



National Audit Office

Meeting needs? The Offenders' Learning and Skills Service



SUMMARY

1 Providing learning activities for offenders while they are in prison or serving community sentences is an important way to help them improve their basic literacy and numeracy skills, or to gain more advanced or directly vocational qualifications. Enhancing their skills can help individuals to find employment, which evidence suggests reduces the likelihood that they will re-offend. As at the end of June 2007 there were in England 78,000 individuals in custody and 245,000 offenders under supervision by the Probation Service.

2 Addressing offenders' learning and skills needs is challenging because they are more likely than the general population to be disadvantaged in multiple ways; often having poor educational backgrounds, being drug users before conviction, not having permanent accommodation, and having mental health disorders.

The prison and probation services also have to deal with these additional problems, many of which will be high priority issues for individual offenders, in the context of rising numbers of offenders in prison and under supervision in the community.

3 Prior to July 2005, learning and skills services for offenders in most prisons were delivered by providers, mainly colleges, under contract to the Prison Service and Instructional Officers employed by the Prison Service. These contracts had been due for re-tendering in 2004 but prior to that, in 2003, Ministers decided that the Learning and Skills Council (the LSC) should take on responsibility for planning, funding and, alongside Regional Offender Managers, commissioning delivery of a new learning and skills service for offenders in all 130 public sector prisons and for offenders under supervision in the community in England.¹

¹ The LSC's learning and skills service for offenders does not operate in the 10 PFI prisons in England, where PFI contractors are responsible for providing a learning and skills service. Co-ordinating provision in these prisons and in public sector prisons is crucial, however, because offenders move between publicly managed and PFI prisons.

4 Roll out of the new Offenders' Learning and Skills Service (OLASS) began in 2005 and was completed in July 2006. The LSC spent £109 million on OLASS for adults² in its first full year of operation, the 2006-07 academic year; the bulk of money, £98 million being paid to providers for learning and skills courses offered in prisons. Some £9 million of funds specifically for offender learning was spent on basic literacy and numeracy skills provision delivered directly to offenders in the community, and offenders in the community can also access mainstream education. This compares with £93 million spent on equivalent services for offenders in custody and the community in 2004-05.

5 Ensuring that OLASS works effectively is complex, because it depends on partnership working between several organisations which have very different core responsibilities. The Department for Innovation, Universities and Skills sets the overall policy framework and holds the budget.³ The National Offender Management Service (NOMS) leads on policy to reduce re-offending, and Regional Offender Managers, employed by NOMS, co-commission with the LSC the learning and skills provision required for their region. The LSC awards contracts for learning and skills provision, which includes a dedicated information, advice and guidance service, to providers, which are mainly established further education colleges and private companies.

6 In custody, the 21 providers under contract to the LSC are responsible for identifying offenders' learning needs and for developing the curriculum offer, working with Prison Service staff. The Prison Service is responsible for encouraging offenders to take up opportunities while they are in custody. In the community, the National Probation Service screens and encourages offenders under their supervision to take up learning and skills opportunities. Ofsted inspects the adequacy of all learning and skills provision across the whole of the prison service and in the community. In a wider context, an Inter-Ministerial Group on Reducing Re-offending, set up in 2006, co-ordinates cross-department working on the seven strands of the National Reducing Re-offending Delivery Plan and 'locks together' the OLASS partners.⁴

7 Policy on reducing re-offending through skills and employment has not changed direction but it has continued to be refined, since the decision by ministers to create OLASS. The Green Paper consultation document, *Reducing Re-offending through Skills and Employment*, was published in 2005 and set out for consultation proposals to place a greater emphasis on employment, aiming to equip offenders with skills that more directly meet employers' needs and encouraging greater involvement of employers in the design and delivery of learning provision. The proposals built on the drive, through the engagement of the LSC, to integrate offender learning with mainstream education delivery arrangements. A *Next Steps* document in 2006 responded to the consultation, setting out more detailed aspirations for engaging employers, employability contracts with offenders and an emphasis on skills and jobs in prisons and probation areas. These new plans are being trialled in two "test bed" regions, the West Midlands and the East of England. Most recently, the LSC published in September 2007 a *Prospectus* for developing OLASS, which responds to the *Next Steps* document and sets out how the LSC proposes to develop offender learning arrangements.

8 The primary objective of OLASS provision is to increase employability and thereby reduce re-offending. OLASS provision may also contribute to reduced re-offending by improving individuals' basic and life skills, increasing their ability to function in society. In prison, OLASS provision also helps the Prison Service to meet its objective to treat prisoners humanely and decently by providing them with purposeful activity, which is very important for the maintenance of well ordered and secure establishments. As well as helping the eventual resettlement of prisoners, the Prison Service sees purposeful activity as an important tool for the settlement of prisoners whilst they are in custody. OLASS provision also needs to be co-ordinated with other learning and skills provision that may be delivered by the Prison Service and other providers outside the OLASS framework, and other commissioned activities designed to rehabilitate offenders. Rising numbers in prisons and the associated need to move prisoners between prisons mean that continuity in the provision of learning and skills is more difficult to achieve.

2 Figures relate to adult offenders only. Juvenile offenders, under the age of 18, were outside the scope of our examination. The figure of 78,000 individuals in custody (referenced in paragraph 1) is a total which includes those in PFI prisons and juveniles.

3 The Department for Innovation, Universities and Skills holds the learning and skills budget for public sector prisons and a specific budget for improving the basic literacy and numeracy skills of offenders in the community.

4 The 'OLASS partners' are the Department for Innovation, Universities and Skills; the National Offender Management Service; the Learning and Skills Council; the Prison Service; and the National Probation Service.

9 Against this complex and challenging background, this report examines how effectively OLASS has been implemented, looking both at the delivery partners' overall strategy towards funding and procurement of OLASS and at how well OLASS works on a day to day basis from the point of view of the offender. There is insufficient comparable data on the performance of the system before OLASS was implemented to enable us to judge at this stage whether OLASS has improved outputs or outcomes. It is too early to assess whether OLASS has yet made any additional contribution to reducing rates of re-offending and we have not at this time examined this issue. Provision in Wales, where OLASS does not operate, and for offenders under the age of 18, is outside the scope of this report.

Conclusions

a) The partners' overall approach to the implementation of OLASS

10 From the start of assuming responsibility for OLASS, the LSC recognised that it had inherited a number of significant problems from the previous system, which have continued to be issues that impact adversely on the effectiveness of OLASS. These include levels of provision at each prison not necessarily being linked to current learning and skills needs, contracts not rewarding outputs or outcomes, and insufficient management information on the achievement of the policy objectives.

11 Notwithstanding the policy framework put in place by the Department for Innovation, Universities and Skills and NOMS, there remains an unresolved tension about the purpose of learning and skills in custody – in respect of its role to enhance life chances and also as a way of providing activity to occupy prisoners, which may not be linked to the wider objectives of offender learning and skills. At the implementation stage, this tension meant that the LSC had to preserve historical allocations of learning hours at each establishment in order to avoid destabilising provision levels in prisons. Whilst historical allocations may have been appropriate to the regimes and populations in each prison when they were constructed, there is no evidence to suggest that these allocations meet the current learning and skills needs of each prison's population. There has been very little reallocation of provision between establishments since OLASS was implemented.

12 There is evidence drawn from the wider population that improving individuals' basic literacy and numeracy skills increases the likelihood of them being in employment. There is little evidence, however, on the impact that learning and skills provision in general, other than that which aims to improve basic skills, has in reducing re-offending, and the evidence base for the particular mix of learning and skills provision for offenders that will be most likely to achieve greater employability and reduce re-offending is poor. This means that, despite the emphasis in the recent policy documents on the need to provide skills for employability, there is not a clear statement at the national level as to what the mix of learning and skills provision at each prison establishment should be. The LSC has outlined proposals in its *Prospectus* for commissioning research on the links between learning and skills, sustainable employment and reduction in re-offending. The LSC also intends to carry out reviews of the existing provision and demand for provision in each criminal justice area, and proposes using these reviews to develop a planned approach for the whole system. Pilot reviews commenced in the East of England and West Midlands in January 2008.

13 There are practical difficulties in a custodial environment with holding providers to account for learning outcomes, such as course completions and qualifications achieved, which form part of the funding incentive for mainstream further education colleges. Offenders' movements between prisons and some incidences of non-attendance, for example due to court appearances, mean that individuals' courses of study are sometimes delivered by multiple providers and those providers do not have complete control over learning and skills achievements. The OLASS partners found no way to overcome this difficulty before contracts were let. Payments to OLASS providers are made according to hours of learning provided, irrespective of attendance level or learning outcome. The OLASS partners are now working on ways to address this in future contract rounds.

14 A considerable amount of management information is held locally, for example by prisons, probation areas and providers, which would allow the LSC to monitor the effectiveness of OLASS, but the management information systems are not effective as ways to capture key data centrally. The LSC has gathered data centrally, for the first time, on the courses that individual offenders are working towards and the qualifications that have been achieved, applying the system that it uses for mainstream further education. However, this system does not currently provide the partners with information on the proportion of offenders who are meeting their personal learning needs, why offenders do not meet their learning needs, and what impact the provision has on employment and re-offending rates.

b) Day to day delivery of OLASS

15 We found that there is no consistently applied process for identifying individual offenders' learning and skills needs and planning how to address them, in either the custodial or community setting. A third of the learning plans we reviewed did not specify the courses to be undertaken and fewer than half recorded progress made. Offenders do not always enrol on and attend the courses their assessments and learning plans have identified them as needing. Around one fifth of the offenders in our sample in custody who had been identified by OLASS providers as having basic literacy and numeracy skills needs had enrolled on a literacy or numeracy course. No information is systematically collected as to why offenders with learning and skills needs do not devise learning plans and enrol on courses, although reasons could include the need to address other risks associated with re-offending, such as drug and alcohol problems. Participation in learning and skills is voluntary for adult offenders, although offender managers have a role to play in motivating offenders with learning and skills needs to engage, and in custody, the Prison Service can influence the incentives to do so, for example by dictating that the amount that offenders are paid to attend learning and skills is at a rate comparable to pay for other activities in prison, such as prison work.

16 Not all courses offenders start are completed. Our file review indicates that approximately one third of the courses commenced in custody are not completed. Although some of the uncompleted courses may result from policy decisions, such as the early release programme, that are outside the control of the delivery partners, we observed that several factors that resulted in uncompleted courses could be better controlled. About half of all uncompleted courses in our sample arose as a result of the release or transfer of prisoners. Moving offenders between prisons causes disruption because there is inconsistency in provision across prisons and because offenders' records are often not transferred. Offenders who do not complete the courses they start will not achieve a qualification that could demonstrate to a potential employer the skills acquired, undermining the core purpose of OLASS of increasing employability. On this basis, we estimate that uncompleted courses could be costing the LSC as much as £30 million. In practice, offenders who start programmes and do not finish them are likely to derive some benefit. As an illustration of what the cost might be, if 5 per cent of expenditure is wasted through uncompleted courses, the cost would be £5 million.

c) Overall conclusion on value for money

17 In our view, based on the findings above, the value for money of OLASS across almost all aspects of delivery is below the level of which the service is capable in time. Many of the problems which led to the establishment of OLASS have not been substantially overcome since its introduction. The day to day delivery of OLASS in the community suffers from a number of the same issues that reduce value for money in prisons. The partners recognise the problems, and the LSC, as the lead procurer, is currently in public consultation on the range of issues above that impact adversely on value for money.

Recommendations

18 As the partners take forward their plans to reform OLASS, we recommend the following priorities:

To address tensions surrounding the different objectives met by learning and skills provision in the prison system:

a **Tensions between meeting the learning and skills needs of the individual offender and the Prison Service's need to occupy prisoners in purposeful activity are a brake on better value for money, and now need to be resolved.** The primary objective of OLASS is to increase employability and thereby help reduce re-offending. For some individuals, in the prison system, a focus on employability is inappropriate, and the objective of learning and skills is to increase life skills to reduce re-offending. The Prison Service fully shares this objective, and it also relies on OLASS as a means with which to provide prisoners with purposeful activity, as part of maintaining a secure and orderly custodial environment. Tensions between the different objectives of OLASS have prevented a re-allocation of OLASS resources across the prison system and continue to result in confusion at the delivery level about where provision ought to be targeted. This confusion is compounded by the lack of clarity surrounding the role of Heads of Learning and Skills in prisons.

Drawing on the support of the Inter-Ministerial Group on Reducing Re-offending, all the **OLASS partners** need to formally recognise and reconcile the multiple objectives of OLASS, and clearly communicate these, and the priorities attached to each objective, throughout the delivery chain. This will depend on effective mechanisms for collaboration between all the partners, and engagement between policy-makers and those responsible for delivery at national and regional level. Resolution of this tension will assist with the reallocation between prisons of resources for learning and skills provision (**Recommendation c**), and facilitate better decision making at the delivery level about the allocation of offenders to provision. The **OLASS partners** should also decide and clearly communicate the objectives of Heads of Learning and Skills.

b **Define a core curriculum to be in place at each prison establishment and, in line with the LSC's proposals, bring more consistency into the other courses that providers deliver, to allow greater continuity when prisoners are transferred.** The **Learning and Skills Council** should define a minimum core curriculum to be in place at all establishments, and require providers to work together to bring more consistency into the specific qualifications they deliver at prison establishments between which prisoners are likely to transfer. The **Prison Service**, at an establishment level, should give regard to the importance of offenders completing courses, all else equal, when making transfers.

c **Consistent with the LSC's proposals, draw up and agree with all partners plans which reallocate resources for learning and skills provision in custody and the community, based on offender need and likely effectiveness of intervention.** The reallocations will need to be phased over time to minimise the risks associated with disruption to prison regimes, but re-allocations should commence in contracts beginning in August 2009. The **Learning and Skills Council** will need to consult fully the **National Offender Management Service** and the **Prison Service**. In parallel, learning and skills allocations should be reflected in the standardised operational specifications for each category of prison, to be implemented in the light of Lord Carter's Review of Prisons.

In order to maximise the available learning and skills provision for offenders, the **OLASS delivery partners** should explore the scope to draw on other funding streams in order to benefit offenders, including the Train to Gain service, Learndirect and ESF funding, as proposed in the LSC's *Prospectus*.

To meet more effectively offenders' learning and skills needs:

d **Gather robust evidence to fill the knowledge gap as to what mix of learning and skills provision is most likely to increase offenders' employability and reduce the chance of them re-offending.** The **Learning and Skills Council** has stated its intention to commission independent research on the links between learning and skills, sustainable employment and reduction in re-offending. These plans should be taken forward as a matter of priority, building on existing evidence and considering what will motivate offenders to learn, involving **all OLASS delivery partners** and the **Department for Work and Pensions**.

e Improve screening of learning and skills needs for offenders in the community. Probation areas should screen all offenders under their supervision for learning and skills needs, and prioritise referrals to learning and skills providers on the basis of the offender's level of learning and skills need, motivation and chances of gaining employment and reducing re-offending.

f Facilitate access to information on offenders' learning needs, progress and achievements by providers and offender managers. The LSC is developing an IT system that will facilitate access to information on offenders' learning by all providers, in particular, when offenders move between prisons and from prisons into the supervision of the Probation Service. This is in line with a recommendation made by the Committee of Public Accounts in 2006, on which further progress is now needed. We recommend that the **Learning and Skills Council** continues to develop its IT system and that OLASS partners work together to ensure that offender managers (in the prison and probation services) have appropriate access to this information, so they can monitor referrals to learning and skills and sequence interventions effectively. The system should allow learning and skills providers working in PFI prisons to access and input information, which they cannot do at present.

To improve the quality of learning and skills provision:

g Hold providers to account over their contractual obligations to devise learning plans that set clear targets and record progress. The **Learning and Skills Council** should enforce contracts which state that providers must document individual learning plans, including results of assessments, qualification(s) being studied towards, records of progress and records of regular reviews. The **Learning and Skills Council** should monitor the results of Ofsted inspections to assess improvement in this area, and take action to apply sanctions where appropriate.

h Improve performance measures to incentivise delivery partners to act in a way that is wholly consistent with the policy objective for OLASS. All delivery partners should work together to devise a shared and mutually reinforcing performance measurement and management system that motivates providers, the **Prison Service**, and the **Probation Service** to facilitate offenders' attendance and encourages offenders to take up learning and skills opportunities which have the greatest prospect of contributing towards increased employability

or reduced re-offending. The performance measures in the Prison Service should include whether individuals undertake their identified learning and complete it, rather than, at present, measuring classroom occupation. In the Probation Service, performance measures should incentivise offender managers to screen all offenders for learning and skills needs; refer those offenders with learning and skills needs to providers able to meet their needs, where appropriate; and follow up referrals and provide support and motivation to offenders engaging with learning and skills.

i Draw up new contracts for offender learning and skills provision in prisons, which reward providers for progress made by offenders. The **Learning and Skills Council** should design contracts, to be in place for the next round of contracting in 2009, that include rewards for providers that demonstrate progress made by offenders to address their learning and skills needs, as well as teaching hours input. The Learning and Skills Council has collected data on participation and achievement at each prison during 2007-08, and we support the LSC's intention to use this data to set target participation rates and achievement levels for each provider in the 2008-09 academic year, and minimum levels of performance from 2009 onwards.

j Implement an OLASS management information system to monitor overall performance and effectiveness. The **OLASS partners**, including Ofsted, should agree what core set of high level indicators is needed to monitor delivery and effectiveness and, consistent with the Learning and Skills Council's plans, put in place systems to collect and report relevant information. The indicators should include the extent to which:

- offenders' learning and skills needs are assessed;
- offenders' learning plans are met;
- provision is of good quality;
- progress is made towards learning and skills attainment milestones; and
- offenders enter sustained employment.