



Llywodraeth Cymru
Welsh Government

Commission on Justice in Wales:

**Supplementary evidence of the
Welsh Government to the
Commission on Justice in Wales –
Education and Employment**

Contents

Introduction/overview	1
Summary of Welsh Government policy objectives and actions	3
What rehabilitative interventions is the Welsh Government supporting/funding?	6
What is working well and why?	7
What are the barriers to achieving more effective delivery and better outcomes?	8
What are the connections between Welsh Government policy/programmes and the justice system?	9
Who are the key partners/stakeholders that it would be useful for the Commission to hear from?	10
Conclusion	11

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

Introduction/overview

On 1 April 2009, the Welsh Ministers (Transfer of Functions) Order 2009 (Article 2) transferred functions under section 47 of the Prison Act 1952 in relation to education, training and libraries, so far as exercisable in relation to Wales, to the Welsh Ministers. This gave Welsh Ministers the power to make rules in respect of prison education, training and the library services available in prisons in Wales.

The Prison Rules can set legal requirements in respect of education training and library provision. The powers to make rules are relatively limited in that the transfer of functions does not enable the Welsh Ministers to secure/commission prison education or training themselves. The power to secure/commission prison education or training in prisons in Wales remains solely with the Secretary of State. It remains the Secretary of State's responsibility to maintain prisons and prisoners under section 4 of the Prison Act 1952 and the Secretary of State remains responsible for the general superintendence of prisons in Wales.

The Welsh Ministers have never exercised their rule-making power under section 47 of the 1952 Act. That is, they have never made specific rules for education, training and libraries in prisons in Wales. The Prison Rules made by the Secretary of State in 1999 continue to apply to prisons in Wales.

The rules are not particularly prescriptive. For example, they do not go into any detail about the type or level of education that should be arranged. They simply require educational classes to be arranged and for those prisoners who are able to benefit from education to be encouraged to engage with it.

The Welsh Government currently funds (from monies provided to the Welsh Ministers specifically for this purpose by the UK government) the education and learning provision and prison libraries in Welsh public sector prisons through a joint *Memorandum of Understanding (MoU)* with Her Majesty's Prison and Probation Service (HMPPS). HMPPS are responsible for commissioning all education and learning delivery in the Welsh prisons (HMP Cardiff, Swansea, Usk, Prescoed, Parc and HMP Berwyn). With the exception of HMP Parc, all learning activity delivered to offenders in south Wales prisons is delivered by in-house staff employed by the MOJ (HMP Parc staff are employed by G4S). There is a separate arrangement in place for HMP Berwyn where education and learning delivery is contracted out to Novus Cambria.

It is important to note that the MoU does not amount to a legally binding agreement which imposes legally binding enforceable obligations on the parties to it or which confers legally enforceable rights on the parties. Therefore, the current arrangements depend on both parties continuing to agree to the arrangements. The UK government could decide to withdraw from the MoU, no longer provide funding to the Welsh Government and set the direction for learning in prisons in Wales without any Welsh Ministers' input.

The current arrangements provide the Welsh Government with an opportunity to improve further the quality and relevance of offender learning in the context of Welsh Government priorities. It supports a number of commitments within the Programme for Government: Taking Wales Forward and the National Strategy, Prosperity for All, with a key focus on providing the support people need in order to access jobs. Through better education and providing skills for life, this will serve to break the cycle of disadvantage and inequality that many experience within this cohort over the longer term.

Within the Employability Plan, the Welsh Government's commitment is to reshape employability support for job ready individuals, and those furthest from the labour market, to enable them 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 that support is in line with the commitments within 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.

Summary of Welsh Government policy objectives and actions

The Welsh Government works closely with HMPPS, via our agreed MoU, to ensure that all prisoners gain equal access to education and skills training. HMPPS set the strategic direction for skills training within prisons, whilst the Welsh Government ensures that all training fits with the Welsh Government priorities outlined in Taking Wales Forward and the Employability Plan.

The first step on a prisoner's path to employment on release is acquiring the right skills. Many prisoners enter prison with a low level of education. This makes effective and relevant training in prison vital. Each prison delivers a consistent learner journey including assessments and a structured pathway programme. This provides individuals with opportunities to address barriers to learning, develop their skills, interests and attitudes to work and helps them return to the community with improved skills and abilities that can lead to work and a reduction in their risk of reoffending.

Prisoners undertake a Wales Essential Skills Toolkit (WEST) assessment to determine level of need and ability. From this, they will have an Individual Learning Plan (ILP) drawn up that will map their activity and skills training through to successful completion of qualifications and acquiring of key employability skills.

Careers Wales and Job Centre Plus (JCP) Work Coaches currently work with prisoners during their resettlement phase but they often work in isolation. Both have expressed the desire for more collaborative working, as well as closer links with the Community Rehabilitation Company (CRC), to ensure less duplication and better progression for the prisoner into employment.

Careers Information, Advice and Guidance (CIAG), directly funded by the Welsh Government, is currently available in south Wales prisons and, from 2018, will be available in HMP Berwyn. Careers Wales Advisers for the prison will work closely with prison

staff and work coaches to establish the most appropriate approach to inform prisoners about the CIAG offer.

Careers Wales Advisers are available to provide advice and guidance to any prisoner referred for support. The aim of the meeting is to aid transition into employment, education or training following release. They provide one to one interaction with referred prisoners during their resettlement phase prior to their release to discuss next steps. Prisoners are provided with a written outcome (moving forward plan) as a result of an individual interaction. Careers Wales Advisers will, where appropriate, refer prisoners to the careers centre in the area that the prisoner is returning to (if within Wales). This will include further support including the use of Careers Wales facilities.

There has been a recent shift in focus for prison activity and skills training with the emphasis now aiming to provide a more modern, employment focused approach, oriented towards employment on release rather than one that just produces qualifications that are not directly relevant in the modern labour market.

Welsh Government colleagues have worked closely with HMPPS in Wales and the MoJ on the development of the recently published *Employment and Education Strategy* for the prison estate across England and Wales. The Strategy highlights the need to work more closely with employers and utilise Labour Market Intelligence (LMI) more robustly to focus interventions on real employment opportunities. The strategy outlines ways in which links with employers, JCP, Careers Wales Advisers, the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs) can be strengthened and that the provision available equips individuals with skills that will help them find employment in the area within 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 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, including the development of a Integrated Quality Assurance (IQA) framework (see paragraph below on quality), and seek to make improvements based on the findings of the review, including exploring ways to maximise employment opportunities on release.

In addition to the above, The Minister for Welsh Language and Lifelong Learning has proposed that an independent review of Offender Learning in Wales is undertaken by David Hanson MP. The review will look at the educational offer for offenders in Wales and take account of the whole system of support and not be restricted to the delivery of education within the prison estate in order to understand how improvements to the delivery can be facilitated.

The Hanson Review will report back to Ministers in the autumn with a full assessment of the current system and recommendations for improvement where necessary.

Tackling Re-offending

Reoffending by those released from custody costs society around £15 billion per year – and the overwhelming majority of prisoners will be released from custody at some stage in their lives. Through effective rehabilitation, there is the aim to reduce reoffending and the number of victims of crime in the future, recognising that reducing re-offending through skills and employment is believed to be one of the most effective means of combating crime. HMPPS and the Welsh Government agree

that improving an individual's chance of finding meaningful employment on release plays a pivotal role in successful rehabilitation.

Through the interventions mentioned earlier, we will work towards 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.

Although national statistics data on offending and reoffending rates are available at an England and Wales level, these statistics are not broken down to a Wales level. As such, there is no way to identify any trends or patterns of reoffending at a Wales level, or indeed to be able to measure if a successful employment outcome for a prisoner leaving prison, has resulted in non-reoffending behaviour.

The Welsh Government and HMPPS do not currently track a prisoner's journey through the gate in order to measure the impact of education and skills interventions whilst in prisons, and to monitor if these interventions have resulted in a successful employment outcome. As such consideration is currently being given to a joint WG and HMPPS project to identify and track a specific cohort of offenders to focus on the impact of employability support both in prison and when released.

Due to the multi-agency approach in supporting a prisoner during their re-settlement phase, there is a lack of clarity as to which organisation should be responsible for tracking an individual's outcome. In addition, sharing tracking data potentially presents challenges in terms of data sharing protocols as data may be held by other key stakeholders involved in the prisoner journey, such as the NPS and the CRCs, or indeed DWP.

Quality

Within the MoU, there is clear stipulation that HMPPS, through its commissioning responsibilities for offender learning in Wales, must ensure that it has in place arrangements for quality assurance and quality improvement of all learning and skills delivery funded directly or indirectly by the Welsh Ministers. Her Majesty's Inspectorate of Prisons (HMIP) for England and Wales undertakes inspections of Prisons jointly with Estyn who provide the inspection around learning and skills.

In addition to the above, as part of the HMPPS learning and skills review, HMPPS are developing an Integrated Quality Assurance (IQA) framework that will deliver quality learning and skills and a culture of continual improvement and professional development across the prisons. The IQA will include self-assessment, internal quality reviews, assurance activities and reports and will be aligned to Estyn's Common Inspection Framework and recent HMIP/ Estyn Inspection recommendations.

What rehabilitative interventions is the Welsh Government supporting/funding?

In addition to the interventions outlined above, the Welsh Government is currently working with HMPPS to implement a number of additional supportive measures to improve links to employment opportunities and tackle barriers to work for prisoners on release.

Employment Advice Gateway (EAG)

The Welsh Government fund Careers Wales to deliver Information Advice and Guidance (CIAG) across south Wales prisons and will integrate this service into HMP Berwyn shortly. Careers Wales provide CIAG to prisoners during their resettlement phase and support them with their search for employment on release.

Welsh Government is currently developing the Employment Advice Gateway (EAG) which will be delivered by Careers Wales and launched in March 2019. The Employment Advice Gateway will provide a common approach to identifying the needs of the individual as part of reshaping employability support in Wales. This approach will identify those with employment support needs at the earliest possible stage and create a seamless referral process to employability support.

The EAG will provide comprehensive and impartial employability advice and guidance to people aged 16 and older across Wales. It will enable individuals to talk to trained advisers about employment and skills, their aims and aspirations, and any issues they face in obtaining work. Advice and guidance will be provided face to face, over the telephone and online. Advisors will help by identifying barriers to employment, the best route to employment, and by referring people to the most appropriate intervention/s available.

Careers Wales IAG will be integrated fully into the EAG which will ensure seamless transition of support on release for prisoners and provide better integration of the services currently operating to support prisoners during this transition time. This will include working closely with other key agencies in supporting prisoners on release, providing a continuum of support for prisoners as they go through the gate.

Digital Literacy

The Welsh Government is looking to implement the roll out of digital skills/literacy into prisons (as part of the Essential Skills Wales qualification). Adding the digital literacy element to this suite of courses will enhance the provision for offenders who are often those most in need of improving their IT skills. The Digital Literacy qualification, which is delivered as part of the Essential Skills Wales suite of qualifications, is a much more comprehensive qualification than the previous ICT qualification. It provides the learner with the underlying digital literacy capabilities, knowledge and experience that is necessary to enable learners to be safe and wise when using technology, both online and offline.

Previously, the Digital Literacy element of Essential skills could not be delivered within prisons due to prisoners being prevented access to the internet for security reasons. Welsh Government provided funding for a consultant to undertake a scoping exercise to look at the barriers to implementing the qualification. The consultant provided a full report and recommendations on how this qualification could be implemented within the prison system. Roll out is expected within this financial year.

What is working well and why?

Opportunities to achieve better outcomes

As outlined above, the Welsh Government is already working closely with HMPPS at a strategic and operational level, meeting frequently to discuss operational issues and discuss forward planning. We also work closely with other key stakeholders involved in the prisoner learner journey during their time in prison, meeting frequently with DWP and Careers Wales, for example, to discuss the issues regarding delivery of education and training in prisons and seeking ways to integrate the services currently operating.

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
- deliver the best possible outcomes across the justice system for Wales
- commission cross-government task and finish groups to understand the impact of policy development, reform and delivery in Wales.

The Welsh Government has also worked with HMPPS to develop the recently published *Employment and Education Strategy*. The Strategy outlines HMPPS' aim to provide a more modern, employment focused approach in prisons, orientated towards employment on release and closer collaboration between key stakeholders.

The current delivery arrangements for learning and skills differ across the prison estate in Wales. In the public prisons in south Wales learning and skills delivery is undertaken by prison staff (employed by the MoJ). In HMP Parc, all prison services, including learning and skills, are contracted out to G4S. In HMP Berwyn, MoJ took the decision to contract out learning and skills provision with the contract being awarded to Novus Cambria. This divergence in delivery offers challenges in ensuring there is consistency across the prison estate.

The Welsh Government budget for learning and skills in prisons has remained static since 2009. With increasing staff costs, coupled with increases in National Insurance contributions and pensions,

HMPPS has expressed concern that their capacity to respond to the learning and skills needs of prisoners is not being fully met.

It is also worth noting that the delivery of education and skills within the prison establishment and the drive for positive outcomes is reliant on the prison regime. For example, prisoners only have a certain amount of hours in the day to access the education services and security issues within any prison will often result in a 'lock down' with prisoners then unable to access the educational services. The amount of time available for an individual to attend employability support training may negatively impact on their readiness for employment or further training once released.

What are the connections between Welsh Government policy/ programmes and the justice system?

As outlined above, Welsh Government funding for offender learning ensures alignment with a number of key commitments and priorities set out in the *Programme for Government: Taking Wales Forward*: to deliver more and better jobs through a stronger, fairer economy. The skills priorities will be to “assist unemployed and economically inactive individuals, both near and far from the labour market, to gain, retain and progress within employment”. These commitments are further highlighted in *Prosperity for All* which outlines the ambition to “enable people to fulfil their ambitions and enhance their well-being through secure and sustainable employment”.

We have also sought to align delivery with the aspirations set out in the Welsh Government *Employability Plan*, principally the ambition to “ensure that individuals have the necessary skills to participate fully in the current and future labour market”. In addition, we have insured learning and skills delivery in prison takes account of the Welsh Government’s *Digital Inclusion Strategy* (which is also covered within the Programme for Government) and objectives outlined in the *Well-being of Future Generations (Wales) Act 2015* (which also covers the Welsh Language Strategy and Environmental Sustainability policy) which came into operation on 1 April 2016. This Act outlines 7 goals that public bodies must work towards to ensure Wales becomes a better place to live both now and for the future.

Who are the key partners/stakeholders that it would be useful for the Commission to hear from?

Welsh Government works closely with HMPPS and other key stakeholders involved in the prisoner learner journey during their time in prison and during their resettlement phase. The key partners involved are: HMPPS (who commission learning in all Welsh prisons); Careers Wales; JCP/DWP; CRCs and NPS; third sector organisations who have a key role in supporting prisoners to access the employment market. The Learning and Work Institute recently undertook a workshop with key stakeholders to review the support for prisoners. A report will be published over the summer on the outputs from this discussion.

We meet frequently with these organisations to discuss all issues regarding improving the prisoner journey. This will include issues regarding the delivery of education and training in prisons, as well as ensuring that the services operating are better integrated and are working collaboratively, especially during the prisoner's resettlement phase.

Conclusion

The Welsh Government works well with HMPPS at an operational level in the implementation of education and skills delivery within Welsh prisons, meeting frequently to forward plan and develop an employability focus that aligns with the Welsh Government's current priorities and policies.

At a strategic and policy level, there has been, to date, a lack of a direct working relationship and engagement with MoJ policy officials. As we move forward with this agenda, more could be achieved in this area and the engagement with the Justice in Wales Strategy Group could provide the momentum for further in-depth engagement at a policy level.

There is a disparity of funding and delivery arrangements across the prison estate in Wales.

HMPPS are responsible for commissioning all education and learning delivery in the Welsh prisons. Whilst learning activity in HMP Cardiff, Swansea, Usk and Prescoed is delivered by MoJ staff, in HMP Parc staff are employed by G4S. There is a separate arrangement in place for HMP Berwyn where education and learning delivery is contracted out to Novus Cambria. The funding differentiation is also marked, with the budget for HMP Berwyn set at a level which amounts to the funding for all south Wales prisons together. There will be a need to revisit the funding and delivery arrangements as we move forward. Funding has remained the same for South Wales prison since 2009 and has not taken account of increases in salary costs, ie NI and pension contributions.