

# Behind Bars.

## HMPPS Education and Higher Education Policy Framework: Critiques and recommendations from a lifer's lived experience

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Education provision across the prison estate often falls under the radar when it comes to regime and policy prioritisation. This article offers a critical review of the policies that are currently in place and applies them to the lived experience of a serving life sentenced prisoner. It is evident from the findings of this review that the policies are inconsistent, ambiguous and cause significant frustration for prisoners, education providers and prison staff. This in turn creates a significant set of barriers to education within prison in relation to both engagement and delivery. However, evidence shows that with careful navigation and sensible application of the policy frameworks, academic success is possible. This article raises the question of whether lived experience reflects the government narrative of education being a key tool to aid rehabilitation, or whether officials are simply paying lip service to a required element of the prison regime. This article also provides a vivid insight that may go some way to uncovering the lived realities of policy delivery in practice, and for some, the revelations presented may be surprising to read.

This paper includes an auto-ethnographic narrative to bring the policy review to life. According to Ellis and Bochner<sup>1</sup> 'the goal of auto-ethnography is to see the researcher as a subject and to tell highly reflective and personal narratives'. Ethnographic texts are designed to convince readers of the reality of events and situations described.<sup>2</sup> The article is delivered in two sections, followed by a conclusion to highlight the key points of discussion. Each of the two sections explores a different policy framework, with critical analysis embedded, to establish whether the policy is supportive of a prisoner's academic journey.

The establishment of whether the policy is assessed as supportive of a prisoner's academic journey is done so as an assessment from the author's own individual experiences. While this may not be representative of the experiences of all prison-based learners, it nonetheless offers an account that is true to the author and consistent with the auto-ethnographic approach. Given the auto-ethnographic nature of this article, it seems appropriate to provide some background context to the author's story. This will be written in the first person, as will other parts of this article.

I, the author, am a life sentenced prisoner and have been in custody for the past 17 years. I have spent most of my time in prison focusing on education, and I am currently studying a Masters in Crime and Justice and hope to progress onto study for a PhD. I have forged professional relationships with several academics who provide information, advice and guidance that has opened up opportunities for collaboration. This has inspired me to write for the *Prison Service Journal*. I continue to advocate for positive change within the prison service, but also the wider criminal justice environment.

### Education and Library Services

This section of the article will critically review a series of policy extracts concerning education and library services. Specifically, it will focus on The Prison Rules 1999, tuition fees for higher education, and the importance of record keeping. All policy extracts within this section are taken from the *Prison Education and Library Services for adult prisons in England Policy Framework*.

Section 1.1 of the *Prison Education and Library Services for adult prisons in England Policy Framework*

1. Ellis, C., & Bochner, A. (2000). Autoethnography, Personal Narrative, Reflexivity: Researcher as subject. In N.K. Denzin and Y.S Lincoln (Eds.), *Handbook of Qualitative Research* (2nd ed, pp. 733-768). Sage.
2. Bryman, A., Clark, T., Foster, L., & Sloan, L. (2021). *Bryman's Social Research Methods* (6th ed.). Oxford University Press.

states that the aim of education in the prison setting is to:

*'... give individuals the skills they need to unlock their potential, gain employment and become assets to their communities. It should also build social capital and improve the wellbeing of prisoners during their sentences and once released.'*

The opening statement in the policy sets the scene and focus for the education provision and support within the prison estate. However, as will be discussed, the reality can be very different and, from my experience, many of the following policy extracts are not well considered.

### **i. The Prison Rules 1999**

According to Rule 32 of the Prison Rules 1999, 'every prisoner able to profit from the education facilities provided at a prison shall be encouraged to do so'.<sup>3</sup>

My own academic journey has been varied, with many classroom-based courses at level 1 and level 2 predominantly during the early years of my sentence. In the early years I spent time at multiple prison establishments. The education facilities at each prison varied considerably, with some being more conducive to study than others. On average each class is allocated twelve students, but I have rarely seen full attendance. Quite often prisoners do not go to lessons because they claim not to have requested to study the subject and assert that the prison allocations team have simply allocated them without any prior discussion. Some prisons operate a strict policy that sees those not attending being given an Incentives and Earned Privileges (IEP) warning and being locked in their cell for the session when they should be in class. This can and does cause conflict and quite often the IEP scheme is applied inconsistently. A lack of robust application of the scheme was captured in the most recent annual report of His Majesty's Inspector of Prisons which reported that 'Prison incentives schemes offered little distinction between the reward levels and were not effective' and that in the inspectorate's survey '... only 41 per cent of prisoners said the incentives or rewards encouraged

them to behave well ... and only 32 per cent felt they had been treated fairly in the behaviour management scheme'.<sup>4</sup>

All of the accredited courses delivered in prisons are designed with a specific number of guided hours, meaning that the tutor must evidence that each student was in class for a set period of time throughout the course. However, the course content can often be completed in less than half of the recommended learning hours. This results in students wanting to then return to their own cells. This is a cause of conflict, as the education provider and the prison are measured on the number of hours that are given to purposeful activity within the prison. The students are then told they must remain in the class, and all too often (as per my own experience) tutors will simply turn to YouTube for video content that can be played to simply pass the time. The common videos that I have seen in many classrooms, irrespective of the subject being taught, are from the television series *Ramsey's Kitchen Nightmares*. Another way that is used to fill the time is for the tutor to take the whole class to the library, which then sees a number of the men returning back to their cells. Very often, I have seen a blind eye being turned at this point as it can be too confrontational for the tutors to ensure that each prisoner stays in the education department.

The Prison Rules 1999, which impose a statutory obligation on prison governors and in turn education providers, make clear that 'reasonable facilities' should be provided to those who want to study by way of distance learning. During my time in custody, I have been held in eight different prisons and the facilities and support provided to distance learning students varies considerably across the prison estate. For example, some prisons do not recognise self-study as a purposeful activity and therefore will not allocate a prisoner to any sessions of self-study, claiming that as the learning is self-directed it needs to be completed in-cell during the evening or weekend. However, other prisons do recognise self-study within the education department. Once a prison recognises self-study as purposeful activity, they can then allocate the learner to paid education sessions which provide access to computers and tutor support if required. The

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3. The Prison Rules 1999 No.728. Available at The Prison Rules 1999 (legislation.gov.uk)

4. His Majesty's Inspector of Prisons (2023). *His Majesty's Inspector of Prisons for England and Wales Annual Report 2022-23*. His Majesty's Inspectorate of Prisons

inconsistent approach to the recognition of self-study is a clear barrier that often prevents many of my peers from enrolling on a distance learning course and has seen some learners abandon their studies part way through due to the lack of support from the individual prison.

Access to computers is also, in many prisons, a barrier to self-study. In my current prison there are five computers available for approximately 60 self-study students. This inevitably causes frustration for many learners and some resort to handwriting all of their assignments, whilst others simply abandon their studies.

From the lived experience perspective, there are several recommendations that can be made in relation to the issues raised in this section.

Firstly, prison and education providers should work collaboratively to make sure that prisoners are only allocated to courses if requested and following an initial conversation with the prisoner about the course and the expectations of study. In addition, I would encourage tutors to design course delivery to fill the full guided learning hours, even if this means going beyond the content of the course specification. It would also be important for all prisons to recognise self-study as a purposeful activity and if requested by prisoners they should be allocated part-time or full-time self-study, which will attract prisoner wage and allow access to education departments for support and guidance. Finally, all prisons should have a dedicated classroom with access to computers where those allocated self-study sessions can study in an environment which is supportive of the challenges inherent with distance learning. Simple adjustments to the provision of support would allow self-study students to experience and benefit from an adult learning environment that would feel more like studying at a college or university, rather than the hostile environment of the prison.

## **ii. Tuition Fee Loans for Higher Education**

Tuition fee loans are available to people serving prison sentences, subject to a series of requirements. To qualify for an undergraduate tuition fee loan, a prisoner must be within six years of their earliest release date on the first day of the academic year of the course or part-time course. For an Advanced Learner Loan, a

prisoner must be within six years of their earliest release date on the first day of the course. A postgraduate master's loan requires a prisoner to be within four years of their earliest release date on the first day of the academic year of the course or part-time course. For a loan for doctoral study, a prisoner must be within eight years of their earliest release date on the first day of the academic year of the course or part-time course. According to section 4.7 of the *Prison Education and Library Services for adult prisons in England Policy Framework*, for prisoners with indeterminate sentences, the minimum period of imprisonment set at trial (the sentence tariff) should be treated as the earliest release date.

Paying for a course has been a contentious issue for as long as I have been in prison. The Prisoners' Education Trust (PET) have, for many years, been the go-to provider of self-study courses, that are funded by PET, with a 10 per cent contribution from the prison. The courses range from GCSEs to A-levels, and many other courses predominantly between level 1 and level 3. The application process involves completing a detailed application form which is then considered by PET. PET require applicants to hold level 2 in English and maths before being able to apply for many of the courses. This can be a barrier for many prisoners which I will discuss later in this article.

If a prisoner wants to embark on a degree course, they must first consider how the costs of the degree will be covered. As noted above, student finance is available in the same way as it is in the community, but the time left to serve in prison is a determining factor on eligibility. For those, like myself, who are serving a long sentence, traditional student finance is not an option until later in the sentence. A small number of charitable organisations do offer financial support to help cover fees, but many prisoners are prevented from accessing degree level study due to the lack of available funds to pay for the course.

My own higher education in prison has been funded through a combination of self-funding, sponsorship, and charitable funding. Each year, I spend considerable time researching funding options and writing applications. This can be stressful as decisions about funding are, from some organisations, made only days prior to the course start date. While I reflect here on my own experience, I am conscious that other people serving prison sentences have faced the same

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challenges in education access which can create a barrier to meaningful and purposeful activity. Consistent with McFarlane's policy proposal presented in 2019,<sup>5</sup> my own view is that Student Support Regulations for England and Wales should be amended to extend student loan eligibility to include people in prison who have more than six years to run on their sentence. As noted by McFarlane, the costs associated with enabling people in prison to commence higher education studies earlier in a long sentence have the potential to be offset by associated reductions in the cost of reoffending. From my own anecdotal evidence, I would also encourage PET to explore in more detail the private funds available to prisoners who apply to them for financial support. In doing so, funding from PET could be prioritised for those who have no alternative means for funding education programmes.

### iii. Challenges of an inconsistent curriculum and record keeping

According to section 4.9 of the *Prison Education and Library Services for adult prisons in England Policy Framework*, prison governors must ensure that education providers deliver a core common curriculum of English, maths, information technology and communication technology (ICT) and English for Speakers of Other Languages (ESOL). The Governor can decide upon the other services that will make up their education offer but must meet the definition (purpose) of education as set out in paragraph 1.1 of the framework.

The education provision across the prison estate is a contracted-out service with private education providers bidding for contracts. Several large providers dominate the sector. From a prisoner's perspective, the inconsistent curriculum can create frustration and barriers to fluid progression. In my own experience, I began a level three teacher training qualification during which I was then transferred to another prison where the same course was not available. The curriculum can vary considerably across prison establishments, and even if a course appears to be available at the next prison, the awarding body for the qualification can differ, thus requiring the course to be completed again. A helpful example to illustrate this would be the

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mentoring course which I have now completed four times at different prisons due to the awarding body being different within the various establishments. Those serving medium to long term sentences, such as myself, can become frustrated by the requirement to repeat qualifications and this is problematic as it may disincentivise some to continue pursuing qualifications they are working towards.

The repeating of assessments and qualifications can also arise from problems with record keeping and sharing. Section 4.13 of the *Prison Education and Library Services for adult prisons in England Policy Framework* sets out that governors must ensure that maths and English assessment results and LDD screening results are recorded on a central system so

that data is stored for future use and is thus available across the estate. However, the ineffective transfer of educational records between prison establishments was highlighted in the House of Commons Education Committee's report, *Not just another brick in the wall: why prisoners need education to climb the ladder of opportunity*.<sup>6</sup> In the report, evidence of experiences very similar to my own were presented with prisoners describing feeling dispirited, frustrated and resentful, with some unwilling to repeat initial assessments and

courses. My own experience has involved prisons not accepting or recognising learning and progression plans from other prisons, even when email confirmation has been sent from colleagues at other establishments. Consistent with the Education Committee's report noted above, I have seen many of my peers give up on their academic journey when they transfer to a different prison because of the inability to produce certificates in English and maths.

Many prisoners and education staff I have interacted with over the years have been in agreement that English and maths qualifications are a significant point of conflict. The primary focus of education providers is English and maths attainment to level 2, despite the resource to achieve this being woefully inadequate.<sup>7</sup> From my experience, every prison I have entered has treated me and other prisoners as if we are new to prison life. I have experienced problems on many occasions due to not being able to produce

5. McFarlane, R. (2019). *Student loans for those on long prison sentences*. Higher Education Policy Institute: Policy Note 18

6. House of Commons Education Committee (2022). *Not just another brick in the wall: why prisoners need an education to climb the ladder of opportunity*. House of Commons

7. See footnote 4: HMIP (2023).

copies of GCSE certificates which I was awarded over 30 years ago. Despite now being a postgraduate student, having studied to this level whilst in custody (which evidences my attainment of maths and English at Level 2 or above), I have had to complain in order to have my achievements accepted during each transfer process.

It is evident that prisoners should be provided with an individual learning and progression plan on entry to custody, which should then be recognised and accepted when a prisoner is transferred to a new establishment. Doing so consistently, in line with recommendations made in the Coates Review (which will be returned to later),<sup>8</sup> would achieve a higher level of consistency and avoid potentially hostile education induction processes. While the prison service does use a central database, the Learner Records System (LRS), this is not routinely updated and was only introduced in 2019, meaning qualifications prior to this point do not always appear on records. This is an area of penal practice requiring attention to ensure that all academic achievements are recorded correctly, and representative of individuals' skills and qualifications.

### Higher Education and Distance Learning

Having discussed tuition loans and challenges associated with inconsistencies in curriculum design and record keeping, this section of the paper will briefly consider higher education and distance learning for people serving custodial sentences. All policy extracts in this section are from *PSI 32/2012 Open University, Higher Education and Distance Learning*.

According to Section 1.1, establishments are encouraged 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.'<sup>9</sup> PET funds prisoners to study courses via distance learning in subjects at levels that are not generally available through mainstream education. An analysis looking at employment outcomes and re-offending behaviour of 9,041 adults who received grants for distance learning from PET between 2001 and 2007, compared with a group of similar offenders who did not receive grants, provided overall results that show educated prison leavers are less likely to re-offend. However, much like the inconsistencies in prison education curricula previously

discussed, higher education provision and access across the prison estate varies considerably. It is widely understood that the primary focus of education providers in prisons is on lower-level learning. From a lived experience perspective, higher education can often seem like an inconvenience within prison education departments. The inconsistency of approach to supporting higher education and distance learning is a clear barrier for many prisoners and this is consistent with established academic scholarship in this area.<sup>1011</sup>

According to section 2.2 of PSI 32/2012, to be eligible to apply for an Open University, other higher education or distance learning course, a 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, including from the National Careers Service;
- Have a current Individual Learning Plan indicating OU or DL as a viable objective whether or not the learner is self-funding;
- Have evidence of the required potential and motivation to complete DL or HE programme;
- Meet the security screening requirements indicated at paragraphs 2.21 and 2.22;
- Have a successful application or be in receipt of adequate funding to pay for their DL or HE programme.

This policy prevents those held on remand from being able to study higher education via distance learning. While this can be understandable in terms of remand prisoners being held in custody for a potentially short time, some are held on remand for more than 18 months, as in my own case. Preventing remand prisoners from studying higher education via distance learning creates a cause for concern as they are often left to languish in their cells for months on end without any access to purposeful activity. Taking a more flexible approach to accessing distance learning provision could prevent prisoners experiencing extensive 'dead time', and thus has implications for prisoner wellbeing and safety. This would require reconsideration of how such prisoners could access this provision, and also what education in prison is for in a broader sense.

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8. Coates, S. (2016). *Unlocking Potential: A Review of Education in Prison*. [online] *Unlocking potential A review of education in prison* (publishing.service.gov.uk)
  9. Prisoners Education Trust (2021). *Government research: Impact on prison education goes beyond finding work* [online] <https://www.russelwebster.com/wp-content/uploads/2021/01/iustice-data-lab-infographic-ipg>.
  10. Ballans, J (2015). *Barriers to inclusion in prisoner education: eExperiences of a learner*. Research Summary for the Open University module H818 *The Networked Practitioner*.
  11. Hughes, E. (2016). *Education in prison: Studying through distance learning*. Routledge.



Justifiably the focus of education in prison is on basic skills in order to elevate prisoners' employment prospects to increase the chance of successful re-integration into the community on release. However, it is worth questioning the extent to which this focus on basic skills should dominate policy and practice. Rehabilitation and reintegration will often require complex learning with multiple objectives, designed to enable personal change as well as skill acquisition. According to Bynner,<sup>12</sup> three things are needed here;

1. A life course approach which sees the offender as changing over time, with particular needs at particular stages. Quantitative and qualitative longitudinal studies are especially valuable;
2. An approach which understands the offender in his or her own cultural and social context, and relates their potential and progress to the world outside; and,
3. A pluralism and method and generosity of communication.

Interestingly Behan observed that, 'Although the prison institution itself can be negative, the people inside can help build up learners' strengths and draw out the positives. It is like 'a scaffolding of support'.<sup>13</sup> Education can provide structures of meaning, feeling and mutuality away from the numbing detachment and self-destruction, towards restoration and transformation. These broader understandings of the value of education for people serving prison sentences thus complements evidence which suggests that steady employment, particularly if it offers a sense of achievement, satisfaction or mastery, can support offenders in stopping offending (Ministry of Justice, 2013).<sup>14</sup>

Dame Sally Coates' review of education in prisons in 2016 provided an insight into prison education which supports the narrative that education in our prisons is in need of reform.<sup>15</sup> With a focus on prison education in England and Wales and examining how it supports effective rehabilitation of different populations of prison leavers (for example; young adults, older prisoners, female offenders, short sentenced prisoners and longer sentenced/life sentenced prisoners), the recommendations may mirror the issues raised in this article, showing consistency with the report's recommendations and what is still being experienced by people serving custodial sentences in the years since.

## Conclusion

The discussions presented in this article suggest that the current policies and frameworks that cover

education and distance learning are out of date, contradictory and not applied consistently across the prison estate. The lack of a standardised approach to delivering education services in prison is a barrier for many prisoners at all levels of study, and a hurdle that is often insurmountable for many who would otherwise benefit from higher education and distance learning.

Approximately three fifths of prisoners leave prison without identified employment or education training outcome, and as such, careful thought needs to be given to the issues that are highlighted in this article, and have so consistently been platformed before. Despite the inconsistent approach to policy which is evident across the prison estate, I personally have found it possible to use both the Education and Higher Education Policy Frameworks to support my academic development. From my own experience of almost two decades of engagement with prison education, I have been able to achieve academic success. However, this has required a significant amount of personal determination to navigate many barriers and hurdles, in addition to support from within and outside of prison. As identified in this article, for some people serving prison sentences, navigating such barriers can result in disenchantment with education causing them to cease this pursuit, despite having the desire to engage in education initiatives.

Going forward, I would recommend that the two policy frameworks be combined into one document and updated with input from people with lived experience who have a passion for education, self-change and rehabilitation. Further, more research needs to be undertaken on the relative effectiveness of educational and vocational interventions within the prison estate. It would be simplistic and perhaps naive to propose a direct causal relationship between engagement in prison education and reduction in reoffending. However, because results of studies in this area vary greatly according to the assumptions made, jumping to a definitive conclusion would, in my opinion, be unwise. My own experience tells me that education success in the prison environment is possible, and I thoroughly believe in its capacity to genuinely change lives. The issues raised in this article offer an opportunity, through improvements in policy and practice, for many more people serving sentences to experience the full benefit that education has to offer.

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12. Bynner, J. (2009). *Lifelong Learning and Crime: A Life Course Perspective: IFLL Public Value Paper 4*. NIACE.

13. Behan, C. (2015). Speaking at European Prison Education Association Conference. [www.prisonereducation.org.uk/news/blog-what-is-prison-education-for](http://www.prisonereducation.org.uk/news/blog-what-is-prison-education-for).

14. Ministry of Justice Analytical Services. (2013). *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. Ministry of Justice

15. See footnote 8: Coates, S. (2016).