



THE B9 REVIEW TEAM

Report on Education and Training Opportunities for Prisoners in the Separated Regime in Northern Ireland

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1. Background

The Fresh Start Panel on the Disbandment of Paramilitary Groups

- 1.1 In June 2016 a 'Fresh Start Panel report on the Disbandment of Paramilitary Groups in Northern Ireland'¹ was published, including a series of recommendations for actions to be taken by the Northern Ireland Executive. In response, the Executive published a 'Tackling Paramilitary Activity, Criminality, and Organised Crime Action Plan'² setting out the actions to be taken in response to each of the Fresh Start Panel's recommendations.
- 1.2 Among the recommendations made by the Fresh Start Panel was that:
"the Department of Justice should ensure that appropriate learning and training opportunities are provided to prisoners in the separated regime" (Recommendation B9).
- 1.3 In response, the Executive's Action Plan stated that:
"The Department of Justice will commission a consultative evaluation of constructive activity in separated prison accommodation leading to the development and delivery of a new model of constructive activity for separated prisoners focused upon positive educational and wellbeing outcomes."
- 1.4 Accordingly, in January 2018, an independent panel was appointed "to conduct a consultative evaluation of constructive activity in separated prison accommodation, leading to the development and delivery of a new model focused upon positive educational and wellbeing outcomes." That Panel, referred to in this document as the B9 Review Team to distinguish it from the 'Fresh Start Panel', consisted of three members: Catherine Bell (Chair), Cathy Gormley-Heenan and Duncan Morrow.
- 1.5 The B9 Review Team's role and function were detailed in its Terms of Reference, as follows:
 - to review current provision of constructive activity in separated conditions;
 - to engage with those currently in separated conditions regarding a new model of constructive activity;
 - to develop proposals for a new model of constructive activity;
 - to contribute to the development of commissioning requirements for the delivery of the new model of constructive activity; and
 - to advise on the evaluation of the delivery of the new model of constructive activity (pilot delivery phase).

- 1.6 In pursuit of these tasks the B9 Review Team sought to engage with the Northern Ireland Prison Service, senior staff in Maghaberry prison, people serving sentences in separated conditions, Belfast Metropolitan College (BMC) (which is responsible for the provision of Learning and Skills in Maghaberry and Hydebank Wood College), and others with experience and insights into the matters it was appointed to address. A full list of the organisations consulted by the B9 Review Team is included at Annex B.

Related Recommendations in the Executive's Action Plan

- 1.7 In addition to the appointment of this B9 Review Team, the Executive's Action Plan included other related actions in response to recommendations made by the Fresh Start Panel.

- 1.8 The Panel recommended:

“that the Department of Justice should revisit the framework related to the separated regime and arrange for an independent review to be undertaken examining the operation of the separated regime, evidencing the need for any changes and providing useful information for stakeholders to take forward” (Recommendation B8);

- 1.9 In response to which the Executive's Action Plan stated that:

“The Northern Ireland Prison Service remains committed to finding ways to address the challenging issues associated with the operation of the separated regime. The Department of Justice will engage with stakeholders, develop terms of reference, and identify individuals to lead an independent review. The Review will deliver a report and make recommendations required in respect of the framework for separation”;

- 1.10 The Panel also recommended:

“that the Department of Justice and the Probation Board should work together with others to urgently develop and implement specific interventions to prepare offenders with links to paramilitary groups for return to society and to assist with reintegration” (Recommendation B10);

- 1.11 In response to which the Executive's Action Plan stated that:

“The Department of Justice will commission research to inform the design of relevant interventions that will develop a tailored desistance pathway for offenders with links to paramilitary groups to assist them as they prepare to return to their communities and to support their successful reintegration. This will be taken forward in conjunction with the Probation Board and other relevant individuals and organisations. This work will include community views on reintegration.”

Prisons 2020 The Way Forward

- 1.12 Simultaneously to the work of the Fresh Start Panel and the associated Executive Action plan, was work around driving continuous improvement in the prisons. This culminated in the publication of Prisons 2020 The Way Forward and its associated delivery plan in July 2018. It states that its purpose is: "...to ensure 'NIPS' is structured and resourced to provide an efficient, effective, modern and affordable service which is focused on the development of our staff and capable of rehabilitating people in our custody". It goes on to say that while: "...it is important to hold people securely during their time in custody but prisons must be more than places of containment".

- 1.13 There is an obvious dovetailing in terms of the scale and ambition of the Fresh Start recommendations with the ambition in Prisons 2020 which is an important contextual observation for this review.

2. The Separated Regime in Northern Ireland Prisons

- 2.1 The Steele Review, published in September 2003³, recommended that republican and loyalist prisoners with paramilitary affiliations should be accommodated separately from each other, and from the rest of the prison population, on a voluntary basis. As a result of the recommendations, prisoners can apply to enter separated conditions. Separated male republican prisoners are housed on two landings in Roe House within Maghaberry Prison. Separated male loyalist prisoners are housed on two landings in Bush House, also within Maghaberry Prison. Separated female prisoners are housed in the Separated Unit of Hydebank Wood College.
- 2.2 In reviewing the report of the Steele Review the B9 Review Team noted that the hope expressed by the authors “that separation outside the wings, for example, in education, can be avoided. Otherwise the regime for separated prisoners could be affected.” The Review Team also noted how, quite quickly after the introduction of the separated regime, the House of Commons Northern Ireland Affairs Committee⁴ observed in 2004 that “the type of separation which was actually being implemented at Maghaberry went significantly further towards isolating the paramilitaries than the Steele panel had recommended” and quoted the then Director-General as having told the Committee “that, on grounds of risk management, it had been decided that the paramilitaries should also be provided with separate activities.”
- 2.3 A ‘Compact for Separated Prisoners’⁵, developed by Northern Ireland Prison service (NIPS), sets out the regime to be delivered to prisoners held in these separated conditions. The Compact makes clear the Prison Service belief that: “...prisoners, including remand prisoners, should have access to a range of activities offered by the prison. Opportunities to learn new skills and address offending behaviour are very important especially for those who are serving long sentences. Prisoners who remain in integrated conditions will continue to have access to the full range of opportunities.”
- 2.4 This implies that prisoners who opt to enter the separated wings may not have access to all such opportunities. Indeed, the Compact states that living in separated conditions “means that activities are mostly limited to what can be provided in the House where you are held.”
- 2.5 But it also advises prisoners that: “If your application is approved for separation we will continue to strive to provide the same opportunities to you. However, because it is your perception that you feel unsafe, and because it will become clear to other prisoners that you are from a particular community and/or political viewpoint by your allocation to a residential house, specific care will be taken to carry out a risk assessment before you attend specific

programmes. At present, it is not possible to provide access to workshops etc. We will keep under review what is made available on a case by case basis, particularly where specific resettlement needs have been identified.”

- 2.6 In terms of education provision, the Compact states that: *“Education will be provided within the separated accommodation on the same basis as in the rest of the prison... A wide variety of courses is on offer although it may not be possible to deliver a particular course if there is insufficient uptake or resources available.”*
- 2.7 Although the B9 Review Team understands that prisoners applying for separated conditions are not required to physically sign the Compact, it includes a statement that prisoners are clearly expected to accept in doing so, which includes an acknowledgement that a prisoner understands that: *“...if successful I will... be provided, so far as resources allow, with education on the wing” and... “be provided with resettlement services, consistent with consideration of any safety issue.”*
- 2.8 The B9 Review Team wishes to acknowledge the complexity and pressures within which the NIPS, its staff, and its contracted Learning and Skills Providers operate. Almost all of the prisoners held within the separated regime are held within Maghaberry Prison, described by the recent Criminal Justice Inspection report⁶ as: *“a large and complex prison which remains unique in the United Kingdom. At the time of this inspection, it held over 800 men, ranging from those serving just a few days through to life. Within this mix, there are men who are remanded by the courts, those serving short custodial sentences, long-term and indeterminate sentenced men and separated paramilitary prisoners. As a Category ‘A’ prison, it holds the highest risk prisoners in Northern Ireland, and many of these will spend many years at Maghaberry, in contrast to England and Wales where such men would typically be moved between several such prisons.”*
- 2.9 This description perhaps understates the extent to which the operation of a separated regime presents particularly significant challenges to NIPS in terms of the staffing resource required to manage these prisoners and the provision of services and interventions required to address their needs. The B9 Review Team also wishes to acknowledge the fact that operational staff working for NIPS do so in the context of 'Severe' threat from Dissident Republican groups, meaning 'an attack is highly likely.'

3. Reports on Northern Ireland Prisons and the Separated Regime

In order to inform its work, the B9 Review Team considered a number of previous reports that examined the regime available to prisoners held in separated conditions.

House of Commons Northern Ireland Affairs Committee 2007-2008 Report (December 2007)

- 3.1 A report by the House of Commons Northern Ireland Affairs Committee in 2007⁷ on a wide range of issues relating to NIPS included examination of the separated regime. Among those who gave evidence was the then HM Chief Inspector of Prisons, Dame Anne Owers, who described the regime available to separated prisoners as "really, really poor" and said that "So you had a group of prisoners who were pulling in all the resources to themselves but actually nothing was much happening with them that was going to make them less likely to offend once they left".

Prisoner Ombudsman Investigation Report (June 2010)

- 3.2 In a report of a Prisoner Ombudsman investigation of complaints made by separated prisoners, published in June 2010⁸, the Ombudsman acknowledged that: "*Since the separated regime was introduced in 2004, the facilities for separated prisoners have been improved to take account of the fact that separated prisoners cannot access facilities elsewhere in the prison, including workshops where training and work experience are delivered.*"
- 3.3 The report went on to describe how: "*Since 2004, the Prison Service has progressively developed and enhanced the regime for separated prisoners which is described in the Separated Regime Booklet and Compact. The regime provides for daily association, use of the exercise yard, education and use of facilities. Prisoners may also take up to five gym sessions per week and two astro-turf football sessions each week. This is more than the normal integrated prison population would generally receive. Both Roe landings are able to use the gym together, subject to the maximum number. Prisoners from both landings also attend education classes together.*"

Prison Review Team Report on a Review of the Northern Ireland Prison Service: conditions, management and oversight of all prisons (June 2011)

- 3.4 In 2011 a review team appointed by the Minister of Justice published its final report of a comprehensive review of the conditions, management and oversight of Northern Ireland's prisons.⁹ The report reiterated points arising out of other reviews outlined in section 6 below, including the need to provide a range of purposeful activities: *"The rights of victims and potential victims are served by prisons that can help people desist from crime. Prisons therefore need to provide sufficient good quality purposeful activity. That will include formal and professionally delivered training in essential skills, but it will also include opportunities to take part in and develop softer skills – arts, sports and other teamwork, parenting, peer support and life skills – which can change prisoners' views about themselves and their capabilities as well as providing the motivation to engage in or to make best use of more formal skills and qualifications."*

Criminal Justice Inspection NI Report (May 2018)

- 3.5 In May 2018 the Criminal Justice Inspection NI (CJINI) published 'An Inspection of Resettlement in the Northern Ireland Prison Service'¹⁰, which included a section relating to prisoners held in separated conditions.
- 3.6 The report referred to the fact that "Previous CJI Reports recommended that the NIPS should set specific targets for the delivery of resettlement services to the separated population." It went on to note that: *"Prisoners in the separated regime did not in general choose to avail of the PDM process or have a Personal Development Plan to support them to reduce their risk of harm, reduce their likelihood of offending and prepare them for return to the community."*
- 3.7 Acknowledging the recommendation of the Fresh Start Panel that the Department of Justice (DoJ) should have an independent review undertaken of the operation of the separated regime and that it should ensure that appropriate learning and training opportunities were provided to the prisoners in the separated regime, and that work was underway to implement those recommendations, CJINI stated that: *"It remained unsatisfactory that the separated prisoners did not receive appropriate prisoner development and resettlement services, although CJI recognised that this matter was unlikely to be fully resolved in the absence of a functioning Northern Ireland Assembly and Justice Minister."*

Report on an unannounced inspection of Maghaberry Prison (November 2018)

- 3.8 During the course of the B9 Review Team's work the Chief Inspector of Criminal Justice in Northern Ireland; Her Majesty's Chief Inspector of Prisons; the Regulation and Quality Improvement Authority; and the Education and

Training Inspectorate (ETI) jointly published a report¹¹ of an inspection of Maghaberry Prison carried out in April 2018.

- 3.9 The report identifies 'expected outcomes' in various areas of provision. Under education, skills and work activities, the expected outcomes include that "All prisoners can engage in activities that are purposeful, benefit them and increase their employability; the learning and skills and work provision is of a good standard and is effective in meeting the needs of all prisoners." The report did not focus exclusively on the separated regime, but nor did it exclude it. As such, these outcomes should be expected for separated and integrated prisoners.
- 3.10 Among the conclusions reached by the Inspectors from ETI, the B9 Review Team noted the following which, based on their own evidence gathering, they felt were particularly evident in the separated regime:
- *"There were still not enough substantive constructive activity places to meet the needs of the diverse population..."*
 - *"The collection, collation and evaluation of data to monitor the impact of the provision was underdeveloped, which affected decision making and planning."*
 - *"There was too little provision above Level One to establish progression pathways or to meet the needs of the more able prisoners."*
 - *"Learning and skills provision for prisoners who did not attend the learning and skills centre was too limited."*
 - *"Far too few prisoners progressed to, or attained, qualifications above Level One."*
- 3.11 One of the recommendations made by the Inspectors was that: *"The quantity, level and range of activities should be developed so that all prisoners can be offered purposeful activity which meets their needs, enhances their prospects and prepares them for work in the community."*

4. Overview of Educational Attainment and Purposeful Activity by Prisoners

- 4.1 The B9 Review Team found it difficult to access information from NIPS in relation to the educational attainment by prisoners within the separated regime.
- 4.2 Tables 1 and 2 in Annex A replicate the information provided to the Panel. They show that:
- of the seven prisoners who completed Entry Level 2 or 3 in Essential Skills Literacy, only one progressed beyond Entry Level;
 - the three prisoners who completed Entry Level 2 or 3 in Essential Skills Numeracy, none progressed beyond Entry Level;
 - of the 12 prisoners recorded as having achieved Level 1 in Essential Skills Literacy, only one progressed to achieve Level 2;
 - of the 13 prisoners recorded as having achieved Level 1 in Essential Skills Numeracy, only one progressed to achieve Level 2;
 - only three prisoners attained any Employability qualifications.
- 4.3 These figures reinforce the conclusion reached by ETI Inspectors in the November 2018 Joint Inspection Report, that there is *“too little provision above Level One to establish progression pathways or to meet the needs of the more able prisoners.”*
- 4.4 The Team found the recording of information relating to prisoners’ Personal Development Plans activity to be inconsistent, with some prisoners’ records of attendance at scheduled activities incomplete. This compounded the sense that the level of commitment to improving the provision and take-up of opportunities for constructive activity is insufficient.
- 4.5 By way of an example, one prisoner’s ‘Interventions Summary’ record shows the following level of activity in 2017 and 2018:

Scheduled Activity	2017	2018
Chaplaincy	3	16
Education		4
Healthcare		1
Miscl. Appointment		1
Prison Arts Foundation	2	44
Sport & Recreation Programme		2

Sport & Recreation Separated	14	215
Training and Employment	44	539
Visit	5	40
Total Attendance:	68	862

- 4.6 The stark differences in the levels of Training and Employment activity and Sport and Recreation from 2017 to 2018 require explanation – the Team questions the plausibility of a prisoner deciding from one year to the next to increase his sport and recreation activity from little more than an average of once per month to an average of four times per week. The Team was also surprised to find that the ‘Training and Employment’ appointments recorded sessions where the prisoner worked as a Housekeeper within the House, rather than any form of accredited training. Recording these as ‘Training and Employment’ creates the false impression that the prisoner is being readied for employability or employment on release. In other cases, the Team found that while attendance at Sport and Recreation was recorded as an ‘attended appointment’ for some prisoners, it was not for others.
- 4.7 The seemingly inconsistent approach to record keeping suggested to the Team that within the separated regime at least, the prevailing attitude is one of insufficient concern about improving the levels of constructive activity uptake or outcomes. To apply the maxim that “what matters gets measured, and what gets measured matters”, if activities and outcomes are not being properly measured, they are not considered to properly matter.
- 4.8 In this context the Team found it difficult to obtain an accurate picture of the levels of constructive activity being undertaken by prisoners within the separated regime.

5. Learning and Skills in Prison Environments

5.1 There is a wealth of evidence demonstrating that providing effective education opportunities to people in prison is an important factor for rehabilitation; is one of the most important re-entry services; and aids reduction of recidivism¹².

5.2 Rule 4 of the United Nations Standard Minimum Rules for the Treatment of Prisoners¹³ (the Mandela Rules) state that:

“1. The purposes of a sentence of imprisonment or similar measures deprivative of a person’s liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.

2. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.”

5.3 Citing these rules, the 2011 Prison Review Team report on a Review of the Northern Ireland Prison Service¹⁴ stated that:

“a moral and human rights basis defines not just the way that a good prison is run, but its purpose. Prisons, by definition, exclude people, many of whom were already marginalised or excluded in the community. It is important that they hold those people securely during the period of their punishment. However, if they do nothing except contain them, they will reinforce and maintain that exclusion. There is no such thing as ‘humane containment’. Containment is for objects, units, and goods, not human beings. Containment is carried out by guards who engage with security and keys, not officers whose task is to engage with people. Simple containment produces individuals who emerge more frustrated, less socialised and potentially more harmful. For that reason, both human rights instruments and recent criminological theory and research stress the importance of prisons being a place where individuals can be encouraged and supported to change.”

5.4 In 1989 the Council of Europe adopted a set of recommendations¹⁵ outlining the needs and responsibilities concerning the education of imprisoned persons in Europe. These recommendations stipulate that all imprisoned persons should be offered the opportunity to engage in educational activities

and that these activities should serve to develop the whole person, be conducive to effective reintegration, and encourage a reduction in recidivism. The linkages the Council's recommendations make between education, reintegration and desistance are clear.

- 5.5 The B9 Review Team examined a report of a Scottish Prison Service (SPS) Review of Purposeful Activity¹⁶ completed in 2014, and concluded that it contains many insights and recommendations that could be considered by NIPS, not only for the separated regime but throughout Maghaberry Prison and other establishments. The SPS review defined purposeful activity as including “any activity or constructive interaction which promotes citizenship; develops learning and employability skills; builds life skills and resilience; addresses well-being; and motivates personal engagement with both prison and community-based services.”
- 5.6 The SPS Review placed significant emphasis on the importance of every prisoner, including those on remand, having an individual (appropriately scaled) asset-based plan informed by consideration of all these types of purposeful activity. Reflecting the conclusions of the Developing Offender Management in Corrections in Europe (DOMICE) project¹⁷, it stressed that such plans “should focus upon what happens after release rather than what happens in prison (i.e. the efforts should be to make good citizens and not good prisoners).” **The Panel therefore recommends that the issues of the nature and operation of the separated regime, and of the constructive activity made available within it, should all be considered as part of - rather than separate to - the proposed development of a desistance pathway for offenders with links to paramilitary groups to assist them as they prepare to return to their communities and to support their successful reintegration.**
- 5.7 Reports such as ‘Making Prisons Work for Rehabilitation’¹⁸ (2011) published by the UK Ministry of Justice and Dept for Business and Skills; ‘What is Prison Education For?’¹⁹ (2014) published by the Prison Learning Alliance and New Philanthropy Capital; and the more recent ‘Unlocking Potential: A Review of Education in Prison’²⁰ by Dame Sally Coates draw consistent conclusions both about the importance of education in prison environments and how it can best be delivered in order to support desistance. These include the quality of provision; the importance of identifying and meeting the individual needs of prisoners, including those with learning difficulties and disabilities; the need to ensure that employability and professional and technical skills are relevant to the needs of employers; the potential benefits of virtual education provision; and the provision of a varied curriculum, including life skills and arts, music and sport activities.
- 5.8 The Coates review stressed this latter point: “Employment has been shown to play a key role in reducing reoffending. However, ‘employability’ should not drive the entire focus of the curriculum. Many prisoners will have previously

had unsatisfactory experiences of the classroom. They will need encouragement and support to take their first learning steps. This should include greater provision of high-quality creative arts provision, and Personal and Social Development courses. Both improve self-knowledge, develop self-confidence and therefore help tackle reoffending.”

- 5.9 And the ‘Making Prisons Work for Rehabilitation’ report recognised the other benefits that such provision can bring such as improved health, including mental health, encouraging self-esteem and improving communication skills.
- 5.10 The B9 Review Team’s remit highlighted the importance of wellbeing, and there is extensive evidence of the benefits, in community and custodial environments, of the impact that developing hobbies and other personal interests can have on wellbeing.
- 5.11 Obviously, prison environments bring with them restrictions that would not be present in community-based learning environments, including interruptions to availability of staff and students, the economies of scale challenge of providing courses for often small numbers of learners, and limitations on access to material – particularly online materials.
- 5.12 The challenge is therefore to develop or source solutions that take account of these restrictions, rather than use them as an explanation for lack of provision. Distance Learning provides one such solution. A 2010 report by Learning Infrastructure for Correctional Services(LICOS)²¹ identified a range of benefits of eLearning in a prison environment, including the expansion of the types of courses available; the potential to increase the number of prisoners participating in education programmes and to more easily gear provision to individual needs, including length of sentence and educational ability; and the provision of related computer skills that can be of benefit in obtaining work post-release.
- 5.13 The conclusions reached in these reports were further underlined in the B9 Review Team’s consultation with prisoners in Maghaberry and other individuals and groups with which it engaged and are reflected in its conclusions and recommendations. For most prisoners, the range extends to arts and music activities (via the Prison Arts Foundation); occasional literacy and numeracy classes (the Team noted that extended periods during which no prisoner appeared to attain even a Level 1 qualification); employability sessions; sport and recreation; computers; and in a very small number of cases, Open University (OU) courses.

6. Separated Prisoner Views

Views from Bush House

- 6.1 Members of the B9 Review Team engaged with prisoners held in Bush House, interviewing 13 on a one-to-one basis.
- 6.2 The responses to the questionnaires and interviews completed with these prisoners revealed a clear pattern of educational underachievement at school, with 10 of the 13 prisoners interviewed having struggled at, or been excluded from, mainstream schooling.
- 6.3 But they also revealed an appetite to learn. In around half of the cases there was an interest in undertaking classes in either, or both, English and mathematics (maths). Seven prisoners expressed a desire to undertake training in trades-related skills such as painting/decorating, plastering, tiling and electrical work.
- 6.4 A similar number spoke about how they would like to engage in other, less formal, constructive activity such as gardening, learning to play music or to cook.
- 6.5 Several of the prisoners referred to problems with learning and skills provision, including lack of access to Information Technology (IT) provision, inconsistent learning provision caused either by staffing issues or insufficient numbers to justify maintaining delivery.
- 6.6 Three prisoners asserted that they did not have an adequate personal development plan in place.

Views from Roe House

- 6.7 For reasons linked to their opposition to actions flowing from the report of the Fresh Start Panel, prisoners in Roe House declined to meet with, or complete questionnaires provided by, the B9 Review Team.
- 6.8 The Team received a document written by the Prisoners on the Roe 3 Landing, which set out their experiences of OU support provision within the separated regime, identifying a number of concerns and making suggestions as to how these could be addressed.

- 6.9 It documented the prisoners' views on the importance of having an OU Co-ordinator to facilitate contact between prisoners and tutors, process assignments and relay OU material between students and the OU.
- 6.10 The paper described the OU co-ordination and support throughout the past three years as having "either been non-existent or at best has been sub-standard." The decline in such co-ordination and support was attributed to altered and inconsistent staffing arrangements and a subsequent refusal to agree to requests for meetings with students.
- 6.11 Limited access to Information and Communication Technology (ICT) facilities for OU study was highlighted, and particular attention was paid to the removal of printing facilities to the point where delivery of printed material can take between 24 hours and two weeks. Prisoners expressed dissatisfaction with the absence of any internet access on the landings for OU students, contrasting this to availability for prisoners in the non-separated regime to supervised access to the module website, OU library and the wider Internet for research; facilitation of assignments and tutor engagement through email; and direct access to printing facilities. As an alternative, prisoners in separated conditions receive printed versions of Internet module information.
- 6.12 Contact with tutors was reported to require facilitation through the education department or OU coordinator, with the complaint that information and material to and from tutors is slow. With the facility to email tutors denied, telephone tutorials can be facilitated upon request. Prisoners argued that the facility to email tutors provides a better quality of contact with study questions, assignment processing and OU material processed more quickly.

Views from Hydebank Wood College

- 6.13 The separated prisoner said that if a person had A-level qualifications there should be no requirement to complete an OU Access course. However, the Access course is a requirement set out by the OU because the discipline and skills required by distance learning are different from mainstream courses.

7. Observations, Conclusions and Recommendations

- 7.1 While the B9 Review Team is conscious that a wider review of the “framework for separation” is to be commissioned, it feels it necessary to make a general comment in relation to the overall approach to the separated regime as it relates to constructive activity. **The Team believes that the extent to which it is in the public interest that imprisonment is used to reduce the prospect of re-offending applies equally to prisoners whether in separated accommodation or in mainstream provision.** Indeed, the commissioning of this report is based on that premise. The reasons for establishing and maintaining a separated regime are – or should be – irrelevant to the provision of services for prisoners within it, particularly those services such as learning and skills which carry the potential to reduce the prospect of re-offending. That said, the recommendations are intended to support the Tackling Paramilitarism Programme and support transition away from paramilitarism, organised crime and criminality. The panel does not believe that the recommendations should contribute to the reinforcement of the separated regime.
- 7.2 The B9 Review Team has noted in section 3 above the shift that occurred following the Steele Review, from that Team’s stated hope that education could continue to be delivered in an integrated way, to the subsequent policy of taking education to the separated wings. In the course of its work that Team sensed that since then, whether on the grounds of security, resourcing or other factors, within NIPS there has developed an unwritten *presumption against* the delivery of a similar level of education and other constructive activities within the separation regime to that available within the integrated regime. The Compact for the separated regime sends mixed signals to staff and to prisoners, stating on the one hand that education will be provided within the separated accommodation on the same basis as in the rest of the prison, but implying on the other that prisoners in the integrated regime will have access to a fuller range of opportunities. The latter aspect appears to have assumed far more weight than the former, with a prevailing attitude that ‘if prisoners choose to go into separation and have fewer opportunities for constructive activity as a result, that’s up to them.’
- 7.3 While acknowledging the challenges (see below), the Team believes that as long as the separated regime remains it is in everyone’s interest to ensure that prisoners held within it are provided with opportunities to move away from offending. **The Team therefore recommends that NIPS’ policy on the separated regime should include a stated requirement that any prison with separated accommodation provides an equivalent level of education and other constructive activities within the separation regime to that available within the integrated regime.**

- 7.4 Such a statement would place a clear requirement on all within the Prison Service to provide the resources, facilities and regime necessary to deliver such activities, rather than providing reasons as to why it does not. It would also require NIPS to review the wording of the Compact for the separated regime to remove any ambiguity about its determination to deliver equivalent education and constructive activity opportunities for all prisoners in its care (see below).
- 7.5 The B9 Review Team was taken aback by the fact that the Service Level Agreement with BMC does not cover the separated regime. Again, this suggests a presumption that provision will be different, rather than as close as possible, to that within the integrated regime. ***The Team therefore recommends that any future Service Level Agreement with an external learning and skills provider must extend to include the separated regime.***

Challenges

- 7.6 In making the recommendations above, the Team recognises that the challenges faced by NIPS in providing an adequate model for achieving positive educational and wellbeing outcomes are not insignificant, and that the existence of a separated regime for relatively small groups of prisoners compound these challenges.
- 7.7 The Prison Service is charged with maintaining Maghaberry to Category A level. Inevitably this focus on security makes the provision of constructive activity more challenging than in a low-security environment. The existence of two small pools of prisoners, and the finite resources available across the prison, brings with it 'economies of scale' challenges; it is difficult to justify a dedicated teaching resource for a very small number of prisoners, if doing so denies constructive activity to a much larger body of prisoners in the mainstream population.
- 7.8 For BMC there have been challenges in recruiting and retaining staff to teach courses within the separated regime.
- 7.9 The refusal by prisoners to engage with the Prisoner Development Model process makes it more difficult to identify needs and plan to have them addressed.
- 7.10 These challenges are not all unique to Maghaberry. A number of other maximum-security prisons within the UK also operate what are effectively separated regimes. HMP Belmarsh, for example, is a prison with a High Security Unit described as a prison within a prison, housing some of the prisoners who are considered to be the most dangerous in the UK.

- 7.11 Inspections²² of the regime in Belmarsh have repeatedly expressed concerns at the limited opportunities for purposeful activity and education afforded to prisoners in that Unit. ***The Panel recommends that NIPS should engage with Her Majesty's Prison and Probation Service (HMPPS) and other prison authorities to examine the potential for mutual learning, or for developing shared proposals for constructive activity provision, including distance learning provision for separated, high security regimes.***

A new model of constructive activity

- 7.12 The B9 Review Team was tasked with developing proposals for a new model of constructive activity. In addition to its review of the current provision, and its engagement with those currently held in separated conditions, the Team reviewed the extensive literature and evidence on what makes for effective learning and training within prison environments, as summarised in Section 2 above. The proposed model of constructive activity set out below reflects the consistent conclusions that effective delivery depends upon:

- *good quality of provision;*
- *identifying and meeting the individual needs of prisoners;*
- *providing employability and professional and technical skills that are relevant to the needs of employers;*
- *the provision of a varied curriculum, including life skills and arts, music and sport activities; and*
- *the use of virtual education provision.*

Incorporating these elements, the Team therefore recommends the following as a new model of constructive activity within the separated regime:

A Right to Education and Skills for All

- 7.13 Underlying any new model must be a commitment to the principle that education and skills in prison are a right for all, including those in separated conditions. Regardless of the challenges, as set out in Section 2 above, NIPS has obligations to ensure that they are overcome. Multiple reports about desistance in general, and the management of prisons in Northern Ireland in particular, have highlighted the importance of doing so. Education helps prisoners deal with isolation, helps their health and well-being, rehabilitation and to re-enter society at the end of their prison term. It also provides prisoners with a stake in their communities and in wider society.
- 7.14 It is, in short, in everyone's interest that all prisoners, whether in separated conditions or not, are provided with opportunities of constructive activity. The

B9 Review Team was left with a sense that this has been lost sight of, with education being seen as a potential benefit to prisoners only – and one that need not necessarily be granted – and not as any benefit to society. Regardless of the financial cost of providing genuinely constructive activities, the cost to society of failing to provide them and securing the potential benefits risks placing a higher cost on society in due course. Failing to provide runs counter to the Prison Service's wider policies in relation to learning and skills, employability and, more generally, purposeful activity.

- 7.15 At the time of the review the B9 Review Team found that very few education and skills programmes are provided to prisoners in separated conditions, and prisoners have few activities available to them other than attending the gym, art or very recently introduced, music classes. Indeed, it was hard to avoid the conclusion that little had changed since the comments made by in 2007 by Dame Anne Owers, and quoted earlier in this report, describing a situation where “you had a group of prisoners who were pulling in all the resources to themselves but actually nothing was much happening with them that was going to make them less likely to offend once they left.”

The Team therefore recommends that the Compact that prisoners sign on entry to separated conditions should be reviewed, removing the caveat that the provision of education and skills will be dependent upon resources.

Quality of Provision

- 7.16 As noted in Section 5 above, in seeking to fulfil its Terms of Reference the Team struggled to acquire comprehensive and accurate information in relation to the range and nature of education and skills programmes available to prisoners in separated accommodation. It was struck by a comment made in the 2012 Prison Review Team (PRT) Report which warned that: *“It is not possible to ensure that provision is relevant without an accurate and regularly updated assessment of need. The information base available to NIPS in this, as in other areas, is at present inadequate and data is not routinely collected or analysed. It is a waste of scarce resources to commission services that are not relevant to prisoners’ requirements, and a waste of precious opportunities not to know where the gaps in provision are.”*
- 7.17 The Team does not believe that the information captured in relation to prisoner needs, the availability of provision, or the extent to which it is availed of is adequate to make a thorough assessment of the quality of existing or future provision, or how well the Prison Service is meeting its own objectives.
- 7.18 The conclusion reached by the ETI Inspectors in the November 2018 Maghaberry Inspection Report about the underdevelopment of the collection, collation and evaluation of data to monitor the impact of education, skills and

work activities also struck a chord with Team members, who found this was clearly evident in relation to the separated regime. Whether due to a lack of understanding of the system, a general lack of focus on constructive activity within the separated regime, or other reasons, the quantity, nature and consistency of data on activities undertaken and outcomes achieved made it difficult for Team members to ascertain an accurate picture of educational provision and attainment. The absence of effective outcomes measurement is striking given the current focus on 'Outcomes Based Accountability' within the wider public sector. ***The Team therefore recommends that NIPS undertakes an internal review of the way in which it gathers, retains, collates and analyses information about the need for, provision and uptake of constructive activities, including learning and skills, within the separated regime. This review should include consultation with ETI and CJINI. The Team further recommends that all relevant staff are trained on the means – and importance – of keeping the system for collecting data fully updated.***

Identifying and meeting the individual needs of prisoners

- 7.19 Good initial assessment on entry to prison is critical to ensure prisoners engage quickly with education and skills and are on the right course according to their ability and interests. As noted above, effective assessment of needs not only allows for appropriate provision for individuals but also allows the prison service and BMC to plan the overall service provision. The Service Level Agreement with BMC indicates that prisoners will be assessed within 10 days of entering the prison system. The Team acknowledges that in some cases prisoners entering the separated regime refuse to take part in such assessments but found that even for those who do comply the assessment does not always take place within this timescale.

The Team therefore recommends that initial assessment for all prisoners applying for separated status takes place within 10 days of entry to prison and that the assessment is comprehensive, taking account of a prisoner's ability and interests.

- 7.20 Upon completion of that initial assessment process each prisoner should be supported to develop a Personal Learning Plan which sets out the educational and skills activities to be undertaken to ensure that the he/she achieves the goals identified and which best meet any needs identified in the assessment process. The Learning Plan should set out key objectives and milestones which are both achievable and measurable, and these should be reviewed at least on a quarterly basis. It is essential that the Learning Plan reflects individual strengths and needs. The objectives should be neither too ambitious nor too unambitious. Where prisoners have already achieved qualifications or skills, the Plan should be designed to build upon these, not ignore or repeat them.

7.21 It should also take account of the length of time a prisoner is expected to serve. This is not to suggest that if a prisoner is expected to be in prison for only a short time they should not be provided with opportunities for constructive activity; rather it means that Learning Plans for such prisoners should be designed to be continued post-release. One option for some prisoners beyond release may be to undertake an apprenticeship. Pre-apprenticeship training could be undertaken within custody to prepare them to avail of that opportunity. It also means that for prisoners serving longer sentences the Plan should identify opportunities for longer-term progression through levels of education and skills.

7.22 Coaching is an effective way of encouraging prisoners to take opportunities on the basis that other people in similar circumstances have personal experience of the benefits, rather than on the basis that someone who is perceived as being in authority over them thinks it a good idea. It can be a useful way of introducing individuals to education who previously have had a negative experience of learning.

The Team therefore recommends that coaching should be introduced and actively used as part of a process to develop individual Learning Plans. Training will need to be provided for those who will provide the coaching, including on the process of developing Learning Plans.

7.23 Reflecting the point made in Section 2 above that constructive activity and educational and wellbeing outcomes must be considered as part of, rather than sitting alongside any desistance pathway, a prisoner's Learning Plan must fit with their overall Personal Development Plan.

The Team therefore recommends that after discussion with the prisoner, a Personal Learning Plan of education and skills should be drawn up and commenced. The plan should be owned by both the Prison Service and the prisoner, increasing their sense of agency and personal investment in ensuring it is completed. Each prisoner's education journey should be mapped with clear progression paths articulated and indicative timelines included. The prisoner should understand his/her role and responsibilities in this assessment process and, as well as gaining skills and qualifications, the plan should build confidence and self-esteem.

7.24 The B9 Review Team found that amongst the prisoners in separated conditions there are some with learning difficulties or disabilities. Consequently, there needs to be good quality, focused support to meet their needs and all should receive the appropriate professional support to allow them to participate and benefit from education in prison.

7.25 Also, just as with the wider prison population, Learning Plans for female prisoners in separated accommodation must reflect the well-evidenced need

to provide for the specific needs of female prisoners. As pointed out in the 2007 Corston Report²³, “Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to be sure that their needs are met.”

The Team therefore recommends that each prisoner’s Personal Learning Plan must reflect their individual strengths and needs – including any learning difficulties or disabilities - and include appropriate educational and skills aims. These plans should be considered as part of their overall Personal Development Plan and be reviewed regularly.

Providing employability and professional and technical skills that are relevant to the needs of employers

Essential Skills

- 7.26 Many prisoners have not benefitted from basic education while at school. The essential skills of literacy and numeracy are fundamental to be able to engage in learning and, indeed, for employment. It is appropriate that these skills are offered routinely to all prisoners. However, because there are few opportunities for progression to level 2 most prisoners are not provided with literacy and numeracy tuition beyond level 1. This is not a high enough level to allow prisoners to benefit from professional and technical courses or employment. It is also frustrating for those who already have GCSE English and/or maths at grade C or above to be offered only Essential Skills at level 1. ***The Team recommends that the essential skills of literacy and numeracy be offered as a fundamental to all education provision, provided through discrete provision and embedded in other education and skills courses. Courses must, however, be provided at the right level according to the needs of prisoners. Progression to level 2 and beyond should be provided as the norm. Those with GCSE English or maths should not be required to undertake Essential Skills.***

Professional and Technical Training

- 7.27 Good facilities for skills development are provided in the Learning and Skills workshops accessible to the non-separated prison population. However, access is not currently available to prisoners in separated conditions. Good training in a wide range of skills at levels 2 and 3 greatly enhances the opportunities for prisoners to gain employment on release. Prisoners in separated conditions should not be denied opportunities to gain skills training or qualifications, and the Prison Service must find a way to address this deficit. Options that might be considered include reviewing the arrangements regarding access to the Learning and Skills facilities to allow separated prisoners to use the workshops outside the current hours of use; extending

the range and flexibility of workshops within the prison; and exploring the potential for additional partnerships to extend the range of provision. **The Team therefore recommends that steps are taken to provide skills training for separated prisoners in a wide range of occupations.**

- 7.28 The provision of ICT training in the separated wings is unsatisfactory. The justification for this is the need to maintain Category A security, with concerns being expressed that greater access to ICT would allow prisoners widespread and inappropriate access to the internet. ICT skills today are, however, fundamental and, if prisoners are to be reintegrated into society, must be provided. Indeed, the Department for the Economy now regards ICT as the third Essential Skill alongside literacy and numeracy.
- 7.29 This issue links to the provision of access to higher education courses dealt with later in this report. The B9 Review Team is satisfied, based on examples and evidence from other jurisdictions and from elsewhere within Northern Ireland's prison system, that technologies are available to allow access to ICT equipment and training without breaching security. **The Team therefore recommends that wider access to ICT equipment and training be provided for all prisoners, including those in separated accommodation, and that this should be included as a key objective within the current NIPS ICT Strategy.**

Enterprise and Employability

- 7.30 Many of the prisoners interviewed by the B9 Review Team believe that they will not be able to access paid employment upon release. Consequently, they intend to set up their own business and become self-employed. Several recognise that they need training to be able to do this and to learn basic book-keeping. Other prisoners have no desire to set up their own business and consequently need training in employability skills including the development of CVs, and interview skills. The Team was surprised to hear that such provision is not already available. **The Team therefore recommends that enterprise and employability training be made available to separated prisoners.**
- 7.31 Those prisoners who agreed to be interviewed reported that advice and guidance or information about job opportunities are not provided, even when a prisoner's release date is imminent. This is a serious weakness as information about the current job market could and should inform a prisoner's choice of course. **The Team therefore recommends that advice and information about the job market is provided to all prisoners on an ongoing basis, especially to those who have fewer than four years to serve. The Prison Service should engage with the Department for the Economy and other statutory and voluntary sector partners to secure this information and advice.**

The provision of a varied curriculum, including life skills and arts, music and sport activities

Life skills and other constructive activities

- 7.32 Despite the small number of prisoners, the Team found a wide range of abilities and interests among the prisoners in the separated wings. These are not adequately reflected in the constructive activities available.
- 7.33 Based on interviews with prisoners in Bush House only, not all prisoners are interested in courses which lead to qualifications. Other forms of constructive activity can make a significant contribution to wellbeing outcomes – indeed the B9 Review Team believes it is difficult to see how prisoners’ wellbeing could be maintained and developed without a greater range of constructive activity being offered.
- 7.34 Prisoners value the gym facilities and art classes and regard the latter of good quality. While the Team were undertaking this review, music classes were introduced and provided by the Prison Arts Foundation.
- 7.35 These classes are provided as hobby activities and do not lead to recognised national qualifications. However, a few prisoners expressed an interest in pursuing qualifications and training to become personal trainers in order to prepare for employment on release.
- 7.36 Most of the prisoners spoke about boredom and indicated that they would like to be involved in activities such as gardening in the recreation yard in the separated areas. At this stage, they do not wish to pursue qualifications as they recognise that this may be difficult for the prison to provide. The Team was surprised to be advised by NIPS that gardening could not be provided within the separated regime for security reasons.
- 7.37 Prisoners who are qualified in areas such as painting and decorating are willing to teach others some basic skills. Similarly, prisoners expressed interest in learning woodwork and other construction skills. While these skills should generally lead to qualifications, there is an argument also to offer them without accreditation to those prisoners who wish only to engage in purposeful activity rather than gain qualifications. ***The Team therefore recommends that a broad range of purposeful activities, beyond even those mentioned above – and including gardening – be offered to reduce prisoners’ boredom and isolation including life skills and arts, music and sport activities.***

- 7.38 Some prisoners realise the value of education and indicated that, while they had missed out at school, they now encourage their children to work and to do well at school. However, as parents they do not know the curriculum their children are following and, even if they do, the resources necessary to help their children with specific projects are not available within the prison. Engaging in activities to encourage and support their children would also offer opportunities to develop their own literacy and numeracy. The Department of Education provides materials of this nature via 'nidirect'²⁴, but without access to the internet this would not be accessible to separated prisoners. ***The Team therefore recommends that the Prison Service engages with the Department of Education to obtain or develop, as necessary, information about the curriculum in schools and resources that prisoners can use with their children.***
- 7.39 Many of the prisoners interviewed indicated that they would like to be able to cook basic meals but do not have the skills or the facilities while in separated conditions. ***The Team therefore recommends that the potential to provide basic cookery classes, including lessons on how to prepare healthy meals, be explored.***

Academic Courses including Open University

- 7.40 As the teaching in Maghaberry is now provided mainly by BMC, a range of GCSE and A-level courses should be offered. These should be provided through a mixture of online and blended learning.
- 7.41 The opportunity to pursue higher level education through the OU is an important feature of education within prisons across the UK and beyond. The University provides access to “new ways of seeing the world, to new horizons and networks, and to significantly enhanced job opportunities”²⁵, and studies have shown that for many prisoners “higher education has the potential to open up a range of opportunities and prosocial life choices. Importantly, higher education is a form of collateral that can be used as currency to negotiate the stigma commonly experienced by former prisoners in the conventional world” (Aresti & Darke, 2016).²⁶
- 7.42 The B9 Review Team heard of a recent history of disruption to the level of support provided to separated prisoners in relation to OU support, both in terms of meetings with relevant staff and transfer of OU support material into and out of Maghaberry. Considering this, the recent appointment of a Distance Learning Co-ordinator is a positive step, providing an opportunity to “reboot” the provision of OU opportunities within the separated regime. The new Co-ordinator began working during the period of the Team’s work, and early indications are that the post-holder is making a very positive impact in identifying and addressing issues, many of which appear to the Team to be

low level. The Co-ordinator has established sound working relationships both with the prisoners and the prison staff, but the opportunity that this appointment has created will only be realised if there is a willingness on the part of the wider prison regime to see that happen. While it is understandable that security considerations often take precedence over any other issue, it should not be allowed to prevent proper consideration of sensible, pragmatic and safe solutions to the challenges of providing access to education.

- 7.43 At the simplest level the B9 Review Team can see no reason, for example, why arrangements cannot be made for material sent to a printer by separated prisoners to be checked and presented back to them within a maximum period of a few hours.
- 7.44 Again, however, the Team wishes to stress that NIPS should not stop at addressing such straightforward issues. The Team was provided with details of the new Distance Learning Co-ordinator's Role Description, which includes responsibility to "explore and develop new opportunities for distance learning delivery" and to "review existing distance learning policy and information sharing agreement." While this is a positive development, the Team believes that a review of the distance learning policy should be ambitious, should involve other staff within and beyond Maghaberry, be led by the Director of Rehabilitation within the Prison Service, and be linked to the review of ICT provision.

Use of virtual education provision

- 7.45 The B9 Review Team is clear that online distance learning, or e-learning, has the potential to overcome a number of the challenges to effective education provision associated with separated, high-security accommodation. It can overcome the challenge of scale, whereby too few prisoners wishing to undertake a particular course make it financially difficult to provide. It can extend the range of subjects and topics offered, and provide for more individually tailored learning plans as recommended above. Prisoners on shorter sentences can continue courses post-release, while those on longer sentences can develop and maintain important ICT skills. E-learning can also assist in reducing the challenges associated with recruiting and retaining teaching staff across a broad range of subjects, including the provision of Irish language teaching which was raised with the Team by prisoners.
- 7.46 Prison services in many countries have been seeking to adopt e-learning to improve access to educational opportunities for prisoners²⁷, and considerable progress has been made in recent years. Among these initiatives, the OU's 'Virtual Campus' is now being rolled out in the majority of prisons in England and Wales. The OU describes the Virtual Campus as a secure intranet system which allows students to access a range of information and communication facilities and other resources which would otherwise only be available online. It enables students to view audio-visual material; take part in

the module quizzes and interactive activities; complete interactive computer-marked assignments (iCMAs); and contact their tutor through a secure relay messaging service. Virtual Campus advisers (such as prison tutors, personal officers and probation officers) can also use it to create and manage learner action plans; send 'secure relay messages' to the learner; and view statistics for cohorts of students.

- 7.47 The Virtual Campus does not normally provide access to the internet, but this can be enabled in very carefully controlled conditions, supervised by staff (such as undertaking an examination on-line). Reflecting the importance of 'through-the-gate' provision, the Virtual Campus can also be accessed in the community, allowing people to access job-related material developed prior to release.
- 7.48 Reflecting the B9 Review Team's finding that many prisoners within the separated regime are interested in developing non-academic interests, the Virtual Campus also provides access to other content, such as support for healthier lifestyles, and strengthening family relationships.
- 7.49 The small number of prisoners in separated conditions has resulted in classes not running or starting and stopping mid-course because of the numbers in a class dropping below the minimum threshold of five. However, given the small number of prisoners in the separated wings, this threshold is unreasonable. In addition, the courses, because of a prisoner's interest and level of ability, necessitates an individual, personalised programme. The costs of providing courses to small numbers of prisoners could be mitigated and reduced considerably using technology. The Team is not suggesting, however, that IT is used to replace classroom teaching; rather that it is used to reduce the need for class contact using a blended learning model.

The Team therefore recommends:

- ***that the review of ICT and the review of Distance Learning be linked;***
- ***that a team be established to take forward the review of Distance Learning, with ambitious Terms of Reference and including NIPS staff responsible for Learning and Skills, Regimes and Security, and Resettlement, and OU representatives with experience of the use of the Virtual Campus in high security environments;***
- ***that the Distance Learning Review team be led by the NIPS Director of Rehabilitation; and***
- ***that the Distance Learning Review Terms of Reference include "the development of proposals, linked to the review of ICT, to extend access to the virtual education resources to prisoners within the separated regime."***

8. Implementation of Recommendations

Training and Support

- 8.1 The Team notes the progress recorded in the recent inspection in relation to the provision of education and purposeful activity within Maghaberry Prison. It is concerned however that the degree of change that is necessary for this to continue may not extend to the management of the separated regime. If the recommendations within this report are to be implemented in full, staff will need to be trained and supported to implement a shift in the importance and value of education and skills for *all* prisoners, including those in separated conditions.

The Team therefore recommends that a training and support programme be developed to provide staff with the understanding and skills to engage with and implement the recommendations.

Commissioning / piloting the new model

- 8.2 The B9 Review Team was asked to contribute to the development of commissioning requirements for the delivery of the new model of constructive activity; and to advise on the evaluation of the delivery of the new model of constructive activity (pilot delivery phase).
- 8.3 The Team has set out above the framework of a new model. Implementing it and other related recommendations will require further review of existing practice within NIPS and elsewhere, including the broadened review of IT provision. The outcome of that work should all be taken account of in developing the detail of the model and a pilot.
- 8.4 The Team believes that it would be more beneficial for NIPS personnel, including staff within Maghaberry, to take the lead in developing the pilot and related commissioning requirements, as this would in itself contribute to the training described above.

Management and Oversight

- 8.5 Implementation of the Prison Review Team's 2011 review of the Prison Service required the establishment of a Ministerial oversight group. The

strength of that group arguably reflected the size of the challenge that implementing the recommendations involved. While the recommendations within this report are less extensive, the Team believes that input and oversight will be required from outside NIPS.

The Team therefore recommends that a Steering Group be established, chaired by the Director General, to oversee the establishment of ‘task and finish’ groups to implement the recommendations within this report. That group should include people with relevant knowledge and skills drawn from other statutory and non-statutory backgrounds. The same Steering Group could also be used to oversee implementation of any recommendations arising from the review described under B10 of the Executive’s Action Plan.

NIPS should be required to report on a regular basis on steps taken in response to the recommendations within this report. Reports should include a detailed explanation of steps taken to implement recommendations and an explanation of any obstacles encountered and measures taken to overcome them or, if that is not possible, to mitigate the outcomes. The reports should be presented to the reporting and implementation arrangements established to oversee the implementation of the Tackling Paramilitarism recommendations.

The Team also recommends that any future inspection of Education, Skills and Work Activities undertaken by ETI should include a specific section examining provision within the separated regime.

Potential Costs

- 8.6 The B9 Review Team recognises that the provision of new classrooms and workshops, or the development of e-learning suites to allow improved access to online resources will require investment. But it approaches its recommendations from the position that providing meaningful access to learning and skills is a requirement to which the Prison Service is obliged and has committed itself in its own policies. Any additional facilities will benefit also the wider prison population.
- 8.7 In addition, the Team believes that for the Prison Service the development of such facilities offers the potential for longer-term cost savings and a reduction in the opportunity costs currently associated with long-term staff absences.

8.8 For wider society, the financial benefits of reducing re-offending have been clearly established, with clear evidence that shows that prison education and professional and technical interventions produce a net benefit to the public sector.²⁸

9. Summary of Recommendations

Constructive Activity linked to Desistance Pathway

1. The issues of the nature and operation of the separated regime, and of the constructive activity made available within it, should all be considered as part of - rather than separate to - the proposed development of a desistance pathway for offenders with links to paramilitary groups to assist them as they prepare to return to their communities and to support their successful reintegration.

Education and Skills for All

2. The NIPS policy on the separated regime should include a stated requirement that any prison with separated accommodation provides an equivalent level of education and other constructive activities within the separation regime to that available within the integrated regime.
3. Any future Service Level Agreement with an external learning and skills provider must extend to include the separated regime.
4. NIPS should engage with Her Majesty's Prison and Probation Service and other prison authorities to examine the potential for mutual learning, or for developing shared proposals for constructive activity provision for separated, high security regimes, including distance learning provision.
5. The Compact that prisoners sign on entry to separated conditions should be reviewed, removing the caveat that the provision of education and skills will be dependent upon resources.

Quality of Provision

6. NIPS should undertake an internal review of the way in which it gathers, retains, collates and analyses information about the need for, provision and uptake of constructive activities, including learning and skills, within the separated regime. This review should include consultation with the Education and Training Inspectorate and Criminal Justice Inspection Northern Ireland.

7. All relevant staff are trained on the means – and importance – of keeping the system for collecting data fully updated.

Identifying and meeting the individual needs of prisoners

8. Initial assessment for all prisoners applying for separated status should take place within 10 days of entry to prison; the assessment should be comprehensive, taking account of a prisoner's ability and interests.
9. Coaching should be introduced and actively used as part of a process to develop individual Learning Plans. Training will need to be provided for those who will provide the coaching sessions, including on the process of developing Learning Plans.
10. After discussion with the prisoner, a Personal Learning Plan of education and skills should be drawn up and commenced. The plan should be owned by both the Prison Service and the prisoner, increasing their sense of agency and personal investment in ensuring it is completed. Each prisoner's education journey should be mapped with clear progression paths articulated and indicative timelines included. The prisoner should understand his/her role and responsibilities in this assessment process and, as well as gaining skills and qualifications, the plan should build confidence and self-esteem.
11. Each prisoner's Personal Learning Plan must reflect their individual strengths and needs – including any learning difficulties or disabilities - and include appropriate educational and skills aims. These plans should be considered as part of their overall Personal Sentence Plan and be reviewed regularly.

Providing employability and professional and technical skills that are relevant to the needs of employers

12. The essential skills of literacy and numeracy should be offered as a fundamental to all education provision, provided through discrete provision and embedded in other education and skills courses. Courses must, however, be provided at the right level according to the needs of prisoners. Progression to level 2 and beyond should be provided as the norm. Those with GCSE English or Maths should not be required to undertake Essential Skills.

13. Steps should be taken to provide skills training for separated prisoners in a wide range of occupations. This should be considered as part of the further development of Maghaberry partnerships and facilities.
14. Wider access to ICT equipment and training should be provided for all prisoners, including those in separated accommodation, and this should be included as a key objective within the current NIPS ICT Strategy.
15. Enterprise and employability training should be made available to separated prisoners.
16. Advice and information about the job market should be provided to all prisoners on an ongoing basis, especially those who have fewer than four years to serve. The Prison Service should engage with the Department for the Economy and other statutory and voluntary sector partners to secure this information and advice.

Provision of a varied curriculum, including life skills and arts, music and sport activities

17. A broad range of purposeful activities should be offered to reduce prisoners' boredom and isolation including, among other, life skills and arts, music and sport activities.
18. NIPS should engage with the Department of Education to obtain or develop, as necessary, information about the school curriculum and resources that prisoners can use with their children.
19. The potential to provide basic cookery classes, including lessons on how to prepare healthy meals, should be explored.

Use of virtual education provision

20. The review of ICT and the review of Distance Learning should be linked.
21. A team should be established to take forward the review of Distance Learning, with ambitious Terms of Reference and including NIPS staff responsible for Learning and Skills, Regimes and Security, and Resettlement, and OU representatives with experience of the use of the Virtual Campus in high security environments.

22. The Distance Learning Review team should be led by the NIPS Director of Rehabilitation.
23. The Distance Learning Review Terms of Reference should include “the development of proposals, linked to the review of ICT, to extend access to virtual education resources to prisoners within the separated regime.”

Implementation and Oversight

24. A training and support programme should be developed to provide staff with the understanding and skills to engage with and implement the recommendations.
25. A Steering Group should be established, chaired by the Director General, to oversee the establishment of ‘task and finish’ groups to implement the recommendations within this report. That group should include people with relevant knowledge and skills drawn from other statutory and non-statutory backgrounds. The same Steering Group could also be used to oversee implementation of any recommendations arising from the review described under B10 of the Executive’s Action Plan.
26. NIPS should report on a regular basis on steps taken in response to the recommendations within this report. Reports should include a detailed explanation of steps taken to implement recommendations and an explanation of any obstacles encountered and measures taken to overcome them or, if that is not possible, to mitigate the outcomes. The reports should be presented to the reporting and implementation arrangements established to oversee the implementation of the Tackling Paramilitarism recommendations.
27. Any future inspection of Education, Skills and Work Activities undertaken by

ETI should include a specific section examining provision within the separated regime.

Sustainability

28. The team is mindful that the implementation of the report's recommendations will also require sustainable and sustained investment over the longer term rather than being limited to the timescale of the Tackling Paramilitarism Programme; nor will success be possible by operating in isolation from delivery partners within and beyond the justice system, including the Northern Ireland Office.

10. Annexes

Annex A Educational Attainment Record of Separated Prisoners

Table 1: Educational Attainment record of separated prisoners currently held in Bush House

Prisoner	Essential Skills Literacy Entry Level 2	Essential Skills Literacy Entry Level 3	Essential Skills Literacy Level 1	Essential Skills Literacy Level 2	C&G Literacy Level 2	Essential Skills Numeracy Entry Level 2	Essential Skills Numeracy Entry Level 3	Essential Skills Numeracy Level 1	Essential Skills Numeracy Level 2	C&G Numeracy Level 2	Employability Skills Entry Level 3	C&G Employability Level 2	Manual Handling Level 1	Irish	Computers	OU
Bush 1																
Bush 2														2017	--/02/18	
Bush 3		06/07/16						06/07/16						2017	--/02/18	
Bush 4																
Bush 5																
Bush 6				29/11/17				29/11/17							--/02/18	
Bush 7																
Bush 8									28/07/11							G1 Pass 30/07/12
Bush 9																
Bush 10																
Bush 11		21/11/18						21/11/18								
Bush 12				21/09/12				21/09/12								Access 15/06/18
Bush 13	21/11/18					21/11/18										

Bush 14			05/11/18													
Bush 15	21/11/18					21/11/18							22/05/18			
Bush 16			21/11/18													
Bush 17			14/09/16	05/11/18				14/09/16								
Bush 18	21/11/18							21/11/18								
Bush 19																
Bush 20		21/11/18						21/11/18								
Bush 21													25/09/18			

Table 2: Educational Attainment record of separated prisoners currently held in Roe House

Prisoner	Essential Skills Literacy Entry Level 2	Essential Skills Literacy Entry Level 3	Essential Skills Literacy Level 1	Essential Skills Literacy Level 2	C&G Literacy Level 2	Essential Skills Numeracy Entry Level 2	Essential Skills Numeracy Entry Level 3	Essential Skills Numeracy Level 1	Essential Skills Numeracy Level 2	C&G Numeracy Level 2	Employability Skills Entry Level 3	C&G Employability Level 2	Manual Handling Level 1	Irish	Computers	OU
Roe 1				07/09/17				07/09/18			14/09/18	14/09/18 23/11/18				Pass 21/07/16 G2 Pass 25/07/18
Roe 2																
Roe 3			21/09/17		20/08/18			21/09/17		25/01/18	14/09/18					

Roe 4			21/09/17					21/09/17								
Roe 5			12/09/17					12/09/17								
Roe 6																
Roe 7																
Roe 8			21/09/17					21/09/17						2017		
Roe 9		09/08/18	22/09/17		20/08/18			22/09/17	29/01/18					2017		
Roe 10			25/03/09					25/03/09			14/09/18	23/11/18		2017		Distinct n21/07/16 Distincti on 25/07/18

Annex B Individuals and Organisations Consulted

Belfast Metropolitan College

Department of Justice

Education and Training Inspectorate

Independent Assessment Team

Northern Ireland Prison Service

Open University

Prisoners in separated conditions in Bush House and Ash House

Annex C *‘Building a safer community through learning and skills’.*

Service Level Agreement between Northern Ireland Prison Service and Belfast Metropolitan College and North West Regional College for the provision of learning and skills services

Main aim

By implementing a curriculum and outsourcing learning and skills provision the aim is:

To ensure that individuals are supported improve their learning and skills while in prison custody, thereby increasing employability, supporting effective resettlement and reducing the risk of future offending.

Objectives:

- to ensure appropriate and timely educational induction, assessment and planning takes place for each individual committed into custody.
- to ensure appropriate priority is afforded to student attendance of learning and skills activities
- to ensure individuals are supported to continue their learning on transfer between establishments and on release from custody
- to ensure individuals have a positive learning experience while in prison custody
- to secure improvements to the learning and skills facilities across the NIPS estate
- to deliver the best possible outcomes within available resources
- to take account of best practices, innovation and external reports
- consolidate recommendations and learning from pilot period and inspections
- to develop and ICT innovation plan for Learning and Skills
- to ensure an agreed curriculum is in place at each site and reviewed annually
- to maximise the use of the flexible fund to broaden provision by supporting innovation, increase accreditation levels and achievement
- ensure all curriculum delivery has the option of level 2 accreditations
- identify opportunities in the curriculum for a level 3 delivery
- mapping exercises to identify wider partners and increase multi-partner engagement
- maximise blended learning within purposeful activity

ICT Supporting Learning:

ICT and digital systems in prison must support more flexible access to learning that is tailored to the needs of individual learners and enables participation in distance and other learning.

If prisoners are, on release, to secure employment, continue to study, or otherwise contribute to society, they must be given the opportunity to use and improve their digital skills while in prison. Such skills form a key part of strategies in further and higher education for the wider population. There is a risk that prisoners will fall further behind in a world that demands digital skills in general.

Use of tablets would open access to a range of materials that can be preloaded onto devices and access provided to enhance the learning experience and develop skills.

Videoconferencing could also enable remote learning with a teacher from the local FE establishment or HE college working with prison learners via video link. A virtual classroom enables a single lecturer to deliver tuition to geographically disparate locations, enabling large groups of learners to be taught simultaneously via video streaming and podcasts. This approach could help to address the issue of creating financially viable groups of higher-level learners, regardless of their prison establishment.

Supporting greater Internet access in prisons comes as many examination bodies increasingly move to online access and online examinations only. Without it, prison learners will be at an additional disadvantage in gaining the qualifications they will need to avoid reoffending in the future.

Objective:

The partnership will work together to explore innovative ways to enhance the Learning and Skills network enabling greater use and engagement to maximise the use of ICT for the delivery of learning and skills.

Service providers will participate in NIPS IT project management boards to ensure all necessary advantages for learning and skills are taken around both infrastructure and access opportunities, including their direct contribution towards the NIPS Learning and Skills IT plan. Participation will be within the existing management costs of the SLA, however additional costs associated with innovation and enhancement of the digital support will be considered either as a separate business case and funding streams/realignment funding agreement with service providers or from the flexible budget.

Flexible budget arrangements and governance:

1. Description

A flexible budget has been allocated within the overall annual funding of the SLA. The flexible budget available is shown in appendix G and is allocated against additional provision which must be based on identified need of the prison population to enhance opportunity for accreditations/employment and well-being development.

2. Areas for funding

the flexible budget can be allocated for the following:

- increase or widening of curriculum
- higher accreditations for existing provision
- special educational needs
- foreign national students and minority groups
- pilot projects
- employment development
- taster sessions/motivational modules and programs
- staff development to support and enhance provision
- long-term sick absence management

All proposals for funding from the flexible budget must be in line with the aims, objectives and standards of the SLA, and clearly have learning and skills focus.

3. Governance

All proposals for funding from the flexible budget must be based on unidentified population need. This can be agreed at local establishment level or at strategic management board (if required). Once the Governor of the establishment has agreed the need and the desired outcomes and benefits with the Head of Learning, they will commission either service provider to source the product that meets the requirements. This should be formal and in writing to the College program lead.

The service providers will source options that meet the requirement and provide detailed information on costs to the Governor. Service providers may provide a number of options and may use third parties/other suppliers under the terms of the service providers' procurement policies.

Once the Governor is satisfied the requirement has been met on the provision and agreed the best option with the Head of Learning, a funding request will be made to the Management Board for consideration.

The Strategic Management Board will be consulted to ensure the proposal is learning and skills focused and in line with the aims of the SLA. The proposal will be shared with the other service providers' establishment provide an opportunity for the vision across other establishments if the need exists.

Annex D Council of Europe Recommendation No. R (89)12 of the Committee of Ministers to Member States on Education in Prison

On the 13th of October 1989, the Council of Europe adopted a set of recommendations outlining the needs and responsibilities concerning the education of imprisoned persons in Europe.

These recommendations stipulate that all imprisoned persons should be offered the opportunity to engage in educational activities and that these activities should serve to develop the whole person, be conducive to effective reintegration, and encourage a reduction in recidivism.

These recommendations form the basis of the objectives of the European Prison Education Association, and have been ratified in the educational policies of a number of European countries, still we have a long way to go to ensure that the recommendations are sufficiently implemented across Europe and internationally.

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the right to education is fundamental;

Considering the importance of education in the development of the individual and the community;

Realising in particular that a high proportion of prisoners have had very little successful educational experience, and therefore now have many educational needs;

Considering that education in prison helps to humanise prisons and to improve the conditions of detention;

Considering that education in prison is an important way of facilitating the return of the prisoner to the community;

Recognising that in the practical application of certain rights or measures, in accordance with the following recommendations, distinctions may be justified between convicted prisoners and prisoners remanded in custody;

Having regard to Recommendation No. R (87) 3 on the European Prison Rules and Recommendation No. R (81) 17 on adult education policy,

Recommends the governments of member states to implement policies which recognise the following

1. All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities;
2. Education for prisoners should be like the education provided for similar age-groups in the outside world, and the range of learning opportunities for prisoners should be as wide as possible;
3. Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context;
4. All those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible;
5. Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education;
6. Every effort should be made to encourage the prisoner to participate actively in all aspects of education;
7. Development programmes should be provided to ensure that prison educators adopt appropriate adult education methods;
8. Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems;
9. Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour-market;
10. Prisoners should have direct access to a well-stocked library at least once a week;
11. Physical education and sports for prisoners should be emphasised and encouraged;
12. Creative and cultural activities should be given a significant role because these activities have particular potential to enable prisoners to develop and express themselves;
13. Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating his return to society;
14. Wherever possible, prisoners should be allowed to participate in education outside prison;
15. Where education has to take place within the prison, the outside community should be involved as fully as possible;
16. Measures should be taken to enable prisoners to continue their education after release;
17. The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available.

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