the hotel industry, organising events, working in catering jobs.

**Q44 Mr Curry:** Is the profile of female prisoners and male prisoners very broadly the same?

**Mr Wheatley:** No, there are differences between the two. There is a likelihood that more of the women will be primary carers—that is obvious enough—and that affects what kind of work they can do. There will be an increased use of drugs amongst the women's population; there is a higher rate of mental health problems amongst the women we have in prison. To a certain extent that is because of the way courts use imprisonment for women but it does mean there are differences. Unlike the male establishments where, looking again at Hull, most people will be going back into the Hull postcode area or into Yorkshire, the women's prisons, because they are serving a wider area because of the smaller number of women's prisons, the governor of a women's prison will be serving a much wider area and will find it not as easy to work on local job markets as somebody running a male prison.

**Q45 Mr Curry:** When we are dealing with this and related fields, we often move into a universe of fancy where we keep talking about jobs saved and jobs safeguarded and jobs created. All of this is, of course, very significantly guess work. It states at paragraph 2.22 on page 24 that there is academic research which shows the relationship between skills and the increasing likelihood of their being in

employment. How do you measure your success? How do you measure what the capital we have spent on your training gives in the shape of somebody not re-offending or finding a job as opposed to other factors like perhaps having a family to go back to out of prison?

**Mr Wheatley:** In terms of individuals we are seeking to measure what is happening or understand what is happening by following up a large tranche of offenders over a period of time and looking in detail at what happens to them. We are doing a very detailed research of a significant number of offenders coming out. That is a long term piece of research which will not produce its final results until 2012. In terms of how we measure whether what we are doing makes a difference, we use the annual figures of re-offending which, amongst other things, compare the rate of re-offending compared to the predicted rate of re-offending for a tranche of offenders who are released in the first quarter of each year. That is a pretty good measure of what is happening. That measure has been broken down by sentence length. In the published figures I have it by sentence length and it indicates that if you have prisoners long enough to work with them we are making a difference to their re-offending. This is increasing year on year as we roll out a number of interventions, including improved education and skills. That is how we measure whether the package is working; the individual bits will need the detailed research. That is the best way of doing it.

**Q46 Mr Curry:** You said that that is quite a long way away from getting the results. Between now and 2012 are there likely to be any hints coming forward?

**Mr Wheatley:** There are hints coming forward and there is a series of smaller research which continue to confirm that getting into employment is protective, that some of the things we are doing increase the chance of prisoners getting into employment. However, they are not at the level where I could put absolute faith in them as really solid bits of research. The indicative information supports what we are doing. The really solid information, which is the re-offending information, says that we are making improvements in all sentence lengths, but at the level of the under 12 month group—going back to the question you asked earlier—all that we are doing is that instead of having a negative effect we are now not having an effect; we are making them 0.5% better but I would not want to rave about that. With the longer sentence people we are making a difference in all the sentence groups: one to two years, two to four years, four years and over.

**Q47 Mr Curry:** Is it challenging for a prisoner to admit that he or she is functionally illiterate and functionally innumerate and to put themselves forward for a course to be taught to read and write, for example?

**Mr Wheatley:** It is, and again that is one of the reasons for working to motivate people. There are other schemes that we are operating outside what we are looking at here. For instance we offer what is effectively a peer mentoring system backed by prison

officers which helps prisoners to learn on their own. That has advantages for those who do not want to access education. A manual and some assistance from other prisoners backed up by prison staff is quite effective as a taster for getting them involved in better education. So we are trying to tackle this on several levels rather than just through the formal education programme. We also try to include in some of the work we are doing not vocational work but ordinary, straightforward work, motivation to try to persuade prisoners to learn to read and write. To give an example, if you are working in the gym actually working out the schedule for five-a-side involves you adding things up and writing, and that can be used as an opportunity to train people rather than just relying on formal education. Some of the best work helping offenders is done by prison officers or instructors in some of the ordinary workshops in ordinary domestic routines.

**Q48 Mr Curry:** It should lead into it.

**Mr Haysom:** Perhaps I could just build on that because you have taken a very important area here. One of the things we can very usefully do by working together is to find ways of assessing people's skills in the workshops in prisons and then we can feed that into qualifications. That is an amazingly valuable thing for an individual. If we can demonstrate skills to a level two, you will recall from previous appearances I have made here that at a level two you are more likely to stay in work, to progress in work and to have a sustainable employment and therefore more likely to avoid re-offending. If we can assess to a level two through that workshop approach that could be a very, very important step forward.

**Mr Wheatley:** It is a question of motivating and enthusing. To give another example, a workshop that was making concrete blocks—a good, solid man's work as they saw it—with some instructors who were very good with the prisoners and they actually sat down and did a class as part of what they were doing in basic skills. They were not part of the education team but they were trying to motivate people to learn to read and write and basic numeracy. They were quite successful and that then gave them the confidence to go into more formal education.

**Q49 Mr Curry:** If somebody gets a good GCSE that is a red letter day, is it?

**Mr Wheatley:** We are dealing here with people who have not been successful in education. They have been life's failures so far as the formal education system went. It is quite interesting, when you do present qualifications, how important it is to the offenders. They are actually very pleased indeed to get that recognition.

**Q50 Mr Davidson:** I have to start off by recognising the difficult nature of the groups you are dealing with, but I wonder about the extent to which that is used as an alibi for not achieving a great deal. I am not entirely clear what the place of the Offenders' Learning and Skills Service is in all of this. I am looking at paragraph 2.2 where it talks about the

unresolved tensions between the various desires, and the final sentence, "In practice, full agreement has not yet been reached on the primary role of OLASS for offenders in custody". I take that to mean that nobody really knows what you are meant to be doing. Given that you have been there for a while, is that not a bit of a difficulty?

**Mr Haysom:** I think it would be unrealistic to think that you could work in this area and for there not to be tensions between the different partner organisations. There are different jobs to do, different primary objectives within the different organisations. However, I do not think this has proved to be a barrier. Looking back now and reflecting on it it has actually proved to be quite a creative tension because I think it has focussed us on the thing that we share, which is a belief that we can all contribute to avoiding re-offending.

**Q51 Mr Davidson:** The fact that they are saying here that "full agreement has not yet been reached on the primary role of OLASS" suggests to me that nobody actually agrees on what you are meant to be doing.

**Mr Haysom:** I think we do.

**Q52 Mr Davidson:** Why does the National Audit Office write this and you have agreed it?

**Mr Haysom:** As I said earlier, this was an early Report, it was written just a year into the whole Service. There has been a huge amount of progress during that year as I have demonstrated. We do share a common objective and that is contributing to avoiding re-offending. That is what reunites us.

**Q53 Mr Davidson:** If there is a conflict between your needs and the needs of the prison service as a whole, then who comes off worst? Am I right in thinking that it is almost always you?

**Mr Haysom:** I think it depends what it is. I think we would bow to the prison service on many occasions.

**Q54 Mr Davidson:** So that is a "yes" then basically.

**Mr Haysom:** It depends on the circumstances.

**Mr Wheatley:** Perhaps I can put it in some sort of context. The money comes via the Learning and Skills Council and in my experience people with money have clout. The idea that I always win is not what I recognise, nor do I see this as competitive either. We are running prisons and we are dealing with a number of different needs. For instance, I have to get some very long sentence prisoners through their long sentences. Some of them will represent a horrendous risk to society and can expect to be released; some will represent a horrendous risk to society and will never be released. Some of those prisoners will get some form of education which allows them to survive better inside, which is a real issue for me as I have to get them through their sentence without them committing suicide and hold them humanely and give them no more than they are entitled to.

**Q55 Mr Davidson:** I understand that there are tensions. The fact that the primary role of OLASS has not yet been clarified does cause me to be a trifle

concerned. Looking, for example, at 2.4 there is the issue for me about what priority is given to those with the greatest needs. I can understand completely—I have watched episodes of *Porridge* so I understand these things—how it could be satisfying to take people who are already relatively well educated and put them in a classroom; it keeps them amused, it keeps them out of your hair. On the other hand, those who are probably in greatest need and those who would benefit most are probably those, as many of my constituents are, with literacy and numeracy difficulties, who are much more difficult to deal with. I am not clear from this that there is a priority given to those who are in greatest need and not a priority given to those who are the easiest to deal with. There is a whole number of things in here that strike me as targets having been set, those working the system can quite easily meet them by how they respond. There are difficult targets in numeracy and literacy, but if you just set targets about filling classrooms, you can always wheel out a few obliging souls to do that.

**Mr Haysom:** I do not recognise what you are saying. I do not think we are going for soft options here. If I refer you to page 22 and chart seven you will see there are very clear priorities being developed and we are not ducking any of these difficult issues at all. I referred earlier to achievement rates improving and those achievement rates are driven by vocational skills and by literacy and numeracy. These are not soft options.

**Q56 Mr Davidson:** What about paragraph 2.15 where it is talking about the contractors: “Payments are made irrespective of offender take-up, offender attendance rates and whether offenders progress, complete courses or achieve qualifications”.

**Mr Haysom:** Which is what we were talking about earlier, and if you recall what I said then was that when we took the Service on we were putting in place a system that maintained stability, which was not perfect but we had to learn the way through. In the next contracting round we will be addressing these issues. Nonetheless we still have achieved between the partners and particularly with providers some very encouraging progress in terms of more offenders engaging and more offenders achieving. There are more offenders taking part in learning and they are actually getting qualifications which are going to help them with their lives.

**Q57 Mr Davidson:** In terms of those who have literacy and numeracy difficulties, I understand the point about those who are there for very short periods but I think you exaggerate that maybe for effect. If offenders are in prison for less than a year I would have thought that you could make a substantial impact upon literacy and numeracy difficulties. I get the impression that that is not at the top of your list of priorities.

**Mr Haysom:** I do not know where you get that impression from because we are making a difference. We could not be achieving the results that I keep referring to if we were not doing precisely that. One of the things we have really worked hard on—by

that I mean the provider communities supported by all of the OLASS partners—is understanding how you do make a difference when there is a relatively short amount of learning that can take place for an individual offender, compared to what they would expect to have in the mainstream. They have really tailored their activity to be able to deliver the results.

**Q58 Mr Davidson:** The Report that we have says, among other things, that only one fifth of prisoners assessed as having very low levels of basic literacy and numeracy skills had enrolled on literacy and numeracy courses. That is not quite a ringing success, is it?

**Mr Haysom:** No-one is suggesting it is at all. Phil spoke about this at some length.

**Q59 Mr Davidson:** How bad was it before then? If you only have a fifth enrolled now, what were you doing for people before?

**Mr Wheatley:** The only counter for that is that for time we have been focussing on basic skills as the prime thing we educate in. That was the previous target that we, as a prison service, had when this was provided by contractors who worked directly for the prison service. That was our main target. At that point we were producing about 10% of the basic skills qualifications that were being produced across the whole country. We are major providers of basic skills training. That does not mean that we cannot do more.

**Q60 Mr Davidson:** If you are only helping a fifth of those who need literacy and numeracy help then you can obviously do a great deal more.

**Mr Wheatley:** Again you have to work out who is prepared to volunteer (because we do require people to volunteer), who is doing long enough (that is a real issue) and you are right in saying that prisoners who are in for a year could certainly do something. Those who are in for only a few weeks can do a little; those who are in for a week or so—that is many of them—actually cannot do anything very much. We have to have people who are motivated and there long enough, and we are trying to make sure they have the education to take up. We are getting basic skills accreditations which suggest that we are making a difference.

**Q61 Mr Davidson:** If I remember, last time you were here—maybe not yourselves but your organisations—one of my colleagues suggested that people should not be let out until they had learned to read and write. Perhaps that is a trifle severe. It is possible, presumably, that in the nature of parole hearings and so on that that is one of the issues taken into account. Is that done?

**Mr Wheatley:** It is certainly one of the things you would take into account in parole, although parole of course affects a very small part of the total. The vast majority of prisoners are not in the parole field; they are going through on shorter sentences and they are the people we really need to reach because in amongst that group will be most of those who have very, very poor levels of skills. It is this revolving

door group who are often in for relatively minor but, from the point of view of the public, very unpleasant crime who carry most of the deficiencies that have been referred to earlier.

**Q62 Mr Davidson:** What links them with outside in these circumstances? I can think of many of my constituents who will disappear for periods and then reappear. If they are tanned they have been on holiday and if not they have been with yourselves. What is there that can be done? Is there a structure that can allow them to be starting something inside and continue it outside? Is there a liaison arrangement?

**Mr Wheatley:** For the under 12 month group who have no supervision on release there is advice and guidance and we try to connect them through to training courses—people working in education and skills will try to do that—but only for the over 12 month group where they are going out with supervision have we got any chance of directing them with a structure that enables us to follow through. Those are those who are on supervision; anybody serving over 12 months or young offenders come out on supervision for a period which means we can follow through and we are trying to do that. In the case of many of these young men—there will be women among them but it is very often young men who are coming out of prison—the absolutely crucial thing is to get them into a job to make money so they have sufficient going on to feel that they have a life. It is probably more important to get them into a position where they can get employment.

**Q63 Mr Davidson:** I understand that point. Unless they end up getting some sort of literacy or numeracy abilities then they are liable to be back with you because the jobs they can get would be at the bottom of the scale.

**Mr Wheatley:** It restricts the jobs and they get poor pay, yes.

**Q64 Mr Davidson:** I understand that. One of the points that is made to us as well is that some prisons have volumes of provision equivalent to over 80 hours per prisoner and others have less than 20. Why is that inequality persisting?

**Mr Haysom:** Referring back to the answer I gave earlier, that is what was there before we became involved. We were very anxious not to change that too quickly and destabilise those different institutions. That is why we are now working through in this next contracting round next year to re-balance that mix of provision.

**Q65 Mr Davidson:** So next time you appear in front of us this will be re-balanced and there will be equity and fairness.

**Mr Haysom:** That is the intention. I am not sure that equity and fairness are necessarily what we are seeking to do here. I think what we are seeking to do is to try to meet provision and need so it may not be equal if that is what you are trying to get to. Certainly it will be very considered, very worked-through as to what is the appropriate provision for

each institution and for each type of learner. We will then need to get from where we are now to that new place in some kind of orderly transition because again you are not going to do that and switch it over night because that is going to cause all sorts of issues inside prisons. We need to get that transition right.

**Mr Wheatley:** There are outliers which certainly include some of the juvenile establishments and some people at the low end of the scale including the resettlement prisons where actually we try to send them out to work and we are deliberately trying to select people who can go and work outside prison rather than giving them education inside prison.

**Q66 Mr Davidson:** So you will be able to demonstrate equality of opportunity.

**Mr Wheatley:** We should be able to show that we have a logical process. There are some practical measures to put in place so, for example, Wood Hill Prison has no workshops at the moment; it only has an education block. It is the only way of occupying prisoners and we would need to build workshops which means that I have to have sufficient resources to build new workshops so I can put some substitute activity in because I have to keep people occupied to get them through imprisonment safely and sanely. We will need to invest and have the money to invest in alternative ways of occupying prisoners. In some establishments they have only been equipped with educational facilities. The other one that springs to my mind is Lancaster Castle where we use the keep which makes a reasonable education centre but it would not make a good workshop. It is the Norman keep boarded in and is not really appropriate for most workshop activities.

**Q67 Mr Davidson:** When you come back again how do we know that you have been more successful than you are at the moment?

**Mr Wheatley:** When the next multi-variable analysis is done it will show that there is a pattern in what is there rather than just the history. I think that will be the test of whether we have made real changes. We need to do it safely so that in the process we have not provoked a riot or something like that.

**Q68 Mr Davidson:** Are you on performance related pay at all?

**Mr Wheatley:** Very little, I am afraid.

**Q69 Mr Davidson:** Is that that you have achieved very little? What does that mean?

**Mr Wheatley:** It means that the Government does not give me much performance related pay.

**Q70 Mr Davidson:** Is this one of the points that is taken into consideration?

**Mr Wheatley:** No it is not actually, because in the responsibilities for how my job is split up my task at the moment is to make sure that prisoners do get into workshops and into education and we use what is there. The decision about what is there belongs to the Learning and Skills Council.

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**Q71 Mr Davidson:** Are you incentivised to make this work?

**Mr Haysom:** I am incentivised against a whole range of targets, many of which are in exactly the areas that you have been probing, so numeracy and literacy and so on. I have to hit those targets at level two and I have to say that without a major contribution in this area we are not going to hit the targets.

**Q72 Mr Bacon:** I have just been looking at this note from the Howard League which prompts a question which follows on from what Mr Davidson was saying about this social enterprise *Barbed*. It sounds good but it is their note so we do expect it to sound good given that they have written it. Is this a model that you think can be expanded?

**Mr Wheatley:** I have not seen it.

**Q73 Mr Bacon:** Are you not familiar with *Barbed*? It is the world's first social enterprise in a prison.

**Mr Wheatley:** We have worked with the Howard League who are running a workshop in which they are using, if I remember rightly, prisoners' ability to do design and selling their work. It is good; we are pleased to have it. It deals with a small number of offenders; it is outside what we are talking about at the moment.

**Q74 Mr Bacon:** Yes, hence my question, is this a model that can be expanded?

**Mr Wheatley:** It is probably a model we can do more with but will not be a complete answer.

**Q75 Mr Bacon:** There is no one complete answer, is there, otherwise we would have gone home quite a long time ago. The sentence that caught my eye is, "The studio is run as a proper business, this is not a 'do-gooding' project".

**Mr Wheatley:** It is probably a small business, a business that is unusual and has lots of interest. It manages to survive as a business. It is not, I think, one that could go to scale, so not one where we could become major players in the design business. It is possible to have a number of small enterprises and we actually do that within our systems. For instance, I have a number of people doing desktop publishing inside and doing small scale orders mainly for local charities which pay for the cost of the training that we have managed to do in those workshops. I think trying to get things that produce real work are very good for prisoners because it exposes them to the reality of real work which has a tempo and a pace to it that is maybe not what they expect.

**Q76 Mr Bacon:** That is exactly what this note is all about, about the importance of real work.

**Mr Wheatley:** I am with that and we are trying to produce more workshops that do that and give that sort of experience. Not all our work is done in conjunction with the Howard League but we are looking for opportunities to find work that is like real work so that we can give prisoners proper work

experience. That is mainly done outside the learning and skills arrangements but it builds on what we are trying to do.

**Q77 Mr Bacon:** I wanted to ask you a question which will probably result in your sending us a note. You mentioned that there are a lot of prisoners who are in prison for one week. What percentage of the prison population overnight on any given night are in for one week?

**Mr Wheatley:** I would have to send you a note on that.

**Q78 Mr Bacon:** Do you know roughly what it is?

**Mr Wheatley:** I can tell you, because I think I have it with me, that the first quarter's releases which produce the re-conviction data, we have 10,334 serving less than 12 months and 2,500 in the 12 month to two year group. That gives you an idea of the proportion. Those serving four years and over there are about a thousand released in a quarter. That means that we are releasing a lot more short termers than long termers. As to how many do a week versus two weeks versus three weeks I would need to send you a note.

**Q79 Mr Bacon:** That is exactly what I wanted to know.

**Mr Wheatley:** It is time served that is crucial rather than the sentence.

**Q80 Mr Bacon:** I am asking about time served.

**Mr Wheatley:** We would need to research it.

**Q81 Mr Bacon:** If you could send the Committee a note that would be very helpful, showing on any given night of the week of the roughly 80,000 people in prison how many you are expecting to be there for one week, two weeks, for one month, two months, et cetera.

**Mr Wheatley:** I think the crucial thing is not just on any one night because I can tell you that just over 10% of the population are serving less than 12 months, but because that group are churning round very quickly in the course of a year we have had a lot of them whereas the person who is doing life, they are there for ten years running so we need to show you how, in terms of release, the balance is struck between them.

**Q82 Mr Bacon:** If you could spread it out across the entire year and also show us how it affects the balance that would be very helpful.

**Mr Wheatley:** I will do my best to give you a note on that.

**Q83 Mr Williams:** Mr Wheatley, you referred to privileges and incentives where you get access to phones and more time out of cells. Does that mean that someone who goes in who is reasonably well-educated actually loses out because there are no courses that would be appropriate?

**Mr Wheatley:** We use it to incentivise people to go along with their sentence plan; we do use it in that

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way. If you had a very low chance of re-conviction and you were behaving perfectly well and there was no need to give you any intervention, you would not be required to go to education to fit in with your sentence plan. You might very well be required to go to a workshop and do ordinary work or clean toilets or something like that. That would be your sentence plan. We can use it to incentivise cooperation with a sentence plan which then takes account of people's needs, and that includes attending offending behaviour programmes. To give an example, sex offenders who deny that they ever committed the

offence we can say, "We are not going to make you an enhanced prisoner unless you cooperate with sex offender treatment" which incentivises some people to think that actually they should really accept that they did it and then be able to deal with their offending behaviour, which is obviously important to us in society.

**Mr Williams:** Gentlemen, I can only say that I do not envy you your challenge. I think it is clear you are trying to find a way through the problems that confront you. Thank you so much for coming along today and being so helpful.

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### Supplementary memorandum from the National Offender Management Service

#### Questions 77–81 (*Mr Bacon*)

The latest population data available for analysis is from 2006. The data is published in *Offender Management Caseload Statistics 2006*, Ministry of Justice, December 2007. The headlines from the data are:

- 65,900 adult prisoners were discharged from determinate sentences.
- Of those, 25% served an average of only one month. With remand time excluded, this group served an average of 24 days.
- A further 27% of all adult discharges, served less than 2 months, excluding remand time.
- In total, 52% of all adult discharges in 2006 served less than 2 months in custody.
- 12,500 young offenders were discharged from determinate sentences in 2006.
- Of those, 22% served an average of one month. With remand time excluded, this group served an average of 27 days.
- A further 38% of all young offender discharges served 2.5 months including remand time and 2.1 months excluding remand time.

This data clearly shows the challenges we face in terms of assessing need, prioritising interventions and then delivering services to prisoners that reduce their risk of re-offending. For many of these prisoners our over-riding priority is managing their drug detoxification and assessing their mental and physical health. It is only once these matters are being safely managed that we can facilitate the delivery of services and interventions, including learning and skills, to prisoners.

#### AVERAGE TIME SERVED BY ADULT PRISONERS BY SENTENCE LENGTH

Sentence length	Number of persons discharged	Proportion of discharges %	Average length of sentence (mths)	Average time served (months)	
				Including Remand time	Excluding remand time
All sentence lengths	65,900	100	16.5	9.0	8.1
Up to and inc 3 mths	16,300	24.8	1.9	1.0	0.8
Over 3 mths and inc 6 mths	17,900	27.0	4.7	2.3	1.9
Over 6 mths less than 12 mths	6,200	9.4	8.6	4.0	3.3
12 months	2,800	4.3	12.0	5.8	4.9
Over 12 mths up to and inc 18 mths	4,600	7.0	16.3	7.8	6.5
Over 18 mths up to and inc 3 yrs	8,900	13.5	28.4	14.5	12.6
Over 3 yrs less than 4 yrs	2,700	4.1	42.5	23.0	20.2
4 years	1,400	2.1	48.0	29.4	26.6
Over 4 yrs up to and inc 5 yrs	2,200	3.3	57.0	34.9	31.4
Over 5 yrs up to and inc 10 yrs	2,700	4.1	83.9	51.3	46.3
Over 10 yrs less than indeterminate	300	0.5	157.2	95.4	86.6



## AVERAGE TIME SERVED BY YOUNG OFFENDERS BY SENTENCE LENGTH

<i>Sentence length</i>	<i>Number of persons discharged</i>	<i>Proportion of discharges %</i>	<i>Average length of sentence (mths)</i>	<i>Average time served (months)</i>	
				<i>Including Remand time</i>	<i>Excluding remand time</i>
All sentence lengths	12,500	100	9.8	4.9	4.2
Up to and inc 3 mths	2,800	22.4	1.9	1.0	0.9
Over 3 mths and inc 6 mths	4,700	37.6	4.8	2.5	2.1
Over 6 mths less than 12 mths	1,900	15.2	8.6	4.2	3.5
12 months	700	5.6	12.0	6.1	5.3
Over 12 mths up to and inc 18 mths	700	5.6	17.0	8.3	7.2
Over 18 mths up to and inc 3 yrs	1,000	8.0	28.4	13.6	11.7
Over 3 yrs less than 4 yrs	300	2.4	42.4	20.5	17.5
4 years	100	0.8	48.0	28.0	24.8
Over 4 yrs less than determinate	100	0.8	59.7	34.4	31.0

## Memorandum from A4e Offender Learning and Skills Service

## EXECUTIVE SUMMARY

1. A4e are an established provider of offender learning services in 32 prisons in the UK. In response to the Public Accounts Committee on OLASS we have three issues that we would like to raise, Employer Engagement, Incomplete Qualifications and Social Enterprise.

## BRIEF INTRODUCTION TO A4E

2. A4e is an international business that manages, operates and delivers front line public services on behalf of public sector customers. A4e provides a broad range of services to individuals, organisations and communities working with the public, private and third sectors. Services include offender management, welfare to work; skills and workforce development services; enterprise support; a range of services to the financially excluded; public health and social care services; educational services; and increasingly funding distribution and supply chain development services for government agencies and departments.

3. A4e have been involved in the delivery of the OLASS service since its inception three years ago. A4e is the largest private provider of offender learning, working with offenders in 32 prisons, delivering 196,000 hours of learning in prisons each year. Over 600 of our staff are dedicated to offender learning, representing a quarter of A4e's total work force. A4e's work with OLASS is about reducing the risk of re-offending by providing offenders and ex-offenders with the support they need to overcome barriers to learning and employment.

4. A4e would like to raise the following points from the discussions held at the PAC committee and from our experience in offender education.

## EMPLOYER ENGAGEMENT

5. In our experience an offender is more likely to retain motivation if there is a realistic prospect of gaining employment when they are released. In the prisons we work in we have found that engaging employers to lead the training is one of the most effective ways to secure job outcomes and deliver truly demand led training relevant to the needs of the labour market. Employer engagement is not specifically the responsibility of any one organisation and since there are no contractual obligations it can often fall by the wayside.

6. OLASS Providers should be accountable for Employer Engagement so that employer demand can lead the nature of the training in custody. This will help to stimulate employment opportunities for offenders on their release. By linking into Job Centre Plus Offices and Local Employment Partnerships in the areas where offenders are due to be resettled OLASS Providers can provide a more responsive and effective employment focused service and break reoffending cycles.

7. At HMP Blantyre House A4e has been working in partnership with high street retail chain Timpsons, securing full time employment for inmates. The company has actively sought to recruit ex-offenders, and as a result, over the last few years, has provided opportunities for a number of individuals across the country, which has led to one being promoted to store manager and also one as assistant manager. Offenders who gain release on temporary licence (ROTL) can begin working on the company's training programme, leading to permanent employment.

8. Dennis Phillips from Timpson said “Blantyre House is without doubt a success story, the prisoners have taken on board the opportunity offered and are clearly adding value. I am confident that they will have a fantastic career with our Company.”

#### INCOMPLETE QUALIFICATIONS

9. It has been well documented in the NAO report that incomplete qualifications for offenders are very costly for the LSC. If qualifications and programmes for offenders in custody and community settings were aligned then there is no reason why an offender could not continue their Individual Learning Plan with a community learning provider on their release. This could be arranged using existing funding through join up with DWP and LSC funded provision for unemployed people. If qualifications remained incomplete when the offender commences employment they could be completed using LSC funded Train to Gain or Apprenticeship services.

10. What is required is an end-to-end journey for offenders that begins at sentencing, continues when they move through the prison gate and back into the community and finished when they are in employment and fully rehabilitated.

#### SOCIAL ENTERPRISE

11. A4e have been developing a concept that will bring social enterprise projects into prisons to help deliver vocational skills with embedded skills for life activity. The Working Wing a scalable system where all support services for offenders are brokered and managed by one organisation without increasing current funding. This way, offenders receive an individual support brokerage service from the same person in custody, in the community and into employment at no extra cost.

12. In the Working Wing live vocational projects would be used to provide a commercial vehicle that would be run as a business delivering a range of services in the prison to the prison population; it would employ people from outside the prison, and offenders in the prison to deliver the services. We would like to have offenders spending a 9-5 working day on the wing, which will allow offenders to commit full time to the projects.

13. At HMP Haverigg inmates work on live social enterprise projects, one of the most successful has been in horticulture, where offenders grow plants, fruit and vegetables that are sold at a nearby market stall. Garden furniture is also made and sold locally. Buyers can request items that are made to order to suit their needs. Offenders work towards vocational qualifications such as NVQ Levels one and two in Horticulture, along with embedded basic skills, financial accounting and joinery to assist them in sourcing employment when they leave.

14. Working Wing Projects could be developed that work across both community and custody, for example a recycling business could be created where community sentenced offenders collect recyclable rubbish from homes/offices and this is brought back to the prison where the “in custody” offenders sort and package ready for redistribution to the relevant disposal areas. This would be linked to an Intermediate Labour Market (ILM) working with the local authority.

15. This approach will provide practical learning and practical work experience; it will also provide a range of jobs from hands on practical work to management, financial accounting and administration work.

#### CONCLUSION

16. A4e supports the Panel’s contention that the prospect of gaining employment is an excellent motivational tool when working with offenders. We recommend that the responsibility of engaging employers should sit with OLASS Providers as a contractual obligation to the LSC. This will give clear lines of responsibility and align offender learning in custody to welfare to work provision available in the community.

17. Further to this, closer linkage between OLASS and welfare to work providers will allow offenders, including those serving a sentence of 12 months or less, to begin vocational and Skills for Life qualifications in custody which could be completed upon release. We have found that engagement of offenders in custody is often easier due to the structures of the prison institution. It is at the point of release where support often ends—yet this is the crucial moment to break the cycle of reoffending.

18. A4e support the integration of social enterprise projects within prisons and we have developed the Working Wing Model with social enterprise at the heart of the support for offenders. At the moment social enterprise is occurring sporadically in the prison estate but there is no consistent approach under OLASS or prison governance to these initiatives.

## Memorandum from the Howard League for Penal Reform

### WORK IN PRISONS

The Howard League for Penal Reform believes that the current emphasis on training in prisons is welcome, but that training alone is not enough. Training, such as that involving public/private partnerships (such as the partnership with Laing Construction at Wandsworth prison), can certainly offer skills required in the labour market. There is, however, a certain failure of imagination in many of the trades the training leads to—ie bricklaying, plastering etc. As our Barbed project demonstrates, there are extremely marketable potential skills that lie mostly untapped within the prison population. The briefing below discusses how real work in prisons can be expanded to make prisons more productive and purposeful.

### BARBED

Barbed is the only social enterprise based inside a prison. It has three purposes:

- to provide high quality and professional graphic design using a social enterprise business model;
- to feed its profits into the core penal reform work of the Howard League, a charity that relies on voluntary funding and a diverse income stream; and
- to be a model for a whole new way for industry to work with prisons and prisoners.

#### 1. *History of work in prisons*

The Howard League for Penal Reform has been conducting research into the area of work in prisons since it was founded in 1866. In the last decade we have given evidence to the Home Affairs and Public Accounts select committees, published research, conducted surveys of prisoners and consulted widely inside prisons.

We developed the concept of the social enterprise inside a prison based on fair trade principles after becoming increasingly concerned that:

- Prisoners who work receive a token salary, at an average of £8 per week. Current wage levels provide little incentive to work and help to reinforce a negative picture of legitimate work—crime appears to pay better.
- Because remuneration is so low, prisoners do not take part in the full earning experience including paying tax and NI, or learning about savings or budgeting to support their family. They have been and continue to be excluded from citizenship.
- Prisons are effectively reinforcing the view that “cash in hand” is legitimate. Prisons pay “cash in hand” avoiding tax and a fair wage for a fair day’s work. The overwhelming majority of prisoners have never had a real work experience for a real employer, and prison work legitimises the informal and illegal economy.
- A small number of prisons have embarked on public/private partnerships where private companies supply the equipment and materials, and pay enough money to the prison to cover the prison salaries and overheads. These private companies are effectively using prisoners as cheap labour, giving them the most menial tasks that might otherwise be exported.
- A handful of the public/private partnerships have resulted in higher salaries of £40–£50 per week, which makes them popular with prisoners regardless of the nature of the work involved. A positive outcome has been that some of these companies have interviewed and employed prisoners once they have left custody.
- There is disagreement even about the objective of workshops in prison—are they to give prisoners an opportunity to enhance their employability, or just a way of keeping them occupied out of cell?
- Because the Prison Service sub-contracts with outside employers and prisoners are therefore employed by the service, they have no relationship with the business, no responsibility or commitment.
- This system of sub-contracting distances employers from prisoners and means that they do not have the normal employer/employee relationship.
- The quality of work is rarely competitive or reflective of the real work experience.
- The work available does little to reinforce the work ethic or provide the broader aspects of gainful employment such as social status, social interaction, career progression, long term financial reward or involvement in workplace development. It does little to reinforce the lifestyle choice not to commit further crime.
- Work in prisons is often desultory, with curtailed hours, with constant interruptions for security or regime exigencies.

- The nature of prison work is usually unlike that on the outside—machinery and processes are outdated, interruptions reduce productivity and prisoners are usually passive and uninvolved in the development of the products they produce.
- Work in prisons has had little political or management interest for many years.

## 2. *The case for real work*

In March 2008 there were 22,883 men and women serving four years or longer and a further 10,093 serving life or indeterminate sentences. Whilst there has been considerable investment in offending behaviour courses and basic skills education, little consideration has been given as to how to fill the time of those people who are going to spend many years in custody.

It will cost the taxpayer more than £120,000 to pay for a four year sentence and the likelihood is that the ex-prisoner will be unemployed for the rest of his or her life. We, the taxpayers, will have to support him or her for the rest of his life, and, because (s)he will not have a pension, through old age to the grave.

Real work would mean that prisoners would pay tax and NI and save for a pension. They would be productive members of the community.

Real work would help the Prison Service as it would no longer have to find bits of work for people—a task it has not flourished at.

There would have to be a review of the legislation guiding work in prisons as currently prisoners may not pay “bed and board”. We suggest the idea of paying for an enhanced prison experience be explored. Whilst it would be morally reprehensible to ask prisoners to pay for security, we see no reason why they could not contribute to improved conditions, education, better food and better links with families.

Families might be more willing to stick by them if they are contributing and the forecast for work on release was improved. A supportive family and a job provide the best hope for a crime-free life on release.

- the tax-payer would benefit in the short term from increased revenue;
- the tax-payer would benefit in the long term if people have contributed to NI and have a pension;
- victims would benefit from charitable donations;
- prisons would benefit from having prisoners productive, involved and more contented;
- prisons would benefit from having additional income;
- prisoners’ families would benefit from better relationships, engagement, contact and financial support;
- prisoners would benefit from proper work, savings and being treated with respect; and
- prison staff would benefit from improved relationships and safer prisons.

Whilst training has a place in the prison regime it is too often delivered at the wrong time—we have seen prisoners doing a course in railway track laying but seven years before their earliest release date. It should be part of the pre-release programme or for short term prisoners. For long term prisoners, real work offers real opportunities.

## 3. *The world’s first social enterprise in a prison—BARBED*

We developed the business model using fair trade principles. The idea is that the enterprise fulfils the core charitable objectives of the Howard League. Profits will go into the general penal reform work creating a diverse stream of income.

Barbed is a graphic design studio that carries out work for a range of voluntary, statutory and commercial companies. It can also act as print buyers and so provide an expert, speedy, high quality and professional design and print service at competitive prices.

Last year we recruited and invested in a six month training programme for six prisoner members of staff. They were appointed on the same contracts as Howard League staff and receive the same benefits and management. To all purposes, they are Howard League employees.

The charity gives them the same 10% contribution to a private pension plan as Howard League staff (we did help them set up pensions).

The studio is run as proper business, this is not a “do-gooding” project.

Because prisoners generally may not pay bed and board, we inserted into the contracts a clause that means they have to pay 30% of their wages to a fund that will support special projects, for example they gave £1,000 to the Prison Education Trust for distance learning programmes. The fund is managed by a representative from the prison, the prisoners and the Howard League.

In addition, each of them makes a voluntary donation to Victim Support.

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They have been paying tax and NI. However, because the Prison Service holds that prisoners may not be employed by outside businesses, the Revenue has ruled that they may not be charged tax. The tax they have paid has therefore been returned to us and we are holding nearly £20,000 in special account until we have resolved what to do with it. These prisoners want to pay tax; they want to contribute to society but are being prevented from so doing.

Three prisoners have already graduated onto open prisons, one of whom is now employed in the Howard League office as the marketing officer for Barbed. He is released every morning and comes to work in our offices to promote the business.

The enterprise should act as a prototype and model for industry to replicate. The Prison Service would have to recognise that outside employers working commercially would have to be treated with respect and that prisoners would be employees gaining employment rights. This may cause challenges but is not insurmountable, given the huge benefits.

*May 2008*

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