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Prisoners  
Education  
Trust

## Response to ‘Transforming Rehabilitation: A revolution in the way we manage offenders’

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### About Prisoners Education Trust

Since 1989, Prisoners Education Trust has been providing access to broader learning opportunities for prisoners, to enhance their chances of building a better life after release. We do this through an advice service, peer mentor training and a grants programme which assists over 2,000 prisoners each year to study distance learning courses in subjects and levels not available in prison. We are funded by over fifty different trusts and foundations, receive donations from individuals and also receive funding from the Department of Business, Innovation and Skills.

Through our policy work, PET raises awareness of the importance of education for prisoners in aiding rehabilitation and makes the case for better access to academic, creative, informal and vocational learning in prison. Key to this is incorporating the voices and views of prisoners towards education provision and we use their experiences to influence policy and good practice.

### Introduction to policy response

As a member of the Criminal Justice Alliance, Prisoners Education Trusts supports and concurs with their response to this consultation.

In this response we re-emphasise several points raised in the CJA response, however we also draw on our expertise and prisoner feedback to make some additional comments relating to the valuable role of learning in prison and after release towards rehabilitation and reducing re-offending.

## Question B1: How can we maximise the results we get from our collective Government and public sector resources?

### Summary:

- In order to maximise results to reduce re-offending, work in custody must share the same focus on outcomes as after release. If the interventions offered in prisons have different targets and objectives to post release services, and if post release work does not build on, and lever, investment pre-release, the overall impact will be less effective and less cost-effective. There is nothing in the current learning and skills (OLASS 4) contracts which require providers to consider reducing reoffending specifically. Both custodial and community services must be coordinated to the same goal to shift the culture of the criminal justice system radically towards a shared goal of reducing re-offending.
- Prisoners have diverse needs and therefore we should use every route to desistance appropriate to the individual. There is no 'one size fits all' solution. Resettlement planning should start early in the sentence and follow through to post release.
- Education and learning form one vital route to desistance and reducing re-offending. However more needs to be done to ensure that the current obstacles to learning are lessened and that prisoners have the time, resources, opportunities and support to benefit from education and training in preparation for release.
- We recommend that in the short term, given that the new contracts have recently been awarded, the PBR providers should be encouraged and required in their proposals to work closely with OLASS providers and others (such as PET) supporting education in prisons. However in the long term, thought should be given to how to ensure that prisons, OLASS providers are incentivised to focus together with community providers on the outcome of reducing reoffending, rather than outputs of accreditations awarded. This would maximise results by ensuring the focus throughout the prisoner journey towards facilitating routes to desistance.
- To maximise results from ex-prisoner mentoring, skills training is vital to ensure that mentors have the knowledge and soft skills necessary to carry out the role effectively. The Justice Secretary has said *"This is about getting a mix of high qualifications, of the kind we find in our public probation service, in people who have turned away from crime and who are helping those who might end up in a place where they once were"*. We recommend that distance learning, as a means to obtaining level three and above qualifications, is supported adequately in prisons. We provide two case studies of prisoners who PET have funded who have now set up their own charities or social enterprises employing ex-prisoners as mentors. Such small, ex-prisoner led organisations should be grant funded by the PBR providers to provide the services the Justice Secretary has described. However the current reduction in support for distance learning in some prisons risks preventing future potential well qualified mentors from being able to play their part in helping reduce re-offending of both themselves and others.

- Another way to maximise results in reducing re-offending is to use ICT in prisons more effectively with focus on education, resettlement and maintaining family ties.

Investment in prisoners in custody and community must both be coordinated towards the shared goal

It is clear that the Transforming Rehabilitation consultation is focused on services post-release in the community. However what happens in custody, particularly for those prisoners with sentences over 12 months, is potentially crucial in the journey towards desistance. It is not clear from the consultation how prisons fit into the ‘transforming rehabilitation’ agenda. As the Secretary of State commented in the debate in the House of Commons on 9<sup>th</sup> January 2013 introducing this consultation, ‘*I see social challenges as a jigsaw puzzle*’. One of the risks of Payment by Results for post-release services is a fragmented system in which the pieces of the puzzle do not fit together due to differing, and sometimes opposing, targets and objectives. The Policy Exchange, in a recent report on Payment by Results<sup>1</sup>, recommends that the ‘*real prize*’ of PbR should be a ‘*culture change to an outcome focused and more integrated CJS*’.

Prisoners Education Trust believes that to secure a culture change throughout the CJS, this must include custody. As the Minister of State for Criminal Justice and Policing, Damien Green MP, set out in recent speech, “*The first problem that I want to discuss is the lack of a clear, common purpose and accountability across the CJS*”. He goes on to identify that ‘*too often, the various agencies don’t pull together to meet what should be shared outcomes*’ and ‘*Within those diverse outcomes there are targets, performance indicators and measures in any one agency that can run directly counter to the goals of another*’. We are pleased that the shared goals have now been clarified as including ‘reducing re-offending’.

The fourth phase of the Offender Learning and Skills Service (OLASS 4) began in August 2012. Currently the targets for OLASS 4 providers focus on outputs such as numbers of accreditations. There is also nothing in the specification for the OLASS 4 contracts<sup>2</sup> which requires providers to consider reducing reoffending specifically or even the principles of desistance. Although there is a focus on employability, which is one route to desistance, there is no outcome result payment for those learners who enter employment after release. The focus on employability also ignores the wider impact of learning on other reducing re-offending pathways (such as attitude, thinking and behaviour and family ties<sup>3</sup>), as well as principles of desistance (development of a pro-social identity<sup>4</sup> e.g. as a student). This is emphasized in our film ‘More than just a Prisoner’<sup>5</sup>, where prisoner learners articulate how learning has helped them develop a new sense of self. Through

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<sup>1</sup> The Policy Exchange, ‘Expanding Payment by Results’ (2013)

<sup>2</sup> [http://readingroom.lsc.gov.uk/SFA/Funding\\_Rules\\_and\\_Guidance\\_201213\\_for\\_the\\_Offenders\\_Learning\\_and\\_Skills\\_Service\\_phase\\_4\\_%28OLASS\\_4%29.pdf](http://readingroom.lsc.gov.uk/SFA/Funding_Rules_and_Guidance_201213_for_the_Offenders_Learning_and_Skills_Service_phase_4_%28OLASS_4%29.pdf)

<sup>3</sup> ‘Brain Cells: Listening to Prisoner Learners’, Prisoners Education Trust (2013)

<sup>4</sup> ‘Fit for Release’, Prisoners Education Trust (2012)

<sup>5</sup> <http://www.prisonerseducation.org.uk/index.php?id=578>

the self-discipline of working towards and achieving educational goals, this has led many prisoner learners commit to developing that positive identity<sup>6</sup>.

*“When the paperwork came through it was a big parcel with books. I thought to myself, I’m a student, I’m a degree student! The stuff on desistance rings bells for me as at that point I stopped seeing myself as a prisoner, I was a student. It was like I was at university. Every month I had an assignment to do and I would send it off and get the marks and comments back and I would get 70%, 80%. I would put these letters on my wall. It kept me going”.* PET-funded OU student

To maximise results, both custodial and community services must be ‘singing from the same hymn sheet’ in relation to desistance to shift the culture of the criminal justice system radically towards a shared goal of reducing re-offending.

#### No ‘one-size-fits all’ solution

Prisoners have diverse needs and therefore every route to desistance must be used. There is no ‘one size fits all’ solution.

Resettlement should begin early in the sentence and the ‘offender journey’ should be planned a view to beyond the gate and to reducing reoffending. Only such a joined up approach will adequately prepare the prisoner for release. Time in custody is a prime opportunity to educate and up-skill prisoners as they do not have the distractions of life to deal with. It is therefore vital that time in custody should be used productively to help enable them to have the best possible chance on release. A proper assessment of needs and aspirations, which is regularly reviewed, is crucial to plan and prepare for release and to enable positive progression both in custody and through the gate. Our recent report ‘Brain Cells’ shows that there is much room for improvement with individual learning plans<sup>7</sup>. In particular, it is essential that the system recognises the needs of prisoners who already have acquired a good educational platform and for whom learning can provide a route for building self-esteem, addressing offending behaviour and strengthening employment prospects.

#### Prison education and learning is an effective route to reducing reoffending

To truly transform rehabilitation and maximise results, education and learning should not only be at the heart of the youth justice system<sup>8</sup>, but should also be at the heart of the adult estate as a key driver towards reducing re-offending.

As BIS and MoJ set out in the Review of Offender Learning (2011)<sup>9</sup> *‘Evidence shows that prison education and vocational interventions produce a net benefit to the public sector ranging from £2,000 to £28,000 per offender (or from £10,500 to £97,000 per offender when victim costs are included). We are determined to secure those savings for the public purse’.*

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<sup>6</sup> ‘Education Prison’, Dr. Emma Hughes

<sup>7</sup> Brain Cells (2012)

<sup>8</sup> Transforming Youth Custody: Putting Education at the Heart (MoJ Consultation, 2013)

<sup>9</sup> Review of Offender Learning

In relation to the impact of distance learning on reducing re-offending, the evidence is also promising. Recent research by Dr. Emma Hughes<sup>10</sup> and Prof. Rosie Meek<sup>11</sup> evidence the links between distance learning and desistance. Results from the RDS-NOMS Reconviction Analysis Team at the Home Office in 2006 indicated that distance learning is associated with a c. 50% reduction in re-offending rates for the cohort we address. The average re-offending for a comparable group was on average 32% and those who PET had funded to do distance learning had a re-offending rate of 15.1%. This comparison indicates a strongly positive impact, whilst recognising that our beneficiaries will have experienced other interventions which have also contributed to their rehabilitation. We look forward to using the Justice Data Lab in future to get more comprehensive and updated data on re-offending outcomes.

### To maximise results, learning in prison needs to work better

Evidence shows that, while there is some excellent practice in learning in prison, there are many barriers to prisoners learning and progressing educationally<sup>12</sup>. These include:

- Lack of access to ICT and online learning resources
- Financial incentives to work in low skilled prison industries rather than education<sup>13</sup>
- Waiting lists for courses
- Prison transfers before completing a course
- Lack of access to education, ICT and learning resources at evenings and weekends
- Lack of support for distance learning
- Lack of opportunities to study at higher levels once basic skills have been obtained
- Lack of regular and meaningful service user / learner involvement in shaping educational provision in prison
- Inadequate individual learning plans

To maximise results in achieving a reduction in re-offending, these barriers need to be minimised wherever possible so a learning culture exists<sup>14</sup>, with a focus on desistance.

With prisoners serving less than 12 months, there is only a short space of time in which to make an impact. However with access to learning activities and resources during the evenings and weekends, this time could be used more productively to get results during custody that can be built on by the PBR provider after release. As one prisoner commented:

*"I would like the chance for evening classes using the time for good instead of sitting around watching TV or playing pool".*

### Short-term recommendations

We recommend that to maximise results in the short term, given that the new contracts have recently been awarded for the next three years, the PBR providers should be

<sup>10</sup> 'Education in Prison', Dr. Emma Hughes (2012)

<sup>11</sup> Fit For Release, Prof. Rosie Meek and Prisoners Education Trust (2012)

<sup>12</sup> Brain Cells, Prisoners Education Trust (2012) p.17-21

<sup>13</sup> Brain Cells (2012)

<sup>14</sup> The Learning Prison RSA

required to explain how they will work closely with OLASS providers, as well as National Careers Service, Cluster Lead Governors and Cluster Heads of Learning and Skills. This would help ensure that learning in prison is more effective in reducing reoffending. It will also develop a focus on desistance and reducing reoffending from the outset and ensure a smooth transition from custody to the community.

To maximise results, PBR providers must accommodate and build on these in-custody learning interventions provided by OLASS, as well as those provided by CVS such as distance learning funded by PET, to ensure a smooth transition for the prisoner from custody to the community. For example, where a prisoner has completed the theory aspect of a course through distance learning in prison, but needs to complete the practical or exam element in the community, providers should enable this to happen. Where a prisoner has aspirations to attend college or university, PBR providers should set out how they will involve or work in partnership with mainstream education providers in the community to enable this to be facilitated.

PBR providers could also be encouraged to invest in interventions in custody, such as support for distance learning or other learning interventions, to supplement and add value to the OLASS provision in order to maximise their results upon release.

Although the current focus of OLASS 4 is on employability, given the current economic climate and the impact of criminal records, PBR providers should also support and encourage ex-prisoners to continue their learning journey after release as another route to desistance. Our survey of over 500 prisoners showed that 65% wanted to do some type of learning after release including; studying full-time, part-time, informal learning or vocational learning. However they foresee funding (63%), housing (50%) and lack of advice and guidance (43%) as potential barriers.

Mentors working with prisoners who wish to engage in learning after release should have the skills and knowledge to support this process. A good example of this is the 'Open Book' project at Goldsmiths University<sup>15</sup>. This is an ex-offender led project which provides informal learning opportunities within the university campus for ex-prisoners while building their confidence and supporting them to go on to engage in mainstream Further or Higher Education. However specialised support like this for ex-prisoners wanting to pursue further or higher education after release is rare.

Opportunities for FE and HE have a high value for the prisoners for which they are appropriate; but they are unsuitable for a mass approach and may not fit easily within localised contracts aimed at high volumes of prisoners. Such opportunities need to be retained and accommodated on a national basis in all contract areas by all PBR providers. Support would be best provided via existing VCS provision through charities such as Prisoners Education Trust. A national advice service for prisoners and their mentors on how to take advantage of their educational opportunities once they are released would help ensure that each Contract Package Area could access this specialist support and advice.

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<sup>15</sup> <http://www.gold.ac.uk/outreach/open-book/>

### Long-term recommendations

In the long term we would recommend that MoJ and BIS consider how future OLASS contracts can better reflect an outcomes-focused approach with a focus on desistance and reducing re-offending. This would help ensure that prison education provision is more effective. It would also maximise results by increasing coherence through aligning targets with the providers in the community. In the pilot on preventing re-offending in Doncaster, the same provider delivers both the in-custody and post-custody support and is incentivised to deliver rehabilitation outcomes. This pilot has not yet yielded verified evaluation results. However, anecdotal evidence does support the positive effect on the way in which this shared objective leads to better coordination of work within and beyond the prison to achieve the outcome of preventing re-offending.

### Ex-prisoners as mentors

The Secretary for Justice set out his vision for ex-prisoner mentoring in the debate in the House of Commons on 9<sup>th</sup> January 2013. *‘In my view the former offender turned good - the former gang member gone straight - is the best way of making sure that a young person coming out of jail does not go back to the same ways’*. In that debate the Justice Secretary also said: *“This is about getting a mix of high qualifications, of the kind we find in our public probation service, in people who have turned away from crime and who are helping those who might end up in a place where they once were”*.

PET agrees that mentors for those leaving prison will require *‘high qualifications’* to ensure they are able to fulfil the role effectively. Trainee Probation Officers are required to have at least level 3 qualifications (A-level or equivalent) and then work towards a level 4 Diploma<sup>16</sup>. At St. Giles Trust their mentors have a Level Three qualification in Advice and Guidance:

Offender Learning Review: (p.17) From St. Giles Trust: Holding her certificate for her NVQ Level 3 in Advice and Guidance in her hand, Suzanne reflects on her achievement. *“This is the level of an A level, isn’t it? Before I was in prison I would never have dreamt I could have got something like this.”* Suzanne is one of the first 12 peer advisers trained to give advice in the new Call Centre at HMP Send, funded by the Charles Dunstone Foundation.

Unfortunately level three qualifications offered as part of OLASS provision are rare and even level 2 can be hard to find<sup>17</sup>. Therefore in order to have best qualified ex-prisoner mentors, the MoJ will need to consider how prisoners are able to study to level three and above, to ensure that they have sufficient skills and expertise to carry out the role of mentor or key worker most effectively.

One way of providing these higher level qualifications is through distance learning. Some of the most popular distance learning courses we fund at PET are for prisoners who are very keen to ‘give back’ and help others. Our top ten funded distance learning courses include Drug, Solvent and Alcohol Abuse Counselling, Introducing the social sciences (OU), Starting with Psychology (OU) and Counselling Skills.

<sup>16</sup> <http://www.nationalprobationservice.co.uk/page2.html>

<sup>17</sup> Inside Education, Institute of Education (2012) / Brain Cells, Prisoners Education Trust (2012)

*“This course would give me the opportunity to help others as well as keeping myself on a straight path in the near future”.* Applicant for Drug, Solvent and Alcohol Abuse Counselling distance learning course

*“This course will allow me to further increase my self awareness, improve my communication skills, use my experiences in life to help other people and greatly improve my job prospects”* Applicant for Counselling Skills distance learning course.

*“I believe this course would give me the best opportunity to gain employment upon my release and in turn allow me to give something back to society and my community”.* Applicant for Starting with Psychology Open University distance learning course

PET are aware of a number of prisoners we have funded to do level three or above qualifications, who have gone on to use their unique mix of ‘high qualifications’ and personal experience of the criminal justice system to help others. The two case studies below illustrate the importance of enabling prisoners to access learning to a higher level in prison, so they in turn can help others break the cycle of offending:

#### **Case Study One: Graham Godden of Youth Empowerment Services**

*“I was released from prison in July 2009 after serving 8 years of an automatic life sentence - this was the third time I had been released following previous long sentences. What was going to be different this time? I walked out the gate with something I had never been released with before - to accompany my £46 release grant - I had my new found education; a wealth of qualifications and self esteem and a confidence in my abilities, underpinned by my successful academic achievements. I also had a business plan, a group of supportive people and a vision and passion that was burning in my chest”.*

PET-funded OU student Graham went on to successfully set up a charity called Youth Empowerment Services (<http://www.yesplus.org.uk/>) To date Youth Empowerment has now worked with over 6000 young people, has employed 14 ex-offenders as facilitators and have worked in partnership with Kent and Sussex Police and a number of youth support organisations.

*Graham says “I continue to apply much of the academic learning I gained through my education. Youth Empowerment has very much been driven by research, evidence and academic understanding - something I would not have had the first clue about had I not been supported in my education by PET. I owe a great debt to PET - they provided a platform of opportunity from which much has been achieved. Education is so important when you really want to achieve a new way of life.*

*When recruiting new ex-prisoners as group work facilitators, one of the main criteria we look for is engagement in education whilst in custody and beyond, particularly if they have achieved higher level qualifications. We also provide an extensive programme of accredited training for all our workers including the opportunity to obtain a professional Certificate of Effective Practice in Youth Justice (FHEQ Level 5<sup>18</sup>). We pride ourselves on having workers who combine their experience of the criminal justice system with academic knowledge which underpins effective practice”.*

<sup>18</sup> <http://www3.open.ac.uk/study/undergraduate/course/k208.htm>

### **Case Study Two: Chris Syrus of Syrus Consultancy**

*“Probably the first decision I made when I entered prison was that I’m not gonna do this again. I’m not spending five years inside only to go back inside again after. I decided I wanted to work with young people after I was released. When I was growing up I didn’t have many people who had pushed me to do education. I knew I needed knowledge in order to help others. So I wrote to the Prisoners Education Trust and explained why I wanted to do a psychology degree, and they agreed to fund it. I also worked to complete a Level 3 City and Guilds in advice and guidance with St. Giles Trust and got ROTL to go to their office to give advice and help to others about housing and other things. I felt like I had a purpose, it was good”.*

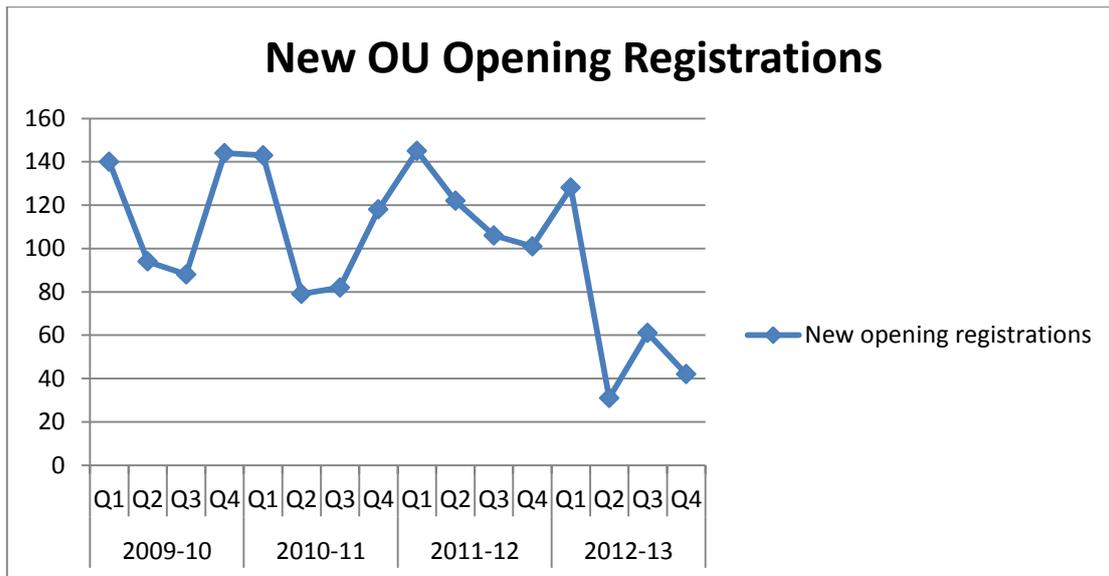
Since his release Chris has published a book and set up a social enterprise, Syrus Consultancy C.I.C which uses the arts, combined with personal development to support young people into Education, Training and Employment outcomes, while deterring them from crime. In 2010 Chris was awarded the ‘Turnaround Peace Award’ by Mayor of London for his work mentoring young offenders. Christopher Syrus was awarded Croydon’s Next Top Role Model 2012 at an event hosted by Croydon African Caribbean Family Organisation (CACFO). He says *“I am putting my experiences to good use and have turned it into a positive. Education is key. The reoffending rate is ridiculously high, the government needs to get more prisoners to tap into education and help to see themselves as a student not just a prisoner”.*

The PbR contracts should enable small ex-prisoner led charities and social enterprises, to play a role in providing the mentoring. These organisations are unlikely to be able to have any risk element to their funding and therefore should be grant funded, alongside other small local charities.

Nearly 80% of respondents to our prisoner survey<sup>19</sup> said that learning had increased their ability to help others and this was the third most important benefit of learning, cited by prisoners. However, the MoJ needs to ensure that education and training opportunities to obtain higher qualifications are not lost. Support for distance learning in some prisons has reduced or disappeared completely since the start of the OLASS 4 contracts. PET is working with BIS, SFA, NOMS and OLASS providers to try to address this issue, however the problem originates due to the inability of prisons to draw down funds to support distance learning from their OLASS budget. Without staff to help prisoners complete the application, provide references, secure funding from PET or student finance, decide on a course and provide access to word processing facilities, library and the virtual campus, the ability of prisoners to study level three and above courses is at risk of diminishing. PET is receiving significantly fewer applications for OU Openings courses as well as other distance learning courses. We are aware of instances where distance learning staff are being made redundant and their expertise in supporting distance learning being lost. This downward trend is illustrated in the graph below:

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<sup>19</sup> Brain Cells, Prisoners Education Trust (2012)



In order to ensure a supply of future well qualified, ex-prisoner mentors, the ability of prisoners to study higher levels through distance learning needs to be addressed quickly.

PET are committed to working with the government departments and OLASS providers to find a solution which enables prisoners to progress with their learning to allow them to unlock their potential, desist from crime and ‘give back’ to others.

Mentoring is a relationship which needs to start being developed before release, rather than ‘at the gate’, to maximise results and ensure a smooth transition from custody to the community. Ex-prisoner mentors will therefore need to be able to visit their mentee’s and not be unnecessarily barred from engaging and working with their mentees because of their criminal record. We have been told anecdotally by some PET-funded prisoners who want to deliver interventions in custody, that this can be an issue in some prisons. This issue would need to be resolved in order to enable the mentoring relationship to have a solid foundation prior to release.

We endorse the point made by the CJA that the mentoring element of the proposals should be entirely voluntary, otherwise this will undermine the purpose and value of the mentoring relationship.

We would also add that, in addition to mentoring, it is vital to support prisoners to develop and maintain family ties while in prison. A supportive family member, spouse or partner can also be a valuable resource to a prisoner after release to help them desist from offending. Opportunities contact, visits and interaction with children, family and partners should be encouraged. Meaningful engagement such as family learning is a downstream intervention that should be valued and build on in the community such as homework clubs, relationship and parenting courses, storybook dads and family days. Many prisoners tell us that participating in education in prison allows them to show their families they are serious about changing and this can therefore promote family ties.

## Using ICT

PET and Prison Reform Trust are working in partnership to explore how ICT could be better used in prisons to help rehabilitation outcomes, in particular ETE, resettlement and family ties. We have witnessed some pockets of good practice, however there is potential to do a lot more. We are clear that technology is not a ‘magic bullet’ and should only be a supplement to, not a replacement of, human interaction of prisoners with staff, teachers, officers and peers. Developing social capital and positive relationships is a key principle of desistance theory. However, given the fast moving technological shifts and uses of ICT in the ‘outside world’ (such as online learning, online banking, benefits, housing applications, job applications, communication, self employment and work) we believe that much more could be done to promote rehabilitation through technology and up skilling prisoners in the uses of ICT.

We are in the process of analysing and writing up our findings from a prison-wide survey, nine prison visits, three expert roundtables and a survey of prisoners’ families. We will be making recommendations and would be very happy to share and discuss these findings and recommendations with the MoJ in the coming weeks to ensure that technology can be best used to help minimise reoffending.

**Question B2: How can we use the reform of offender services in the community to enhance a broader range of social justice outcomes for individuals?**

We agree with the CJA that the Justice Reinvestment approach is delivering strong results; and we would like to see an element of justice reinvestment in the Transforming Rehabilitation proposals as an incentive to reduce demand on the criminal justice system as a whole. This approach would also enable savings to be ploughed into further initiatives to reduce reoffending and recognise the true value of rehabilitation to society.

**Question B3: Should any additional flexibility be built into the community sentencing framework to strengthen the rehabilitative impact of community orders, and the reintegration of offenders into society?**

We share the concerns of CJA that making compliance mandatory for those with sentences under 12 months risks increasing the prison population and disproportionately punishing them. Flexibility in dealing with non-compliance and breach is therefore needed.

We are also concerned that breach should count as a ‘fail’ in terms of PBR incentives, so PBR providers have no incentive to breach those who are most ‘hard to reach’.

As mentioned above, a ‘one size fits all’ approach will not work and therefore a range of rehabilitative options and opportunities are needed to achieve desistance.

**Question C1: We are minded to introduce 16 Contract Package Areas. Do you think this is the right number to support effective delivery of rehabilitation services? Do you have any views on how the Contract Package Area boundaries should be drawn?**

It is not clear how the 16 proposed Contract Package Areas fit with the ‘cluster model’ of prisons and the ten OLASS regions. OLASS providers do not currently have any obligation to reduce reoffending, therefore PBR providers should work closely with OLASS providers, the National Careers Service and other learning providers both in custody and the

community. This would help ensure that learning in prison is more effective in reducing reoffending. Therefore the Contract Package Area boundaries should be drawn with an eye to these clusters and OLASS regions to facilitate a smooth transition from custody to community for prisoners' resettlement and facilitate partnership working between the OLASS providers, National Careers Service, prison clusters and PBR providers.

We agree with the CJA that there is little outline in the proposals on how prisons will fit within the 16 Contract Packages Areas, and that VCS work in prisons should continue to be resourced and prioritised. As mentioned above, to maximise results, PBR providers must accommodate and build on these in-custody interventions.

**Question C2: What payment by results payment structure would offer the right balance between provider incentive and financial risk transfer?**

**Question C3: What measurements and pricing structures would incentivise providers to work with all offenders including the most prolific?**

We agree with the submission made by the CJA that incentives for 'distance travelled' should be considered as part of an approach that recognises milestones in the journey towards desistance, including educational achievements, volunteering, strengthening family ties etc.

Consideration also needs to be made to the interaction with the Work Programme, whose targets are to get ex-prisoners into work. Although employability is a positive outcome, it may be more beneficial for some ex-prisoners, who are capable of further or higher education to continue their learning journey, either full time or part-time, so they can eventually obtain higher paid and more sustainable higher skilled employment or self-employment. Education and learning are also ways of using time positively after release while trying to find employment. As mentioned previously, mentors will need to be skilled in supporting prisoners to continue learning after release if they wish and a national advice service, run by a charity such as Prisoners Education Trust, may be one way of ensuring this advice and support is available.

We agree with CJA that there must be a mechanism in the payment structure to avoid cherry-picking. We also agree with the CJA that, on balance, the preferred measurement for PBR is the seriousness and frequency of offending.

**Question C5: We want to incentivise through the gate provision, but some prisoners will disperse to a different part of the country following release. How can we best account for that in contract design?**

We agree with the CJA that the solution is to reduce churn by reducing overcrowding and to hold prisoners as close as possible to the local area where they will be released.

We have evidence that frequent transfers in the middle of courses can be hugely detrimental to a prisoners' learning journey and progress. Over 30% of prisoners who responded to our survey said that staying in one prison would make learning easier. Frustrations about being transferred were evidence from the surveys respondents. Some of their comments included:

*“I want the prison service to take the fact that I’m studying more seriously and not move me when I had all the support I need, to a place where I lost all support and am now struggling to maintain the standard I had”.*

*“Letting prisoners finish their courses before being transferred to other jails. It’s not fair starting a course only to be shipped out after two weeks. Not fair on the prisoners and teachers too”.*

*“When you are on a course and have stuck to it the prison shouldn’t move you until you have finished it. Like what happened to me”.*

We agree with the CJA that MoJ should continue to develop strategies to stabilise the prison population and reduce numbers of people in custody alongside the Transforming Rehabilitation proposals. We would recommend that prisoners completing learning activities or educational courses should be able to complete them before being transferred in order to maximise opportunities to reduce re-offending.

Distance learning used to be a method by which prisoners could study a course and continue learning despite being transferred. However given the ‘postcode lottery’ of support for distance learning in prisons under OLASS 4, as described above, this is unfortunately no longer the case. This has been exacerbated by the recent closure of prisons as prisoners tell us that the support they have been receiving for distance learning or OU studies in one prison, has stopped upon transfer so they cannot continue their studies.

This issue must be resolved to maximise reducing reoffending outcomes. Particularly given that prisoners will now be required to take out student loans for level three and above qualifications, they should be supported to complete their qualifications as they would if they were studying and paying for the course themselves in the community. This is particularly important as if a prisoner cannot complete a course they started while in prison, they cannot apply for a student loan again once they are released.

**Question C7: What steps should we take to ensure that lead providers manage and maintain a truly diverse supply chain in a fair, sustainable and transparent manner?**

We agree with the CJA that the providers must recognise the contribution of small providers whose income and volume of users will be too small to bear PBR risk. The preferred bidders should be those who value the input of the smaller, niche organisations in providing diverse and specialised routes to desistance and encourage their involvement without passing on unmanageable risk. They could do this by grant funding such groups as CJA suggests. Organisations working nationally, but with a niche group (so with low numbers in each contract package), should be supported and funded centrally or by providers pooling a percentage of their resources for mutual benefit. In particular focus should be given to organisations working with female offenders, those with complex needs, BAME offenders or other protected characteristics. We agree with CJA and Black Training and Enterprise Groups’ submissions that insufficient attention is paid to the needs of BAME offenders in the consultation paper.

**Question C9: How can we ensure that the voluntary and community sector is able to participate in the new system in a fair and meaningful way?**

As discussed, risk should not be passed down the supply chain to VCS organisations working locally or nationally with niche groups, who do not have the scale of referrals or sufficient income to manage such risk.

We endorse the points CJA raises that Transforming Rehabilitation proposals should be developed in a way that facilitates service user involvement.

*“Listen to prisoner learners. We are pushed from pillar to post - not asked or listened to”. Survey respondent (Brain Cells - 2012)*

PET has been exploring the use of learner forums and learner involvement strategies in prisons and YOIs over the past year and we will shortly be publishing a report and toolkit highlighting the benefits of such an approach to the service, as well as to the prisoner and the prison establishment. Meaningful service user involvement should be applied across both custodial and community services in order to develop and improve the service. PET will be happy to share and discuss our findings and recommendations with the MoJ in the coming months to help inform the Transforming Rehabilitation proposals.

Our Brain Cells Report revealed that 40% of prisoners had not been given the opportunity to feedback about their learning experiences. Of those who had, surveys were the most often used mechanism; however it was clear many prisoners wanted to be involved in a more meaningful way; over half wanted to meet directly with policy makers and 28% wanted to take part in a learner forum.

In order properly to facilitate service user involvement; it must be accompanied by sufficient training in participation skills. 27% of prisoners in our survey<sup>20</sup> said that would like training to help them communicate their views better.

### **Equality implications**

**Question C17: How can we use this new commissioning model, including payment by results, to ensure better outcomes for female offenders and others with complex needs or protected characteristics?**

**Question C18: What are the likely impacts of our proposals on groups with protected characteristics? Please let us have any examples, case studies, research or other types of evidence to support your views.**

See answer to C7 above.

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<sup>20</sup> Brain Cells: Listening to Prisoner Learners', Prisoners Education Trust (2012)