



Llywodraeth Cymru  
Welsh Government

# Reforming Outcomes

A review of Offender Education in Wales

Rt. Hon. David Hanson MP

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# Foreword

Prison is a severe punishment for any individual, but it also has to serve the function of rehabilitation. Education and employment is key to helping turn round lives. The Welsh Government have had responsibility for education and employment in prisons since 2009. Now is the time, almost ten years on, to review what they're doing, why they're doing it and how well they're achieving the objective of making lives better.

I was pleased to be asked to undertake this review by the former Minister for Welsh Language and Lifelong Learning, Baroness Eluned Morgan AM, quite simply to see if improvements can be made to better coordinate how the Welsh Government uses its power and to support those in the voluntary sector and in HM Prison and Probation Service undertake their roles in a more effective manner.

This matters. It's not just the cost of initial offending that has impacts on all areas in Wales. It's the cost of reoffending by those who the system has failed. We need to ensure that whilst in the responsibility of HM Prison and Probation Service and Welsh Government, those who have offended have every support to turn their lives around.

This means not just help with basic levels of literacy and numeracy and assessment of skills shortages, which is done well by the system, it also means looking at how we best equip people leaving prison with skills and educational attainment to assist them in getting employment, which is the key to turning lives around.

The Welsh Government has wider responsibilities for health, housing, drug rehabilitation and mental health. These issues are not dealt with in detail within this report, but are areas that the Welsh Government could look at better integrating in the future.

The report is simply looking at the overarching objectives that could and should be set by Welsh Government to make a difference.

I hope that this is a useful contribution, which will lead to action in the next eighteen months to better integrate the efforts of HM Prison and Probation Service and Welsh Government to reduce crime and turn lives around.

**Rt. Hon. David Hanson MP**

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# 1. Introduction

In August 2018 I was asked by the former Minister for Welsh Language and Lifelong Learning to undertake a review into prison education in Wales. The terms of reference for my review are contained in Annex B. I was specifically asked not to look at the issue of further devolution in the context of this review given that this is already being examined by the wider Thomas Review, commissioned by the First Minister.

The recommendations contained within this report are predominantly directed at the Welsh Government and Her Majesty's Prison and Probation Service (HMPSS), but other public-sector bodies and privately-run prisons can take note of these recommendations to improve education within our prisons.

It is important to detail how we reached the current situation before setting out my findings.

## Devolution of powers

In 2009 the Welsh Government witnessed a transfer of further powers and functions from the UK Government in the arena of education in prisons. Section 47 of the Prisons Act 1952 has now been under the control of Welsh Ministers for nearly ten years. This built upon the already devolved powers of education contained within section 10 of the Education Act 1996, which was transferred to the National Assembly for Wales in 1999 SI 1999/672 and is now exercised by Welsh Ministers by virtue of GOWA 2006.

UK Government Ministers for the former Department for Education and Skills received a formal request for a devolution of these powers in June 2007. Before devolution, responsibility for education in Welsh prisons rested with the former Department for Innovation, Universities and Skills and the Department for Children, Schools and Families, working closely with the Ministry of Justice. Delivery of learning in Welsh prisons was arranged by the then National Offender Management Service (NOMS), acting on behalf of the Ministry of Justice.

Before devolution, the Department for Innovation, Universities and Skills funded NOMS Cymru for the delivery of prison education and associated aspects. Before the full transfer of powers, the Welsh Assembly Government worked on a Memorandum of Understanding with NOMS Cymru between 2008 and 2009. This was to allow for a smooth transition towards the Welsh Government taking responsibility for section 47 of the Prisons Act 1952 on 1 April 2009.

Following the transfer of functions under section 47 of the Prisons Act 1952, Welsh Ministers are now responsible for making rules in relation to the provision of education and training, and library services to be made available for offenders in prison, remand centres, young offender institutions and secure training centres in Wales.

It was stated in the UK Government's explanatory memorandum on the transfer of powers that the Welsh Assembly Government would also work with NOMS Cymru, who are responsible for the commissioning and provision of educational services in prisons within Wales, to ensure that there is a consistent approach to delivering education and training across all prisons in Wales<sup>1</sup>...

The explanatory memorandum noted that there was an agreed transfer of resources to the then Welsh Assembly Government from the former Department for Innovation, Universities and Skills of £2,656,000 for 2009-10 and £2,733,000 for 2010-11. It was agreed between all parties involved that the Welsh Government would work with NOMS Cymru – as it was then – to calculate funding needed if the prison estate would expand or change within Wales. They would produce a business case to HM Treasury for funding for prison expansion to be included in supplementary budgets.

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<sup>1</sup> Explanatory Memorandum to the Welsh Ministers (Transfer of Functions) Order 2009, 2009 No. 703, p.3

It was agreed that a set of principles would be put in place regarding the newly devolved powers. The explanatory memorandum noted six points which would be achieved through the devolution of these powers.

- take a strategic planning and management role, linked to its wider skills and social justice agenda, providing consistent level of service across the prison estate in Wales
- integrate prison education in Wales within mainstream education and training, helping to provide co-ordinated learning for offenders before, during and after their sentences. This will involve co-ordination of the education and training provided in prisons and by the probation service and participation in Children and Young People's Partnerships in relation to young offenders
- develop local solutions for the training and education needs of prisoners by utilising a diverse range of local providers
- ensure that learning provision within prisons is more responsive to labour market opportunities in Wales, thereby increasing the employment rate of ex-offenders (which is an important factor in reducing reoffending)
- use the opportunity to innovate and trial new approaches, for example in linking to Careers Wales services or new approaches to information systems, and
- develop its Welsh-specific policy for prisoner education in Wales, potentially including personal support for offenders aged 25 and younger to support their transition from custody to community<sup>2</sup>.

The memorandum concluded that the monitoring or review of these functions, once transferred, would be a matter for the Welsh Government and/or the National Assembly for Wales.

The Welsh Government's current budget for prison education is £3,328,000.00 for the south Wales prisons and £3,588,750.00 for HMP Berwyn which opened in February 2017.

## **Review of the prison estate**

The prison estate in Wales is comprised of six prisons: Berwyn, Cardiff, Swansea, Parc, Prescoed and Usk. Cardiff, Swansea, Usk, Prescoed and Berwyn are public sector prisons and HMP Parc is operated by G4S under contract to HMPPS Wales. These are male only prisons and there is a Young Offender Institution (YOI) at HMP Parc.

The newest prison is HMP Berwyn. Permission was granted for this new prison to be built in Wrexham in 2014 and was officially opened on 27 February 2017. Berwyn holds 2,106 category C men. It is split between three houses: Alwen, Bala and Ceiriog. Ceiriog will act as a short term and remand house, serving two Crown Courts and three Magistrates Courts in North Wales. Each house is divided into eight communities that can accommodate 88 men. Ogwen is a Care and Support Unit (CaSU), and accommodates up to 21 men.

The accommodation is a mixture of single and double occupancy with all rooms having integral sanitation including a shower cubicle. Rooms are also equipped with PIN phone and UniLink laptop for each occupant, allowing offenders to submit applications, order canteen, book visits to name but a few.

HMP Cardiff is a Category B Local/Training Prison holding male adult prisoners who come from the surrounding court catchment area who are on remand and serving sentences of 18 months and under with the majority spending less than 3 months there. It has an occupational capacity of 820 and its regime includes full time education, employment in the prison workshops and training courses.

One of the oldest prisons in Wales is HMP Swansea. Completed in 1861 it has had many

<sup>2</sup> Explanatory Memorandum to the Welsh Ministers (Transfer of Functions) Order 2009, 2009 No. 703, p. 4

incarnations. Today, it is a local and resettlement Prison, holding remand and short sentence Category B male prisoners and young adults and has an operational capacity of 500.

HMP Prescoed has operated since 1993 as an open resettlement establishment for adult male Category D prisoners. It is comprised of 11 purpose-built, detached accommodation blocks housing approximately 20 offenders in each and gives this prison an operational capacity of 230.

HMP Usk is a prison which holds Category C sex offenders and Vulnerable Prisoners. It is split into three wings in two storey blocks. It has an occupational capacity of 273 and the accommodation is mainly double cells, all with simple integral sanitation.

Finally, in Bridgend is HMP and YOI Parc which is a Category C training prison. It has a capacity of approximately 1,719 male adults (convicted only), young adults (convicted only) and young people (convicted and remand). All cells are equipped with in-cell sanitation, in-cell electrics and in-cell TV for Standard and Enhanced regime. All wings are equipped with PIN telephones, and recreational facilities. Each wing is broken down into various blocks that provide a varied level of provisions and specialisations.

Women from Wales who are sentenced to custody are held in women's prisons in England, mainly HMP Styal and HMP Eastwood Park.

## Performance Data

In the annual MoU, the Welsh Government sets a number of performance indicators relating to the delivery of education in the public sector prisons in south Wales (Cardiff, Swansea, Usk and Prescoed). For the financial year April 2017 to March 2018, the following were achieved:

- **Minimum Starts:** Public prisons will achieve a minimum of 8840 Starts per annum:  
**Total starts achieved: 9361 = 106% of target**
- **Retention rate:** 80% of learners who start a course (minus agreed leavers) complete the course  
**Total completion achieved: 7633 = 87% of target**
- **Attainment rate:** 80% of learners who complete a course achieve an accredited qualification  
**Total attainment achieved: 6883 = 90% of target**
- **Success rate:** 70% of learners who start a course (minus agreed leavers) achieve an accredited qualification  
**Total success achieved: 6833 = 78%**

The MoJ do not provide data relating to achievement of employment outcomes on release.

The Welsh Government provides employability skills to ex-offenders who are under the statutory supervision of the probation services in Wales through their Employability Skills Programme. Contracted providers have a target to deliver to 200 ex-offenders per year. To date, 191 participants have entered the programme, 17 of which are in employment.

## Current Welsh Government Vision

I requested the Welsh Government provide this report with their thoughts on prison education in Wales. They stated that:

Reoffending costs society around £15 billion per year. Across the UK there is an increasing focus on reducing reoffending and in Wales, both Her Majesty's Prison and Probation Service (HMPPS) and Welsh Government agree that, improving an individual's chance of finding meaningful employment on release plays a pivotal role in successful rehabilitation. HMPPS and the Welsh Government share a joint ambition to ensure that all prisoners have access to education and skills training that will enable them to acquire the skills and experience to gain and maintain sustainable employment on release.

The Welsh Government works closely with HMPPS at both a strategic and operational level to continuously work on ways to improve further the quality and relevance of offender learning within prisons, ensuring skills training fits with the Welsh Government priorities outlined in "***Taking Wales Forward and the Employability Plan***". Recent initiatives include developing supportive measures to improve links to employment opportunities and tackle barriers to work for prisoners on release.

Together, they all also engage with a number of key stakeholders involved in the prisoner learner journey both during their time in prison as well as through the gate to seek ways to work more collaboratively together to improve outcomes for prisoners.

More recently, Welsh Government officials have attended the newly established ***Justice in Wales Strategy Group***. The group shares its chair between HMPPS and the Welsh Government and contains members from Welsh Government, HMPPS as well as the Ministry of Justice (MoJ). The remit of the group is to ensure engagement across the MoJ and Welsh Government on key areas of policy development and reform and to deliver the best possible outcomes across the justice system for Wales.

It is clear from this investigation that much good work is going on; be it the Network Rail partnership in HMP Cardiff, providing much needed training that benefit society and the individual; or the soft skill development services provided in HMP Berwyn; or recent innovations in HMP Styal teaming up with Virgin Rail; YOI Parc provided excellent practical skills in carpentry; there was a new suite of call centre training equipment in HMP Swansea; many prisoners at HMP Prescoed are subject to Release on Temporary Licence to gain work experience with local employers; at HMP Usk specialist offence related training sits alongside opportunities for long term education including Open University.

HMPPS and Welsh Government have recently agreed a new Learning and Skills Strategy for Wales' prisons which sets out the vision for further development of learning, skills and employment on release from prison. This will be published in early 2019.

However, it is clear from the investigation that greater clarity and focus can be brought to the Welsh prison estate.

I hope that my recommendations will dovetail with the work being undertaken by the Welsh Government and HMPPS to ensure that education provision reaches high standards in the hope of reducing reoffending rates and making ex-offenders productive members of society.

## 2. Methodology

To undertake this review, I have visited HMP Berwyn, HMP Swansea, HMP Parc, HMP Cardiff and HMP Styal, speaking to the prisoners, prison officers, governors and education providers within each institution. I visited HMP Styal as there are no prisons for women in Wales and it receives a large number of female offenders from North Wales.

In addition to visits to prisons I held two roundtable events – one in North Wales and another in South Wales – with key stakeholders.

Attendees at the North Wales roundtable:

<b>Organisation</b>
Meee Programme
Open Awards
National Probation Service
428 Training
MoJ New Futures Network
St Giles Trust
Remploy
Head of Learning and Skills at HMP Berwyn

Attendees at the South Wales roundtable:

<b>Organisation</b>
Learning and Work Institute
Prisoner's Education Trust
Freelance Consultant
Royal College of Speech and Language Therapists
The London Institute of Banking and Finance
Careers Wales
Department of Work and Pensions
Community Rehabilitation Company
The Wallich (BOSS Project)
The Prince's Trust
N-ergy
Open University Wales
People Plus Cymru
St Giles Trust
Remploy

I also held meetings with members of the Senior Management teams at HMPPS and the Welsh Government and discussions with Rt. Hon. Alun Michael, Police and Crime Commissioner for South Wales Police and received correspondence from a variety of individuals.

# 3. Accountability Structures

## Introduction

For policy to work efficiently it needs to be underpinned by sound frameworks and a clear accountability structure. Without these two foundations policy can become vague, confused and fundamentally flawed. It is the responsibility of public servants to implement the best possible policies for their citizens and for citizens to know how they can influence and inform its evolution over time.

In my opening remarks it is noted how the Welsh Government came to hold responsibility and powers over prison education. We are nearing the tenth anniversary of these powers being devolved and it is important that we take stock of the situation. Questions within this chapter that I hope to address include:

- How has implementation of policy changed over time and has it improved outcomes?
- How are Welsh Ministers involved in decision making?
- What scrutiny is undertaken by the Civil Service?
- What interactions take place between the Welsh Government and the Ministry of Justice (MoJ)?

The Memorandum of Understanding (MoU), between the UK Government and the Welsh Government when powers were first conferred upon them, will be examined as it is clear that there are areas where joint working can be improved and the relationship between both parties would benefit from greater collaboration.

This chapter hopes to address some of the areas I believe can be improved so that prison education policy in Wales can strengthen further.

## Relationship between Welsh Government and HMPPS: Policy provision

When the Welsh Government first gained responsibility for prison education in 2009, it was noted in the explanatory memorandum from the UK Government that they were expected to “take a strategic planning and management role... [and] develop its Welsh-specific policy for prisoner education in Wales”<sup>3</sup>.

During meetings with officials it became apparent that HMPPS has a stronger role in formulating and delivering policy within Welsh prisons. This is not necessarily something which should draw concern. In many lines of government activity it will be expected that other public sector bodies will support policy makers in their duties. This can be seen both in the running of services in Wales and the UK more widely. It is a useful practice within the governance of policy as it ensures that we can draw upon expert opinion and develop solutions to flaws which may not have been identified if sole control of policy was held with the Welsh Government.

HMPPS Wales is the provider of education at HMP’s Cardiff, Swansea, Usk and Prescoed and the prisons directly employ education staff. In HMP Berwyn the provider is Novus Cambria who deliver education under contract to HMPPS Wales. G4S operate HMP Parc under contract to HMPPS Wales and are also responsible for the provision of education. HMPPS are therefore well placed to provide the Welsh Government with advice on how to formulate education provision in the most effective manner.

However, the public expect their democratically accountable representatives to be able to direct policy on their behalf. When in discussions with senior representatives of both the Welsh Government and HMPPS, it became clear that both formulation of policy and scrutiny of proposals submitted could be improved.

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<sup>3</sup> Explanatory Memorandum to the Welsh Ministers (Transfer of Functions) Order 2009, 2009 No. 703, p. 4

Currently, HMPPS and the Welsh Government agree a MoU and it underpins the actions undertaken by all parties involved. Moreover, the Welsh Government produces a wide-ranging strategy for all aspects of education which compliments the MoU. But this brings with it risks as well as rewards. HMPPS are free to develop education tools without reference to the Welsh Government – allowing for expert-led policy creation – but the Welsh Government should enhance its current resources in this area which may provide opportunities for greater scrutiny or challenge.

Indeed, when speaking to HMPPS representatives they were eager to be challenged more on their proposals. They believe that greater scrutiny will drive them to providing a better service for offenders and the public at large.

For all intents and purposes, the MoU is the point at which the Welsh Government is most involved in formulating policy. Once it is completed, HMPPS becomes the real driver of policy.

The Welsh Government should take a more proactive role in policy creation and ensure that the Civil Service have the resources they need to scrutinise HMPPS. The MoU is important, but too much emphasis is placed upon it. It acts as a safety net for all parties involved as they know that standards will not drop below the MoU. This means that no parties involved are pushed to strive for better performing policies.

Continual involvement from the Welsh Government will drive innovation from HMPPS and address any potential shortcomings before they become a reality.

HMPPS is also relied upon for performance markers by the Welsh Government. This makes sense as HMPPS have the greatest access to metrics to inform any reports. However, it may be seen by some that HMPPS are ‘marking their own homework’. However, there is a lack of resources within the civil service to ensure that they can cross-examine in any great detail the information handed to them from HMPPS. There is an opportunity for both parties to examine existing performance indicators to determine whether they are still fit for purpose and also the degree to which Welsh Government is able to scrutinise them.

## **Ministerial interaction**

Ministerial focus on prison education will always be needed. Our prisons are facing unprecedented challenges and the Welsh Government can lead through example with the formulation of independently minded policies that reflect the needs of Wales. Because of the limitations noted previously Ministers cannot direct policy with ease and therefore are unable to effectively influence the provision of education in Welsh prisons.

I will cover in later chapters how Ministers can improve their position on this aspect, but it needed to be noted in this chapter as the difficulties are grounded in the current structures.

## **Relationship between Welsh Government and UK MoJ**

Strong working relationships between the two governments are imperative. No more so is this true when it comes to justice. This is one of the many areas where HMPPS acts as a vital link. Because it is a UK Government body it can operate as a mediator between UK MoJ and Welsh Government. This is a vital role as it is noted within the concordat between the Welsh Government and the MoJ that:

Good working relationships between the Welsh Government and the UK Government departments are vital to the effective delivery of public services and to ensure that the business of government continues to be conducted smoothly and efficiently. The Welsh Government and the Ministry of Justice will co-operate to the fullest possible extent to achieve this aim, in particular by recognising and taking into account their respective responsibilities and interest, working on the basis of transparency, trust and consensus. They may decide to act jointly on particular matters, for example, by issuing joint advice or guidance to local agencies<sup>4</sup>.

<sup>4</sup> Concordat between the Welsh Government and the UK Ministry of Justice, 25 June 2018, p. 2

I would recommend that the Welsh Government and UK MoJ build upon their current successes. This is particularly of importance as the MoJ in England will be providing education services for offenders who are from Wales. This is most true when it comes to female offenders as there are no female prisons in Wales. There needs to be regular meetings between Welsh and UK civil servants along with Ministers to ensure that all involved are working in the best interests of the public. This could be through quarterly meetings, for example.

## **Accountability**

During my roundtable discussions with stakeholders they stated – at both North and South Wales events independently – that it was unclear who was responsible for decision making. It was evident that many stakeholders did not have a working knowledge of the relationship between HMPPS and the Welsh Government and therefore did not have a clear understanding of joint objectives in this area. It must be stated that there are many ways in which stakeholders can access the Welsh Government, but concerns were expressed around a perceived inability to make representation to Ministers or to HMPPS.

There must be a review of accountability structures for external stakeholders. They must be able to have access to a point of contact in both the Welsh Government and HMPPS. A liaison officer would encourage critical analysis of policy and introduce a new source of ideas to drive up standards.

## **Recommendations**

- 1. The Welsh Government should take a more proactive role on policy formulation and not rely solely upon the MoJ as the foundation for policy creation. They should develop a statement of purpose for the objectives they wish to achieve with regards to education and employment in prison within six months. The Statement of Purpose should enable regular meetings across Civil Service departments and set out clear measurable outcomes.**
- 2. The Welsh Government should examine the Civil Service support requirements and the resources in order to strengthen the independent cross-examination of HMPPS performance. This is an urgent matter and the examination should be undertaken within three months.**

## 4. Inclusivity with Stakeholders

### Introduction

Ensuring that stakeholders are engaged with policy creation and implementation is vitally important. Not only does it give government access to a plethora of ideas and talent, but it ensures an equality of provision across the Welsh prison estate.

Currently, the Welsh Government has no protocols in place with the Third Sector to engage them in activity as most of it is facilitated through the Learning and Skills Managers in each prison. This will be done by trying to answer the following questions:

- How does the Welsh Government involve stakeholders in the policy making process?
- How are ideas shared throughout the Welsh prison estate?
- How are prison governors utilised by the Welsh Government?
- What steps will need to be taken to improve through the gate services after 2020?
- What is the ministerial relationship with stakeholders?

This chapter will provide recommendations to improve connectivity between prisons, people and organisations. It draws heavily upon the roundtable discussions held in north Wales and south Wales. But this section will also have one eye towards the 2020 reorganisation of probation services in Wales under the control of HMPPS.

### Building Awareness of Policy

An outcome from both roundtable discussions came from the very first question I asked all attendants. I asked what knowledge stakeholders had of the Welsh Government's overall strategy for prison education and how involved did they feel in its formulation process. The majority of those who contributed to this question noted that they had not had an opportunity to feed in at a strategic level<sup>5</sup> or they were unaware of the wider strategies<sup>6</sup>. Therefore, there needs to be a clearer strategy around how stakeholders and practitioners can be more closely involved in the development and design of policies and interventions.

It should be noted that I came across a similar problem when visiting prisons. There were many occasions where people teaching offenders in classes would be wearing clothing proudly stating that this course was funded by the Welsh Government. But when asked what they were expected to be achieving with prisoner education they did not know. Those on the frontline of prison education should have as great an understanding of what the Welsh Government wants to achieve as those setting contracts and policy.

The root cause of this situation can be traced back to the issues identified in the first chapter. By allowing HMPPS to have freedom over applied policies, even if it is in line with the MoU, it has prevented other bodies providing input into the development of the education system in Welsh prisons. To counter balance this and to have better informed policy development, there should be a greater role for, and involvement of, external stakeholders.

During my roundtable event in Cardiff I was informed that stakeholders would appreciate a 'Rehabilitation Forum', similar to that utilised by the MoJ<sup>7</sup>. They were also unclear if their feedback to the MoJ was fed back to the Welsh Government and HMPPS. The Welsh Government and HMPPS should establish a 'Rehabilitation Forum' to improve outreach.

<sup>5</sup> Anonymous. (2018), *Cardiff Principality Stadium Roundtable Consultation: David Hanson Review*, 27 September 2018

<sup>6</sup> Anonymous. (2018), *HMP Berwyn Roundtable Consultation: David Hanson Review*, 26 September 2018

<sup>7</sup> Anonymous. (2018), *Cardiff Principality Stadium Roundtable Consultation: David Hanson Review*, 27 September 2018

The Welsh Government and HMPPS should work together to produce a clear outreach programme for Third Sector organisations and key stakeholders. There should be a point of contact in both the Welsh Government and HMPPS that is widely publicised. It will ensure that there is a link between both decision-making partners for prison education and those implementing contracts in prisons. This will drive up standards and allow for greater information sharing across the prison estate.

The MoU needs to be publicised more widely alongside the education strategy. By making these documents more accessible the Welsh Government may be able to overcome any feelings of isolation stakeholders have. This is needed so that Wales can drive up standards and develop policies that are more specific to the challenges and opportunities Welsh prisons exist within. This is a simple reform, but one that will drive up standards and engagement.

## **Identifying Stakeholders**

To drive up inclusivity you must have awareness of your stakeholders. As most interaction happens between Learning and Skills Managers in each individual prison, and not at a national level, there is a perceived lack of knowledge by the Welsh Government of who they could work with.

During my roundtable discussions I heard of many fantastic and ingenious solutions for prison education. It was repeated during my prison visits. But what I found concerning was some programmes were being replicated in isolation, meaning that the difficulties faced in the roll-out of programmes were being repeated when they could have been avoided. This could have been overcome with greater information sharing. Identifying stakeholders is inextricably linked with this issue as without a central database of who is operational in Welsh prisons we cannot support them in enlarging successful programmes and ending those that do not achieve acceptable outcomes.

The Welsh prison estate has the benefit of being small compared with other parts of the United Kingdom. The Welsh Government should utilise this strength more regularly through greater information sharing.

## **Utilising Governors**

Prison governors are experts in their field. They know how to address reoffending and how to improve the educational outcomes for their prison population. Once again, Wales has a small estate of only six prisons. It would be wrong if this expertise was to be ignored by the Welsh Government and its Ministers.

When I visited prisons across Wales it became all too clear that governors wanted to be more involved in steering policy along practical lines and would therefore benefit from greater access to Welsh Government decision makers.

The Welsh Government and HMPPS should have regular meetings with some of the most influential people within our prisons estate. Not only should this happen on a one-to-one basis but as a group – bringing together all governors at once.

One-to-one meetings will have the benefits of supporting the Welsh Government in its duty of care in each prison. They will hear first-hand what is working and what needs supporting on the front-line. It will always be the case that each prison has its own set of factors influencing its education provision and that is why these meetings are important. I would also recommend that the Minister is involved on an ad-hoc basis so that they can understand how their policies are impacting the prison estate.

These one-to-one meetings should be complimented with conferences of every governor in Wales. The Welsh Government may wish to consider involving the governors of HMP Styal and HMP Eastwood Park as Welsh female offenders are predominantly sentenced to these locations. The most practical arrangement would be one based on a quarterly structure. It would be an opportunity for governors to share their achievements with the Minister, officials and their colleagues. It would aid the Minister in identifying issues of concern, thus driving up standards.

The added benefit of governor involvement is the opportunity to share best practice and potentially share resource across the prison estate in Wales.

## Chain of Command

Allowing stakeholders to have access to the decision maker is important. It enables them to raise concerns and can act as a vital early warning system to any problems that may arise if no action is taken. It also relates to the point previously made that it can drive up innovation as new charities can find a pathway directly to those who have the power to implement reform.

During my roundtable discussions it was noted by stakeholders that they were unclear of who is responsible for policy, the dynamics of the current relationship between HMPPS and the Welsh Government, and the overall prison education strategy. Without clear organisation charts stakeholders find themselves unable to identify who to engage with and are often unaware of who is the best person to approach.

The oral evidence provided stated how stakeholders found the system “quite disjointed”<sup>8</sup> and were concerned that communication between different bodies was overly challenging<sup>9</sup>. This obviously doesn’t produce a sound working environment and can act as a deterrent for new stakeholders to get involved with prison education programmes.

One potential solution to this situation would be to produce a clear and concise organisational map. It should be made available to all so that everyone knows where responsibility lies. This will be complimented well by the previous recommendation of a designated point of contact in the Welsh Government and HMPPS on prison education.

## Future Opportunities

On the 27 July 2018 the UK Government announced that “supervision of all offenders in Wales will be brought together into the National Probation Service (NPS), to better reflect the needs of communities in Wales”<sup>10</sup>. This means that HMPPS will be responsible for frontline offender management services and there will be new arrangements for the delivery of intervention services including the delivery of resettlement services. This reform will see a great deal of opportunity and also some challenge to the Welsh Government’s approach to prison education.

The current system of Community Rehabilitation Companies (CRCs) responsibility for through the gate services is widely known and understood. By bringing the provision of through the gate under the control of one body the Welsh Government will need to consider how they will have to evolve alongside this reform.

The Welsh Government should work closely with HMPPS to undertake a scoping exercise on how best these two bodies can cooperate to drive up standards. Both the Welsh Government and HMPPS will need to put in place a taskforce to find areas of shared common interest. This will stretch far beyond education and will impact upon housing and health to name but two.

I will discuss in later chapters what practical policies could be implemented to improve through the gate.

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<sup>8</sup> Anonymous. (2018), *Cardiff Principality Stadium Roundtable Consultation: David Hanson Review*, 27 September 2018

<sup>9</sup> Ibid

<sup>10</sup> Wales Office, *New plans for probation in Wales announced by UK Government*, 27 July 2018, accessed at: <https://www.gov.uk/government/news/new-plans-for-probation-in-wales-announced-by-uk-government>

## Recommendations

3. The Welsh Government and HMPPS should establish a stakeholder engagement programme (Rehabilitation Forum) through which they will:
  - Outline the roles and responsibilities of Welsh Government and HMPPS
  - Publicise existing and developing strategy
  - Create and maintain a database of stakeholders
  - Share best practice through regular face-to-face meetings
4. The Welsh Government and HMPPS should hold regular meetings with prison governors on both an individual and collective basis, involving the Minister where necessary.
5. The Welsh Government and HMPPS should undertake a scoping exercise in preparation of the new probation service being installed in 2020 to establish the relationships between the Welsh Government and the new arrangements given the Welsh Government's major responsibilities on community rehabilitation. This review to be published six months prior to the establishment of the new arrangements.

# 5. Social Clauses – Welsh Government’s Employment Power

## Introduction

The Welsh Government is not fully utilising its budgets and sphere of influence when it comes to encouraging the employment of ex-offenders. To progress the aims set out in their strategy they must address this issue.

The aim of providing excellent education in prisons is primarily to drive down reoffending rates. Ensuring that ex-offenders have the skills needed for the modern workplace enables them to become active members of society who feel valued for their efforts. There should be no doubt that education for education’s sake is also greatly valued. It helps offenders to discover a passion for self-improvement and provides them with a renewed sense of self-worth.

Education must therefore be tailored to deliver these outcomes. Its foundations should be based upon Labour Market Information (LMI) so that prisons can provide the skills employers require. Indeed, the MoU between the Welsh Government and HMPPS is readily aware of this need<sup>11</sup>.

This chapter will be investigating how we can improve employability outcomes for ex-offenders through enhanced education provision and greater engagement with the wider public sector functions funded directly by the Welsh Government. It should be remembered that the Welsh Government has a spending power of £16 billion per annum. It also has powers over two of the largest employers in Wales: NHS Wales and local authorities.

Questions we will attempt to address include:

- How can the Welsh Government use its spending and legislative power to increase employability prospects?
- How does the Welsh Government use social contracts with respect to ex-offenders?
- What is the working relationship between the public and private sector in prisons?
- How can we support ex-offenders to gain employment experience after prison?
- What barriers can the Welsh Government remove from offenders gaining employment and skills?

The Welsh Government’s *Prosperity for All: Employability Plan* makes the commitment to offer the skills people need for employment<sup>12</sup>. HMPPS share these aims of improving an individual’s chance of finding meaningful employment on release plays a pivotal role in successful rehabilitation and ensuring that prisoners are provided with opportunities to gain qualifications through learning and skills provision that maximises their chances of gaining and sustaining secure and meaningful employment on release.

There is a clear desire to improve outcomes and I hope that my recommendations will compliment this dedicated approach by the Welsh Government and HMPPS.

## Welsh Government: Social Clauses

The Welsh Government has enormous potential for using its influence over employers throughout Wales in taking progressive steps on ex-offender employment. While the Welsh Government should not implement policies that overly prioritise ex-offenders over all others seeking employment, those who have shown commitment to seeking employment, through the training and education received in prison, should not be stigmatised because of their history.

<sup>11</sup> Welsh Government, *Memorandum of Understanding The Welsh Ministers and HM Prisons and Probation Service (HMPPS)*, 1 April 2018, p. 9

<sup>12</sup> Welsh Government, *Prosperity for All: Employability Plan*, 19 March 2018, p. 14

Decision makers, at all levels, have realised that they can use contracts to drive societal reform. This is achieved through social clauses that direct those who successfully secured a contract. With a budget of circa £16 billion the Welsh Government has the largest impact on social clauses and it should use this power to encourage private enterprise to drive up employment standards for all in society, through its direct policy, its suppliers and spheres of influence – especially Local Government.

The Welsh Government has been one of the early adopters of social clauses and this should be praised. It is a key tool of government to ensure that they can spend efficiently on public services, but to demand societal change by the private sector who is undertaking the contractual obligations.

During discussions with senior Civil Servants at HMPPS and the Welsh Government it became clear that there was a desire to use social clauses more effectively. However, in the very same discussions it became quickly apparent that there were not the resources available to undertake the cross-examination of these clauses once the contract has been established.

This opens the risk of failings as private enterprise may scrupulously secure contracts only for the social clause to be ignored. To combat this, the Welsh Government should review its processes in place for monitoring social clauses so that when they are broken those responsible are held to account.

The Welsh Government should also work with all other public-sector bodies within Wales so that there is a standardised framework of social clauses. The advantage of this approach means that Wales will have all bodies working in the public interest to deliver services with a modern ethical outcome.

## **Private-Sector and Public-Sector Responsibilities**

When discussing public/private cooperation we are quick to identify how the private sector can be doing more to help society. There are some good examples of these relationships in place in prisons across the Welsh estate, such as HMP Parc who has secured a training partnership with a local upholstery company. Equally, I witnessed examples of public-sector employers working holistically with prisons, the prime example being HMP Cardiff and their work with Network Rail to deliver Personal Track Safety and Direct Current Conductor rail cards and small tools tickets<sup>13</sup>. Indeed, the Police and Crime Commissioner for South Wales Police, Rt. Hon. Alun Michael, informed me that he had seen the advantages of direct training to address skills shortages in sectors like railway engineering.

However, there is a tendency for all within public life to expect the private sector to lead instead of the public-sector joining them in this journey of social responsibility. When asked about the number of private sector employers working in our prisons those responsible could easily identify who they were and what levels of impact they had. But when I raised the question on public sector employers there seemed to be a dearth of knowledge.

This is an area that needs addressing. I was told during the roundtable discussions that public-sector employers were more risk averse and would shy away from any involvement with ex-offenders<sup>14</sup>.

At a separate roundtable event, stakeholders told me that the public-sector tended to hide behind the Disclosure and Barring Service (DBS) checks as a reason why employment opportunities couldn't exist<sup>15</sup>. It is understandable that this is the case, but the Welsh Government should make clear to those bodies what the actual risk is of working with offenders in prison or ex-offenders once released.

There will obviously be some employment opportunities which will be closed off from ex-offenders due to their record, but that should not stop the education services within prisons linking up with those which they can do. When visiting prisons there are many instances of decent training schemes for horticulture and street works and these are perfect candidates for supporting local authorities in their duties. The Welsh Government should utilise these skills to support local service delivery. Indeed, if a

<sup>13</sup> Education, Vocational Skills & Employment Department HMP Cardiff, *Learner Journeys: Every Story Matters*, p.6

<sup>14</sup> Anonymous. (2018), *HMP Berwyn Roundtable Consultation: David Hanson Review*, 26 September 2018

<sup>15</sup> Anonymous. (2018), *Cardiff Principality Stadium Roundtable Consultation: David Hanson Review*, 27 September 2018

strong link is secured, upon release ex-offenders may be able to offer their skills to local government or NHS Wales for the betterment of society.

Occasionally, offenders will be unable to complete their course in prison due to release. Often this means that their education and training pathway is cut short. The Welsh Government should encourage local authorities to support ex-offenders in completing their course through on-the-job learning. This works particularly well for practical courses. Local government will benefit from a labour stream they would not necessarily have access to and ex-offenders will be able to build up their curriculum vitae following release.

There are many employment opportunities that do not require high level security clearance which Local Authorities could provide. They could work a lot more cooperatively with prisons to secure employment for ex-offenders in areas such as horticulture, construction and highways maintenance for example.

There is a strong case for the Welsh Government to convene an initial conference; bringing together major employers who supply or work with the Welsh Government. This would examine current skills shortages, opportunities to employ hard-to-employ individuals, and explore employment links with the prison estate.

## **Removing Barriers to Employment**

One of the biggest barriers to employment following a prison sentence is not the quality of education provided, but the very fact that someone is an ex-offender. This links into this review as HMPPS and the Welsh Government will continue to be undermined in their efforts to reduce reoffending if action isn't taken to improve the chances of employment once released.

Many areas of reform lay outside the powers of both the Welsh Government and HMPPS. But again, there are areas where the Welsh Government could lead by example and encourage other public-sector bodies to follow.

The most notable of these is by supporting the 'Ban the Box' campaign. Currently, when someone applies for employment they must complete a section on their application that notifies the would-be employer as to their criminal record. It is clear that placing this requirement at such an early stage of the application process is not appropriate. Those who may be well qualified have a reformed character and willing to work will be unnecessarily discarded because of potential prejudice.

There are over 9 million people in the UK with a criminal record and by banning the box it will mean that the Welsh Government and other public-sector bodies will lead the way when it comes to fairness in our employability programmes.

This is not to say that at no point should ex-offenders be asked for their background history. Instead, they should be asked at a more appropriate point – such as after an interview. This will allow for the ex-offender to build up self-confidence and feel part of society once more.

The Welsh Government should undertake a review of its employment policy so that it can ban the box at application stage and encourage other public-sector employers to follow suit.

## **Prison Structures**

Within Wales there are three different structures used for running a prison: public-sector, private-sector and commissioning.

Each of these methods of delivering services to prisoners have their benefits and costs. These three models are important to note at this point as their performance relates to contractual arrangements.

There were situations where a prison would like to change its education direction to meet the requirements of local LMI data, but because of the system they operate within they would be unable to do so at speed. This could cause delays and undermine the ability of said prison to react to the changes workplace demands in their local community.

When I visited various prisons, it became clear that those which were public sector were calling for greater flexibility in how they commission education services. The Welsh Government should work with HMPPS to investigate how to overcome this need for greater flexibility in these institutions to secure the benefits of a commissioning based principle with the stability of the public-sector model.

## **Recommendations**

- 6. The Welsh Government should work with all other public-sector bodies within Wales to agree an approach to employing ex-offenders (including the “ban the box” approach) and develop a more robust framework for social clauses that includes close monitoring and penalties for non-compliance.**
- 7. The Welsh Government should convene a conference on employability with its contacts by July 2019.**
- 8. The Welsh Government should support HMPPS in building links with local authorities so that ex-offenders can continue on-the-job training, in appropriate sectors, once their sentence has been served. This could include an outreach officer for prisons or a presence within the prison.**

# 6. Through the Gate Services

## Introduction

It is widely identified that 'Through the Gate' (TTG) services need to be effectively managed to ensure that reoffending rates are reduced. Many of the powers needed to improve these services fall outside of the Welsh Government's constitutional remit.

It was noted in a recent report by the House of Commons Justice Select Committee, into the UK Government's 'Transforming Rehabilitation' programme, that a "...Through the Gate service which merely signposts offenders to other organisations is wholly inadequate"<sup>16</sup>. Flaws were identified in the current system ranging from access to Universal Credit, resettlement plans and the use of telephones to contact ex-offenders. These are all outside the scope of this review, but are important to note at this juncture as it helps to explain why there are currently inadequacies in the system.

Another area where the Welsh Government has no operational responsibility is Release on Temporary Licence (ROTL). During my meetings with stakeholders, ROTL was an issue that came up repeatedly as a barrier to successful education and rehabilitation. It is, however, key to reintegration and employment for some prisoners.

Despite these limitations, the Welsh Government does have powers it can utilise to support ex-offenders secure employment and continue education following release. This will become all the more important with the future changes in probation including the frontline offender management services all being delivered by the National Probation Service and new intervention provision in 2020.

Representations received from Rt. Hon. Alun Michael, Police and Crime Commissioner for South Wales Police, demonstrated the impact of supporting those with mental health issues and drug addiction. He noted many interesting policy solutions to driving up standards in this area and if we are to get TTG services right they need to be taken into account.

This chapter will address the following questions:

- How can LMI can be better utilised?
- What can the Welsh Government do to support the Construction Skills Certification Scheme (CSCS)?
- What can Careers Wales do to improve TTG services?
- What more can Local Authorities do to support offenders?
- How can Higher Education (HE) and Further Education (FE) institutions support lifelong learning?
- How can offenders be better signposted to education and employment services following release?
- How can the Welsh Government work with employers to increase opportunities for employment of offenders?

## The Importance of LMI

LMI is fundamental in securing long-term integration of ex-offenders within society. It can provide prisons with the data they need to identify employment opportunities in the release catchment area so that appropriate training is given. It should be noted that this is an area that the Welsh Government and HMPPS are working well together. They have been producing a strategy based upon LMI which will help prisons in their task of reducing reoffending.

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<sup>16</sup> House of Commons Justice Select Committee, (2018). '*Transforming Rehabilitation*', (HOC482), p. 54

Figures show that 80% of prisoners in south Wales prisons are released within the south Wales catchment area. For governors to provide the right education, learning and skills programmes, they need this data to be accurate and that is why the Welsh Government and HMPPS should continually monitor LMI so that it is fit for purpose. This means that it must be up-to-date, localised to the smallest level available and accessible/in a usable format for practitioners.

But it should not be overlooked that some offenders are in prisons in areas that they will not be released to. It is vitally important that LMI data is shared widely with all prisons in Wales and not just given the information that applies to the areas they are located in. Moreover, the Welsh Government and HMPPS need to share LMI data with the MoJ so that Welsh prisoners located in English prisons are not left behind. This is of importance for female offenders – this review will go into greater detail on female offenders in a later chapter.

The Welsh Government and HMPPS should undertake an investigation into the benefits of producing an Offender Training Report (OTR) for employers. I would envision an OTR containing details on offenders due for release alongside a dataset on what skills they have achieved in prison. This data could be made available for employers so they are made aware of forthcoming labour opportunities as offenders are released. Dovetailing this dataset with the strong working relationships built by the Welsh Government with stakeholders would improve outcomes for offenders seeking employment after release. In addition, the improvement in employment opportunities would act as an incentive for offenders to participate more in education programmes in prison.

## 2020 Vision

As noted in previous chapters, the new arrangements being introduced by HMPPS in relation to probation services, brings with it a great deal of opportunities. The part-privatisation of the probation service has been found to be a failure in its current state. The National Audit Office report into CRCs<sup>17</sup> detailed the failures of the contracts in place and the cost to the public purse. The House of Commons Public Accounts Committee noted the failures to encourage third sector providers to get involved in the provision of rehabilitation<sup>18</sup>. Many more reports can be cited.

One worrying consequence of CRCs was the undermining of the link between the third sector, government and TTG services. During my roundtable discussions this issue was noted. Stakeholders were frustrated by the current system as the referral process has become convoluted<sup>19</sup>.

The Welsh Government should work with HMPPS to ensure that the new system in place works towards greater inclusivity of stakeholders and providers of TTG services in Wales. The partnership between the Welsh Government and HMPPS has the benefit of being a long-running one and this should be harnessed.

## Access to services in prison

Securing full attendance to education courses within prison is a challenge for various reasons. But some of these obstacles could be removed or mitigated. Offenders approaching release will be facing a period of change, sometimes after years of stability in the prison system. The support needs to be there so that they can transition smoothly back into society. This will mean trying to smooth out the complications that can be found once outside the prison gates. These may not seem directly linked to prison education, but without a holistic approach to offender welfare you cannot secure decent outcomes for education and employment.

<sup>17</sup> National Audit Office (2017), *Investigation into changes to Community Rehabilitation Company contracts*, HOC 676, December 2017.

<sup>18</sup> Public Accounts Committee (2018), *Government Contracts for Community Rehabilitation Companies*, HOC 897, March 2018, p.10

<sup>19</sup> Anonymous. (2018), *HMP Berwyn Roundtable Consultation: David Hanson Review*, 26 September 2018

Firstly, securing housing and access to other services provided by Local Authorities is a stumbling block. Without access to housing offenders will be unable to secure employment and utilise the skills they have developed within prison. That is why the Welsh Government should encourage Local Authorities to have either an outreach officer for prisons, and/or a greater presence within prisons if they are located in their area. By giving offenders a point of contact before they leave, the Welsh Government will give them stability and increase the prospects of improved attendance to lessons.

Careers Wales offer excellent services for people seeking employment or training. HMPPS and the Welsh Government envision the Work Advice Wales service, delivered by Careers Wales, to be the referral mechanism to increase employment outcomes. This should be praised but more can be done. The Welsh Government should ensure that management teams in prisons have a point of contact within Careers Wales. Securing a strong working relationship between these two bodies is vital in delivering positive educational and employment outcomes. Moreover, Careers Wales should have a clear understanding of what challenges offenders face in securing employment. Their situation is not the same as other citizens and that must be considered.

Following on from this there should be a scoping exercise undertaken by the Welsh Government into the practicality of an individual representative from Careers Wales, or the future HMPPS with increased powers over rehabilitation, to accompany offenders in their TTG journey.

When visiting prisons, and during my roundtable discussions, frustration was raised over the difficulty of securing a CSCS card for offenders who have been trained in the area of construction. Not only do these cards cost £36 and the Construction Industry Training Board (CITB) Health, Safety and Environment test costs £21, but there are difficulties in people securing access to these tests. In addition, employers are increasingly using CSCS cards as a means to check that workers have the correct qualifications.

Combining these factors together demonstrates needless barriers being put in place for offenders. They receive, in the main, high quality construction skills whilst in prison but then are unable to utilise them upon release as they cannot secure employment. Some may argue that offenders should apply for CSCS cards when they leave prison, but that fails to take into consideration that prisoners are given a £46 prison discharge grant which will not cover the costs associated with the card. Therefore, the Welsh Government should undertake a review of how they can overcome these barriers so that offenders have access to a CSCS card in prison.

## **Signposting**

The roundtable discussions in Cardiff and Wrexham produced three important points from stakeholders. The first two concerned HE and FE and the other revolved around the need for a pathway document for offenders.

On HE and FE, it was noted that it is hard for institutions to link up with HE and FE. Stakeholders were concerned that this undermined lifelong learning. They wanted to have a clearer set of principles in place by the Welsh Government on what is expected of all involved.

People shared their concerns that HE and FE institutions were under pressure and they wanted to know if the Welsh Government was considering taking any action to support them in their outreach programmes with offenders.

It was noted in my HMP Berwyn roundtable that stakeholders were concerned about the digital divide some prisoners face. It was suggested that a hard-copy pathway document could be produced for offenders that gave them important contact details and signposting to services they may need to secure continued learning or employment. The Welsh Government should investigate if this is practical.

Thirdly, a valid point was made about the generalisation of employment opportunities of offenders. A strong case was made for individual support for aspirations for employment that offenders may develop. This could take the form of individual careers advice, but also suggestions were made that seed-funding and support for potential businesses outside of prison could be established to support training packages, product development or business plans inside prisons.

Business Wales has expertise in developing individual businesses which should be harnessed for the benefit of offenders who wish to establish businesses that can be utilised upon release.

## **Recommendations**

9. The Welsh Government and HMPPS should complete an investigation into the benefits of producing an Offender Training Report (OTR) for employers by July 2019.
10. The Welsh Government and HMPPS should continually monitor Labour Market Information so that it is fit for purpose and share this with MoJ so that Welsh prisoners located in English prisons are not disadvantaged.
11. The Welsh Government should work with HMPPS to ensure that the new probation arrangements in 2020 works towards greater inclusivity of stakeholders and providers of TTG services in Wales.
12. Careers Wales should work with HMPPS to ensure that their services are fully integrated within the prisons and also in the resettlement process. They must also be actively engaged and involved in the development of the new probation services from 2020.
13. The Welsh Government should review how offenders can obtain a CSCS card before release from prison.
14. The Welsh Government should investigate the practicalities of producing a pathway to employment document for offenders.
15. The Welsh Government should investigate the relationships between HE/FE and prisons to establish any areas of improvement for lifelong learning.
16. The Welsh Government should develop a strategy with Careers Wales and Business Wales to enable individual support packages for business development for those prisoners who would benefit.

# 7. Female Offender Education

## Introduction

There are no female prisons in Wales and as such there are unique challenges for the Welsh Government in fulfilling their statutory responsibility of offering education and skills for female offenders. Most female offenders in Wales are sent to HMP Styal or HMP Eastwood Park.

I want to make clear that I am not making the case for a new female prison to be established in Wales. It is widely agreed that taking such action would only create more problems for offender management in Wales. The prison service is already stretched due to changes in budgets which has resulted in a loss of prison officer numbers for example, and an ever-increasing prison population.

It is important that all my recommendations in this chapter are viewed through the prism of a strong working relationship between the MoJ and the Welsh Government. It is in all parties' interests to reduce reoffending.

During my visits and meetings, I was made aware of the problems being faced by those involved in prison education. This Chapter is one of the most important areas where further investigations are needed.

It is important to note that the Welsh Government does not hold any data itself on female offenders. The most recent data available only exists because of a Freedom of Information (FOI) request made by the University of Cardiff. It demonstrates that in 2017 there were 259 female offenders, which fell slightly to 248 by March 2018<sup>20</sup>.

I have been informed by HMPPS that female offenders in HMP Styal are able to access all available educational courses and qualifications. That may be the case, but there was limited knowledge by those at HMP Styal on how to do so.

Questions that need to be answered include:

- What access to Welsh education programmes do female offenders have?
- Are female offenders included in education programmes that English offenders are?
- How does the Welsh Government and MoJ cooperate on this issue?
- How is LMI used and shared?

It is my concern that constitutional matters have erected unnecessary barriers to education and rehabilitation for female offenders.

## Educational resources for female offenders

There were some good examples of practice in prisons. For example, HMP Styal and Virgin Trains have established a partnership to offer training for offenders in the hope of securing long-term employment. Virgin Trains have been employing ex-offenders for around five years and have employed just under half the people they have put through the course. This is a perfect example of private enterprise working in prisons to improve employment opportunities.

On my visit to HMP Styal, I was concerned to witness the situation where female offenders were in some ways disadvantaged to their English counterparts. For instance, female offenders had no access to some Welsh language materials that their male counterparts had because they were located over the border in England.

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<sup>20</sup> Dr Jones. R, *Imprisonment in Wales: A Factfile*, University of Cardiff, June 2018, p. 21

The lack of data held by the Welsh Government undermines their ability to work well with the MoJ and utilise LMI. They should hold information on the number of female offenders, length of sentence, and prison they are located in as a bare minimum.

The most apparent of these was having limited access to Welsh language materials. A small, but significant, number of female offenders from Wales will have Welsh as their first language and it is completely wrong that they have limited access to materials in their language. One of the greatest successes in Welsh education policy was the revival of the Welsh language. It should not be underestimated the determined effort by the Welsh Government to reverse the dire predictions for the Welsh language. Indeed, Welsh is now considered the model example for language revitalisation around the world. Just because female offenders are in an English prison should not mean that they have limited access some materials in Welsh. The Welsh Government should undertake urgent discussions with the MoJ to ensure that all offenders in English prisons have access to Welsh language educational materials if they need them.

Welsh female offenders should have the same access to the same materials made available to English female offenders. There must be an audit of materials and courses to Welsh based offenders with the MoJ and HMPPS to ensure that the Welsh Government can have access to female offenders to provide them with educational programmes or for the MoJ to provide programmes where the Welsh Government cannot.

The Welsh Government and MoJ should establish an MoU on female prisoner education so that a clear structure is in place – with responsibilities – to provide education for offenders. This should follow on from any agreement on reciprocal treatment for English prisoners in Welsh prisons.

Some of the courses provided were funded by the European Union and this will produce new challenges due to the decision taken in the European Union referendum of 2016. The Welsh Government will have to arrange with the MoJ how these courses will change and who will be responsible for the funding once it has gone.

Welsh Government Ministers will need to meet regularly with UK Government ministers to ensure the smooth roll-out of this new education delivering system; a close working relationship is of utmost importance.

## **Support for education providers**

In my discussions with stakeholders and education providers in English prisons, I was notified that they did not use LMI data from Wales as they targeted their skills for areas around the prison. When pushed as to why the institutions did not seek out further LMI data for Wales it was pointed out that many female offenders would be returning to the immediate area so it wasn't seen as a priority.

MoJ and the Welsh Government need to address the needs of Welsh female offenders, who will be returning to Wales from England. Lack of labour market information undermines long-term rehabilitation and any chance of female offenders being able to utilise any skills learnt in prison to gain employment. By, in effect, ignoring the labour needs of Wales, female offenders are being let down. The Welsh Government must take responsibility for this data sharing.

The Welsh Government, in partnership with HMPPS, must ensure that English prisons have access to LMI for Wales.

To improve the outcomes associated with female offender education the Welsh Government should undertake investigations into how it can produce a targeted education strategy for female offenders. It will need to be conducted in partnership with the UK Government. The new strategy will support education providers in prisons to achieve higher standards as it will give greater direction.

## **Mentoring**

When visiting HMP Styal in my discussion with female offenders I was told about an absence of contact with external organisations, including but not limited to Women's Aid, and any mentoring support.

It is important that women returning to Wales have support structures in place to aid them in their rehabilitation so that they can return as productive, integrated members of society.

Given the geographical distance from establishments in England, for those women who wish it, a formal mentoring scheme or support from Women's Aid could help reintegration into society.

## **Recommendations**

17. The Welsh Government should collate data on female offenders. This should include: numbers of offenders in English prisons; likelihood of return to Wales; resettlement plan; if they have dependents; and ongoing support requirements. This should inform a MoU and an education strategy for female offenders.
18. Welsh Government and HMPPS in Wales should work with MoJ to ensure there is parity of provision with that delivered to male prisoners in Welsh prisons including access to Welsh Language materials where required. The question around European funded schemes in English prisons will need to be taken into account.
19. The Welsh Government should work with external stakeholders, like Women's Aid, to establish mentoring programmes for female offenders who wish to have them.

# 8. Digital Infrastructure

## Introduction

The digital divide faced by offenders is striking. It is made more pressing in the case of offenders who may have been given long sentences. The world is now heavily reliant upon people having basic digital skills – ranging from online banking, access to social security payments or finding a job online. If we are to make education the holistic tool it needs to be in tackling reoffending the effort will be needed to improve access to digital technology.

I am aware that the Prison's Minister in the MoJ is working on policy solutions and HMPPS is drafting up its distance learning programme. Both actions will have the potential to dramatically change outcomes for offenders.

It will be important to answer the following questions:

- How can the Welsh Government improve distance learning for offenders leaving prison?
- How can HMPPS and the Welsh Government utilise digital technology for female offenders?
- How can the Welsh Government improve offenders Information Technology (IT) soft-skills?

## Lifelong learning and TTG

At my roundtable meetings stakeholders were keen to press the Welsh Government to adopt a more forthright use of IT systems to bridge the TTG gap. They noted how many offenders wish to continue learning and the use of a 'digital campus' would be a notable benefit for them. It would act as a stable constant during their transition from prison back into society. I understand that HMPPS are working on such a plan and the Welsh Government should look at how this proposal could benefit female offenders as well as male.

Stakeholders also wanted to see a better use of IT between the Welsh Government and themselves. It was stated that a move of this nature would allow them to be more reactive to the needs of the Welsh Government and offenders.

It must also be stated how important it is for the Welsh Government to help offenders develop the basic IT skills. Although these skills will support employment opportunities they will predominantly help offenders when they need to access public services. They are some excellent examples of prisons already implementing these soft-skill development programmes – such as HMP Berwyn where offenders can order their meals digitally or arrange access to resources. HMPPS should work with the Welsh Government to see how these programmes can be rolled out further.

## Recommendations

20. The Welsh Government should look at how a 'digital campus' could benefit female offenders.
21. The Welsh Government should utilise digital technology to give key stakeholders live data and information on prison education.
22. The Welsh Government should work with HMPPS to deliver a programme of digital soft-skill development programmes.

## 9. Conclusions

It is hoped that this report will help the Welsh Government and partners strengthen and revitalise prisoner education services in Wales. As we approach the tenth anniversary of devolution of this policy area, it was right for the Welsh Government to stop and take stock of the current situation.

During my visits and roundtable discussions, I heard great examples of prison education systems being used across Wales. However, it became apparent that these practices were happening in isolation due to barriers between prisons, individuals and organisations. The Welsh Government has a tremendous amount of power in bringing people together and they should utilise it more.

HMPPS were alive to the challenges that faced offenders reintegrating into society, but I know that they wanted more involvement from the Welsh Government in formulating their programmes. Challenging each other's ideas drives up performance and I was pleased to see that both Welsh Government officials and HMPPS officials were alive to this fact. We need to reinvigorate the policy formulation process by introducing more stakeholder engagement.

The gap in provision on TTG services became apparent during my investigations, but there is a lot to be optimistic about. The powers being given to HMPPS over, what we now call, CRCs will introduce a huge amount of opportunities for the Welsh Government in improving education and employment outcomes for offenders. 2020 will mark a shift in opportunities for all involved and I am hopeful that this will be utilised fully to overcome the failings CRCs introduced into the probation system.

The most concerning area of my investigations was female offender education. Constitutional walls have been constructed stopping women from getting access to educational services they need. It should be noted that the Welsh Government and HMPPS shared my concerns and supported me fully in this area. There needs to be a settlement reached between the MoJ, HMPPS and the Welsh Government so that female offenders are not being let down.

Going forward, we must ensure that offenders are given every possible opportunity to reform their ways. They should be able to retrain to become active members of society who contribute to their local communities. It is not beyond us to achieve these aims and I have every confidence that through a dedicated approach, that involves everyone, we can achieve the improvements Wales's needs.

## All Recommendations

### Accountability Structures

1. The Welsh Government should take a more proactive role on policy formulation and not rely solely upon the MoU as the foundation for policy creation. They should develop a statement of purpose for the objectives they wish to achieve with regards to education and employment in prison within six months. The Statement of Purpose should enable regular meetings across Civil Service departments and set out clear measurable outcomes.
2. The Welsh Government should examine the Civil Service support requirements and the resources in order to strengthen the independent cross-examination of HMPPS performance. This is an urgent matter and the examination should be undertaken within three months.

### Inclusivity with Stakeholders

3. The Welsh Government and HMPPS should establish a stakeholder engagement programme (Rehabilitation Forum) through which they will:
  - Outline the roles and responsibilities of Welsh Government and HMPPS
  - Publicise existing and developing strategy
  - Create and maintain a database of stakeholders
  - Share best practice through regular face-to-face meetings
4. The Welsh Government and HMPPS should hold regular meetings with prison governors on both an individual and collective basis, involving the Minister where necessary.
5. The Welsh Government and HMPPS should undertake a scoping exercise in preparation of the new probation service being installed in 2020 to establish the relationships between the Welsh Government and the new arrangements given the Welsh Government's major responsibilities on community rehabilitation. This review to be published six months prior to the establishment of the new arrangements.

### Social Clauses – Welsh Government's Employment Power

6. The Welsh Government should work with all other public-sector bodies within Wales to agree an approach to employing ex-offenders (including the "ban the box" approach) and develop a more robust framework for social clauses that includes close monitoring and penalties for non-compliance.
7. The Welsh Government should convene a conference on employability with its contacts by July 2019.
8. The Welsh Government should support HMPPS in building links with local authorities so that ex-offenders can continue on-the-job training, in appropriate sectors, once their sentence has been served. This could include an outreach officer for prisons or a presence within the prison.

## Through the Gate Services

9. The Welsh Government and HMPPS should complete an investigation into the benefits of producing an Offender Training Report (OTR) for employers by July 2019.
10. The Welsh Government and HMPPS should continually monitor Labour Market Information so that it is fit for purpose and share this with MoJ so that Welsh prisoners located in English prisons are not disadvantaged.
11. The Welsh Government should work with HMPPS to ensure that the new probation arrangements in 2020 works towards greater inclusivity of stakeholders and providers of TTG services in Wales.
12. Careers Wales should work with HMPPS to ensure that their services are fully integrated within the prisons and also in the resettlement process. They must also be actively engaged and involved in the development of the new probation services from 2020.
13. The Welsh Government should review how offenders can obtain a CSCS card before release from prison.
14. The Welsh Government should investigate the practicalities of producing a pathway to employment document for offenders.
15. The Welsh Government should investigate the relationships between HE/FE and prisons to establish any areas of improvement for lifelong learning.
16. The Welsh Government should develop a strategy with Careers Wales and Business Wales to enable individual support packages for business development for those prisoners who would benefit.

## Female Offender Education

17. The Welsh Government should collate data on female offenders. This should include: numbers of offenders in English prisons; likelihood of return to Wales; resettlement plan; if they have dependents; and ongoing support requirements. This should inform a MoU and an education strategy for female offenders.
18. Welsh Government and HMPPS in Wales should work with MoJ to ensure there is parity of provision with that delivered to male prisoners in Welsh prisons including access to Welsh Language materials where required. The question around European funded schemes in English prisons will need to be taken into account.
19. The Welsh Government should work with external stakeholders, like Women's Aid, to establish mentoring programmes for female offenders who wish to have them.

## Digital Infrastructure

20. The Welsh Government should look at how a 'digital campus' could benefit female offenders.
21. The Welsh Government should utilise digital technology to give key stakeholders live data and information on prison education.
22. The Welsh Government should work with HMPPS to deliver a programme of digital soft-skill development programmes.

# Review of Offender Education in Wales – Terms of Reference

## Overview

The Minister for Welsh Language and Lifelong Learning has commissioned a review of the current education system operating across the prisons in Wales. The Minister has proposed that David Hanson MP undertake the review for Welsh Government.

The delivery of learning for offenders and ex-offenders involves both Welsh Government and the Ministry of Justice (MoJ) with the MoJ retaining the power to commission delivery of education and learning within state prisons. Private prisons commission their own provision. The UK Government provides ring-fenced monies to the Welsh Government which the Welsh Government passes on to Ministry of Justice (MoJ) as funding for education provision and library services. This relationship is overseen by a Memorandum of Understanding (MoU) with Her Majesty's Prison and Probation Service (HMPPS). The MoU is not legally binding and relies on continued co-operation between both parties.

## Purpose

The purpose of the project is to examine and review the current education delivery to offenders/ ex-offenders in Wales and explore the challenges and opportunities for improvement or change. The review should take account of the whole system of support and not be restricted to the delivery of education within the prison estate.

Conclusions from the review will be shared with the Thomas Commission on Justice in Wales as well as informing the future work of the Welsh Government.

## Review Objectives

The objectives are to:

- Review the delivery of education and employability support in prisons and for prisoners on release in the community across Wales, exploring what works well and areas for improvement. The review should consider the current pathways for three distinct groups: young people, women and adult men.
- Engage with a range of stakeholders across Welsh Government and the Justice System in Wales including those involved in the commissioning and delivery of education for offenders and ex-offenders in Wales.
- Review the barriers to effective delivery.
- Produce recommendations as to how the education and employability support provision can be improved and next steps- including further potential work-streams in order to achieve this.

- **Dependencies**

- The review should take account of the following in relation to the broader strategic context for employability policy in Wales:
- **Prosperity for All: Employability Plan** – The Welsh Government’s commitment is to reshape employability support for job ready individuals, and those furthest from the labour market, to acquire the skills and experience to gain and maintain sustainable employment. The Welsh Government works closely with HMPPS, via our agreed MoU, to ensure that all prisoners have equal access to education and skills training, ensuring support is in line with the Employability Plan
- The funding also supports the Welsh Government’s recently published framework to support change for those at risk of offending, “*A Framework to support positive change for those at risk of offending in Wales*”, which recognises that reducing re-offending through skills and employment is believed to be one of the most effective means of combating crime.
- Welsh Government has been working closely with HMPPS in Wales and the MoJ on the development of the recently launched *Employment and Education Strategy* for the prison estate across England and Wales. The Strategy highlighted the need to work more closely with employers and utilise Labour Market Intelligence more robustly to better focus interventions on real employment opportunities. The strategy outlines ways in which links with employers, Jobcentre Plus, Careers Wales Advisers, National Probation Service and Community Rehabilitation Companies could be strengthened and that the provision available equips individuals with skills that will help them find employment in the area to which they are being resettled.
- In line with the Employment and Education Strategy, HMPPS are currently undertaking a *strategic review* of learning in Welsh prisons which is presently out for consultation with key stakeholders, including the Welsh Government. The review will look at what is currently being delivered, assess the quality of provision and seek to make improvements based on the findings of the review and explore ways to maximise employment opportunities on release.

## **Timescale**

The review will produce an initial report for consideration by Ministers by 30 November 2018.