



Ministry of JUSTICE

National Offender
Management Service

TITLE		
OPEN UNIVERSITY, HIGHER EDUCATION AND DISTANCE LEARNING		
This instruction applies to:		Reference:
Prisons (including contracted prisons)		PSI 33/2010
Issue Date	Effective Date	Expiry Date
09 June 2010	14 June 2010	08 June 2014
Issued on the authority of	NOMS Agency Management Board	
For action by	Directors of Offender Management NOMS Cymru Directors of Contracted Out Prisons Offender Managers Education Providers Young Offender Institutions Careers Information and Advice Service Providers	
For information	Skills Funding Agency Open University (OU) Prisoners Education Trust (PET)	
Contact	Offender Employment, Skills and Services Group Tel: 020 7217 5400	
Associated documents	PSO 7500 (Finance) PSO 4465 (Prisoners Personal Financial Affairs)	
Replaces the following documents which are hereby cancelled: PSO4201 and PSI 33/2008.		
Audit/monitoring:		
Governor's / Director's appointed representative will ensure compliance in their establishments with the mandatory actions set out in this Prison Service Instruction.		
NOMS (OESS Group), the Department for Business, Innovation and Skills (BIS), Open University (OU) and the Prisoners' Education Trust (PET) staff will also monitor strategic outcomes of this PSI.		

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1. **Executive summary**

Background

- 1.1 NOMS encourages establishments to provide prisoners with opportunities for higher education and distance learning as an important contribution to their resettlement, as well as a way to assist prisoners' with long term sentences to positively engage with regimes. This instruction provides a framework through which staff must process prisoners' applications whilst ensuring that security and sifting processes are rigorous. Applications for relevant funding must also be thorough. This PSI also provides guidance on the suggested support required for successful completion of studies.

Desired outcomes

- 1.2 This instruction aims to ensure that Open University (OU), other Higher Education (HE) and Distance Learning (DL) courses are available to prisoners identified as likely to benefit from such study in line with assessments, resettlement requirements and aspirations. Prisoners should receive appropriate information, advice and guidance about further and higher education. The recommendation that such study is appropriate should be recorded on the prisoner's Individual Learning Plan (ILP) by the individual providing the advice.

Application

- 1.3 This instruction sets out mandatory requirements in operating this policy – sift procedures; funding; OU staff security vetting; instructions for transferring prisoners' details upon transfer or release; and, maintaining prisoner's individual learning plans.
- 1.4 Chapter 2 of this instruction explains the process for accessing all OU and other HE and DL courses, and the eligibility which must be adhered to. Detailed instructions feature in the guidance at Paragraph 3.

Mandatory actions

- 1.5 *All staff associated with and responsible for the learning progression of prisoners', including providers and Offender Manager recommendations, must comply with the procedures within this instruction*

Resource impact

- 1.6 There are no additional resource implications – this PSI clarifies the existing system.

signed

Ian Poree
Director of Commissioning and Operational Policy

2. Operational Instructions

ELIGIBILITY FOR ACCESSING OPEN UNIVERSITY (OU), OTHER HIGHER EDUCATION (HE) AND DISTANCE LEARNING (DL) PROGRAMMES:

Remand Prisoners

- 2.1 Prisoners held on remand are not eligible. Remand prisoners who started studying with the OU prior to entering prison are not eligible to access face to face tutorial support but may be regarded as continuing learners and allowed to continue study by correspondence. On conviction and sentence they will become eligible for the sift procedure and for entry to the OU scheme or other DL courses.

Sentenced Prisoners

- 2.2 *To be eligible to apply for an OU; other HE or DL course, the prisoner must:*

- *Be a sentenced prisoner regardless of whether an appeal is underway or has been lodged;*
- *Be able to demonstrate evidence of appropriate learning and attainment at or above National Qualification Framework (NQF) Level 2 through ILP records;*
- *Be in receipt of appropriate Information Advice and Guidance;*
- *Have a current Individual Learning Plan indicating OU or DL as a viable objective;*
- *Have evidence of the required potential and motivation to complete a DL or HE programme;*
- *Meet the security screening requirements indicated at paragraph 2.21-2.22; and*
- *Have a successful application or be in receipt of adequate funding to pay for their DL or HE programme.*

Equal Opportunities

All prisoners who meet the necessary eligibility requirements as indicated at 2.2 will be given fair access to OU, HE or DL courses in accordance with the Prison Service Equality Policies. Applications must be monitored to meet with requirements in line with the following PSO's: [PSO 2855](#) Disability; [PSO 8010](#) Equal Opportunities and [PSO 2800](#) Race Equality chapter 4 Management.

RISK MANAGEMENT OF APPLICANTS – SIFT AND APPROVAL PROCEDURE

Education and Security Approval

- 2.3 *All prisoners wishing to apply for an OU; HE or DL course must first go through the following sift procedures regardless of the funding source.*
- 2.4 The objective of the sift is to ensure that applicants are properly advised about the nature of study, that they have the aptitude, ability and motivation to successfully complete their chosen course, that they meet the eligibility criteria at paragraph 2.2 and that they have the full support of the Governor's / Director's appointed representative. The security sift ensures that the prisoner's application is appropriate and that access to the course is appropriate in the context of his/her conviction.

- 2.5 *Each relevant department must complete the appropriate section of the internal application form at [ANNEX A](#) which takes into account relevant resettlement pathways. Only the pathways relevant to an individual learner need to be completed. Staff will consider the details provided by the prisoner with regard to the course applied for, including their suitability, long-term plans, and the requirements for that course in terms of day release and access to IT and any e-learning resources e.g. CD ROMs or graphic calculators. It is expected that relevant files will be checked – e.g., wing file, security file, medical records, sentence plan, OASys, and any other documentation as appropriate. Confidential information need not be put on this form; but if there are issues, reference must be made as appropriate.*

Forms included within [Annex A](#) must be completed as part of the sift procedure. Contributions on forms; Healthcare HE2 D and Psychology HE2 E should only be requested if relevant to the applicant's needs.

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| 2.6 | <u>Section:</u> | <u>To be completed by:</u> |
| | HE1 | Already completed by prisoner |
| | HE2 A | Governor's / Director's appointed representative |
| | HE2 B | Residential Personal Officer or Accommodation Residential Manager |
| | HE2 C | Offender Management Department |
| | HE2 D | Health Care Department |
| | HE2 E | Psychology Department |
| | HE2 F | Security Department |

- 2.7 Please note that the above HE2 forms should be attached (as appropriate) to a completed HE1 Form – the prisoner's application. **The prisoner should be given HE1 only.** Senior Manager responsible for learning and skills *must* co-ordinate the progression of this process.

FUNDING OU, OTHER HE AND DL PROGRAMMES

- 2.8 *The application and sift procedures apply irrespective of the source of funding. There are a number of possible sources of funding for prisoners who wish to take OU, other HE or DL courses:*
- (i) the prisoner's private funds;
 - (ii) funding via a third party, e.g. relatives or a charity;
 - (iii) new OU learners may apply for funding via the Prisoners' Education Trust (PET). For PET application process, see [Annex C](#);
 - (iv) a combination of the above in which the Governor's/ Director's appointed representative for learning and skills takes responsibility for payment of the full amount
 - (v) continuing OU learners may apply to the OU directly, (see guidelines);
 - (vi) funding for additional materials such as books may be applied for through the establishment's Learning and Skills Development Fund
- 2.9 It is expected that prisoners who have passed the internal approval (sift) procedure should pay for the course themselves. If the prisoner has no private funds, they should seek third party funding, for example through relatives or a charitable trust. See 2.13 below for more details.
- 2.10 Other sources including personal funds should be exhausted first before applying for charitable or government funds.

- 2.11 Before an application is made to the Governor/ Director for funding, the establishment *must* be satisfied that steps have been taken to secure funding from alternative sources.
- 2.12 If private or third party funds are used, the Governor's / Director's appointed representative *must* satisfy themselves that the money is derived from a bona fide source.

Accounting Process For OU Courses

- 2.13 *The accounting process for funding from prisoners and third parties for all education courses, including OU, other HE and DL is as follows:*
- *Only prisoners' private funding for their courses can be paid into the Open University account, **code 09470**, which can be set up locally and does not require FC&A approval.*
 - *External donations (from relatives, charities etc.) received for individual prisoners specifically for the purpose of their education course fees must be ring-fenced and paid into a special fund account within the Special Fund Control Account **code 09450** using an appropriate analysis code.*
 - *If the prisoner is to be released and there is still residue funding, arrangements must be made for any remaining element of the funding prior to their release as follows:*
 - a) *Funding from prisoners – the residue amount of funding is credited back to the prisoner's account and returned to the prisoner on their release*
 - b) *Funding from a third party – the residue funding is returned to the original fund-provider with a note giving full details and reasons, unless specific action has been agreed in advance with the fund provider.*

For further guidance, please refer to PSO 7500 (Finance) or email FC&A Financial Policy at policy.finance@noms.gsi.gov.uk

- 2.14 *The Governor's/ Director's appointed representative must complete a sponsorship form which accompanies an offer of registration for both new and continuing learners irrespective of the source of funding.*
- 2.15 Prisoners are not eligible to apply for statutory financial support from the OU or funding from the OU Students Educational Trust, or to open an account with OU Students Budget Account. However, continuing learners are able to apply for discretionary funding specifically allocated for prisoners and administered by the OU Prisons Registration Team (SRS-Nottingham) or for funding from the Open University Students Educational Trust (Ouset) Please see [ANNEX H](#).

Funding For DL Courses

- 2.16 Prisoners seeking funding for other DL courses or for vocational courses provided externally, and for which they may be eligible for release on licence, may apply to charitable sources. The Prisoner Funder Directory, published by the Hardman Trust, lists the main charities and trusts to whom applications can be made. A copy of the directory should be available in every establishment's library. It is also available online at www.hardmantrust.org.uk. Details regarding criteria for funding from the Prisoners' Education Trust (PET) please see [ANNEX C](#).

Funding for other HE Courses

- 2.17 Provided that the conditions for applying for full time higher education or part time teacher training courses are met, an application for a student loan can be made. The award could cover tuition fees, Disabled Student Allowance and loans or grants for books.

Consequently **PSO 4465** – Prisoners Personal Financial Affairs, paragraph 1.8, does not apply to this loan application process.

- 2.18 *If successful, the Governor's/ Director's appointed representative must submit a copy of the Student Higher Education Application Proforma at [ANNEX B](#) to the identified contact at the Student Loans Company (SLC) below for their action. A Student Support Application form (SSAF) will then be handed to the candidate (prisoner) for completion. The application for student support will need to be endorsed by the Governor's / Director's appointed representative with a certificate confirming, where necessary, that the applicant is eligible for Release on Temporary Licence (ROTL) and that it is permitted; and all criteria in paragraph 2.2 have been met.*

Contact at SLC: Fiona Innes
SLC Fax number: 0141 306 2033
Telephone number: 0141 243 3487

- 2.19 The establishments Senior Manager for learning and skills and/or Governor's / Director's appointed representative will be notified by the SLC whether the application for student support has been successful. If unsuccessful the result should be recorded, on the applicant's ILP.
- 2.20 *If the application relates to study commencing post release, the establishment must establish a system to ensure that notification is sent to the SLC if release does not take place prior to the expected course start date.*

SECURITY CLEARANCE FOR OU HE AND DL STAFF

- 2.21 *OU and other tutors delivering a tutorial and support service to prisoners must comply with NOMS security clearance procedures in order to access prisons that hold their prisoner learners. Pre-access security checks are required to:*

- ensure the identity of applicants is genuine and they have entitlement to work in the United Kingdom;
- assure the integrity of the organisation and safety of staff and prisoners; and
- avoid security breaches within NOMS; mitigating the risk by assuring the vetting procedures undertaken are strictly applied in accordance with the Safeguarding Vulnerable Groups Act 2006 and ensuring people wishing to support learners in the prisons' are confirmed as being who they say they are, do not pose a threat to security and will not discredit the Service.

- 2.22 For full details of this process follow instructions at [ANNEX F](#)

PRISONER LEARNERS TRANSFERRING OR LEAVING STUDY

Learners Being Released

- 2.23 For OU learners, the Governor's/ Director's appointed representative should liaise with the OU Regional Centre on the provision of guidance to OU learners approaching release. A useful leaflet 'Study after prison' is also available from the Regional Centre or online on the OU website.

- 2.24 *The establishment must complete the form at [\(ANNEX D\)](#) and advise the course provider that the prisoner has been released from prison. Where a prisoner is under supervision when released, a copy of the form must be sent to the Offender Manager via the prison's offender supervisor. In all instances, record of learning activity must be placed on the Learning Records Services (LRS) system for access by the learning provider.*

Transfer Instructions: For All Distance Learners, Including OU

- 2.25 *The transfer form at [ANNEX D](#) must be completed and sent to the relevant institution and a copy on the individuals file if relevant.*
- 2.26 Where prisoners are transferred in mid course, they should be allowed, where possible, to continue with the course. Continued study should be dependent on passing relevant aspects of the sift procedure in the designated establishment.

Should the prisoner transfer to another establishment, the sending establishment must transfer any residue financial balance via Inter Unit Charge (IUC) to the receiving establishment on the transfer of the prisoner to reflect the remaining element of the funds sponsored by a third party. The IUC transfer must be accompanied with full details. PSO 7500 Finance or email policy.finance@noms.gsi.gov.uk for further guidance.

Prisoners Withdrawing From an OU Course

- 2.27 If a prisoner withdraws from a course, the OU has approved procedures for automatic waivers of fees. These are activated once a written notice of withdrawal has been received. In exceptional circumstances, the OU will accept notification of withdrawal from the establishment. This could include instances where prisoners are deemed unsuitable on the grounds of personality, behaviour or mental or physical health.
- 2.29 Currently, a new or continuing prisoner learner who withdraws between the date of registration and the day before the course start date will receive 100% waiver of fees. These procedures are under review and may change in future years. The grounds for discretionary fee waiver have been reduced, and a new policy on course transfer introduced. The establishment should contact their OU Regional Centre for further guidance on any aspect of the fee policy [\(See Annex G\)](#).
- 2.31 Prisoners who are sponsored by a third party, and who subsequently withdraw from a course, will not be entitled to benefit from any refund from the OU. The Governor's/ Director's appointed representative, on receipt of a refund from the OU, should return it to the original sponsor with an appropriate explanation.

MAINTAINING RECORDS

- 2.32 All actions taken must be recorded on the applicant's ILP by the education provider staff if applicable and relevant stakeholders with an interest in the individual's application progress will be advised.
- 2.33 Once the prisoner has been released from custody, the proforma at [Annex B](#) must be sent to the SLC indicating in the form, marked 'for SLC action only', that the prisoner has left the establishment, the date and a contact name and details of the person sending the proforma.

3. Guidance

Open University, Higher Education and Distance Learning Operating Guidelines

Please access the link below for detailed operating guidelines that must be followed to enable the smooth delivery of this OU, other HE and DL process.



Annexes

Click on the following icons to access annex documents

ANNEX A	Application to Undertake Higher Education Learning – Courses via distance learning / external to establishment				
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