

# offender learning options for improvement



skills for  
Scotland

# **Offender Learning: Options for Improvement**

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## Introduction

1. The Scottish Government's Skills Strategy, *Skills for Scotland*<sup>1</sup>, published in September 2007 included a commitment "to identify how best to deliver effective, integrated learning, skills and employability provision for young people and adults in or leaving the justice system with a view to producing an effective learning and skills strategy."

2. Such a strategy is important because there is clear evidence that learning and education can make a positive impact on reducing offending. The vast majority of offenders share a common profile. They come from deprived backgrounds, fail to engage at school, and leave with low levels of attainment and poor skills. This reduces the opportunities available to them and leads, too often, to a confirmed pattern of repeat offending that can carry on throughout life. Learning can help to break this cycle by teaching new skills that can help offenders to change and develop a more positive future for themselves and their families.

3. The work in developing the strategy has taken place at a time of significant change in Scotland. There is a growing recognition that we imprison too many people and that prison is not proving to be effective in preventing re-offending. This has led the Scottish Government to propose legislation to introduce a presumption against prison sentences of less than six months as part of its Criminal Justice and Licensing (Scotland) Bill. There is a commitment to learn from what works and a welcome consistency in the messages emerging from policy developments in different areas including justice and education. This is based on, among other things, a focus on early intervention; an emphasis on meeting need, managing risk and achieving outcomes; and a recognition of the need for local solutions, set within a national framework.

4. The work to deliver on the commitment on offending learning set out in *Skills for Scotland* began with a representative group being brought together to consider the best way forward. Given the complexity of the work involved, it was further decided to split this into three workstreams to consider learning for:

- young offenders
- adult offenders in custody
- adult offenders in the community.

5. Each workstream group was made up of internal and external experts from a range of stakeholder organisations, and was led by an independent chair. An Advisory Group was established to oversee the project, ensuring coherence across the three workstreams and providing leadership, strategic direction and support.

6. The groups worked in a co-ordinated manner to consider relevant research, establish base line information about the client groups, and undertake information analysis. They have identified options to provide a more integrated service for offenders, wherever they are based. That includes education provided in prisons, through care provision for those involved with and leaving the justice system and access to mainstream employability services.

7. The chairs of each group have worked closely together to ensure that the final recommendations arising from this work are coherent and aligned. Part of this process included a joint 'visioning' session for the three workstreams and the Advisory Group.

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<sup>1</sup> [www.scotland.gov.uk/Publications/2007/09/06091114/0](http://www.scotland.gov.uk/Publications/2007/09/06091114/0)

8. This report provides a synopsis of the key conclusions of the three groups, together with their recommendations. The full reports are available at [www.scotland.gov.uk/skills](http://www.scotland.gov.uk/skills).

# Learning for Young Offenders

## Introduction

9. The focus of this workstream has been on young people aged 16-18 who have been involved in the Scottish justice system<sup>2</sup>. It has also focused on young people deemed to be at risk of offending. Consequently, it has considered a broad spectrum of young people.

10. The group met four times and members provided continuous feedback and made an active contribution to the production of this report.

The approach involved the following elements:

- a desk review of relevant research and key policy developments which culminated in a literature and policy review;
- a series of face to face interviews with key witnesses across Scotland with knowledge of younger offenders' learning and skills issues;
- a series of workshops held with staff working with young offenders from a wide range of organisations;
- a series of focus groups held with groups of young people with experience as service users;
- joint discussion sessions held in tandem with the other two workstreams in order to engage with a group of employers, Scotland's colleges and academics working in this field;
- a joint 'visioning' session held with members of all three workstreams as well as Advisory Group participants;
- analysis and reporting.

11. Throughout this process we have expressed discomfort with the term 'young offender'. This labelling is unhelpful as it is negative and implies that those young people with experience of the justice system will struggle to move on. As we show in this report, many make great progress and we hope that this work will help even more to do so in future. The characteristics of the 'young offender' group are discussed in the report. After that we tend to refer to 'young men' 'young women' and 'young people.'

## Background

12. Young people are Scotland's biggest asset. It is in all of our interests to ensure they have the encouragement and support to make a successful transition to adulthood. That is why giving our young people the best start in life is one of the Government's top priorities. We know that young people in the justice system<sup>3</sup> are amongst those with the highest barriers and the focus of this workstream has been to identify ways of supporting their learning and skills development more effectively.

*How many young people are we talking about and who are they?*

13. Based on the most recent data, we estimate that 7578 young people aged 16-18 in Scotland are offending. Only a small minority – 12 per cent – result in custodial sentences,

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<sup>2</sup> The Scottish Criminal Justice system considers young offenders to be aged between 18 and 21

<sup>3</sup> Throughout this report when we refer to the 'Justice' system we mean both youth and adult systems, unless we specifically refer to one or the other

with most sentences applied in the community<sup>4</sup>. This reflects the wide spectrum of offending behaviours and highlights that a large proportion are relatively minor.

14. Most are young men with only 19 per cent of all offenders under 21 being female. The most recent available data shows that the five local authorities with the highest number of 16-18s in the justice system are: Glasgow (2,200); Edinburgh (1,411); South Lanarkshire (1,145); Fife (1,056) and East Ayrshire (909).

*Where are they in their final years of education?*

15. There is no reliable comprehensive record of these young people's educational participation in the senior stage of the curriculum. This is a gap that needs to be addressed as a matter of priority. Evidence from our fieldwork indicates that many of them have disengaged from the education system from the early years of secondary school. Research has shown that non-participation in early secondary school (whether through exclusion or truanting) is a principal indicator of young people's risk of offending.

*How many leave school and progress to a positive destination?*

16. There is no comprehensive record of the outcomes for all those involved in the justice system, and this should be addressed in future. However, data from the Skills Development Scotland (SDS) Insight database shows that only 41.2% of school leavers with an offending background progressed to a positive destination – less than half the national average.

17. The data show that a higher proportion than average entered training. This is a positive indicator and suggests that vocationally focused support is more attractive, or more accessible. However, without further details of the type of training and the outcome we cannot be sure.

*What learning support needs do these young people have?*

18. There is abundant evidence showing that many of these young people come from family backgrounds characterised by high levels of social deprivation<sup>5</sup>. They share many of the learning support needs of other vulnerable young people – regardless of their contact with the justice system. Consistent messages are that the key support needs include low levels of confidence/self-esteem and literacy/numeracy difficulties. We have also heard repeated instances of young people with other learning difficulties – such as dyslexia – which have gone undiagnosed throughout their education.

19. It is important to stress that, although these young people have support needs, it is not always helpful to focus on these. Rather, we can support them more effectively by stressing what they can do and the potential that they show. Successful activity with vulnerable young people frequently adopts this approach.

*The changing policy context*

20. This is a time of significant change in Scotland. Improving the outcomes for our most vulnerable young people cuts across many policy areas and addresses a range of Scottish Government national outcomes. In many of these key policy areas – particularly in education

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<sup>4</sup> This proportion is likely to reduce further, due to changes within the justice system described later in this section.

<sup>5</sup> For example McAra and McVie: Edinburgh Study of Youth Transitions and Crime No 14 (2007)

and justice – major change is under way. We are pleased to see the convergence of key messages in policy documents and the fact that they chime with the findings from this work. Amongst these shared points are:

- a focus on early intervention;
- an emphasis on meeting need, managing risk and achieving outcomes;
- a commitment to identify and support the needs of the most vulnerable from within mainstream services;
- the need for clear leadership and accountability;
- recognition of the need for local solutions set within a national framework.

## What needs to change?

21. The key outcomes that we aim to achieve are:

- more young people actively engaging as learners with appropriate support – particularly those from deprived backgrounds and from high risk groups such as looked after children;
- fewer young people out of school and at risk of offending;
- better sustained outcomes for young people aged 16-18 involved in the justice system whether in the community or in custody

22. In the short term, we must work more effectively to promote the value and relevance of learning and skills to young people involved in the justice system. Currently, too many are switched off by their school experience and there is a major Information, Advice and Guidance (IAG) job required to sell the benefits of learning and skills development. There is a need to provide more flexible and supportive options for young people, based on their individual support needs. There are several examples of good practice already in place but provision is not universal, even for those in custody. This needs to change and a number of recent developments are helpful – including the concept of ‘entitlement’ within Curriculum for Excellence (CfE) and the development of 16+ Learning Choices. This short term work is vital and it must start now.

23. There needs to be a continued focus on more effective prevention targeted at those most at risk, including young people who are looked after as well as the children of prisoners. Targeted early intervention with vulnerable families is one of the keys to success in the longer term. Another is retaining more young people in mainstream secondary education. Making the curriculum relevant and attractive, with the right supports in place, is at the centre of this change agenda, which is entirely consistent with the principles of CfE.

24. As the Scottish Prisons Commission noted, Scotland locks up a disproportionately high number of young people. Apart from the financial costs<sup>6</sup>, the social and economic consequences for these individuals, their families and communities is enormous. This needs to change, and learning and skills acquisition has a central role to play in this transformation process.

25. The remainder of this section looks at changes as they affect children and young people at home and in the community, at school, on leaving school and in custody.

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<sup>6</sup> It costs £32,358 to keep someone in prison for one year and £234,000 to keep a young person in secure unit accommodation (SPS and SOFI figures)

## ***Home and in the community***

26. Early intervention is critically important. More effective work identifying and supporting those at risk of offending behaviour is key to improved learning and skills in later life. There is a growing recognition that investing resources to support vulnerable families is a key part of an effective anti-poverty strategy whose many benefits will include lower rates of youth offending. In Glasgow, the Community Health and Care Partnerships (CHCPs) are co-ordinating approaches to this which draw upon the input from all key public services. It is hoped that they mark a shift away from the reactive short termism which has characterised too much of the investment patterns in the past. The Early Years Strategy and *Getting It Right For Every Child* provide frameworks for this type of work to be more widespread across the country – particularly in areas of high deprivation.

27. Targeting support to groups at high risk of involvement in the justice system is also important. Two such groups are looked after children and the children of prisoners. A commitment to improve outcomes for looked after children has led to a wide range of interventions in recent years. Much of the infrastructure required to support looked after children more effectively appears to be in place. This is not a statement of complacency, but rather an acknowledgment of the need to allow time and to tenaciously ensure that these new structures deliver.

28. In Scotland an estimated 16,500 children a year are separated from an imprisoned parent<sup>7</sup> and it has been shown that two thirds of boys with a convicted parent go on to offend. Yet children of prisoners are often invisible within the education system and as a consequence, can get a bad deal through no fault of their own. Parental imprisonment should automatically alert schools that a pupil may need additional support, in line with the principles established in *Getting It Right For Every Child*. Each local area should be able to evidence how they will do this, together with an explanation of steps that will be taken in support of the child.

29. Offending behaviour patterns are influenced by negative peer pressure. It is therefore important to recognise and address the problem of gang culture. That is being done in Glasgow where facilities are being provided including mobile five-a-side football pitches, mobile units with gaming consoles, and urban cafes where young people can safely congregate and socialise. They are designed to reduce the risk of offending behaviours through boredom and lack of access to facilities. As the pilot rolls out across the city, there will be many emerging lessons to share across the country.

## ***At school***

30. There is a strong evidence base showing that school is an unproductive experience for many young people who end up offending. The pattern which emerges from this study is one where mainstream schools struggle to work with many of these children. Consequently, although they may often remain on the school roll, they are not in school – either because they have been excluded or because they are truanting. It is hugely damaging for these young people to be out of school, as research shows that school exclusion is a key predictor of future offending behaviour.

31. *What works in schools?*

Through the consultations for this report, we have discussed and witnessed many examples of good practice and observed committed teachers and the staff of other agencies doing

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<sup>7</sup> Families Outside: Support and information for children affected by imprisonment (2009)

positive work with young people with offending histories. Encouragingly, much of this is through recent developments, and is based on increasing realisation that partnership working is the key to addressing the learning challenges of this group. However, the statistics don't lie – more is needed, and isolated examples of good practice need to become a more consistent and permanent offer.

There is much to build on, and increasingly a consensus on the generic features of what works. This is based around the following key features:

- believing it can work;
- applying imaginative approaches;
- seeing schools as a part of a community solution;
- implementing early and earlier intervention;
- keeping young people in learning for as long as possible;
- building partnerships and capacity;
- engaging all the people that matter

32. Retaining young people in school helps to reduce offending behaviour. There is evidence of good work in this area but there is considerable scope to support schools and the teaching profession to work more effectively with young people presenting with challenging behaviours. Non attendance at school – whether by pupil “choice” or exclusion – is clearly linked to what the educational offer is. Young people commonly talk of being bored at school, and of being in classes. Consequently, there is a need to ask what we are offering these young people in a school setting.

33. It is important that there are opportunities for a broad range of experiences. All young people, including those in need of more choices and more chances, are entitled to opportunities for developing skills for learning, life and work. These are likely to be more suitable options for some young people than the traditional emphasis on Standard Grades and Highers. To date, these wider options have been used more commonly in the post school arena, and learning from this should continue to feed into school based approaches.

34. Consultations with young offenders and young people at risk of offending demonstrate that they enjoyed and responded to the teaching approach in primary schools, much more than the secondary offer. To improve the support offer for this target group in later life, we should consider whether elements of the primary approach can be continued to an older stage for some young people.

35. More needs to be made of informal and flexible learning, based around the needs of individuals. The flexibility offered by CfE gives schools and their partners the opportunity to plan a curriculum that offers personalisation and choice to meet the needs of all young people, including young offenders. The detail of services is often significantly different; but some common features can be identified:

- a greater emphasis on experiential learning, and hands on practical work;
- more imagination in the use of innovative activities – sport, life-skills, arts, media, outward bound etc;
- the introduction of different staff working with the young people;
- a generally more relaxed and informal learning environment;
- smaller class /group sizes;
- more variation in the activities offered to participants;
- reduction in the use of paperwork to a minimum;
- learning in a range of different settings;

- building in some form of extended work experience element (though this appears less common than the factors above).

These types of approaches are generally recognised as more likely to retain or re-engage young people with offending histories in learning. Developing more of these approaches, and making them more widely available, must be a key element of the future learning package.

36. Retaining young people in school means more needs to be done to prevent truancy. Young people report that truancy is not a problem and that on occasions there appeared, if anything, to be a cosy “deal” between the school and pupil. One criminal justice commentator noted that some schools are quite happy if their more challenging pupils stop attending. This is a sensitive issue but the importance of it cannot be understated. It also has to be recognised that within some schools it is to a degree understandable – disruptive pupils have the potential to impact adversely on the majority’s education and will take up more teacher time. Progress will not be achieved by simply criticising schools on this point; rather the challenge is to consider how they can be better supported to address this issue.

37. There also needs to be investment in teaching staff. It would be wrong to assume that all teaching staff have the knowledge, experience and tools to address the challenges posed by these young people. Curriculum changes matter, but they will require to be supported by an appropriate investment in professional training and development.

38. There is increasing recognition that the skills and approaches in working effectively with this group often lie with staff from a range of sectors– most notably youth workers, key workers, and staff within a range of voluntary and community sector agencies. There is a need to ensure more knowledge and practice transfer between the various disciplines. This will require an integrated approach across children’s and young people’s services and the confidence within schools to acknowledge their need to engage different expertise to address this challenge.

39. CfE provides new opportunities for schools to work with these young people but it will require to be translated into action on the ground. We would strongly suggest that schools engage with other agencies involved in working with this group - considering and extending joint learning delivery models. Good practice from post school models could also usefully inform this process.

### ***Post school learning and work***

40. For a variety of reasons, many of these young people struggle to handle transitions well. The shift from primary to secondary is identified as a key milestone but, arguably, the transition point beyond secondary education is even more significant. At this stage there is no longer a compulsory element to learning and no equivalent infrastructure to school which – despite its limitations – provides a clear model for young people to engage with. In addition from the age of 16 many of the support mechanisms around the most vulnerable youngsters can fall away. Given that age 16 also represents the boundary between youth and adult justice, the pitfalls for this client group are all too evident.

41. *Post school learning – what works?*

A wide range of positive and innovative activities are available in the post school phase. Considerable effort and commitment is apparent, and we are impressed by the degree to which the initiatives and innovation of the voluntary and community sectors are complementing the efforts of public sector agencies.

But the figures don't lie: just over 4 in 10 young offenders left school to a positive destination in 2007/8. This suggests an urgent need to do more of what works, and to extend some local good practice across the country.

Common features of these successful approaches involve:

- making engagement as accessible and “easy” as possible;
- taking time on initial assessment, and recognising this as an ongoing part of any learning journey;
- applying maximum imagination in learning delivery by understanding the learning styles and motivations of the young people;
- offering continuity and a guide through the journey;
- recognising the underpinning importance of relationships;
- establishing clear pathways;
- measuring the right thing;
- providing second, third and fourth chances;
- involving family units wherever practicable;
- building on the “learning hooks”;
- maximising or creating employer links;
- aspiring to succeed.

#### *Improving what is on offer*

42. The post school support infrastructure is a critical part of the learning pathway for our target group— forming a key part of court orders, as well as providing a potential bridge to reintegration after periods in custody. Our fundamental starting point in considering current development and future opportunities in transitions from education is to maximise the linkages between offender learning, 16+ Learning Choices, and the senior phase of CfE.

43. A major challenge is communicating and “selling” the potential of 16+ and CfE to the justice world. These are still perceived to be “education” or “employability” initiatives, and we were struck by the relatively low knowledge levels of these developments by staff in agencies central to improving learning opportunities for young offenders. This must change. We would suggest that a potential future “success” indicator would be the extent to which in three years youth justice workers, children’s panel members, sheriffs, and others would endorse the statement “*CfE and 16+ Learning Choices are a key part of the package in addressing youth offending*”. Achieving this will demand joint action across both policy domains.

44. There are three main categories of progression for this client group post school – paid or full time employment, education, the Skillseekers national programme or volunteering; interventions designed to help people with “additional support needs” and interventions specifically targeted at young offenders. The geographic spread of the targeted services is patchy, and many apparently positive initiatives fail to sustain their funding base and close. Capturing and communicating all these various options, and how they connect to provide a comprehensive and appropriate service offer, is at the heart of the *More Choices, More Chances* (MCMC) and 16+ Learning Choices. Without this, it will be very difficult to judge whether - from a local or national perspective - an appropriate menu of options is available.

45. Increasing emphasis is anticipated to be placed on short, flexible, part time interventions focused on generic life and work skills. These are considered as essential front end supports for young people who need additional support to make and sustain an effective post school transition. Further connections to experiential learning, community

learning and development activities, and volunteering based opportunities are also anticipated. The roll out of Activity Agreements will help widen these opportunities.

46. There are a number of key challenges in connecting young people to the opportunities that are available. They are ensuring that :

- options are genuinely available to young people with offending backgrounds;
- services are visible and accessible;
- services are attractive enough for young people to engage;
- services are available quickly;
- learning is aligned and integrated with other supports;
- services are able to offer a number of chances;
- the financial package works for young people.

47. Addressing the challenge of engagement and sustainability in post school learning cannot be overestimated. Whilst this applies to all progression routes, we note a number of specific concerns in terms of the colleges. Retention in this sector is a generic challenge, but particularly acute for young offenders. Good work is underway – notably through community based partnership work involving John Wheatley College in the east end of Glasgow – but general challenges remain.

#### *Employment opportunities and the labour market*

48. In 2007/8, around 10 per cent of young offenders were recorded as moving to jobs on leaving school compared with around 25 per cent of all school leavers. The limited connection of young offenders to employment is a cause for some concern, and something the offender learning strategy must address. The current economic recession will compound these problems, making it even harder to find routes into work for young people with an offending background.

49. It is apparent that employment is a critical causal factor in reducing offending at all ages, and our discussions also suggest that many young people are more interested in working than in training or education. There are some positives and opportunities to build upon. A number of the effective interventions we have witnessed are still achieving very positive connections to employers through working closely on establishing long term “business based” relationships. They are demonstrating that, with appropriate support, young people can become effective and reliable employees.

50. The role of public sector employers remains somewhat controversial. In many areas the local council or the NHS Board are the dominant employers. Moreover, local authorities in particular have a very wide variety of job opportunities and, as part of their community leadership role (including the delivery agent of criminal justice social work services), have a wider strategic and corporate connection to the offender learning agenda. But historically, in terms of offering practical support as an employer, the public sector has often not realised this potential.

51. Reasons for this have tended to include concerns of contravening recruitment and equal opportunities policies. In addition, offenders are only one of a range of groups seeking some form of preferred status in terms of direct employment and work placement opportunities. Finally, public sector employers now point to more limited scope for manoeuvre due to very tight public funding settlements and the wider impacts of recession. However, we conclude that the public sector can play an important role by identifying opportunities for those who are risk of offending.

## ***In custody***

52. The content of this section has been developed in collaboration with colleagues on the 'In Custody' workstream. There were 4,279 prison receptions amongst 16-18s in Scotland in 2006/07. The majority of these (3,002) were remand prisoners while most of the others were subject to short term-sentence. Scottish Government data also show that the reoffending rate is highest for young offenders and that 53 per cent of young offenders return to prison within two years<sup>8</sup>.

53. Equipping prisoners for the labour market remains an important priority as there is a strong evidence base<sup>9</sup> showing the role of employment as a factor in desistance. However, only a minority are job-ready at the point of liberation. For most young prisoners, significant support is required in order to move them into sustained employment.

54. This has major implications for the learning and skills goals for young offenders. It suggests that rather than a narrow focus on employability, the aim should be to provide a balanced offer that can enable these young people to successfully reintegrate in their communities. In this respect that aim is no different from the focus on delivering the four capacities of CfE to all young people. Moving forward, this should provide the basis of the curricular offer to under 18s in custody. However, those in custody have a much more limited offer than that available in the wider community. The fact that Polmont and Cornton Vale house a high proportion of these prisoners is part of the reason for this.

55. We have had to consider an optimum learning and skills model for a prison estate whose future shape remains uncertain. Many of the reforms offer significant improvement opportunities. The shift away from short-term sentencing towards community-based tariffs and the commitment to keeping 16 and 17 year old prisoners apart from the older population are amongst the most important of these.

56. Yet a degree of uncertainty remains around how they will unfold. A change in sentencing patterns is reliant on a shift in behaviour amongst sheriffs, who retain an independence from policy makers, so the phasing for this change is not certain. Equally, there is no guarantee that separate provision for under 18s will lead to improved services. For example, we have noted that the new Polmont learning space is widely perceived to have many disadvantages.

57. Beyond this, there is a wider debate about the role of national prisons and a commitment from Government to develop community-facing jails. This may lead to all prisoners – regardless of age, gender or sentence length – being held in the one facility. This is still some way off but it is attractive for our target group as it offers the prospect of stronger links into local services.

58. In the meantime we have a prison estate where all of the women and most young male offenders are held in de facto national institutions. Within this, it is clear that the current learning and skills arrangements for 16 and 17 year old prisoners are far from ideal. There is no distinctive provision which acknowledges these young people's entitlements. The offer is limited depending on sentence length and type, and for the majority who are housed in Polmont, affected by overcrowding, poor building design and layout. Disconnected from their local learning and skills infrastructure, the current model inhibits the establishment of pathways which might actively support rehabilitation and community resettlement.

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<sup>8</sup> Scottish Government from 2004/05 data

<sup>9</sup> See for example, SEU, *Breaking the Cycle* (2002)

59. Given the high recidivism rates for young men, a clear picture emerges of a revolving door between prison and the country's most deprived communities. The young women prisoners in Cornton Vale share this disconnection from their local support networks. However, their learning and skills offer is even poorer than those available to their male peers. At present, it fails to reflect young women prisoners' distinctive barriers, support needs and learning opportunities.

60. The Custody workstream have considered the current LSE commissioning model for all prisoners and presented four options for consideration. They conclude that "many permutations are possible, both now and in future. Few look to have the merit of clarity and simplicity." A key question for us is whether prisoners under 18 are best served within any new LSE contractual model. This is not the case at present, where the relatively small numbers and short sentence lengths mean that their distinctive needs are barely reflected in the current contract.

61. In the short term at least, Polmont will retain its position as a national facility for young offenders. Although not ideal for younger prisoners, the introduction of separate provision for 16 and 17 year olds, does provide an opportunity to improve the offer which for all young prisoners. This should include:

- a learning and skills assessment<sup>10</sup>
- an agreed learning and skills action plan with identified goals
- access to an appropriate range of learning opportunities
- an individualised plan of transition support pre-release

62. In the longer term we would hope that all 16 and 17 year olds will be accommodated in community facing establishments. There, the offer should reflect the package described above, but be negotiated and delivered through a partnership which includes the prison, the Community Justice Authority and the local MCMC partners.

### **How do we make it happen?**

63. We have developed a Framework for Action aimed at the Scottish Government and local partners. It is based around nine statements which describe a positive set of outcomes around learning and skills for young people in contact with the justice system.

1. There will be clearly defined leadership at the national and local levels relating to learning and skills for 16-18s in the justice system
2. Fewer 16-18 year olds will be in prison. Where they are in custody, they will be in community-facing models designed specifically for younger prisoners, with a clearly defined and integrated learning culture
3. All 16-18s in the justice system will be offered an appropriate learning opportunity whether in custody or in the community

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<sup>10</sup> There is an opportunity for SPS to adopt the integrated assessment tool being developed through the Scottish Government. Doing this would promote consistency and facilitate information sharing between the various service providers

4. There is a collective understanding of all resources invested in developing the learning and skills of 16-18s in the Justice system. Alongside this, there is a clear understanding of services purchased and the impacts derived from them
5. There will be a clear tracking system for the learning outcomes and progression routes of 16-18s in the justice system with designated responsibility for managing this
6. We will have established the precise rate of positive post-school progressions for 16-18s in the justice system and will have significantly closed the gap between this and the national average
7. Curriculum for Excellence will provide a coherent, more flexible and enriched curriculum for all children and young people firmly focused on their individual needs.
8. Children who are most likely to offend are provided with early intervention and targeted support within the school system
9. Everyone working with vulnerable young people will understand their responsibility to nurture their self-confidence and will be supported to fulfil this role

64. ***Leadership and partnership***

- Clarify leadership, improve visibility and strengthen accountability for improving young people's learning outcomes at national and local level. At national level the Scottish Government should confirm who is leading on this agenda and what form that leadership will take. Local partnerships should agree who is responsible for leadership in each area. This may be the MCMC partnership, the Community Planning Partnership or another appropriate body.
- Improve joint working between education (including post-school), youth justice and wider services, underpinned by shared objectives, joint funding and commissioning, robust performance frameworks. (**key players**: local authorities);

65. ***Prevention***

- Ensure significant improvements to the retention of young people in mainstream schools through personalisation and choice and the right support, maximising the contribution of the voluntary sector. (**key players**: schools, local authorities, voluntary sector)
- Ensure 16+LC roll-out prioritises the needs of young people with offending backgrounds, in particular the 'speed and immediacy' demands of non-custodial orders, with learning provision aligned and integrated with wider supports required to address offending behaviour. (**key players**: MCMC partnership, schools, Criminal Justice Social Work, CLD, learning providers)
- Widen access to work and work-related opportunities in the public, private and voluntary sectors, including school work experience and extended work placements (**key players**: schools, colleges, voluntary sector, employers)

66. ***Continued effective intervention***

- Embed GIRFEC principles and practice across our post-school learning and support agencies, in particular, information sharing, common assessment and lead professional activity (**key players:** schools, colleges, local authorities and SDS)
- Identify and disseminate good practice, including supporting a wide range of partners involved in supporting transitions to adulthood and the world of work to develop knowledge and understanding around applying the principles and practice of GIRFEC to young people who offend (**key players:** Scottish Government, MCMC partnerships, colleges and service providers)
- Improve individual level data and data-sharing to support identification and interventions for young people with offending backgrounds as they move from school to post-school (**Key players:** schools, SDS, colleges and other service providers, youth and adult justice)
- Improve early identification of and support for children whose parents are in prison (**key players:** schools and Youth Justice)

67. ***Continuity, progression and transitions including those with complex needs***

- Ensure the specific needs of 16/17 year olds are reflected in new LSE contractual model including learning and skills assessment and action planning; access to appropriate learning opportunities; transition planning and support pre-release (**key players:** SPS and LSE contractors)
- Pilot Activity Agreements for those in custody order as a key mechanism for re-engaging young people in learning and strengthen progression pathways (**Key players:** Scottish Government, MCMC partnerships, SPS, CLD and other service providers)
- Ensure a suitably resourced, relevant learning and skills element within the new Community Payback Orders, with high quality information on provision made available to Sheriff and relevant CJ staff (**key players:** Scottish Government, Criminal Justice Social Work and service providers)

68. ***Planning and performance framework***

- Improve the quality and availability of management information on progression, staying on (at school) rates and post-school destinations of young people involved in offending(**key players:** schools, SDS, Justice)
- Develop and disseminate the evidence base on effective practice in a range of settings (school, college and other): delivery of relevant learning; front-end engagement and retention strategies; impact of a parent going into custody on yp's learning; tackling gang-related offending; role of public, private and voluntary sectors as an employer (**key players:** Scottish Government, local authorities, schools, colleges and other service providers)
- Improve performance data of range of interventions for young people including LSE contract, national training programmes, FE (**key players:** SPS, SDS and colleges)
- Build the skills and capacity of teaching and non-teaching staff (including school, college, prison, CLD) through identifying the specific skills-set and approaches that work with

young people, (joint) CPD, knowledge and practice transfer cross sector (mainstream, special, post-school, voluntary sector)(**key players:** Scottish Government, MCMC Partnership, Education authorities, learning providers)

- Specifically, build the capacity of staff – cross sector – in developing young people’s resilience, confidence and wellbeing (**key players:** Post School Psychological services, MCMC partnership, service providers)
- Develop the knowledge and understanding of schools and learning providers of the justice systems for under 18s; similarly, develop the knowledge and understanding of CfE across the youth justice services (**key players:** MCMC partnerships, schools, justice)
- Develop longitudinal social return on investment based studies in order to better understand the costs of intervening against the costs of not (**key players:** Scottish Government and local partnerships)
- HMIE include provision for children and young people at risk of offending in inspection activity (**key players:** HMIE and schools)

#### **WORKSTREAM MEMBERSHIP**

Viv Boyle	Scottish Government Youth Justice
Paul Carberry	Action for Children Scotland
Joe Connolly	Venture Trust Scotland
John Davidson	Scottish Government Violence Reduction Unit
Sharanne Findlay	Scottish Prison Service
Christine Greig	Scottish Government MCMC
Julie-Anne Jamieson	Skills Development Scotland
Angela Morgan	Includem
Elizabeth Morrison	Who Cares Scotland
Liz Murdoch	Scottish Government Youth Justice
Erica Nicholls	Scottish Prison Service
Susan Neilands	Scottish Government Education
Stuart Robb	Scottish Government Youth Justice
Rachel Sunderland	Scottish Government Education
Melanie Weldon	Scottish Government, MCMC
Eddy Adams	Chair

# Learning for Adult Offenders in Custody

## Introduction

69. The work of the Learning in Custody group focused on men and women aged 18 and over currently held in Scotland's prisons. The remit was to produce a report setting out key strengths, weaknesses, gaps and areas of duplication and making recommendations for sustainable improvements in outcomes.

70. The workstream group met five times from January to June 2009, including meetings at HMP Barlinnie and HMP Edinburgh. Tasks undertaken included:

- a review of relevant sources of data from Scottish Government Analytical Services Division (ASD) colleagues in Justice and Learning, from the Scottish Prison Service and from the learning providers in SPS prisons;
- a review of other key sources of relevant Scottish, UK and international evidence;
- a series of focus groups conducted with offenders in three prisons (Cornton Vale, Edinburgh and the Open Estate) as well as a visit to Barlinnie;
- an on-line survey of prison learning providers from Motherwell and Carnegie Colleges;
- engagement with key stakeholders (prison learning providers, vocational training officers, SPS managers, academic experts, colleges and employer networks) through workshop sessions and interviews.

## Background

71. The Scottish Government's Purpose of sustainable economic growth signals that people in prison and their families should be included, as far as possible, in mainstream approaches to improve learning; to support skills development and progression in work; and to ensure the benefits system works to reduce poverty over time.

72. The nine Offender Outcomes in the National Strategy for the Management of Offenders set the operating context for the Scottish Prison Service (SPS) and provide the baseline for the new Offender Management Programme<sup>11</sup>. Two outcomes are most relevant to our work:

- improved literacy skills (though not learning more generally);
- increased employability prospects.

### *Scottish Prison Service aims and measures*

73. The SPS Inclusion policies have defined learning, skills and employability (LSE) as:

*“A range of co-ordinated activities and interventions that addresses offenders’ needs and develops the skills, knowledge, attitudes and behaviours for offenders to access education, training and employment opportunities on release”.*

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<sup>11</sup> The Offender Management Programme (OMP) was established following recommendations in the Scottish Prisons Commission (SPC) Report that was published in 2008. The OMP seeks to identify and maximise opportunities to deliver effective interventions at the earliest stage in the offender lifecycle, to make the greatest impact on offending rates and provide positive alternatives

74. The SPS emphasis is firmly upon the prison experience as preparation for life after release and a broad concept of learning is supported. While the emphasis on preparing for life in the community is wholly justified, there is a significant gap between aims and actions in most custodial systems and Scotland is no exception. From our research, it is clear that evidence of what works best in spanning the gulf between custody and community remains thin: it is no surprise, then, that partnership links and funding are patchy.

75. A set of performance indicators has been agreed for the SPS to help measure progress. These involve measuring the extent to which services:

- promote participation in offender programmes and development;
- increase literacy during detention;
- increase employability;
- support prisoners to gain vocational and employment related qualifications;
- reduce drug use.

76. Although employment is regarded as the single most effective factor in reducing re-offending rates, the Home Office estimates that only around 10 per cent of prisoners enter work on release during times of economic growth. While more can be done to improve employment rates of ex-prisoners, other forms of productive activity (including training, learning and volunteering) will be needed to enable more offenders to live a safe lifestyle after release.

#### *Identifying need*

77. Various approaches to identify needs are used in the SPS. The existing system of Integrated Case Management (ICM)<sup>12</sup> begins with a core screen for all sentenced offenders within three days of their arrival in custody. This is the same for all prisoners, regardless of sentence length and eventual supervision status after release. This screening provides the information for specialist agencies (e.g. learning, skills and employability providers) to engage with the offender. Activities are then recorded on the SPS database, *Offender Records 2* (PR2).

78. The screening interview is carried out by a prison officer and the data is recorded on PR2. The purpose is to identify any immediate needs in order to make the appropriate referrals to service providers and to develop an action plan prior to release. This is especially important for very short-term offenders. If, during the core screen, any problem areas are identified, a referral should be made to the relevant specialist provider who would then conduct an in-depth assessment and deliver the appropriate support.

79. In terms of learning, skills and employability, offenders are asked if they:

- need assistance in maintaining a job while in prison;
- need advice or assistance on getting a job on release;
- are interested in attending or hearing more about learning/skills training while in prison;
- were involved in any courses/training or qualifications before coming into prison, or during a previous sentence, and would like to continue with this;
- need help working with computers, using numbers, reading or writing.

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<sup>12</sup> ICM applies to both the Scottish Prison Service and the prison establishment managed by the private sector contractors at HMP Kilmarnock and HMP Addiewell.

80. The prison service in England requires that all offenders at induction should receive an initial assessment within five days and that a learning/skills needs assessment must be carried out *for all first-time offenders*. An approach that targets those who are experiencing custody for the first time in custody might prove useful in Scotland as well. SPS is considering such an approach in conjunction with development of a new literacy and numeracy tool.

81. A key issue for returners is how consistently records of prior assessment and achievement are used. During our fieldwork, a number of prison officers indicated that the large volume of people moving in and out of prison meant updating offender information was difficult. They use the core screen to complete basic information on LSE rather than having a discussion about prior experience, skills and interests.

82. Information from social enquiry reports on learning or achievements along with other sources such as Scottish Qualifications Authority (SQA) and Skills Development Scotland (SDS) should be provided to prisons when a sentence begins. Prior assessment of needs and achievements for those who have been in custody before should be drawn from the prison records system (PR2). Duplication of assessment could thus be reduced and work with the offender start from the point reached during the last period of custody – or ideally, including information on learning/skills activity before returning to prison.

83. All convicted prisoners are expected to complete a short literacy *alerting tool*. The officer conducting the core screen usually administers this. Those with literacy needs are then flagged for support. However, some offenders don't react well to the offer of support at this stage, while others who have achieved at a higher level are still asked to complete the alerting tool.

84. We can be confident that a better way to identify needs will be developed in future. The SPS are currently developing and piloting a new literacy assessment tool in partnership with Learning Connections. In the meantime, learning centre staff expressed concerns about the extent to which offenders with identified high levels of need are followed up. Two-thirds think follow-up is not a high priority for prison managers and some hoped for greater dialogue with prison managers to address this issue in future. It is an even tougher challenge to reach those with poor basic skills who are serving sentences of less than six months. We believe this group should be given greater emphasis in future service planning. We recognise they are not a priority at present, due to limited resources, but suggest that more intensive approaches to literacy and numeracy learning might work well for some.

85. Learning centres now use an SQA screening tool for communication and numeracy with those who enrol. The tool is limited in scope, but allows assessment from Access 1 to Higher level and offers a consistent measure across the prison estate. We conducted an on-line survey of learning centre staff<sup>13</sup>. About half of respondents think the SQA screening tool offers a 'reasonably good' indicator of an individual's prior level of achievement in literacy and numeracy. About one-third disagree. A discussion with learning centre staff suggested that the screening tool gets the level right in about 98 per cent of cases – many believe the tool is good enough for identification purposes, while the real issue is follow-up work with those who need it.

86. This introduction to education may come too early for offenders whose anxiety levels are high (loss of liberty and personal privacy) and when they are still suffering the effects of substance abuse. Some research evidence suggests that educational assessments should

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<sup>13</sup> A total of 42 responses were received. While an on-line survey was chosen as the quickest way to collect and analyse responses, many learning centre staff have no access to the internet in prison. We are very grateful to those who completed the survey in their own time using personal internet access.

be undertaken later or at least reviewed when the offender has settled in. A majority (62 per cent) in our survey of learning centre staff believe the assessment should be conducted at a slightly later stage, when many offenders are likely to experience less anxiety. The period of settling in varies and some flexibility is needed to reflect this. However, one in five disagreed that a change here was needed and a quarter did not express a view.

#### *Current constraints*

87. Even policies supported by good evidence and senior commitment may struggle in the face of practical realities. Prisoner numbers in Scotland have risen steadily to match or exceed safe operational limits. Short-term prisoners make up a large majority of the Scottish prison population. This limits the effectiveness of learning and skills interventions for a significant proportion of people who might benefit. And it tends to drive managers and officers back towards 'custody and order' considerations rather than developing the 'opportunity' agenda further. Findings from SPS prisoner surveys show that offenders believe over-crowding has a negative effect on opportunities for education and training. This is the broad context that the Scottish Prisons Commission, Scottish Government and SPS wish to change.

### **What needs to change?**

#### *Integrate the learning role into the life of the prison*

88. Learning providers are one part of the core service provision within prisons, while other agency partners complement their work. Learning providers are located in the prison but are not sufficiently part of the prison's strategy. It makes sense to involve them more closely in adapting and linking provision with other activities, in dialogue with prison managers. We recommend that each prison should establish a coordinating mechanism, such as a panel of prison managers and key stakeholders, to ensure a more strategic view is taken of how core activities should fit with a range of possible services from other providers.

#### *Assess skills and employability*

89. There is currently no *diagnostic assessment* of skills and employability. The onus appears to be mainly on the individual to recall and share information accurately. Assessing progress in skills and employability in custody is considered difficult despite – or perhaps because - there has been a proliferation of skills assessment tools in recent years (Bimrose et. al, 2007). The SPS is aware of the need to make progress on assessing employability and is reviewing with key partners.

#### *Assess capacity as well as risk and need*

90. Work is ongoing to develop a more consistent approach to identifying risk and needs and sharing that information to inform court decisions and management of individuals subject to custodial and community sentences. The trouble with a focus only on 'risk and needs' is that other measures of offender capability (e.g. prior experience of learning, skills and work) and readiness to benefit are likely to be neglected. Assessment needs to be taken forward more broadly. This needs to include better tools for identifying where individuals are on the employability pathway, incorporating literacy skills as well as likely proximity to work.

### *Improve research evidence on outcomes*

91. One of the most significant challenges in our work has been the lack of robust research evidence on impacts and outcomes. This is not just an issue for Scotland. The ideal scenario would be to have tracking studies drawing good enough comparisons between the lives of those who have made progress through work and learning in prison and those who have not. This ought to be a priority for research funders. As an alternative, the forthcoming offender records database (PR3) could be used to compare the achievements in custody of those who are reconvicted on different occasions with those who are not.

92. The limited evidence available points to success rates of up to 10 per cent whether for accredited programmes helping to reduce offending, or offenders moving into employment soon after release. Although the pathways to successful outcomes are barely charted, these figures suggest there is a lot of scope for improvement. However, the impact of learning and work on positive sentence management should not be under-played. Nor should we make the mistake of assuming that getting qualifications and finding work is the only route to positive outcomes. A sizeable proportion of ex-offenders do not get jobs in the early weeks or months after release but still manage to avoid re-offending.

### *Develop tools for desistance*

93. We are attracted to the concept of *pathways to desistance* based on the work of Professor Fergus McNeill. Desistance from offending may take a long time, with multiple twists and turns. Although it remains poorly understood, we can be confident that single interventions – whether an accredited programme, study, vocational training course or getting a job after release – are rarely enough. The web of influences involved in changing the offender's self-image is complex. A mix of 'generative' opportunities, motivations and networks usually need to combine before an individual stops offending.

94. Learning in prison ought to be one part of this pathway. It is likely to be more effective as part of a wider focus on *goal orientation* – what the individual would like to achieve and how he or she can be enabled to get there. Goals may be secure housing, making amends to the family, getting off drugs or getting into work.

95. Many offenders express a desire to change their behaviour but lack the practical tools to do so. These include the ability to think and react differently and achieve a change in how they see themselves. These skills can be developed through accredited programmes like Constructs or specialist programmes for violence prevention, as well as through core/life skill activities and work placements. A more explicit focus on these tools for change is now needed.

### *Maintain a household focus as far as possible*

96. Attitudes and practice vary across Scottish prisons when it comes to family engagement. Offenders are viewed by most agencies as free-standing individuals when most are part of families. Given what we know about desistance, there is a strong case for encouraging more structured contact between offenders and their children in particular - for example, reading together, homework updates and computer use.

97. One option is to develop a family learning curriculum designed in part by offenders and their families for both to follow. Partners could be invited to attend some of the activities offenders are taking part in and life coaches/mentors could be offered to offenders' families. If prisons can facilitate greater contact, family relationships are more likely to be maintained or repaired. One result of this may be a reduction in housing instability and homelessness on

release. However, it is important that participation is voluntary to provide suitable opportunities for meaningful contact rather than coercion.

### *Build an active learning culture in prisons*

98. Convicted offenders are required to work but over-crowded prisons struggle with how far work opportunities can be offered. Learning remains voluntary. A presumption should be established that all convicted offenders must engage in a range of work and/or learning activities. A combination of 'help and hassle' to take part and to achieve is needed to address some of the lax features of prison life.

99. If taking part in some activity for at least part of the week is to be expected of all, there is a matching responsibility on prisons to develop a balanced programme of opportunities spanning work, learning, accredited programmes and approved activities as appropriate. Elements of the package should be negotiated with offenders as an exercise in building responsibility. A 'day release' model could be developed where some offenders combine work plus 'college' (perhaps a better name for the prison learning centre), e.g. four days work/vocational training (VT) with one day of core skills learning or attending education. Offender feedback on the content of VT, work parties and courses of learning should inform evaluation and improvement of activities. In this way, participation would be required, but some discretion exercised over an appropriate mix of activities. It would be for the proposed co-ordinating panel in each prison to identify the best way to deploy existing resources.

This should include:

- creating greater opportunities for informal learning;
- addressing variations in participation rates in formal learning across Scottish prisons;
- reducing the proportion of offenders who enrol but fail to attend;
- improving facilities for learning;
- focusing on literacy learning for those receiving the least support within an overall programme that offers varied learning options for all;
- encouraging consistent attendance for those serving short sentences;
- supporting programmes that teach practical life skills;
- addressing disincentives that may arise in participating in learning as a result of the SPS wages policy;
- developing outreach learning activities that offer new opportunities;
- offering learning opportunities at evenings and weekends to enable more offenders to combine work with learning;
- running shorter classes;
- developing peer tutors to support learning;
- establishing closer integration between learning providers and VT staff to broaden opportunities to learn;
- exploring new ways to use computer technology to aid learning;
- involving HMIE in full reviews of learning in prison;
- rewarding progression and completion of learning programmes;

### *Re-think employability for recession and welfare reform*

100. In the period 2007-09, the majority of offenders were expecting to claim Job Seeker's Allowance on release. The next most common destination was to claim sickness benefit. Only 8.5 per cent moved into some form of employment. On the basis of two years' data, recorded before the recession officially began, the employment rate of offenders on release was around 10 per cent lower than among those entering prison. It seems clear there is

significant scope for improving how the system functions in terms of preserving jobs, stemming the flow onto sickness benefits (where claimants are least likely of all to secure work) if alternatives are possible, increasing the number of job searches and securing job entries at the point of release.

101. The economic recession provides an opportunity to re-think the employability agenda in Scotland's prisons. The current system has been geared up to enable some offenders to achieve basic vocational qualifications. These demand evidence of competence gained 'on the job.' A high volume/low level basis to vocational training is unlikely to be very attractive to some employers. Employers appear to be more interested in the essential skills of reliability, honesty, work ethic and ability to work with colleagues. These can be learned through various activities in prison, even if they are only tested for real after release. Core skills for work tend to matter more than job-specific skills – blending both more clearly into VT settings and work parties seems the most appropriate next step.

102. Whatever provision is available in prisons, a much closer linkage with mainstream programmes is needed. Flexibility in the system to enable fast-track entry to relevant training programmes for offenders who are ready should be used fully. Ideally, benefit claims and enrolment on programmes would begin *before release*, with accommodation secured. We recognise the test of public acceptability here, especially in a time of recession. The guiding principle should not be that offenders get to queue-jump, but are able to benefit from existing flexibility available to other types of excluded clients, notably Flexible New Deal and Training for Work. There is no reason in principle why faster access could not be arranged for those who are further on in the journey to employability and we recommend that SPS and Jobcentre Plus make this a priority.

103. Even with a more active approach, a sizeable proportion of offenders will not be job-ready when they are released and participation in various programmes may not lead to a job. We should not make the assumption that a job is the only way to reduce re-offending. Many offenders who don't find work still manage to find a way out of offending. The realistic goal should be a safe, sustainable lifestyle where offending is either left behind, less common or less serious. Core life skills learned in custody – how to deal with anger, rejection and disappointment – as well as practical skills of painting, gardening or hairdressing may have a wider value in terms of day-to-day living. A mix of life and employability skills can also be gained through a return to learning or volunteering.

104. Instead of trying to second guess labour market trends in uncertain times, the SPS could enable productive skills to be learned around the estate. SPS owns large tracts of land which are under-used. In the past, land was used to produce fruit and vegetables. This could be done again in a number of prisons as well as developing renewable energy sources such as wind turbines and solar energy. This could provide training and work opportunities in horticulture, food production and renewable energy skills. The scope for developing these options is likely to be much enhanced if key employers were to form strategic partnerships with SPS.

105. Vocational training, community work placements and volunteering all offer opportunities to offenders to build up their skills and increase their employability. Volunteering either through Time Banks or community-based volunteering at the Open Estate allows offenders to begin making reparations to the community and demonstrates to themselves as well as others that they are capable of doing valuable work. The Time Banking Prison Initiative is a simple, radical approach which could benefit many more communities in Scotland. As a first step, we recommend that each SPS prison works with Volunteer Development Scotland to establish a Time Bank.

### *Engage with target employers*

106. Views differ on whether there is any mileage in pursuing closer engagement between prisons and employers. On the plus side, feedback from offender focus groups was generally positive about working for 'real' contractors rather than the prison estate. Less positively, employers could be criticised during a recession for hiring prison labour rather than maintaining employment in the community. However, successful partnerships have been formed with some employers and there is some evidence of employer interest to engage with prisons more effectively.

107. We believe the best option would be to develop alliances with a core group of employers demonstrating a clear interest and/or track-record in employing suitable ex-offenders. A dedicated client management approach could then be taken in working with these employers before offenders are released, addressing disclosure issues creatively and providing a through care service to employers. The goal is not to restrict the number of employers getting involved, but to begin where success is more likely and seek to attract others over time. However, it is clear that the SPS cannot act as an employment agency: its job should be to form a partnership with expert agencies in order to build relationships between prisons, offenders and employers, negotiate work placements, job trials and provide specialist support both prior to and during work activity.

### *Start pre-release activity sooner and ensure a focus on learning, skills and employability*

108. When an offender is liberated they are expected to take control of their own housing, health, money, bills and job-seeking. Many lack the skills or resilience to deal with these everyday issues. Pre-release activity is therefore vital in supporting better transitions to the community. Pre-release activities begin, on average, six weeks before release. These are only statutory for those serving sentences of over four years or where their convictions require supervision on release. Other offenders are *expected but not required* to attend the Links Centre, which gives access to service providers who can help sort out a range of issues including accommodation and benefits. Some learning and employability activity takes place at this stage (e.g. CV preparation, job search), but it appears to be patchy and for many is likely to prove too little, too late.

109. Given the uneven nature of pre-release opportunities and the lack of evidence on effectiveness, we would recommend a thematic review of the pre-release phase is considered by Audit Scotland as a follow-up to its review of correctional activities in 2005, once the initial findings of the National Offender Management Project's workstream on transitions are known.

### *Develop better ways to measure progress*

110. The primary focus for the SPS is on the volume of inputs (e.g. offender learning hours) and number of outputs (e.g. rates of completion and number of qualifications) rather than on outcomes (e.g. the short and long-term impact of various approaches). These may be useful surface indicators, but tell us little about what is really going beneath.

111. The fundamental issue is the need for higher quality research to shed further light on the link between activities in prison and outcomes after release. The definition of positive outcomes must be cast wider than re-offending rates or employment rates. This would inform the design of better opportunities and allow investment to be diverted away from less effective approaches. We don't need to wait for a 'Rolls Royce' option – i.e. a longitudinal study of participants with a matched control sample. Administrative data from PR2 could be linked with data from Jobcentre Plus, ROOP and education providers to build a picture of

how ex-offenders fare. Whatever set of opportunities is in place, better measures are needed to drive improvement both in custody and post-release. SPS is now moving towards performance reporting rather than targets, which will rely upon government and community agencies providing consistent data. Evidence provided by HMIP/HMIE reporting could also be drawn upon to inform better measures of progress.

#### *Decide how to target limit resources*

112. The guiding principle in terms of skills training and employability support should be identification of prior experience, current interests and level of motivation, followed by access to appropriately matched opportunities. *Thus, resources should be targeted explicitly based on stage in the journey to employability.*

113. Perhaps the most pressing matter is adult literacy and numeracy. Whatever level of need exists, more comprehensive literacy support should be available throughout the prison. Peer tutoring is one of the most effective ways to offer support. ALN Partnerships can provide a valuable level of 'bridging' support between prison and the community, although the evidence suggests there are significant barriers to continuing work started in custody.

114. Offenders with high literacy/numeracy needs serving short sentences of less than six months could be given a taste of adult learning. We are not convinced by the view that nothing can be achieved in terms of learning for people in this position.

115. Resources should be targeted at offenders serving their first time in custody to try to break the cycle of offending. Between one quarter and one-third of adults in custody at any point in time are serving a first time on remand or sentence. There is a clear case in principle for targeting different or additional types of support upon them.

#### *Address the workforce development challenges*

116. Significant capital investment in much of the prisons estate and the roll-out of Links Centres have enhanced the infrastructure to support offender learning and skills, and improved pre-release options. However, the level of investment in front-line LSE services remains a very small proportion of the SPS budget. Few of those we met during the course of our work felt learning is given a sufficiently high priority in Scottish prisons.

117. If the prison officer contribution to learning and skills is to increase, we need to understand the cultural challenges better. Officers need to have the right tools to ensure further improvements take place. We have heard how a culture of cynicism exists among many prison officers when it comes to the learning and skills agenda and in many ways this is a rational response. By definition, officers only see offenders who have 'failed' in the sense that they return to custody (even if they manage to stay out longer than before or commit a less serious offence). Under-use of the skills of officers, as well as offenders and providers, should be addressed in developing future LSE provision<sup>14</sup>.

#### *Weigh up the options for commissioning and co-ordinating*

118. Various options were examined but the group was not convinced that any single model is superior to the current approach. Elements of various models would make a positive difference: the challenge is to identify what kind of 'Scottish mixed model' would

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<sup>14</sup> SPS has sought to develop key staff to provide 'opportunity' support, but as prisoner numbers continue to increase, it finds itself progressively pulled back towards logistics, security and undertaking the basics of the service.

work best. One pragmatic option could be to first test out a partnership commissioning approach – for example, by transferring commissioning responsibility *for the national prisons* to a partnership of national agencies with a remit to ensure appropriate linkages are put in place throughout Scotland. This would be evaluated with a view to drawing comparisons with the existing model.

119. It is possible that significant changes in outcome can be achieved within a revised performance framework for SPS and contract specification for LSE services. There is a strong case for testing alternatives rather than applying a new system across the whole estate.

120. A more flexible and effective system of learning in prisons, achieving better outcomes with existing resources may be possible. But we consider it very likely that long-term improvements in the range and quality of services will need new investment. If prisoner numbers continue to rise, it is hard to see SPS having significant additional resources to apply to learning. To achieve the necessary changes identified in the report, a pooling of resources from other government agencies would also be required.

## How do we make it happen?

*Proposed actions: a better future for learning in prison*

Our aim is to build on the strengths in the system found by HMIE, HMIP and in this review; to address areas of weakness; and to encourage improvement. Our conclusions lead to a proposed action framework. This identifies the need to reform elements across the learning system as a whole rather than tinkering at the margins, and key themes will need to be reflected in how services are commissioned in future. The framework sets out our proposals which will need to be placed in some order of priority (based on degree of urgency, likely scale of benefit or return on investment). We would welcome views on this.

### **Actions framework**

<b>Proposed action</b>	<b>Proposed responsibility</b>
<b>Knowledge and coordination</b>	
Improve research evidence on outcomes, linking actions in prison with outcomes in the community.	Scottish Government to explore with Scottish Funding Council and other governments/funders (e.g. ESRC)
Conduct assessment of learning level at a later stage where appropriate	SPS and Learning Connections
Increase targeted support to offenders serving between six and 12 months for additional literacy learning support. Encourage their consistent attendance to achieve 30 hours of support. In the longer-term, adapt support for those serving less than this. Encourage self-referral for all with identified higher literacy and numeracy support needs.	SPS
Involve learning centre staff in ICM Case Conferences	SPS guidance on ICM. Prison Governors and managers to take operational lead

Establish co-ordinating panel for learning activity in each prison, including learning centre manager and other core partners	SPS in association with Prison Governors
Assess learning capacity (including prior experience) as well as risk and needs	SPS
<b>A more flexible and efficient system</b>	
Manage the issue of 'no-shows' at the learning centre: motivate Officers as well as offenders to increase the number who attend.	Primarily, Prison Governors and managers. Revised SPS performance framework.
Target resources to improve the learning environment where it is poorest and where capacity is most restricted.	SPS (capital investment)
Develop opportunities to learn practical life skills (e.g. teaching kitchen)	SPS (capital investment)
Reduce disincentives to learn, e.g. through enhanced bonus structure for progression and achievement	SPS to review consistency of policy and practice.
Take learning activity on 'outreach' to residential areas of the prison, working with peer tutors and others to offer 'tasters.'	Learning providers encouraged to do more of this
Issue every offender who enrolls at the prison library with a library card for their home authority.	All local authority library services to serve prisons within their boundaries
Some learning provision should take place during evenings and weekends to enable more offenders to combine work with learning.	SPS to agree with Officers and learning providers.
Cut the duration of classes and run more of them	SPS/Prison managers.
Target training to peer tutors serving longer sentences and match demand with supply	Prison managers.
Embed learning within work and vocational settings: clarify expectations of joint development for key Officers and learning providers	SPS or other commissioning agency to clarify expectations in future contracts.
Maintain a household focus: involve children and families in prison learning activities as appropriate	Prison Governors and managers.
<b>Tools for learning</b>	
On a trial basis, allow borrowing of digital equipment for literacy and numeracy learning (e.g. Nintendo DS) through prison libraries	SPS to pilot in selected prisons
The Scottish Prison Service should benchmark against trends in the Nordic countries including options for secure internet access.	SPS
<b>Reward progression and achievement</b>	
Remove barriers to progression arising via transfer to another prison: take into account stage in the learning process and improve consistency of provision between prisons.	Communication between Governors and network of SPS Inclusion/Opportunity managers.
Take into account evidence of progression in learning and work when making parole decisions	Scottish Parole Board.
Review the impact of wages policy in terms of gender and	SPS

age equality	
<b>Target steps to employability and work with employers</b>	
Develop employability assessment tools and match opportunities for learning, work and training to individual's position	SPS in conjunction with Jobcentre Plus and Skills Development Scotland
Focus on embedding essential skills for employability within work and vocational training and on recognising transferable skills	SPS or other commissioning agency to clarify expectations in future contracts; Prison managers and VT Officers.
Offer a more intensive approach to employability and access to work for those identified as most likely to benefit	SPS in conjunction with Jobcentre Plus and community based employment support organisations. New funding required.
Partner(s) to secure continuation or linking of community work placements at the point of release	As above.
Locate responsibility for engaging with employers: commission expertise to target employers with a track record or a clear interest in working with offenders	As above.
<b>Pre-release support</b>	
Begin pre-release activities sooner in some cases (e.g. short-term offenders with complex needs, HDC applicants) and consider making attendance in core pre-release activities compulsory	SPS, Prison managers and Links Centre staff.
Improve learning transitions: develop protocols between learning/training providers in prison and the community and with Jobcentre Plus	
Wrap information, advice and guidance (IAG) around learning options, starting with integrated employment/benefits and skills advice. Engage former peers (ROOP) to ensure links into generic transitions support.	SPS in conjunction with Jobcentre Plus, Skills Development Scotland, Learning Connections and ROOP.
Thematic review of pre-release approaches across Scottish prisons to map investment and effectiveness	Audit Scotland and/or HM Chief Inspector of Prisons.
<b>Measuring and managing change</b>	
Develop better indicators of progress, e.g. distance travelled and range of performance between prisons (capacity, participation and no-show rates)	SPS
Adopt a 'skills utilisation' perspective for workforce development: support lead Officers to improve a culture of active learning within the prison starting with VT Officers.	SPS
Weigh up the options for commissioning learning, skills and employability services suited to the emerging prison estate: match the approach to prison type (community-facing and national) and take joint decisions with mainstream agencies	Scottish Government and SPS to lead engagement with key stakeholders e.g. Skills Development

responsible for adult learning, training and employability.

Scotland, Learning  
Connections and  
Jobcentre Plus

#### **WORKSTREAM MEMBERSHIP**

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# Learning for Adult Offenders in the Community

## Introduction

121. The remit of the group was “to review the current position of learning within community sentences or disposals for adults aged 18 and over, to identify key strengths, weaknesses and gaps in provision and to make recommendations for sustainable improvements in outcomes.”

122. The group met five times (from December 2008 to June 2009). At the same time the views of a range of individuals and groups were sought. These included staff and managers from social work and voluntary organisations, academics, service users, representatives of employers, Scotland’s colleges, Learning Connections’ Offender Literacies Practitioners’ Network, the Chief Executive of the Scottish Prison Service and the Scottish Director of Jobcentre Plus.

## Background

123. Levels of offending in Scotland are reducing, yet prison numbers are at their highest ever and are still growing. Scotland continues to imprison a higher proportion of people than most other countries in the European Union. Meanwhile, public perception of community sentences or disposals is shaped by media coverage which portrays these disposals as “the soft option”. Over the period 2003-2008 the use of Community Service Orders, Probation Orders and Supervised Attendance Orders has increased. During 2007-2008 there were 6206 Community Service Orders, 8751 Probation Orders and 4438 Supervised Attendance Orders<sup>15</sup>.

124. Data on reoffending rates<sup>16</sup> shows that 64 per cent of individuals sentenced to prison will reoffend within two years. However that rises to 75 per cent in the case of those given short sentences of less than six months. Rates are much lower for those given community penalties with only 39 per cent of those given community service reoffending within a two year period.

*What do we mean by community sentences?*

125. There is a wide range of community sentences<sup>17</sup> available to the courts including:

- Restriction of Liberty Order
- Drug Treatment and Testing Order
- Community Service Order
- Probation Order
- Supervised Attendance Order

<sup>15</sup> <http://www.scotland.gov.uk/Publications/2008/12/09091001/4>

<sup>16</sup> <http://www.scotland.gov.uk/Publications/2007/11/20142739/0>

<sup>17</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/community/16906>

126. Community Service Orders, Supervised Attendance Orders and Probation Orders are the community sentences which offer the best opportunity to engage the individual involved in learning. (Restriction of Liberty Orders (tagging) have no direct social work involvement and the main priority for DTTOs is of course to address addiction issues.)

127. *Community Service Order (CSO)* : A person 16 years of age or over and convicted of a crime or an offence can be given a CSO to carry out unpaid work in the community. CSOs can only be made by courts as an alternative to a custodial sentence. CSOs can be made for a minimum of 80 hours up to a maximum of 240 hours under summary procedure and 300 hours under solemn procedure. They must be completed within 12 months.

128. *Probation Order*: Probation Orders provide one of the opportunities for criminal justice social work services to focus on offending behaviour. Prior consent of the offender is required, and the order should be informed by an Action Plan in which the offender agrees to address their offending behaviour and its underlying causes. Probation Orders can be used very flexibly by the courts and additional conditions can be attached regarding the offender undertaking unpaid work, their place of residence, curfew (including electronic monitoring), financial recompense to the victim or attendance at a specialist programme such as alcohol or drug treatment. The minimum length of a Probation Order is six months and the maximum is three years.

129. *Supervised Attendance Orders*: They require an offender who has failed to pay a fine, or is deemed by the court unable to pay, to undertake a programme of designated activities for a specified number of hours. The programme can involve:

- activities of an educational nature;
- activities designed to stimulate interest and encourage the constructive use of time;
- activities involving unpaid work in the community.

Supervised Attendance Orders run for between 10 and 100 hours (subject to a limit of 50 hours where the outstanding amount is up to £200) as ordered by the court. Statistical information in relation to community sentences can be found in the Criminal Justice Social Work Statistics Bulletin 2007-08<sup>18</sup>.

### *Legislative changes*

130. The current Criminal Justice and Licensing Bill includes provision for a new Community Payback Order (CPO) which will replace the existing Community Service, Probation and Supervised Attendance Orders. This will enable the court to impose one or more requirements on the offender including unpaid work, supervision, alcohol or drug interventions or a requirement to take part in a programme to address offending behaviour. The Bill proposes that unpaid work can also include an element of “another activity”. This will provide the scope to expand on the skills development opportunities inherent in traditional Community Service Order placements.

131. The preparatory work to introduce the CPO is being undertaken as part of the Government’s Offender Management Programme Framework. This includes a strand on Community Reintegration with a focus on ensuring that offenders have the same access to

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<sup>18</sup> <http://www.scotland.gov.uk/Publications/2008/12/09091001/4>

services as other citizens in need including health; addictions; housing; and learning, skills and employability.

132. The recommendations in this report can be applied to the current system and will be transferable to the new system if the provisions for CPOs are passed into legislation.

#### *What do we know about offenders?*

133. We know that a high proportion of offenders come from a limited number of communities which face a range of other problems associated with multiple deprivation. Many offenders have complex needs including mental health issues, addictions and, amongst women, many have been victims of abuse. Offending by young males under the age of 21 continues to be a particular problem. In the past, offenders were almost exclusively male but a disturbing recent trend is that an increasing number of offenders are female although they still represent a very small proportion of the total.

#### *Why is learning important?*

134. Considerable research has been undertaken into why people give up offending behaviour. The reasons are complex and vary according to individual life circumstances. Evidence shows, however, that sustainable employment can play a significant part in reducing the risk of reoffending. This is not always possible immediately on release but should be a clear goal for the longer term. Just as important in the short term must be to enable these individuals to become better citizens, family members, parents and to make positive choices about how they contribute to their communities.

#### *Educational background of offenders*

135. It is often quoted that the average educational level of offenders is considerably lower than the general population. This statement comes with some health warnings. Firstly, it is based on evidence from England without any parallel evidence for Scotland, although there are likely to be similarities. Secondly, it may be more meaningful to compare the average educational level of offenders with that of the communities from which the majority of offenders come. There is growing consensus that these levels would be broadly similar. Finally, and perhaps most significantly, this statement assumes that offenders are a homogenous group rather than a group of individuals with differing levels of education and skills, including some with graduate levels of education.

136. There is sufficient anecdotal evidence, however, to say that many offenders have been failed by the education system, have few, if any qualifications and that many have problems with basic skills such as literacy and numeracy. This needs to be addressed to enable individuals leaving the justice system to progress to more positive life choices, as part of the rehabilitation and reintegration process and thus to reduce re-offending. Learning in its widest sense can play a key role in that process.

#### *What do we mean by learning?*

137. For many people working with offenders, this is taken to mean literacy and numeracy skills and training for employment. However, we are clear that, for learning to help individuals change their lives, it must encompass a much broader definition. Learning needs to be holistic, person centred and based on need and must address the whole range of skills for learning, life and work. This would range from programmes which address offending behaviour, anger management, communication skills, conflict resolution and cognitive behaviour therapy, to core skills such as literacy, numeracy and basic computer skills. For

some it would also address life skills such as managing money, budgeting and basic cookery. Key to all of this is that the learning is seen as relevant and valuable to the individual.

138. One example is the Constructs Group Work Programme which uses the cognitive behavioural therapy approach to address offending behaviour with males aged 18 years and over who have a history of offending and are assessed as being at a medium or high risk of reoffending. This programme is seen as effective by many of the practitioners who use it and as a real challenge by many of the participants. The key issue for this report is that an individual's ability to engage with this programme will be hindered if they have difficulties with literacy and communication skills.

139. Adult literacy and numeracy provision in Scotland is seen as a good model of effective practice as it follows a "social practice" model rather than a "deficit" model. This means that provision starts by identifying what skills the individual has, what they want to achieve and what additional skills they need to reach their goals, rather than only identifying the skills the individual lacks.

### **What needs to change?**

140. For learning to be effective, it needs to be holistic, person-centred and based on need. Too often the learning that is offered is producer or programme driven, rather than personalised. One comment from an expert witness was that we "sheep dip" all offenders through the same programmes, regardless of need or likelihood to benefit. Not only is this approach unlikely to be effective, it also wastes scarce resources which could have much more impact if properly targeted.

#### *Identifying need*

141. This can only be achieved if there is a sound and consistent approach to identifying the learning needs of the individuals. We were keen to ensure that we avoid describing this as "assessment," given the differing connotations this has. In particular, any suggestion of "testing" is likely to be counter-productive. This identification of need should use a generic question set to provide collated information which is readily transferable between agencies. The experience and expertise within adult literacy and numeracy providers is useful here as they tend to take a very person-centred approach to identifying need rather than relying on a standard set of tools. The group was clear that we were not recommending the standard toolkit approach as this can be very restrictive. We concluded that work needs to be done to agree a consistent approach to identifying need across the range of sentences and contexts for this client group which would have credibility and transferability within the wider lifelong learning community.

#### *Developing individual action plans*

142. Once the individual's needs have been identified, this should lead to the development of an individual learning action plan. This should identify the most appropriate learning provision and might be accessed through Community Learning and Development in the local authority or the voluntary sector or through the local college. This action plan must be agreed collaboratively and owned by the individual and should include milestones achievable within the term of the community sentence.

### *Making transition plans*

143. By the time the community sentence is complete, the individual should have an agreed transition plan which includes a record of achievement covering progress made as well as outcomes achieved. The plan should ensure that any learning programme not completed can be continued in the most appropriate way. The plan should ideally include an agreed offer of education or training following the model established by Government for young people in 16 + Learning Choices. If motivation and commitment is to be maintained, appropriate onward referrals should be agreed and arranged wherever possible before the end of the community sentence.

### *Building a record of achievement*

144. The record of achievement should use an existing mainstream model to make it easily portable and user friendly. The group learned of two different systems being developed which seem to have very similar purposes. One is the Skills Development Scotland (SDS) "My Learning Space", a web-based resource for skills and learning information. Amongst its many uses will be as a tool for career planning and an e-portfolio and record of learning capabilities.

145. The Scottish Qualifications Authority (SQA) is developing something similar called "My SQA" which would offer another approach. It would seem sensible to ensure that there is no duplication of purpose and effort which would also be confusing for many people, users and providers alike. If the purpose is broadly similar then agreement should be made to develop a single vehicle. Whatever model is agreed, it should not be solely web based as many members of this client group may not have access to a computer.

146. The group realises that if this is the approach to be taken across the range of sentences in a consistent way throughout Scotland, it will present some challenges including around workforce development. We believe however that it is building on a process which is already underway in many areas.

147. This commitment to providing a learning journey for each individual will need further development work, particularly around developing consistent approaches across the country. This should form part of the commitment made by Government through the Offender Management Programme Framework mentioned earlier in the report.

### *Employment and employability*

148. As stated earlier in the report, there is significant evidence that achieving sustainable employment is a key factor in reducing re-offending. However, the group also recognised that a significant number of people serving community sentences are already in employment. In 2007 - 2008, 38 per cent of people receiving Community Service Orders were employed or self-employed, in full-time education or on a government sponsored training scheme. This creates additional challenges around completing the sentence and participating in work parties or programmes.

149. For those who do not have a job, employment should continue to be an important goal. However, this needs to be addressed at an appropriate stage when the individual is ready to benefit. It should be recognised that not everyone will be ready to move into paid employment at, or shortly after, completion of a sentence. The focus should be on the individual's broader employability skills to ensure that stable and sustainable employment is achievable in the future. To facilitate this, a whole range of underlying factors may have to be addressed such as continued offending behaviour, addictions and housing.

150. Interventions specifically designed to help individuals find employment should therefore be targeted on those most ready to move in to the job market, particularly in view of the current recession and higher levels of unemployment. Employers are very clear that they are primarily looking for people to have the “soft” skills such as reliability, good time-keeping and ability to work well with others. They are then able to provide the training necessary for the specific job role.

151. Jobcentre Plus and SDS have been piloting an Integrated Employment and Skills Service (IES) in various parts of the country. A variety of models are being tested but they share the common objective of bringing careers advisers in to Jobcentre Plus facilities to provide a more joined up service to individuals seeking work. SDS and Jobcentre Plus are currently reviewing implementation of IES and plan to build on lessons learned. Initial reports are encouraging and the partners are keen to ensure that this service is made available to this client group.

### *Employer engagement*

152. A key part of employability programmes must be engagement with employers. There are currently several good examples of employers engaging with the justice sector in a variety of ways and for a range of reasons. Some work with the Scottish Prison Service to provide real-time work experience for prisoners as a straightforward commercial decision. Others work with offenders out of a sense of corporate social responsibility. Many small and medium size companies take offenders on placement at a local level because of a commitment to their communities and often to young people.

153. There are many agencies with excellent links with employers in their local areas but, sadly, there are interested employers who have found it difficult to know how and where to make the necessary contacts. Worse still, there are others who would not employ anyone with a criminal record as a matter of policy.

154. The one common message the group heard was that the public sector was sometimes the hardest to engage in this vital work. Whilst the group understood the issues of risk, this can significantly limit the opportunities available, given the scale of the public sector in Scotland. More importantly, it also means that the opportunity to take a lead in this area and set an example to the private sector is lost. This is more critical than ever in times of high unemployment. Clearly, there is work to be done to sell the benefits to employers and to ensure that it is made easier for those who are willing to engage.

### *Why is this not happening?*

155. All of this seems sensible and straightforward so why are we not doing it? In some cases we are, often as a result of the efforts of enthusiastic, passionate and skilled professionals who see their role as supporting individuals to turn their lives around rather than merely delivering programmes. The challenge is to make this the norm and ensure that this is the approach taken consistently across the country. Until now, there has been no clear policy commitment to a systematic approach to offender learning. This has led to a lack of clarity about governance and responsibility and a lack of coordination and communication around delivery. Addressing these issues would help to build confidence in the system.

## How do we make it happen?

156. If this issue is to be properly addressed then action is needed at all levels from Scottish Government through to the various agencies delivering services to people serving community sentences.

### ***Policy commitment and governance at national level***

157. At present, community sentences are seen predominantly as punishment. The Scottish Government is committed to ensuring that, as well as being punished, offenders serving community sentences are required to make payback to the communities they have harmed and to be offered opportunities for rehabilitation. Learning in its widest sense plays a key role in that process.

158. To maximise the potential benefits, skills for learning, life and work should be integral to all parts of the sentence. In the best examples of Community Service Orders, providers realise that routine tasks such as community clean up and gardening can involve learning in planning and organising the tasks as well as vocational skills. They also offer the opportunity to develop the soft skills such as communication, team working, as well as time-keeping and reliability.

159. The group recommends that:

- *The Scottish Government must make a clear public commitment to the role of learning in rehabilitation and reducing re-offending.*
- *The Scottish Government must require that appropriate community sentences, as well as having punishment/payback at their heart, should also provide opportunities to address rehabilitation and the part that learning plays therein.*
- *The Scottish Government should include this requirement in “National Objectives and Standards for Social Work Services in the Criminal Justice System (NOS)”.*
- *The Scottish Government must also take responsibility for ensuring development and implementation of the offender learning journey approach as outlined in this report. This must be a shared responsibility between appropriate representatives of the Lifelong Learning Directorate and the Criminal Justice Directorate. The Offender Management Programme Framework provides the ideal place to locate this.*
- *The public sector, starting with the Scottish Government, must lead by example and find ways to offer offenders work experience as well as employment wherever possible.*
- *The Scottish Government should work with appropriate agencies to encourage employers at national and local level to offer work experience and employment to offenders. These agencies would include JobCentre Plus and private business organisations.*

### ***Policy commitment and governance at Community Justice Authority (CJA) level***

160. Eight local CJAs<sup>19</sup> have been established to provide a co-ordinated approach to planning and monitoring the delivery of offender services. The CJAs are tasked with developing plans to reduce reoffending in their communities in partnership with the key agencies such as local authorities, NHS boards, police, prisons and the voluntary sector. CJAs are still relatively new bodies which have worked hard to establish the relationships required to deliver the challenging task they have been set by Government. They are a key part of the mechanism for delivering the Government's objective "to reduce overall reconviction rates by 2 percentage points by 2011".

161. The group agreed that the CJAs should ensure that their three year Strategic Plans and associated Annual Action Plans include a clear commitment to ensuring that learning becomes embedded in the approach to community sentences.

162. The National Strategy for the Management of Offenders "Reducing Reoffending"<sup>20</sup> identified nine Offender Outcomes against which performance should be measured. These include a measure around literacy and numeracy and one around employability. As the Offender Outcomes in effect drive provision, they need to be reviewed to include an outcome around learning more generally.

163. The group also concluded that performance should be measured on the basis of outcomes such as progression, completion and achievement. This would replace the current input measures such as hours of "learning" delivered. To ensure that investment in learning is having an impact, the CJAs must shift the focus to measuring learning outcomes. Work will need to be done to ensure a consistent approach is developed and agreement reached on how these outcomes are measured.

164. The group recommends that:

- *The CJAs should review the nine Offender Outcomes and consider whether it is possible to include a specific outcome around learning.*
- *The CJAs must shift the focus to measuring outcomes, such as progression, completion and achievement rather than inputs such as "hours of learning delivered" and agree a common approach across the country.*
- *The CJA Performance Management Framework must require evidence that the process agreed to identify need and agree action plans and transition plans is being followed.*

### ***Policy commitment and responsibility at local level***

#### *a) Strategic responsibility*

165. At the moment, offender learning is the responsibility of a whole range of agencies, and this ultimately means that no-one is responsible. Given that the majority of services for this group are provided through the Community Planning Partnerships (CPPs), this would be the obvious place to locate responsibility. Given the importance of reducing re-offending to the achievement of Government's strategic objectives, the group felt strongly that the Single Outcome Agreements should contain a specific reference to reducing re-offending and to

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<sup>19</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/cja>

<sup>20</sup> <http://www.scotland.gov.uk/Publications/2006/05/19094327/0>

offender learning to demonstrate ownership of and commitment to this agenda. It is understood that some of the draft plans for the coming year have already taken steps to address this.

166. Responsibility for offenders and reducing re-offending should not lie solely with Criminal Justice Social Work. This should be clearly seen as a shared responsibility by the whole of the local authority, the Community Planning partners and beyond to local communities. Only by accepting that shared responsibility can we achieve the rehabilitation and re-integration of offenders into their communities.

*b) Access to mainstream services*

167. There are times when specialist services may be needed, but, in the main, this client group would be best served by accessing mainstream services already provided to the wider community. This is as appropriate for learning as it is for other services such as health, housing and employment services.

168. There is currently a debate about the provision of services for women offenders both in custody and on community sentences, including an enquiry by the Equal Opportunities Committee of the Scottish Parliament<sup>21</sup>. Given the complex issues many women offenders have, there is broad agreement that there is a need for some specialist services. The ultimate goal must be for these women to be supported through these services to enable them to progress into mainstream provision.

169. The group identified that a major hurdle in improving delivery of learning is the lack of knowledge front line professionals have of the range of services already available in their area. Members of the group were aware of a plethora of services and providers but all expressed concern about how difficult it was for those engaging with offenders to know and keep up to date with what was available. There are some good examples of local authorities developing closer working between their adult/community learning and criminal justice social work teams and this should become the norm.

170. Many in this client group would benefit from being able to access adult literacy and numeracy support, wider community learning and college provision. They may need greater support and signposting to enable them to take advantage of what is available.

171. Local authorities need to make links internally between services and with the various agencies operating in this arena at the local level. This collaborative approach would have significant benefits in terms of cost effective service delivery to the organisations themselves and, more importantly, to the individual clients.

*c) Access to Information*

172. There is an associated need for much improved access to the information about opportunities for learning and employability. This information exists within individual organisations such as Skills Development Scotland and JobCentre Plus but is not made available in any systematic way to other agencies providing services to offenders.

173. One possible mechanism would be for the CJAs to include web links and signposting on their websites to the various databases of provision. This, along with local knowledge and networks, would offer a much improved service for this client group.

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<sup>21</sup> <http://www.scottish.parliament.uk/s3/committees/equal/inquiries/Femaleoffenders/Femaleoffenders.htm>

174. The group recommends that:

- *Local authorities should take the lead responsibility for offender learning at the local level through the Community Planning Partnerships and express that commitment explicitly in the Single Outcome Agreements.*
- *Local authorities should ensure that all staff are aware of what services their council and others provide which would be relevant to this client group.*
- *Local authorities and the CJAs should work together to maximise access for staff to the databases of major organisations such as Skills Development Scotland and JobCentre Plus which provide information about learning and employability services.*

### **Research**

175. The group had considerable discussion about the existing evidence base and identified two critical concerns. One was that the evidence regularly quoted about the levels of literacy and numeracy skills among offenders is based on surveys carried out in England. The group believed it would be useful to have accurate Scottish data that includes those serving community sentences as well as prisoners.

176. The second concern was that, with one or two exceptions, there seems to be little research to support the effectiveness of interventions with offenders. This is true across a whole range of interventions but is particularly the case around learning. The group felt strongly that, whilst there has to be scope for innovation, a more evidence based approach would be useful.

177. In that spirit, consideration should be given to reviewing progress around implementation of improvements to offender learning after two or three years. This could be done by measuring progress around the CJA Performance Management Framework.

178. The Group recommends that:

- *The Scottish Government considers commissioning research into the educational levels of offenders serving community sentences in Scotland, with particular reference to literacy and numeracy.*
- *The Scottish Government, in cooperation with the CJAs, considers commissioning research into the effectiveness of learning interventions.*
- *The Scottish Government and CJAs makes a commitment to review progress in implementing this new approach to learning in community sentences within two to three years. This could be done by measuring progress around the CJA Performance Management Framework.*

## **Conclusions**

179. There is a growing consensus that Scotland needs a more systematic approach to the role that learning must play in the rehabilitation of offenders. There is evidence of much good work going on across the country and a shared view that this needs to be developed across the whole system.

180. There needs to be a shift away from the programme/producer driven approach to one that is person-centred and based on need. There needs to be much more clarity in policy commitment, governance, co-ordination and communication as well as better access to information for all involved.

181. The group believes that much can be done within existing resources to improve the current system and that the move to the new Community Payback Order, if the provisions are enacted, will offer a clear opportunity to apply all that is recommended in this report.

182. If we are to achieve the objectives of a fairer, healthier, wealthier, smarter and safer Scotland, the Scottish Government must continue the clear leadership it has shown in commissioning this work by taking decisive action and requiring the same of all the other agencies involved in this agenda.

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Theresa Haran	Skills Development Scotland
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## Summary

Learning and skills acquisition can provide offenders with the tools to improve their lives. These may offer a route out of offending and towards a more productive, positive future. There is evidence of good work going on across Scotland to develop and deliver effective offender learning but it is far from universal.

Too often, opportunities to participate are limited. Services are often poorly integrated and the help they offer is fragmented. The main emphasis is on punishing people for their offending behaviour. Enabling them to move on in their lives through effective support rarely has the same priority. For people serving community sentences, some progress has been made in maximising the learning gained through Community Service and Supervised Attendance Orders for example, but good practice is patchy. It is particularly challenging in overcrowded prisons to provide suitable learning opportunities when the main focus is on custody and maintaining order. This report identifies the challenges that need to be faced and where improvements can be made.

Responsibility for offender learning covers many agencies in a number of sectors including education, social work, criminal justice, training and employment. Consequently, offender learning is 'everyone's problem' but ultimately no-one's main responsibility. This must change if we are to make progress: in future we should be clear about who is ultimately responsible for improving offenders' learning outcomes. Until now, there has been no clear commitment to taking a systemic approach to offender learning. This has led to a lack of clarity about governance, co-ordination and communication around delivery.

Fragmentation is one of the key barriers to providing consistent support in the face of the many transitions involved. These include moving from the youth to the adult justice system; leaving mainstream education; entering or leaving custody; re-integrating into the community. Within Scotland's most deprived areas there is an evident pattern of recycling between communities and prison, particularly for young men. Learning pathways started in one setting can be disrupted when individuals move to another. Greater co-ordination is vital if we are to prevent people falling through the gaps.

It is clear that improvements can be made. Two thirds of individuals currently sentenced to prison go on to re-offend within two years of release. This figure rises to three quarters of those given short sentences of under six months. By comparison, re-offending rates amongst those serving community sentences are considerably lower with two out of five (39%) re-offending within two years. The reasons why people stop offending are complex and vary according to individual circumstances, but sustainable employment and skills development are important factors once accommodation, benefits and support for addictions are in place. Progress is not always possible on release from custody or ending a community sentence, but should be a clear long-term goal for many more than have succeeded in the past. Just as important in the short term is to support these individuals to become better citizens and parents and to make positive choices in their lives.

The three workstreams have identified a number of key themes that require attention. The more detailed recommendations affecting each of the three areas are contained in the separate reports. One of the important conclusions of this work is that progress will only be made when currently fragmented approaches are managed as a single system. Progress in the short-term doesn't require new structures or more money. Positive changes can be made by making more efficient and effective use of what already exists, although a shift of resources towards productive learning and skills development will ultimately be required.

Among the common themes running through our analysis are:

## **Leadership**

Without a commitment to change and support for the system to deliver it, outcomes will remain poor. The Scottish Government has shown its commitment to change by commissioning this report. It must continue to demonstrate clear leadership and work with all other partners to develop a more systemic approach to offender learning. Leadership is also needed in key organisations such as local authorities and the Scottish Prison Service to deliver better outcomes.

- **Greater flexibility**

Too often learning is producer or programme driven, rather than personalised to the needs of individuals. People have to fit the system rather than the system responding to their abilities, interests and needs. This makes it less attractive to individuals and wastes vital resources. Greater flexibility is required in how existing opportunities are accessed and delivered.

- **Evidence of effectiveness**

There is a worrying lack of research evidence about the impact of learning for offenders. This includes poor baseline information for the post-compulsory education outcomes of young people with offending backgrounds. However, the available data suggest that the likelihood of moving into a positive destination is less than half the national rate (41% compared with 87%). Such information gaps need to be filled if future policy and practice is to be based on more robust evidence. As well as improving data collection for younger people, there is a strong case for commissioning tracking studies comparing offenders who have made progress through work and learning with those who have not. Forthcoming improvements in the offender records database should also be used for this purpose.

- **Targeting**

Not all offenders will be ready to respond positively to offers of learning. It is therefore important to adapt support according to prior attainment, current skills and levels of need (including adult literacy and numeracy support). While all should be offered learning opportunities, resources should be targeted among particular groups where early action can reduce the risk of offending or re-offending. These include young people leaving care and children of offenders who are known to be at greater risk of offending. For example, we know that two thirds (65%) of boys with a convicted parent go on to offend. Such young people should be identified within schools and offered tailored support. Priority should also be given to offenders serving their first time in custody in an attempt to break the cycle of offending. In terms of employability, greater support should be concentrated on offenders who are more likely to benefit from vocational training programmes.

- **Tools for learning**

Learning for offenders needs to be about more than numeracy and literacy. It needs to be holistic, person-centred and address the range of skills for learning, life and work. This includes core life skills such as how to deal with anger, rejection, disappointment and practical skills such as painting and decorating, gardening and hairdressing. For some it may include managing money and basic cookery.

- **Progress and achievement**

It is important that all offenders have a record of their learning achievement that can follow them throughout the system and be built upon at various stages. This could use an existing mainstream model such as *My Learning Space*, developed by Skills Development Scotland. This record can document an individual's learning journey. Disincentives to begin or continue learning need to be addressed, particularly for those in custody.

- **Measuring and monitoring**

We need to move away from measuring inputs (hours of learning hours completed) to measuring the outcomes achieved from these and other interventions. This will allow us to invest in the most effective programmes that deliver the best results. This includes developing better indicators of progress and widening the definition of positive outcomes to look beyond re-offending or employment rates.

**A successful system** would be one where:

- learning and skills acquisition for offenders is of central importance in helping offenders to make positive changes in their lives;
- needs are identified early and a development plan agreed that can be implemented across all points in the individual's learning journey;
- efficient use is made of available resources by targeting support at those most able to benefit;
- effectiveness is monitored, based on solid evidence of outcomes;
- systems can respond flexibly to individual need and offer a range of learning supports, again tailored to individuals;
- close joint working exists across all agencies with a greater knowledge and understanding of respective roles and responsibilities.

Making this happen will require a renewed focus on the importance of offender learning. It also requires a commitment by all partners to deliver a more effective system based on a person-centred learning journey for all offenders and those at risk of offending.

Although our work has identified a range of practical solutions, a number of challenges remain unresolved. Principal amongst these is the need for clear leadership. This must involve a systemic approach where specific agency roles and responsibilities are clearly mapped, where the goals of offender learning are defined, the impacts demonstrated and accountability for progress located.

Our work can be seen as an important step in a process. Through the Offender Management Programme (OMP) there is an opportunity to take this further and ensure that improved learning and skills outcomes contribute to safer lives, reduced offending and greater community safety across Scotland.

Eddy Adams, Chair, Young Offenders workstream

James McCormick, Chair, In Custody workstream

Esther Robertson, Chair, In Community workstream