

A briefing on *Unlocking Potential* - the final report of the review of prison education

In September 2015 the government commissioned a review of prison education chaired by Dame Sally Coates. The review's findings have clearly informed wider plans to overhaul the UK prison system set out in the Queen's Speech on 18 May 2016. As the largest union for teaching professionals working in prison education, the University and College Union (UCU) made a submission to the review and supported a forum for teaching professionals to feedback to the review team. General secretary, Sally Hunt, also met with Dame Sally Coates to put forward the views of prison educators. UCU welcomes the publication of the final report.

There are two main features of the report¹ with which we are clearly dissatisfied: governor-led commissioning and the proposal for a 'Prison Direct' teacher-training approach. A number of the other proposals are to be welcomed. However, the key problem is that the overwhelming majority of recommendations are proposed within the existing constrained budget of £130m. Greater public investment in prison education is needed if we are to see prison education fully realising its potential to have a life-changing impact delivering the full range of personal, social and economic benefits.

The report accepts a number of our own recommendations:

- the extension of the current OLASS contracts to August 2017;
- systematic screening of learners for learning difficulties and/or disabilities;
- discretionary flexibility to support advanced level learning and support personal and social development (PSD), provision of arts, music and sport activities;
- greater opportunities for learning facilitated by ICT including in-cell technology and removal of the effective blanket ban of internet use;
- appropriate professional development to support all those involved in the delivery of prison education;
- reinvestment in making heads of learning and skills members of the senior leadership team to support governors in the decision-making process;
- development of the teaching workforce by (i) attracting and training new teachers; (ii) attracting experienced teachers; and (iii) providing high quality professional development for the existing workforce; and
- acknowledges lower levels of pay in the prison sector, few ITT or PGCE entry routes and lack of advertisement of teaching jobs in the mainstream teacher recruitment press.

The report also proposes:

- building the capacity of all who work in a prison to recognise the educative potential of their interactions with prisoners, at all times, including teachers, officers on the wings, instructors in the gym and workplace, and peer mentors in the library;
- the piloting of these proposals in the six reform prisons²;
- HMIP (Her Majesty's Inspectorate of Prisons) should give prisons an overall performance measure, with educational performance (as measured by Ofsted) receiving a separate, distinct assessment and

¹ Coates, S. (May 2016) *Unlocking Potential : a review of education in prison*, Ministry of Justice. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf

² : HMP Wandsworth (Novus), HMP Holme House (Novus), HMP Kirklevington Grange (Novus), HMP Coldingley (Milton Keynes College), HMP High Down (Novus) and HMP Ranby (Milton Keynes College)

that it should not be possible for a prison's overall performance to be more than one grade higher than the measure awarded for its education provision;

- plans to publish 'prison league tables'. In the first two years, these would focus on the best performing 25% of prisons;
- regulations should be amended to extend student loan eligibility to prison learners with more than six years to run on their sentence who are currently unable to access student loans;
- public funding used for Access or 'taster' modules at the Open University should be available to support a prisoner opting instead for the first module of an Open University degree.
- development of governing body to provide independent support, scrutiny and challenge at individual prisons;
- support more officers and instructors to obtain formal teaching qualifications;
- examination boards should work to create flexible 'adult' modular GCSEs;
- amending legislation so that when someone is given a prison sentence, their National Pupil Database record can be transferred to the prison meaning that a prisoner's existing academic qualifications and identified LDD would be disclosed;
- a route for escalating concerns and complaints if learners feel their Personal Learning Plans are not being delivered. With an escalation route beyond prison management. These areas must also be key lines of enquiry for inspection;
- development of a 'value-added' measurement, interim 'low-intensity' testing to measure progress, and new-ICT based performance management system tested with a view to rolling it out across the prison estate; and
- £130m budget for prison education will move from the Department for Business, Innovation and Skills (BIS) to the Ministry of Justice (MoJ).

Governor-led commissioning

'[Governors] should have the freedom to design the right curriculum and choose the delivery arrangement that best meets the rehabilitation needs of the individuals for whom they are responsible'.

In cases where governors recognise the intrinsic value of education; are keen to work with experienced and recognised learning providers; and alongside an education manager who has been co-opted onto the senior leadership team, there is the potential for education to flourish as part of a prison-wide approach.

Nevertheless, we are concerned that governor-led commissioning will lead to fragmented delivery and a reduction in quality. We are clear that short term contracts, funding limitations and sudden funding changes and poor staff autonomy have led to poor stability. The number of providers isn't the problem, but rather the precarious nature in which contracts have been administered to date.

A quality control mechanism is needed. We would like to see a central government role in assuring standardised quality across the sector and an agreed role for staff feedback in the evaluation process. A governor-led model risks public funds being siphoned off to the for-profit private sector which will prioritise profit over quality and outcomes. We also have concerns about the implications for teachers' pensions. The precedent that was set when the contract was awarded to A4E (Now PeoplePlus) is a dangerous one, and will further reduce recruitment to the profession. We would like to see similar safeguards for teachers' pensions in a similar way to existing safeguards for teachers working in academies.

Any governing bodies developed must adhere to principles of open, transparent and democratic governance. We would like to see a statutory obligation for prisons to have staff and students on their governance boards. We would recommend two staff roles, with one of these representatives being a prison educator. The report advocates a route for learners to escalate concerns and complaints if they feel their personal learning plans are not being delivered. There must be a similar route for prison educators also.

'We should expect Governors to manage their providers' performance actively, applying contractual sanctions, pressing for key staff to be replaced, and re-tendering where necessary. Prison leadership (or the operator in the case of a private prison) should be held to account for their success or lack of success in achieving educational outcomes and be recognised and rewarded or face sanctions (ultimately removal) accordingly'.

A strong and rigorous accountability framework is clearly helpful, but consider that there is a significant risk of the development of blame-and-sack/de-commission culture. There must be widespread consultation with the relevant unions here. We would hope that the high-stakes nature of the process for governors will encourage them to select college provision for the established expertise, skills and relevant qualifications for delivering teaching and learning in prisons. The report states *that 'most do not currently have the skills and capacity to innovate and drive improvements to education in a more autonomous world. Training and development in commissioning and contract management will need to be considered as part of a Governor's annual assessment and Personal Development Plan.'* We would like government to set out clear parameters for assessing this capability.

Performance measures for Governors (as commissioners) and providers are due to include:

- the progression of prisoners in their care beyond Level 2 where this is part of their Personal Learning Plans;
- the extent, quality and effectiveness of Level 3 provision in the prison; and
- assessment of their success in building partnerships with external providers of Further Education and Higher Education, based on best practice.

We would like to see mandatory demonstration of CPD programme plans built into tender criteria as a UK-wide standard.

Casualisation

Our key concern about the OLASS contracting process to date has been about the short-term and precarious nature of the contracts. This does not appear to be inherently resolved by the new proposals and a risk here is that that further instability could lead to the further proliferation of casualisation of the teaching workforce.

UCU believes that high quality education and fair working conditions depend on contracts that give staff stability and continuity of employment. Casualisation is bad for staff and bad for education.

When we surveyed UCU members on casual contracts, the most common complaint they made concerning the effect on quality was that the systematic failure to pay staff properly for the work they do created a serious tension between their professional and vocational commitment to their students and the fact that they are performing unpaid labour. The report already established that teachers in prison tend to be paid less than in mainstream FE *'The largest number are in the £24,000-£27,000 range, with only around 10% earning over £30,000 per year'* and referenced our own report *Prison Educators: professionalism against the odds*³ in this regard. Lecturers either have to perform unpaid labour indefinitely or cut corners. The most worrying feature of the survey evidence was the shockingly low morale, self-esteem and low regard for employers felt by casualised staff. There is therefore an inherent risk to quality through this process.

Prison-Direct model

³ https://www.ucu.org.uk/media/6179/Prison-education-professionalism-against-the-odds-Feb-14/pdf/prisoneducators-fullreport_feb14.pdf

We have reservations about the appropriacy of the graduate recruitment model in education, and in particular for prison education. The main concern in this regard is due to the lack of pedagogical underpinning in these models – there is strong evidence to show that the calibre of teaching provision is enhanced by a teaching provider. The direct recruitment model can also be unnecessarily divisive, promoting damaging competition between initial teacher education providers and prisons. The report references the commitment and lecturers working in the sector. We believe that recruitment into the sector is best facilitated through fair terms and conditions and comprehensive, career-long offer of continuing professional development and clear progression routes.

The National Audit Office has recently published⁴ a report on teacher recruitment. That report found that that retention after two years in Teach First is poor. We also question what retention would look like in the more difficult prison environment compared to schools and the resultant impact on quality. Two relevant UCU publications in this regard are: *Teacher education under attack, a UCU campaign briefing*; and evidence submitted by UCU to the Education Select Committee: great teachers – follow up inquiry.⁵

For further information on this briefing or wider prison education policy, please contact Angela Nartey at anartey@ucu.org.uk

⁴ <https://www.nao.org.uk/report/training-new-teachers/>

⁵ https://www.ucu.org.uk/media/5864/Teacher-education-under-attack-a-UCU-campaign-briefing-May-13/pdf/ucu_teacheredunderattack_may13rev.pdf and <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeduc/371/371.pdf> pp. Ev 83