



Llywodraeth Cymru  
Welsh Government



Gwasanaeth Carchardai a  
Phrawf EM yng Nghymru

HM Prison & Probation  
Service in Wales

**Dated: 7<sup>th</sup> June 2022**

**Memorandum of Understanding (MOU)**

**between**

**The Welsh Ministers**

**-And-**

**HM Prison and Probation Service (HMPPS)**

**Relating to the funding and delivery of offender learning  
and skills training in Wales for the 3-year term of this MoU  
(1 April 2022 to 31 March 2025)**

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# Memorandum of Understanding

This 3-year MOU is made on the 1<sup>st</sup> day of April 2022

**Between:**

- (a) **THE WELSH MINISTERS of Crown Building, Cathay's Park, Cardiff CF10 3NQ ('Welsh Ministers'), and**
- (b) **THE SECRETARY OF STATE FOR JUSTICE ACTING THROUGH HIS MAJESTY'S PRISON AND PROBATION SERVICE (Wales) of 3rd Floor, Churchill House, Churchill Way, Cardiff CF10 2HH ('HMPPS')**

## **Background**

- (i) The Secretary of State has general superintendence of prisons in England and Wales and offender management powers which include securing the provision of education in the secure estate.
- (ii) His Majesty's Prison and Probation Service ("HMPPS") is an executive agency within the Ministry of Justice (MOJ) and aims to reduce re-offending and protect the public. This involves the provision of secure, safe, and decent custody; the implementation and enforcement of custodial and community sentences and the delivery of appropriate interventions in custody and the community which reduce re-offending. Reducing re-offending through skills and employment is believed to be one of the most effective means of combating crime.
- (iii) A transfer of functions order known as the Welsh Ministers (Transfer of Functions) Order 2009 (S.I. 2009/703) took effect on 1 April 2009 giving the Welsh Ministers the power to make rules under section 47 of the Prison Act 1952 in relation to education, training, and libraries, so far as exercisable in relation to Wales.
- (iv) The Welsh Ministers enter into this Memorandum of Understanding with HMPPS in reliance of their functions under section 10 of the Education Act 1996 and section 58A of the Government of Wales Act 2006.

HMPPS and the Welsh Ministers have agreed to enter this MOU to define how they will collaborate and work together in relation to the effective delivery and provision of education, learning and skills within Prisons which is funded by the Welsh Ministers using funding received from the UK Government to deliver learning and skills within Prisons. The overall funding available is outlined in Schedule 1 and supports several Welsh Government policies and programmes including those referenced within this MOU.

## **1 Definitions and Interpretation**

1.1 In this MOU including the recitals and the Schedules:

1.1.1 The following words appearing in the first column of the table below have the meanings appearing in the second column of the table appearing below:

80/20 Split	<p>80% of the learning and skills curriculum will consist of courses that meet the criteria for priority 1 and 2 areas. 20% of the curriculum should be courses that meet the criteria for priority 3 – Non vocational, higher level and personal learning. These priority areas are detailed at Schedule 4.</p> <p>Calculation should be based on the number of sessions delivered over a four-week period. To demonstrate compliance, Prisons will provide HMPPS with a full list of courses on offer broken down into vocational and non-vocational twice a year with the Quarter 2 and Quarter 4 returns.</p>
Achieved	The number of Learners who achieve a Qualification, regardless of when they began that qualification (within the defined cumulative period e.g., Quarter 1).
Agreed Leavers	Learners who start a course but leave for reasons that are outside the control of the Learning & Skills Department within Prisons. These include transferred to another Prison, discharged into the community, segregated from rest of prison population. If this occurs the place on the course must be made available to another Learner.
All Starts	<p>Total numbers of Learners who start a course including those who do not attend due to unavoidable activity, for example changes to the Prison regime that affects their attendance.</p> <p>If a Learner starts a second Qualification, at any level, this counts as a new start.</p>
Annual Delivery Plan	This sets out the delivery requirements for learning and skills and a plan is prepared by each of the Prisons. This should be provided at the start of each delivery year during the month of April to WG.
Attainment Rate	80% of Learners who have completed a course and Achieved a Qualification recognised and regulated by Qualifications Wales.
Awarding Body	An awarding body accredits Qualifications and is recognised and regulated by Qualifications Wales.
Budget	The total of the Learning and Skills (Custody) Budget for South Wales Prisons, HMP & YOI Parc and HMP Berwyn' set out in Schedule 1.
Commencement Date	1 <sup>st</sup> April 2022
Completed	The number of Learners who complete a course (within the defined cumulative time e.g., Quarter 1).

Completion Rate	Percentage of Learners who Start a course (minus Agreed Leavers) and complete a course.
Contentious Activity	This would include proposed expenditure or financial arrangements where there was doubt as to regularity (i.e., compliance with relevant legislation and guidance) or propriety (i.e., compliance with the standards expected of public bodies or officials). Proposed expenditure or financial arrangements that might be politically sensitive would also be regarded as contentious.
Continued Learning	A Learner who achieves a Qualification and then goes on to start another course at any level should be counted. Also, all subsequent courses within the same sentence imposed on and being served by the Learner should be counted.  Courses started at a higher level should be counted as Continued Learning and as Progression.
Continuous Professional Development (CPD)	The maintenance, improvement and broadening of staff knowledge and skills required professionally.
The Data Protection Legislation	This covers the UK GDPR, the DPA 2018, the LED and any applicable national implementing Legislation as amended from time to time, to the extent that it relates to Processing of Personal Data and privacy and all applicable laws and regulations relating to Processing of Personal Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner.
Database of Approved Qualifications in Wales (QIW)	Database of Approved Qualifications in Wales which consists of qualifications approved or designated by Qualifications Wales.
Delivery Outputs	These are detailed in Part 3 of Schedule 2 specifically for Prisons in Wales.
DPA 2018	Means the Data Protection Act 2018.
Essential Skills	A suite of qualifications under Essential Skills Wales which covers Entry Level 1 to Level 4 consisting of: <ul style="list-style-type: none"> <li>• Application of number (numeracy)</li> <li>• Communication (literacy)</li> <li>• Digital literacy</li> </ul>
Estyn	<ul style="list-style-type: none"> <li>• The office of His Majesty's Inspectorate for Education and Training in Wales. It is funded by the Welsh Ministers, though it is independent from it. Its stated objectives are to deliver high quality inspection of individual education and training providers, and related services, in Wales; and to provide independent and sound advice, based on inspection evidence, to inform the Welsh Ministers in the formulation and evaluation of education and training policy.</li> </ul>
Fail to Complete	The percentage of All Starts (including Agreed Leavers) who fail to complete a course.

Funding	The funding to be provided and paid to HMPPS for the purposes set out in this MOU. This comprises the Budget and any other funding that would be available to support Learning and Skills delivery in Prisons.
UK GDPR	Means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons about the processing of personal data and on the free movement of such data (General Data Protection Regulation) as it forms part of the law of England and Wales, Scotland, and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018.).
KPIs	Key Performance Indicators as set out in Part 1 of Schedule 2.
Labour Market Intelligence (LMI)	<p>Labour Market Intelligence: LMI is any quantitative or qualitative facts, analysis, or interpretation about the past, present, or future structure and workings of the labour market and the factors that influence it.</p> <p>LMI is needed to inform users about:</p> <ul style="list-style-type: none"> <li>• economic and labour market conditions.</li> <li>• education, qualifications, training, and skills.</li> <li>• current and future demand and supply of labour and jobs; and</li> <li>• vacancies and recruitment.</li> </ul> <p>LMI includes both labour market information (descriptive data such as statistics or survey results) and labour market intelligence (analysis, interpretation, conclusions, and policy recommendations).</p> <p>Regional Skills Partnerships and WG will work with HMPPS to ensure LMI reports are tailored to meet the needs of each prison.</p>
Learners	<p>Offenders over the age of 15 who:</p> <p>are serving a community or custodial sentence in Wales, regardless of nationality;</p>
LED	Means the Law Enforcement Directive (directive (EU) 2016/680).
Management Information	The management information set out in Part 2 of Schedule 2 to be provided by HMPPS to the Welsh Ministers on a quarterly basis for the Prisons.
MOU	This memorandum of understanding including any Schedules.
Minimum Starts	The minimum number of Starts (minus Agreed Leavers) that HMPPS should achieve over the term.
Novel Activity	This would include proposed expenditure or financial arrangements of a sort not previously undertaken or entered

	by HMPPS or which could not be considered, reasonably, to be standard practice.
Outcomes	Outcomes are defined as a completion of work, such as the creation of a CV, the completion of a course, an application for a job etc. A Learner may have many outcomes if they are using the Virtual Campus. Some outcomes are generated automatically such as the completion of a CV whilst others will need to be inputted onto the Virtual Campus manually as an outcome.
Parties	Means the Welsh Ministers and HMPPS and “Party” shall mean either of them as the context shall require.
Positive Outcome	<p>A Learner at HMP Berwyn, or HMP &amp; YOI Parc, achieving a priority target that focusses on any barriers to engagement or progression and works towards an outcome in education and work.</p> <p>A Learner and their tutor at HMP Berwyn, or HMP &amp; YOI Pac, will identify one of the targets in their Individual Learning and Work Plan that is a priority target.</p>
Prisons	This means all Prisons in Wales whether they are managed by the public sector or privately under contract to HMPPS. The Prisons consist of HMP Cardiff, HMP Swansea, HMP Usk, HMP Prescoed, HMP and YOI Parc and HMP Berwyn.
Private Sector Prison	A Prison that is managed and run by a private sector organisation under contract to HMPPS. In Wales, HMP & YOI Parc is managed by a private contractor.
Progression	A Learner who achieves a Qualification and starts a new course at a higher level whilst serving their sentence.
Public Sector Prisons	A prison with day-to-day management and operation undertaken by HMPPS. The Public Sector Prisons in Wales are HMP Cardiff, HMP Swansea, HMP Usk, HMP Prescoed and HMP Berwyn.
Provider	The provider / deliverer of learning and skills within Prisons whether it be HMPPS or a contracted provider.
Qualifications	All Qualifications that are approved or designated by Qualifications Wales will be eligible for funding by Welsh Government and will appear on the Database of Approved Qualification in Wales (QIW).
Regional Skills Partnerships	<p>The four Regional Skills Partnerships are addressing the challenges of meeting the skills needs in the local labour market in line with the Welsh Government’s Programme for Government and Stronger, fairer, greener Wales: a plan for employability and skills.</p> <p>Each Regional Skills Partnership will develop and publish a three-year employment and skills plan which identifies key skills and employment priorities and any key regional sectors for each region, aligned to regional economic plans, including City Deals and Growth Deals.</p>

	Following this, RSPs will produce a summary of opportunities of relevance to HMPPS.
Starts (minus Agreed Leavers)	The number of Learners who start a course minus those who leave for reasons agreed by HMPPS Wales.
Success Rate	Percentage of Learners who start a course (minus Agreed Leavers) and achieve a Qualification.
Term	The period beginning on the Commencement Date and end date on the 31st of March 2025.
Virtual Campus	The Virtual Campus is a secure intranet system provided by HMPPS in all Prisons in Wales to support offender learning and rehabilitation.
Welsh Government	The Welsh Government is the executive branch of the devolved government in Wales. It is accountable to the Senedd, the legislature which represents the interests of the Welsh people and makes laws for Wales. The Welsh Government and the Senedd were established as separate institutions under the Government of Wales Act 2006.
Welsh Government Policies	Described in Schedule 5. The priorities set by the Welsh Government through which HMPPS are expected to adhere in the delivery of learning and skills across all Prisons. These are refreshed and outlined in Schedule 5.
WGLG (FE)	The Welsh Government Learning Grant for Further Education which is an income-assessed grant that aims to encourage more people to continue with their education, where otherwise this may not be possible.
Working Wales	Working Wales is the Welsh Government's approach to delivering free, impartial, employability and careers advice tailored to an individual's needs and circumstances. The service, delivered by Careers Wales, provides professional careers information, advice and guidance for individuals aged 16 and over, by undertaking a needs-based assessment, including barriers to employment, and referring the individual to appropriate support.  It simplifies access, tailors' advice, and interventions to meet the needs of individuals and join up available support to help people reduce and overcome barriers to getting into work.
Young Person's Guarantee (YPG)	A Programme for Government commitment that aims to provide young people aged 16-24 in Wales, with support to gain a place in education or training, or support to get into work or self-employment.

1.1.2 Any reference to the Welsh Ministers includes a reference to the Welsh Government and to any committee of either body.



- 1.1.3 Clause headings in this MOU are for convenience only and shall not affect interpretation.
- 1.1.4 Unless otherwise stated references to clauses and Schedules are to clauses of and Schedules to this MOU and references to paragraphs are to paragraphs of that Schedule.
- 1.1.5 The singular shall include the plural and vice versa.
- 1.1.6 Any reference to any enactment or statutory instrument shall be deemed to include reference to such enactment or statutory instrument as re-enacted amended or extended.
- 1.1.7 The Schedules form part of this MOU and have the same force and effect as if expressly set out in the body of this MOU and any reference to this MOU shall include the Schedules.
- 1.1.8 Unless otherwise stated any reference to the Welsh Ministers' consent shall be construed as conferring upon the Welsh Ministers the right to give or refuse such consent or to give their consent subject to such reasonable conditions as it may specify.
- 1.1.9 In this MOU the following terms shall have the meaning given to them in the UK GDPR: Controller, Processor, Personal Data, Process.

## **2 Commencement and Term**

- 2.1 This MOU will commence and take effect on the Commencement Date.
- 2.2 This MOU will continue in force throughout the Term.

## **3 Purpose, Review and Renewal Arrangements**

### **MOU**

- 3.1 This MOU describes the working relationship between the Parties. It sets out the general principles which underpin the Parties' shared commitment to reducing re-offending in Wales and the continued acknowledgement that learning and skills provision leading to sustained employment is one of the most effective means of reducing re-offending and combating crime.
- 3.2 This MOU covers offender learning and skills within custody and sets out how offender learning is to be taken forward in Wales. The Schedules set out the expected Delivery Outputs and KPIs as agreed between the Parties and the Budget against which HMPPS shall submit invoices for payment. Each of the Parties shall have regard to the instructions relating to the KPIs set out in

Schedule 2. HMPPS will deliver the Delivery Outputs and KPIs in accordance with the provisions of this MOU.

#### **4 Scope**

- 4.1 In so far as it is within their respective powers to do so, the Parties will seek to co-operate with one another in relation to the learning and skills provision for Learners.
- 4.2 In line with the Parties' joint expectations for the delivery of learning and skills in Wales, the Parties will ensure that Learners have access to consistent, high quality and relevant learning opportunities that are consistent with the Parties' priorities and programmes.

#### **5 Role and Responsibilities of HMPPS**

##### **Delivery Requirements**

- 5.1 Under this MOU, HMPPS, through its arrangement with the Public Sector Prisons and its contractual relationship with the private sector organisation who manage the Private Sector Prison, is responsible for the commissioning and provision for offender learning and skills and library services to Learners in Prisons in Wales in consultation with the Welsh Ministers, and in line with the requirements of this MOU. Such commissioning and provision by HMPPS are funded by the Welsh Ministers as described in this MOU.
- 5.2 Within the context of this MOU, and to ensure Learners have appropriate learning and skills provision to support them in achieving sustainable employment prospects HMPPS will:
  - 5.2.1 Work with the Welsh Government to develop the Delivery Outputs and KPIs for offender learning and skills, which will be delivered through HMPPS, and any third-party arrangements entered.
  - 5.2.2 Work with the Welsh Ministers to deliver the agreed Delivery Outputs and KPIs.
  - 5.2.3 Manage the delivery of learning and skills and the library service for Prisons as referred to in Schedule 2, within the Funding as agreed by the Welsh Ministers and within agreed performance levels as outlined in the attached schedules.
  - 5.2.4 Align the delivery of learning and skills in Prisons to the Welsh Government's strategic priorities as set out in Schedule 5.
  - 5.2.5 Require each of the Prisons to establish working partnerships with the following to ensure appropriate pathways for Learners:

- 5.2.6 Link with Careers Wales' Working Wales Service. The Service provides professional careers information, employability advice and guidance for individuals aged 16 and over, by undertaking a needs-based assessment, including barriers to employment, and referring the individual to appropriate support. The service provides a national entry point to employability support, which supports and complements existing channels.
- 5.2.7 Link with the Department for Work and Pensions (DWP) Prison Work Coaches regarding work and benefits information. Work Coaches will provide prisoners with information around benefits and claims; provide an employment service linked to individuals prior work history; and signpost to other services. Working arrangements are covered through a wider services MoU agreement between MOJ/HMPPS and DWP.
- 5.2.8 Build alliances with employers, Regional Skills Partnerships in collaboration with New Futures Network targeting specific sectors with labour shortages, and thus ensuring that training and qualifications for Learners are appropriate and meaningful to Employers' needs, so that they can, in turn offer job opportunities.
- 5.2.9 Continue to expand links with businesses to increase placements where possible.
- 5.2.10 Work with other key stakeholders and other local partners to enable a smooth transition into the community for prisoners on release.
- 5.2.11 Ensure the Prisons produce an annual learning and skills needs analysis that informs provision targeted at those most likely to benefit from learning and skills and improves the chances of entering employment on completion of their sentence. The learning and needs analysis will take into consideration the Welsh Government's priorities as outlined above. This analysis is to be shared with Welsh Government.
- 5.2.12 Ensure that the learning and skills needs analysis takes account of and reflects the Regional Skills Partnerships' employment and skills plans, working towards ensuring provision is responsive to labour market opportunities and is suited to individual prison populations.
- 5.2.13 Ensure that Working Wales advisers will provide information, advice, and guidance across Wales within the secure prison estate to aid transition into employment, education, training, or other suitable provision following release. In addition, Working Wales is the single point of access to the Young Person's Guarantee for 16–24-year-olds, a programme to provide support to gain a place in education or training, or support to get into work or self-employment. WG and HMPPS will work closely to integrate the Young Person's Guarantee and any pilots mutually agreed in Prisons.

## **Quality requirements**

- 5.3 HMPPS, through its commissioning responsibilities for offender learning in Wales must:
- 5.3.1 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. Welsh Government and HMPPS officials will undertake 6 monthly quality assurance visits to the Public Sector Prisons.
  - 5.3.2 Ensure the Prisons undertake an annual self-assessment, based on guidance published by the Welsh Government and Estyn. The resulting self-assessment report and quality development plan must be submitted to the Welsh Government and HMPPS at a date to be agreed between each of the Prisons and the Welsh Government. Submissions must be made using systems specified by the Welsh Government.
  - 5.3.3 Ensure that a review of progress against actions identified in the quality development plan takes place at least three times a year, and the outcomes of the review are documented by the Prisons. This documentation, together with supporting evidence of actions taken, must be made available to the Welsh Government, HMPPS and Estyn on request.
  - 5.3.4 Ensure that where issues have been identified through inspection by either HM Inspectorate of Prisons / Estyn, the Welsh Ministers or HMPPS' performance monitoring against the matters listed in Schedule 2, that a detailed action plan with specific objectives and targets is put in place by each of the Prisons to address any shortcomings in learning and skills provision funded by the Welsh Ministers that. The action plan shall be approved and monitored by HMPPS.
  - 5.3.5 Provide the Welsh Government with notification of any inspections that have been undertaken.
  - 5.3.6 Ensure the Prisons share best practice through events, research, case studies and publications for learning networks in Wales.
  - 5.3.7 Ensure the provision of library services in Prisons is delivered through annual signed agreements with Local Authorities and forwarded to the Welsh Government.

## **Budget Requirements**

- 5.4 HMPPS will:
- 5.4.1 Ensure that the Funding is utilised only for the purpose of learning and skills provision for prisoners and for the provision of library services within the Prisons.

- 5.4.2 Ensure that the use of the Funding should be properly monitored to ensure value for money and a high standard of provision, and will, if required to do so, use all reasonable endeavours to assist the Welsh Ministers to demonstrate that these objectives have been achieved.
- 5.4.3 Seek the agreement of Welsh Ministers for the running of any Novel Activity or Contentious Activity funded using the Funding.
- 5.4.4 Submit timely invoices for learning and skills provision in Prisons based on the agreed Budget, to designated officials within the Welsh Government as detailed in Schedule 1. Invoices will be submitted to the Welsh Ministers along with a corresponding breakdown of the quarterly report and such other information as the Welsh Ministers may require from time to time.
- 5.4.5 Control and manage the Funding in such a way that any potential underspend is highlighted to the Welsh Government without undue delay throughout the financial year.

### **Reporting requirements**

#### 5.5 HMPPS will:

- 5.5.1 Supply quarterly reports within 6 weeks of end of the quarter on the progress against the KPIs and the agreed Delivery Outputs together with details of expenditure incurred.
- 5.5.2 Attend 4 review meetings per year with Welsh Government officials: 3 quarterly progress review meetings and an annual end of year review meeting.
- 5.5.3 Supply one end of year final report within weeks of the end of the Term.
- 5.5.4 Provide other information as Welsh Government officials may require from time to time within agreed timescales.

## **6 Role and Responsibilities of the Welsh Ministers**

#### 6.2 The Welsh Ministers are required:

- 6.1.1 To ensure, in collaboration with HMPPS, that the learning and skills provision available for Learners which is funded by the Welsh Government is delivered in accordance with Welsh Government learning policies and focusses on increasing employability skills to ensure Learners have the best possible chance of entering employment on release.

- 6.1.2 To work with and support HMPPS in relation to any future Welsh Government changes to policy and strategic developments of learning, skills and employment that may be relevant to provision for Learners.
- 6.1.3 To work with HMPPS to review the annual learning and skills needs analysis produced by each of the Prisons and to inform HMPPS of budget allocation decisions and any subsequent reallocation of the budget relating to Offender Learning.
- 6.1.4 To support HMPPS in integrating the Welsh Government's Working Wales within the Employability Hubs.
- 6.1.5 To monitor HMPPS' progress against the agreed Delivery Outputs and KPIs.
- 6.1.6 To pay agreed invoices received from HMPPS within 30 days of receipt of a quarterly report.
- 6.1.7 To provide as much notice as is possible of any future budget allocation for offender learning to enable appropriate planning to take place.
- 6.1.8 To provide quarterly updates to HMPPS on the provision of Working Wales and Young Person's Guarantee in Prisons.

## **7 Monitoring Arrangements**

- 7.1 Officials will arrange quarterly monitoring meetings at which HMPPS will be required to provide a detailed update of spend against the Budget and progress against the matters set out in Schedule 2.
- 7.2 HMPPS will put in place appropriate monitoring arrangements with any third-party arrangements entered.
- 7.3 To ensure compliance with the Data Protection Legislation, HMPPS must ensure there are appropriate data sharing protocols in place with each Prison which relate to respective Learners. Sight of Learner paperwork will be on a sample basis and be conducted under the supervision of HMPPS during assurance visits.

## **8 Information Requests**

- 8.1 Where contributions for ministerial correspondence are required, both Parties' will ensure the necessary deadlines are met. The 5-day deadline to which Welsh Government officials work will become the basis of its working arrangement with HMPPS.

- 8.2 Where advice has been previously provided, the other Party will be asked to confirm that this remains the most up-to-date information available. If not, an update will be required.

## **9 Personal Information**

- 9.1 For the purposes of this MoU, HMPPS is the Data Controller for Personal Data relating to Learners. It is the responsibility therefore of HMPPS that they follow the requirements of Part 3 of the DPA 2018 (law enforcement processing) and fully meet the requirements of the Data Protection Legislation.
- 9.2 The Privacy Notice issued to Learners by HMPPS makes specific reference to the collection of Personal Data for the purposes of education while the Learner is in prison. The Welsh Government does not hold any Personal Data in connection with Learners held in Prisons within Wales. However, from time to time, the Welsh Government undertake quality assurance visits where they may need to have access to a Learners' Personal Data to assess learning quality.

## **10 Annual and In Year Change control between HMPPS and Welsh Government**

- 10.1 The Schedules of the MOU relating to KPIs Delivery Outputs, development activities and the budget will be reviewed annually and agreed.
- 10.2 Any in-year changes to the agreed KPIs, Delivery Outputs and development activities (funded out of the Development Fund) shall be agreed between the Parties before any such changes are implemented, such agreement not to be unreasonably withheld or delayed.

## **11 Audit arrangements**

- 11.1 The Welsh Ministers and HMPPS shall maintain full and proper accounts and records relating to the commissioned learning and skills provision within this MOU to demonstrate:
- 11.1.1 the amounts expended on learning and skills and library provision to Learners as supported by this MoU; and
- 11.1.2 on what items such amounts have been spent.
- 11.2 Where the Funding is used to match fund European projects, the Welsh Ministers' approval must be obtained, and Welsh European Funding Office ("WEFO") guidelines must be adhered to. The majority of operations supported by WEFO will complete by June 2023.

- 11.3 All such accounts and records shall be kept separately from any other accounts and records kept.
- 11.4 The Welsh Ministers and HMPPS shall without limitation co-operate fully with and permit duly authorised employees or agents of each other at any reasonable time to have access to such books, accounts, records, and original documentation as relate to the provision of learning and skills to Learners within the scope of this MOU (wherever such books, accounts, records, and documentation may be situated).
- 11.5 Such access shall include at a minimum the right to audit review and take copies of all such documentation and if the person seeking access is entitled by law to take custody of such accounts and records to comply fully with any request by such person for the delivery up of the original documents.
- 11.6 The persons having a right of access to such accounts and records are:
- a. the Welsh Ministers.
  - b. HMPPS
  - c. any other government agency having a right to review expenditure by the Welsh Ministers; and
  - d. without limitation any auditor whose functions include the audit of the expenditure by the Welsh Ministers.
  - e. without limitation any auditor whose functions include the audit and expenditure by HMPPS.

## **12 Marketing and the making of public statements**

- 12.1 The Welsh Ministers and HMPPS shall ensure that any internal marketing activity conducted in relation to learning and skills education and training being provided to Learners underpins the communications strategies of the Welsh Government and HMPPS, and each will co-operate with the other to ensure consistency of public presentation so that their respective roles (and those of any other stakeholders) are fully recognised.
- 12.2 The Welsh Ministers and HMPPS shall ensure that each is given a reasonable opportunity to comment on appropriate press releases relating to learning and skills education and training for Learners before any such press releases are published.
- 12.3 If the Funding results in a production of published works, HMPPS shall require that the Welsh Ministers' financial assistance towards publication of the works is acknowledged prominently in the works to the Welsh Ministers' reasonable satisfaction.

## **13 Working arrangements**



- 13.1 The nominated representative of HMPPS shall be the Senior Co-commissioning Manager leading on Offender Learning and the nominated representative of the Welsh Ministers shall be its Deputy Director for Employability and Skills.

#### **14 The HMPPS Finance Manual**

- 14.1 HMPPS will operate rigorous financial controls as set out below and these are reported in a Statement of Financial Control. Appropriate financial governance arrangements are in place between HMPPS and the Prison Service and full and proper accounts and records relating to the provision of learning and skills within the MOU are maintained.

- 14.2 The financial management and assurance arrangements within HMPPS consist of the following:

14.2.1 The Chief Executive is the Accounting Officer and Budget Holder for HMPPS and will formally delegate the Budget to the other Directors, who in turn will further sub-delegate through the management line.

14.2.2 The Finance Directorate consists of the Department of Financial Control and Accountancy (FC&A) which has overall control of the financial policies and procedures for HMPPS in line with HM Treasury rules and regulations that ensure propriety and regularity in the control of government expenditure and income.

14.2.3 The Head of Audit and Corporate Assurance reports directly to the Chief Executive on the adequacy, reliability and effectiveness of risk management, governance, internal control systems that can be relied upon.

14.2.4 Finance Performance FC&A is responsible for improvements to the effectiveness of financial management within HMPPS.

- 14.3 Governance Bodies include:

14.3.1 HMPPS Management Board which consists of the Chief Executive and other Directors who together have responsibility for all operations, including financial operations, of HMPPS.

14.3.2 HMPPS Finance Business Partners Group that ensures budget holders make best use of available resources to enable HMPPS to meet its business needs efficiently, effectively, and economically.

14.3.3 HMPPS Audit and Corporate Assurance give advice to the Chief Executive on the adequacy of both internal and external audit arrangements and on the implications in respect of risk and control in HMPPS.

- 14.4 External organisations consist of:

- National Audit office that is responsible for auditing the consolidated HMPPS Agency resource accounts and providing an opinion on their accuracy. The HMPPS accounts are also incorporated into the MOJ Departmental accounts, which are also audited by NAO.
- Public Accounts Committee which is an all-party parliamentary group that scrutinise public expenditure.

## **HMPPS Budget allocation and controls**

14.5 HMPPS will operate the following budget allocation and controls:

14.5.1 The Director in HMPPS delegates budget authority in writing to the Director South Wales Prisons to advise of the Learning and Skills allocation for their individual establishment to meet the delivery requirements contained in the MOU. The delegation letters will include details of any local conditions attached to the funding including the need to seek authorisation to change staffing numbers and individual purchases of more than £5,000.

14.5.2 These conditions are in addition to the HMPPS requirements for Prison Governors to comply both with HM Treasury's "Managing Public Money" document and with HMPPS Financial Controls and Frameworks. Learning and Skills Managers have the sub-delegated authority to manage the budget for their prison's learning and skills department within the agreed arrangements.

14.5.3 Prisons' budget transactions are recorded on the Ministry of Justice financial governance system operated by the Departments' Shared Service Centre. This system enables HMPPS to produce quarterly expenditure reports to verify both spend and appropriateness.

14.5.4 HMPPS will provide the Welsh Government with quarterly financial information to accompany quarterly performance reports broken down along the following budget lines:

- **Public Sector Prisons:**
  - Staff costs
  - Staff T&S
  - Training materials
  - Library cost public prisons - staff and capitation
  - Administration and consumables
  - Virtual Campus
  - Staff Training
  - Prison Education Trust - distance learning applications
  - Annual Membership of National Training Federation of Wales

## 15 Dispute Resolution

15.1.1 This MOU is not intended to be legally binding, and no legal obligation or legal rights shall arise between the Parties from this MOU. The Parties enter the MOU intending to honour all their obligations.

15.1.2 Nothing in this MOU is intended to, or shall be deemed to, establish any partnership or joint venture between the Parties, constitute either Party as the agent of the other Party, nor authorise either of the Parties to make or enter into any commitments for or on behalf of the other Party.

## 16 Review of MOU

16.1 There will be an annual meeting in January each year between the Parties to review the terms of this MOU.

**For the Secretary of State for Justice    For the Welsh Ministers**



.....  
Sian Hibbs  
Director  
Strategic Support, Administration  
and Assurance,  
HMPPS in Wales

.....  
Emma Edworthy  
Deputy Director  
Employability & Skills  
Welsh Government  
[Under the authority of the Minister for  
Education and Welsh Language]

# Memorandum of Understanding

## Schedule 1

### Learning and Skills Budget and Development funding for all Prisons

1 April 2023 – 31 March 2024

#### 1 South Wales Prisons

The budget for the provision of learning and skills in South Wales prisons is £3,328,000.

Provision	Allocation £
Staff Costs	
Staff Travel & Subsistence	
Training Materials	
Library cost public prisons – staff and capitation	
Administration and consumables	
Virtual Campus provision and IT developments	
Staff Training	
Prison Education Trust	
Membership of the National Training Federation of Wales	
<b>TOTAL</b>	<b>3,328,000</b>

- a) The funding will be used to make a positive and measurable difference to the lives of those individuals serving custodial sentences. This will be through an up-skilling effect, leading to a reduced inactivity rate and an increase in the employability and employment outcomes.
- b) Any other Welsh Government funded provision in the community such as Further Education (FE) and Work Based Learning that is attended by Learners released on temporary licence will need to be purchased from the above funding.
- c) However, those Learners released on temporary licence to attend FE provision may be eligible to apply for a WGLG (FE) prior to their release from custody. The support made available will be calculated based on an eligible Learners release date. The Welsh Ministers may recalculate a Learners entitlement to financial support if their attendance on the course in respect of which they have received support is unsatisfactory.
- d) Any equipment required for a Learner who is released on temporary licence will need to be purchased from this budget and the equipment retained for further use by HMPPS when the Learner is released.

- e) The Budget will be paid in arrears by 4 quarterly payments. Each quarterly invoice should be clearly marked 'prison learning and skills', and Nadine Young named on the invoice and be accompanied by a supporting quarterly monitoring report.

The invoices will be emailed by MOJ Shared Service Centre for the attention of Nadine Young Head of Employability Policy to:

[EmployabilityAndSkillsPolicy@gov.wales](mailto:EmployabilityAndSkillsPolicy@gov.wales) and [Nadine.Young@gov.wales](mailto:Nadine.Young@gov.wales)

## 2 HMP Berwyn

The indicative budget for the provision of learning and skills at HMP Berwyn and the funding sources for the 2023-2024 financial is £4,174,837 and funded in the following way

<b>Berwyn</b>	
<b>Allocations</b>	<b>£</b>
Learning and Skills provision costs	
Contract Management Costs	
Virtual Campus	
<b>Total costs</b>	<b>4,174,837</b>
<b>Funded by:</b>	<b>£</b>
Welsh Ministers (committed funding)	3,974,826
HMPPS in Wales contribution	200,011
<b>Total funding</b>	<b>4,174,837</b>

Any shortfall within the contract value for the delivery of learning and skills in HMP Berwyn during this financial year will be covered by HMPPS and not claimed back from the Welsh Government.

### **3. HMP & YOI Parc**

The indicative budget for the provision of learning and skills at HMP / YOI Parc and the funding sources for the 2023 - 24 financial year is £3,934,824

HMP & YOI Parc

<b>Allocations</b>	<b>£</b>
Adult Learning and Skills Provision Costs	
Children Learning and Skills Provision costs	
Contract Management Costs	
<b>Total costs</b>	<b>3,934,824</b>
<b>Funded by:</b>	<b>£</b>
Transfer to Welsh Government	3,738,083
HMPPS Contract Management Costs	196,741
<b>Total funding</b>	<b>3,934,824</b>

Any shortfall within the contract value for the delivery of learning and skills in HMP & YOI Parc during this financial year will be covered by HMPPS and not claimed back from the Welsh Government.

### **Schedule 2**

#### **Offender Learning in Custody Key Performance Indicators, Management Information & Delivery Outputs 1<sup>st</sup> April 2023 – 31<sup>st</sup> March 2024**

Quarterly reports will be produced detailing progress against the following KPIs, Management Information & Delivery Outputs.

Guidance for the calculation of KPIs (custody and community) is contained in Schedule 3.

<b>Part 1a– South Wales Prisons KPIs</b>	
	The minimum KPIs to be achieved for the delivery of accredited vocational skills, non-vocational skills, Essential Skills and Employability Skills are:
<b>1</b>	<u>Minimum Starts</u>  Public Sector Prisons will achieve a minimum of 9,482 Starts (minus Agreed Leavers) per annum.
<b>2</b>	<u>Completion Rate</u>

	<p>Public Sector Prisons: 80% of Learners who start a course (minus Agreed Leavers) and who have Completed the course.</p> <p>Private Section Prison: 80% of learners who start a course (minus Agreed leavers) complete the course.</p>
<b>3</b>	<p><u>Attainment Rate</u></p> <p>Public Sector Prisons: 80% of Learners who have Completed a course and Achieved a Qualification.</p> <p>Private Section Prison: 78% of Learners who complete a course achieve an accredited qualification.</p>
<b>4</b>	<p><u>Success Rate</u></p> <p>Public Sector Prisons: 70% of Learners who Start a course (minus Agreed Leavers) and who have Achieved a Qualification.</p> <p>Private Section Prison: 68% of Learners who start a course (minus Agreed leavers) achieve an accredited qualification.</p>

	<b>Part 1b- HMP Berwyn KPIs</b>	<b>Number / %</b>
	<p>The table below provides the contractual KPIs for the HMP Berwyn learning and skills contract (with Novus Cambria). These are based on an indicative ramp up plan that is subject to change and therefore will need to be adjusted if the ramp up plan for HMP Berwyn changes:</p>	
<b>1</b>	<p><b><u>Assessment</u></b></p> <p>100% of all Learners will be assessed for their learning and skills needs within 5 days.</p> <p><b>WEST is WG preferred tool to assess learners needs.</b></p>	100%
<b>2</b>	<p><b><u>Engagement</u></b></p> <p>% Of Learners who have been assessed start a course</p>	85%
<b>3</b>	<p><b><u>Minimum Starts</u></b></p> <p>HMPPS will agree with their contracted private provider the minimum number of Starts on courses per annum.</p> <p>HMPPS through its contracted private provider will provide the minimum number of Starts they can achieve during the ramp up period and when the prison is at full capacity.</p>	5,370

<b>4</b>	<b><u>Completion Rate</u></b> % Of Learners who start a course (minus Agreed Leavers*) and who have Completed the course.	96%
<b>5</b>	<b><u>Attainment Rate</u></b> % Of Learners who have Completed a course and Achieved a Qualification.	92%
<b>6</b>	<b><u>Success Rate</u></b> % Of Learners who start a course (minus Agreed Leavers) and Achieved a Qualification.	88%
<b>7</b>	<b><u>Positive Outcomes</u></b> % Of Learners who have a Positive Outcome.	29%
<b>8</b>	<b><u>Provider cancellation</u></b> % Of programmes delivered as per the Annual Delivery Plan.	99%

	<b>Part 1c– HMP Parc YOI KPIs Adult Only</b>	<b>Number / %</b>
<b>1</b>	<b><u>Assessment</u></b> 100% of all Learners will be assessed for their learning and skills needs within 5 days.  <b>WEST is WG preferred tool to assess learners needs.</b>	100%
<b>2</b>	<b><u>Engagement</u></b> % Of Learners who have been assessed start a course	94%
<b>3</b>	<b><u>Minimum Starts</u></b> HMPPS will agree with their contracted private provider the minimum number of Starts on courses per annum.  HMPPS through its contracted private provider will provide the minimum number of Starts they can achieve during the ramp up period and when the prison is at full capacity.	7,043
<b>4</b>	<b><u>Completion Rate</u></b> % Of Learners who start a course (minus Agreed Leavers*) and who have Completed the course.	96%



	<b>Part 1c– HMP Parc YOI KPIs Adult Only</b>	<b>Number / %</b>
<b>5</b>	<b><u>Attainment Rate</u></b>  % Of Learners who have Completed a course and Achieved a Qualification.	92%
<b>6</b>	<b><u>Success Rate</u></b>  % Of Learners who start a course (minus Agreed Leavers) and Achieved a Qualification.	89%
<b>7</b>	<b><u>Positive Outcomes</u></b>  % Of Learners who have a Positive Outcome.	93%
<b>8</b>	<b><u>Provider delivery</u></b> % Of programmes delivered as per the Annual Delivery Plan.	96%
<b>9</b>	<b><u>Social Value</u></b> Staff recruitment from those located in deprived areas or those who face barriers to employment	20%

	<b>Part 1d– HMP Parc YOI KPIs Children Only</b>	<b>Number / %</b>
<b>1</b>	<b><u>Assessment</u></b>  100% of all Learners will be assessed for their learning and skills needs within 5 days.  <b>WEST is WG preferred tool to assess learners needs.</b>	100%
<b>2</b>	<b><u>Learning Development Plan</u></b>  % completed in time.	96%
<b>3</b>	<b><u>Starts</u></b> % of Children are engaged with their Learning Plan activities 5 days from Induction completion.	96%
<b>4</b>	<b><u>Retention Rate</u></b>  % of learners who start a course (minus agreed leavers) complete the course	96%
<b>5</b>	<b><u>Attainment Rate</u></b>  % Of Learners who have Completed a course and Achieved a Qualification.	93%
<b>6</b>	<b><u>Success Rate</u></b> % Of Learners who start a course (minus Agreed Leavers) and Achieved a Qualification.	90%

	<b>Part 1d– HMP Parc YOI KPIs Children Only</b>	<b>Number / %</b>
<b>7</b>	<b><u>Positive Outcomes</u></b>  % Of Learners who have a Positive Outcome.	92%
<b>8</b>	<b><u>Provider delivery</u></b> % Of programmes delivered as per the Annual Delivery Plan.	96%

<b>Part 2 - Management Information</b>	
<b>1</b>	<p><b><u>Prioritisation of Vocational Learning</u></b></p> <p>80% of the learning and skills curriculum will consist of courses that meet the criteria for priority 1, 2 and 3 as detailed in Schedule 4.</p> <p>These include:</p> <p>Priority 1      Essential Skills</p> <p>Priority 2      a) Employability Skills                     b) Vocational skills                     c) Level 2 and above vocational skills</p> <p>All courses must be regulated.</p> <p>Priority 3</p> <ul style="list-style-type: none"> <li>➤ Non-vocational &amp; Higher-Level Learning</li> <li>➤ Non-vocational learning</li> </ul> <p>20% of the learning and skills curriculum will consist of courses that meet the criteria for priority 3 – Non vocational, higher level and personal learning.</p>
<b>2</b>	<p><b><u>Progression</u></b></p> <p>The number of Learners who achieve Progression.</p>
<b>3</b>	<p><b><u>Continued Learning</u></b></p> <p>The number of Learners who attain a Qualification and then continue to another course at any level.</p>
<b>4</b>	<p><b><u>Fail to Complete</u></b></p> <p>The number of starts (including Agreed Leavers) who fail to complete a course together with the reasons.</p>
<b>5</b>	<p>HMPPS Wales will provide the following additional performance information to the Welsh Ministers in the end of year report:</p> <p>Virtual Campus</p> <ul style="list-style-type: none"> <li>- The number of new users registered at each Prison</li> </ul>

	- The number of Outcomes generated on the virtual campus at each Prison
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<b>Part 3 - Delivery Outputs</b>	
<b>1</b>	<p><u>The Learning Offer</u></p> <p>To achieve consistent and coherent learning provision delivered to quality standards in all Prisons will offer:</p> <ul style="list-style-type: none"> <li>• Regulated Unitised learning</li> <li>• Information Advice and Guidance (IAG) provision through Working Wales</li> <li>• Common skills assessment and diagnostic tools</li> <li>• Welsh language provision</li> <li>• Individual Learning Plan's (ILP's)</li> </ul> <p>All Qualifications that are approved or designated by Qualifications Wales will be eligible for funding by Welsh Government and will appear on the Database of Approved Qualification in Wales (QIW).</p>
<b>2</b>	<p><u>Learning Difficulties and Disabilities (LDDs)</u></p> <p>All Prisons will ensure reasonable provision is available to meet the needs of Learners with identified additional learning needs if they have a learning difficulty(ies) and/or disability(ies) (LDD) which meets the definitions specified in section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.</p>
<b>3</b>	<p><u>Virtual Campus</u></p> <p>All Prisons will work towards fully utilising Virtual Campus and incorporating it into the delivery of learning, skills, and employment provision.</p> <p>The development of content on the Virtual Campus will continue to be a priority along with the expansion of the availability of the Virtual Campus across the learning, skills, and resettlement departments of each of the Prisons.</p> <p>Virtual Campus developments will be standard agenda item for discussion at quarterly monitoring meetings.</p>
<b>4</b>	<p><u>Labour Market Information (LMI)</u></p> <p>In line with the Welsh Government's strategic priorities, HMPPS will build links with the four Regional Skills Partnerships in Wales so that they receive information on the analysis of local economic challenges and identify what skills are needed within the local workforce.</p> <p>HMPPS will work with the partnerships to ensure the needs of Learners are represented where appropriate in their annual regional employment and skill plan which identifies investment priorities as well as local demands and opportunities.</p>

<b>Part 3 - Delivery Outputs</b>	
	All Prisons will obtain and utilise labour market information to inform the development of learning, skills and employability provision that increase the chances of Learners securing employment on release.
<b>5</b>	<p><u>Cross cutting themes</u></p> <p>Consider the effect of equality of opportunity, ICT and environmental sustainability and confirm to the Welsh Government that policies are in place. Work towards or have a policy for the provision of education for sustainable energy use, ensuring that local prison education programmes play a key role in creating a more sustainable future.</p>
<b>6</b>	<p><u>Learner Records Service</u></p> <p>Prisons should consult the Personal Learning Record (“PLR”) of all Learners, where available, through their Unique Learner Number (“ULN”) to determine previous learning and achievement.</p> <p>The PLR brings together in one place information already collected by education providers and Awarding Bodies including minimal demographic details, learning participation and achievement. This creates a lifelong record which Learners can share with education providers and employers if they choose to do so.</p> <p>If a Learner does not have a ULN the prison must assign one and the ULN must be shown on all work submitted to Awarding Bodies so that they can record achievements.</p>
<b>7</b>	<p><u>Wales Essential Skills Assessment Toolkit (WEST)</u></p> <p>The updated WEST 2.0 is due to be released in early 2023 and it is hoped that the version will also be compliant for use across the whole prison network in Wales at this time.</p>

<b>Part 4 - Quality</b>	
<b>1</b>	<p><u>Annual Learning Needs Analysis</u></p> <p>The Prisons will undertake an Annual Learning Needs Analysis to an agreed methodology and template and submit to HMPPS at the end of each financial year an overview report will be submitted to the Welsh Government in Quarter 4.</p>
<b>2</b>	<p><u>Continuous Professional Development (CPD)</u></p> <p>All Prisons will ensure Learning and Skills delivery staff undertake Continuous Professional Development as part of their annual Staff Performance and Development Record (SPDR) to ensure continued high standards of delivery.</p>

<b>Part 5 - Development Planning</b>	
<b>1</b>	HMPPS Management Information System (MIS)

The MIS Database requires updating to ensure accurate and efficient recording and reporting of KPIs and MI.

HMPPS and the Prisons will develop the MIS which sits on the Virtual Campus system to record and report all learning and skills activity in the Public Sector Prisons.

### Schedule 3

#### Instructions for the calculation of KPIs

For Prisons – ‘Starts’ means *Starts (Minus Agreed Leavers)*

	Starts	Completed	formula	Performance
<b>Completion Rate</b> Percentage of Learners who Start a course against the number who Completed a course.	100	80	$80 / 100 \times 100 =$	80% of those starting a course Completed a course.

	No. Achieved	Completed	Formula	Performance
<b>Attainment</b> Percentage of Learners who Achieved a Qualification against the number who Completed a course.	60	80	$60 / 80 \times 100 =$	80% of those who Completed a course and Achieved a Qualification

	Starts	No. achieved	Formula	Performance
<b>Success</b> Percentage of Learners who Achieved a Qualification against the number who Start	100	66	$65 / 100 \times 100 =$	70% of those who start a course Achieved a Qualification

#### Specific KPIs and MIS for Prisons:

	Minimum starts	All Starts	formula	Performance
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<b>Minimum Starts</b> The minimum number of starts that should be achieved per annum	400	100	100 / 400 X 100 =	25% of the target for minimum starts has been reached
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### **Progression**

A Learner who achieves a Qualification that leads to employment within the prison should not be counted as a measure of Progression.

If a Learner starts a second qualification, at any level, this counts as contributing towards the KPI for engagement.

### **Continued Learning**

A Learner who achieves a Qualification and then goes on to start another course at any level should be counted. Also, all subsequent courses within the same sentence should be counted.

Courses started at a higher level should be counted as Continued Learning and as Progression.

### **Agreed Leavers**

It is recognised by The Welsh Government that there are a number of Learners that leave learning and skills courses for reasons outside of the control of the Learning and Skills Department. The Welsh Government has agreed to the following situations in which a Learner is classed as a non-counter. However, these will only apply if the situation results in the Learner not being able to continue the training and their place being offered up to others instead. These non-counters should not be accounted for when submitting data to the Welsh Government. The following is a list of non-counters as agreed between HMPPS and the Welsh Government:

- Prisoner segregated or subject to cellular confinement
- Prisoner transferred or discharged

### **Qualifications**

For examination assessed qualifications the qualification should be counted as being Achieved when confirmation has been received from the Awarding Body.

For portfolio assessed qualifications the qualification should be counted as being Achieved when verification confirms the appropriate standard has been met.

Some courses such as City and Guilds in Construction involve the completion of a significant number of units before the overall qualification is Achieved. However, if these units are regulated and are also recognised as a stand-alone qualification, they can be counted within the success measure.

## **Schedule 4**

### **PRIORITISATION OF LEARNERS ACCESSING PROVISIONS**

Whilst all prisoners will have access to learning and skills provisions Prisons need to target those most likely to benefit from the provisions. To demonstrate value for money it is important that offenders are provided with opportunities to gain qualifications in learning and skills provisions that maximises their chances of gaining secure and sustained meaningful employment on release.

The changes in the prison population where Cardiff and Swansea hold offenders serving short sentences have resulted in provisions being offered in small units so that offenders held for very short periods, possibly only a few weeks, can gain part of an award which is recognised and can be built on following release, if they are transferred to another prison or if they subsequently re-enter prison on another sentence.

### **Deciding the appropriate level of learning**

A judgment based on a rigorous assessment will need to be made to decide the appropriate level and type of learning an offender requires, based on:

- Essential skills needs
- Level of prior learning so that any learning offered does not replicate a prior achievement
- Learning readiness
- Readiness for employment
- Remaining length of sentence
- Offence committed and how it would affect employment prospects
- Whether Welsh is the offender's first language and the availability of Welsh speaking employment on release.

### **Priority Levels**

80% of learning and skills provision will meet the criteria for priority 1 and 2 areas.  
20% will meet the criteria for priority 3. (80/20 Split)

The following details how Learners should be prioritised within custody.

#### **Priority 1 should be: Essential Skills**

This provision should be targeted at:

- those whose Essential Skills are below level 2
- persons returning to a Welsh speaking community whose first language Welsh skills are below level 2
- offenders who have ESOL (English for Speakers of Other Languages) needs

Embedding of Essential Skills in all learning is encouraged to allow offenders to improve their Essential Skills whilst completing learning in for example a vocational area.

All qualifications must be regulated.

Provision should then be targeted at the following:

## **Priority 2**

### **a) Employability skills**

Employability hubs are being developed on a multi-agency basis within each prison in Wales and going forward, it is expected that the Working Wales service works closely with HMPPS and Welsh Government to reposition delivery to become an integral part of the hubs. Delivery of careers and employability advice, guidance and coaching within each of the secure prisons to ensure all in preparation for release from prison fully benefit from the wrap around careers and Employability support provided to them through the Employability Hubs. This support should develop the skills, behaviours and personal attributes that would make the individual more likely to gain and sustain employment and should be targeted at those who are within 6 months of release from prison.

### **b) Vocational skills**

This provision should be targeted at:

- those who do not already hold a full level 2 regulated vocational qualification
- or those who have up skilling and/or retraining needs due to the implications of their offence
- those who are within 2 years of release from custody

Learning will develop work related skills such e.g., engineering, construction, health, and social care etc and may include NVQs, diplomas and technical knowledge.

### **c) Level 2 and above vocational skills**

This is a group where an offender holds level 2 accredited vocational units / qualifications and has the capability, motivation, and opportunity, to progress to units at level 3 within the same vocational area and who is highly likely to enter employment on release.

This provision should be for those who are within 2 years of release from custody.

All vocational courses must be regulated

## **Priority 3**

- **Non-vocational & Higher-Level Learning**
- **Non-vocational learning**

This will include the provision of qualifications or skills that are not directly career focused such as academic awards which often provide transferrable skills that could be used in a range of occupational settings. Also, less formally regulated (or non-regulated) provision that is designed to be motivating and confidence



building. The provision should have the potential to attract offenders into learning and should be a part of a learning plan that leads onto vocational learning.

➤ **Higher level and Personal learning**

This provision will include qualifications at level 4 and above and where an offender wishes to develop their skills or knowledge base in order to gain future employment and will be supported as appropriate and as funds allow.

Higher level qualifications such as Open University degrees can take a number of years to complete, therefore the length of sentence and probability of the course being completed prior to release or continued after release will need to be taken into account.

Access to Open University Openings and Level 1 courses is available to offenders who have 8 years and less of their custodial sentence to serve. Funding is provided by HMPPS and managed by the Prisoner Education Trust.

Offenders who proceed to study further with the Open University and require funding must apply using the criteria contained in PSI 32/2012. An offender must be within 6 years of his/her release date in order to be eligible to apply for funding.

Refer to Prison Service Instruction PSI 32/2012 Open University, Higher Education and Distance Learning for further details. See link below:

<https://www.justice.gov.uk/offenders/psis/prison-service-instructions-2012>

## **Schedule 5**

### **Welsh Government Policy**

HMPPS learning and skills should seek to align its delivery to complement all Welsh Government commitments.

The Programme for Government (PfG) set out the actions Welsh Government will pursue over this Senedd term. Our values of social, economic, cultural, and environmental justice sit at the heart of everything we do – to ensure nobody is left behind, nobody held back, through a shared commitment to ensure everyone reaches their potential.

This Plan for Employability and Skills seeks to signal clear policy and investment priorities, sharpen our delivery focus and the activity of partners, on actions over this Government term that will leave a positive legacy for future generations.

#### **Long term**

We published the first set of National Milestones in December 2021, to set out our longer-term goals to help measure progress and drive a collective response across all public bodies subject to the Well-being of Future Generations (Wales) Act 2015 (“Well-being of Future Generations Act”).

The new plan seeks to progress our approach to achieving a fairer Wales by:

- Promoting youth participation, progression, and employment

- Tackling economic inequality
- Promoting Fair Work for all
- Supporting people with a long-term health condition to work
- Raising skills, qualification levels, and mobility of the workforce

### **Prevention**

This plan details how Welsh Government will address some of the key labour market challenges and future trends, prioritise our resources to pivot existing delivery to people and skills, and ensure system flexibility and agility to respond to change in the labour market, policy, and reductions in funding.

### **Collaboration and involvement**

It draws on collaboration and involvement in the National Milestone consultation, Race Equality Action Plan, Action on Independent Living Framework, and co-development of, and priorities set out in, the Framework for Regional Investment in Wales.

It also sets out the expectations of other parts of the wider employability system such as local authorities, employers, and post compulsory education and training providers, and our expectations of the ongoing relationship with the Department for Work and Pensions, all of whom have a vital role in working together to make best use of resources to create a Stronger, Fairer, Greener Wales.

Importantly, we will deepen the social partnership we have developed over the last two decades by putting it into law, and use it to focus on the work we need to do collectively, to achieve a fair and equitable labour market in Wales.

The Wellbeing of Future Generations Act<sup>1</sup> places a legal duty on Welsh Government and public bodies across Wales to improve social, economic, environmental, and cultural well-being.

Progress towards improving labour market outcomes, and improving equality of opportunity, relies on action from everyone in Wales, and in particular those public bodies and public service boards subject to the Well-being of Future Generations Act.

Until now, National indicators have operated as our measure of success. The new set of National milestones will help us understand and monitor our collective progress and whether we are travelling in the right direction, at the right pace as a nation towards achieving the seven well-being goals for Wales.

The new strategy will contribute to the following Well-being Goals:

**A prosperous Wales** – An innovative, productive, and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through decent work.

**A healthier Wales** – A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

**A more equal Wales** – A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstance).

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<sup>1</sup> [The Well-being of Future Generations | GOV.WALES](#)

The recently updated and published Strategy for an Ageing Society<sup>2</sup> sets out how Welsh Government aims to address many of the issues relating to older people and how we age, which includes older workers. This activity complements our ambition to make Wales a Fair Work Nation and sits alongside our work with social partners and stakeholders to embed equality, diversity, and inclusion into our approach to social partnership and fair work.

The social model of disability was developed by disabled people and was formally adopted by the Welsh Government in 2002. The Welsh Government reaffirmed its commitment to using the social model of disability in 2021.

It makes an important distinction between ‘impairment’ and ‘disability’ and recognises that people with impairments are disabled by barriers that commonly exist in society. These barriers include negative attitudes, and physical and organisational barriers, which can prevent disabled people’s inclusion and participation in all walks of life.

Barriers can be removed. If you remove the barrier then you can remove the disability.

The Additional Learning Needs (ALN) system is currently being implemented across Wales, replacing the Special Educational Needs system.

A core principle underpinning the ALN system is a rights-based approach. This approach is strengthened further by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, that places specific duties on local authorities and NHS bodies to have due regard to the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities when undertaking their duties under the Act.

The ALN Code also highlights the social model of disability to delivery partners as an approach that removes barriers to equality.

We recognise that disabled adults still face significant labour market challenges. The disability employment gap, the difference in the employment rate between adults who are disabled and those who are not – remains at almost 30 percentage points, and disabled people who are in work tend to earn less<sup>3</sup>. While it is sometimes the negative attitudes of some employers and co-workers which is a key barrier to employment for disabled people, physical barriers to buildings and transport are limiting employment opportunities for some<sup>4</sup>. We will continue to work with stakeholders to identify the barriers to employment and explore how resources can be maximised to help remove some of these barriers.

*Cymraeg 2050* is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy, with the target of a million speakers included in the *Taking Wales Forward* Programme for Government

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<sup>2</sup> <https://gov.wales/age-friendly-wales-our-strategy-ageing-society>

<sup>3</sup> <https://learningandwork.org.uk/what-we-do/employment-and-social-security/employment-support/disability-employment/>

<sup>4</sup> Action on Disability: The Right to Independent Living, Welsh Government (2018) (available online) <https://gov.wales/action-disability-right-independent-living>

and *Prosperity for All: the national strategy*. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015. We will collectively continue to work to provide bilingual learning and skill opportunities within the prison estate within Wales.