

20 March 2020

Sent by Email Only

Dear Head of Institution

Covid-19 and Prison Education

The General Secretary, Dr Jo Grady, wrote to you on the 13 March [see attached]. In that letter, UCU set out our view that in light of the Covid19 outbreak, you should consider closing education in prisons.

In recognition of the difficulty that the PEF contract places on providers, the General Secretary has also written to HMPPS (Ian Bickers) on the 17 March to advance our request that Prison Education departments are closed on a no detriment basis (see here: https://www.ucu.org.uk/media/10806/UCU-letter-to-HMPPS---prison-education-shutdown-Mar-20/pdf/ucu_prisoned_hmppsletter-covid-19_mar20.pdf)

In the Westminster Hall 'safety in prisons' debate held on 18 March, the briefing for which was heavily contributed to by UCU [Hansard reference here:

<https://hansard.parliament.uk/commons/2020-03-18/debates/A0ABCAE5-27FC-4F18-8E9B-A3C7467F2196/PrisonStaffHealthAndSafety>

Reassurances were asked of the minister by Liz Saville Roberts MP that no prison education provider would be sanctioned for under delivery (or no delivery) of hours in the current crisis. The minister, Alex Chalk, in response stated: *'The point was made about not penalising non-delivery of teaching hours. That seems to me eminently sensible. I hope that the right hon. Member for Dwyfor Meirionnydd understands why I cannot commit to anything, but I take that point in the spirit in which it was intended and I hope that it will be given appropriate consideration'*.

A decision by HMPPS to honour the PEF contract payments would be entirely in line with the verbal assurances given by both the AoC and the DfE that colleges will not be subject to clawbacks as a result of Covid-19 related issues. This means that colleges will be funded to pay for those who need to work from home for vulnerability or other Covid-19 related reasons. Colleges will be funded to do the right thing by staff who are doing the right thing. **As an employer responsible for prison educators you now need to do the right thing by them.**

We note that all main college sites are now closing and directing staff to work from home where possible. **How is prison education different?** This is a question that members are asking us daily.

The POA believes that our members should all be at home on full pay and that they

should not be used to underpin the regime at this current time. Our members are not there to provide education activities as a 'distraction' especially when staffing levels are becoming dangerously low.

We are therefore requesting that you protect **your** dedicated education staff who work in prisons and **close education now**.

Across prison sites we are hearing reports from employers that education will continue because it is a **vital service** with one report of a governor stating that '*you will carry on teaching until there are none of you left to teach*'.

It is about time that prison education was recognised as providing a vital service – perhaps that can now be formally acknowledged so that our members are paid a wage that finally recognises their professionalism against the odds. How can a vital service be delivered by prison education staff who are paid less than FE lecturers and teachers whilst they clean their own classrooms, protect themselves from violent assaults and without access to basic handwashing facilities at a time of a pandemic?

On a very practical level, we are deeply disturbed about reports of lack of adequate handwashing facilities, our members are being asked take in their own soap (because the prison has run out); reports of fingerprint scanners on entry not being cleaned; learners being sent to education from wings where there are prisoners who are symptomatic and staff being asked to visit wings to deliver learning materials. **Prison education departments are unsafe for our members.**

The Government announced earlier this week that vulnerable people are to confine themselves for 12 weeks from this weekend.

On our understanding this includes:

- pregnant women and those who are suffering from:
- chronic (long-term) respiratory diseases, such as **asthma**, **chronic obstructive pulmonary disease (COPD)**, emphysema or **bronchitis**;
- chronic heart disease, such as **heart failure**;
- **chronic kidney disease**;
- chronic liver disease, such as **hepatitis**;
- chronic neurological conditions, such as **Parkinson's disease**, **motor neurone disease**, **multiple sclerosis (MS)**, a learning disability or cerebral palsy;
- **diabetes**;
- problems with their spleen – for example, **sickle cell** disease or if they have had their spleen removed;
- a weakened immune system as the result of conditions such as **HIV and AIDS**, or medicines such as **steroid tablets** or **chemotherapy**;
- being seriously overweight (a BMI of 40 or above).

We assume that on this basis prison educators and support staff who have these conditions or who are caring for people with those conditions, or who are over 70 should self-isolate.

UCU will therefore be advising all our members in these categories or caring for people in them to **immediately follow Government guidelines.**

We expect all staff who self-isolate with an underlying medical condition or disability should either be given work to do at home or if this is not possible they should be paid disability or special leave (not sick leave or annual leave as some employers have suggested as this would clearly constitute a detriment and would be discriminatory contrary to the Equality Act).

AoC guidance has been clear, that this should be operated on a no-detriment basis. **We will legally challenge and do so publically, any employer where this is not the case.**

We know that very many of our members not currently off sick, who are ready and waiting to produce learning resources and packs for their learners from home in order to help prisons to get through this crisis.

We suggest during a period of prison education closures that prison education teams could work on offering innovative ways for learners to engage in learning within the prison environment. There will also be members who aren't in the categories of heightened risk who would be willing to help play a role in attending sites in order to facilitate printing and delivery of learning packs and helping the prison to function. But this would have to be on a voluntary basis and risk assessed accordingly.

We look forward to your engagement with these suggestions and for us to 'virtually' meet and discuss how this could work.

In the alternative, if employers and prison Governors insist on prison education departments remaining open which requires our members to continue to attend dangerous workplaces we will issue advice to our members under S.44 of the Employment Rights Act and the Health & Safety at Work Act (1974).

We are currently conducting an urgent survey on all of our members who work in prison, asking them to detail the way in which this crisis is being dealt with in their establishments. We will be analysing the results on the morning of 23 March and will be taking immediate steps to publicly advise our members where clear breaches of the H & S at Work Act are reported, including if necessary their rights not to attend a dangerous workplace.

At this current time, even the most basic levels of hygiene are not being met or government advice regarding social distancing (classrooms filled to normal capacity) or isolation (viewing residents on wings as 'households' and isolating accordingly) is being observed. It is an employer's duty to protect the health, safety and welfare of their employees. This means making sure that workers and others are protected from anything that may cause harm, effectively controlling any risks to injury or health that could arise in the workplace. In the current set of circumstances our members are not seeing evidence of this taking place in any organised way, if at all.

This is all symptomatic of a system that was clearly broken well before this current crisis hit. Our members are being asked to pay with their own health and safety and that of their families. It is unacceptable and unsustainable and we will do all within our power to ensure that our members and their rights are protected.

We look forward to hearing from you regarding this request as a matter of urgency.

Yours sincerely

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Prison Education

Andrew Harden
Head of FE

Cc:

Ian Bickers,
Richard Burgon, MP
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Alex Chalk, MP
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