

Seizing the moment

Matthew Coffey, Director, Further Education and Skills
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Good morning.

Today, nearly 84,000¹ people are in prison in England and Wales.

In institutions like the one we've just seen, there are just over 7,000² young people up to the age of 20 struggling to come to terms with a future blighted by the crime they have committed.

Seventy-two per cent of under 18-year-olds re-offend within a year of release from custody³. That means that four of those young people could be back in prison within a year. For adults released from custody, the re-offending rate is 47%⁴. These figures are totally unacceptable in a modern society such as ours.

Who are these people most likely to be?

I'm afraid we simply don't know. There are no reliable data on prisoners' backgrounds. But small-scale research⁵ published last year indicates that the very complex personal histories of people who are sentenced to prison include: being in care; experiencing abuse as a child; being excluded from school; having a family member who had spent time in custody; having no academic qualifications; and being unemployed at the time they committed the offence.

Hindsight is a wonderful thing.

¹ Population Bulletin, Weekly, 4 October 2013.

² Offender management statistics quarterly, January-March 2013.

³ 72.3%; Proven re-offending 12 months to September 2011, Table 19b; www.gov.uk/government/publications/proven-re-offending-statistics-october-2010-to-september-2011. Proven re-offending is defined as any offence committed in a one year follow-up period and receiving a court conviction, caution, reprimand or warning in the one year follow-up. Following this one-year period, a further six-month waiting period is allowed for cases to progress through the courts.

⁴ 46.9%; Proven re-offending 12 months to September 2011, Table 19a; www.gov.uk/government/publications/proven-re-offending-statistics-october-2010-to-september-2011.

⁵ Surveying Prisoner Crime Reduction survey – July 2012.



We all know the political mantra: 'Be tough on crime and the causes of crime' and 'Prison works'. I have no concerns that, as a society, we are tough on crime. Anyone here who has been a victim of crime will understand just how life-affecting, even life changing, it can be. But are we tough enough when it comes to understanding and investigating the causes of crime? My view is that we are tough on crime but not tough enough on the causes of crime. I intend to use this opportunity to explain what I mean.

Unusually for one of Her Majesty's Inspectors, I'm going to start by making two assumptions, rather than triangulate the evidence.

The first assumption is that not everyone in this room has been inside a prison before today – I'm sure many of you have, but not everyone.

The second assumption is that even fewer of you have spent the night as a convicted criminal, deprived of your liberty in one of Her Majesty's 123 prisons in England and Wales.

Personally, I have had the privilege and sometimes the misfortune to visit a good number of those 123 prisons. Thankfully, I have never spent the night as a convicted criminal.

Aside from the many hundreds of prisoners I have spoken with over the years, and the 'night visits' I have undertaken with my colleagues from HMIP, the nearest I have been to understanding what it might be like to be incarcerated was reading John's book, 'Inside'.

It is clear that being in a prison is no picnic and it's not meant to be. The point is that society sets the sentence for the crime and expects it to be delivered out of sight. Protecting the public is a clear aim of our courts and quite correctly, it is the first objective of Her Majesty's Prison Service and the reason for the 20-foot walls and iron gates you came through today. But a prison sentence also serves as a deterrent to others in order to support crime reduction. A sentence also aims to support the rehabilitation of offenders and serves as a punishment to the individual who stands convicted.

I am most concerned with the last two issues: punishment and rehabilitation. Let me put my cards on the table straight away. I think the punishment element of the sentence has unintended consequences that hinder a prisoner on their journey to being rehabilitated. This, in turn, contributes to the cycle of re-offending we see today. More on this in a moment.

So the two key and obvious challenges are to:

- stop people from coming into prison in the first place - in other words, being tough on the causes of crime
- and for those that do end up in a place like this, make sure it's the one and only time - in other words, make sure that prison really does work.

Currently, just under a quarter of the total prison population is under the age of 25. That's almost 20,000 young people who are incarcerated today.⁶ For me, being tough on the causes of crime means engaging with those who present with characteristics most likely to lead to future criminal behaviour at the earliest possible age.

Sir Michael's lecture on 'Unseen children' highlights the scandal that children from poorer backgrounds do much less well than their better off peers in our schools. These young people need to see their value and be motivated to learn and achieve before they are drawn into the influences that can lead to crime and, sadly, to a life of crime.

This brings me to the second issue, that of re-offending. For adults who have been in custody, the re-offending rate for the 12 months ending September 2011 was 47%. The re-offending rate for the same period for juveniles in custody was even more shocking - at 72%. Almost three out of every four juveniles who left custody that year hadn't managed to settle into a life that didn't involve crime.

The challenge is to halt this cycle of re-offending, this revolving door, in and out of prison. The situation is only marginally better than it was 10 years ago.

Every prisoner costs the tax payer on average approximately £34,000 a year.⁷ Coincidentally, one year at Eton will also cost you around £34,000,⁸

The reasons why an individual offends or even re-offends have long been the topic of much research and debate.

Employment is just one of the identified seven key factors that individually, or more collectively, contribute to the preventing crime prevention. It is the one that I'm focusing on today.

Research has shown that being in employment can reduce the risk of re-offending significantly.⁹ It wouldn't take long for us all to put together the benefits of having a job. I'd propose:

- a sense of purpose and pride
- financial independence
- being given responsibility

⁶ Offender management statistics quarterly, January-March 2013.

⁷ Cost per prisoner 2011-12, National Offender Management Service Annual Report and Accounts 2011-12, Management Information Addendum.

⁸ <http://www.etoncollege.com/currentfees.aspx>, accessed 2 October 2013.

⁹ *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*, Ministry of Justice, March 2013.

- and, hopefully, having your contribution recognised.

Whatever the benefits, they must outweigh the pull towards criminal behaviour. Above all, there must be greater opportunities for ex-offenders to earn an honest wage through an honest job. Resettlement must not mean settling back into the life that leads to crime in the first place.

As you will have noted from the characteristics I mentioned previously, offenders do not generally have a history of secure employment. In a recently published survey, almost two thirds of prisoners had been in receipt of benefits at some point in the 12 months prior to coming into custody and 13% reported never having had a job.¹⁰ And the chances of future employment are, frankly, far too bleak.

But the numbers simply don't add up. There are currently about six job vacancies for every prisoner.¹¹

In skills shortage areas, such as manufacturing, accommodation and food services, there are approximately 89,000 unfilled jobs.¹² That would give every prisoner a job today.

But, as we all know, it isn't as easy as that. Even for those with good employability skills, being an ex-offender is the most significant barrier to employment.

The two main reasons for this remain the same as when I did my own master's research just over six years ago.

There are still two extrinsic barriers:

- **The sentence aim** – denunciation or censure; in other words, punishment. The sentence itself does not focus enough on positive resettlement or increasing the offenders' chances of a job. For example, how often does a judge give the directive that an adult prisoner must complete an English or maths qualification?
- **Disclosure rules** – as in the Rehabilitation of Offenders ACT 1974. I of course welcome the very recent amendments to the Act, but they don't go far enough. For example, currently, a custodial sentence of up to six months must be declared for the next seven years. If you have been in prison for more than 30 months, you must declare your offence to a prospective employer for the rest of your life. Why is this? Why does the Rehabilitation of

¹⁰ Surveying Prisoner Crime Reduction survey, July 2012; the pre-custody employment, training and education status of newly sentenced prisoners.

¹¹ There were 531,000 job vacancies for June to August 2013. Labour Market Statistics, September 2013; <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/september-2013/statistical-bulletin.html> ;

¹² Labour Market Statistics, September 2013

Offenders Act consider a prisoner is rehabilitated just by the passage of time?
Or never in the case of those sentenced to more than 30 months?

Nils Christie, a well-respected professor of criminology at Oslo University, said,

'...a prisoner released after serving a sentence should always be met with an orchestra outside the walls. Later should follow the big, integrative feast. That would have been reintegration.'

The intrinsic barriers are equally challenging:

- employers' attitudes to employing ex-offenders
- lack of vocational skills
- lack of employability skills
- lack of practical skills in English and maths
- and of course the other factors in reintegration pathways, especially accommodation, debt and drug and alcohol misuse.

But I also wonder if the pull of what lured them into crime in the first place – the influences, the temptation, the downward spiral – are just far too difficult for some to overcome. But just because something is difficult doesn't mean we should lower our expectations. Ambition is a powerful force to be reckoned with.

We all know that good quality education and training in prisons can make a significant difference to bringing offenders closer to the world of work. We have seen outstanding examples of prisons investing time and money to work with employers in partnership with the education and training provider and other organisations to enable prisoners to develop excellent vocational skills to high industry standards. But we also know that these examples are all too scarce.

Only 27 of the 78 prisons we have graded for learning and skills and work since 2009 were judged to be good for overall effectiveness or leadership and management at their latest inspection. That's just 35%. None was outstanding. Eleven were inadequate – that's nearly 15%. Too much education and training is simply not good enough.

If these figures related to our schools, there would be a national outcry. Secretaries of State would, I'm sure, be asked to resign. Yet this particular education provision is serving some of the country's most vulnerable people and the taxpayer is footing the bill. And if the measure of its success is in re-offending rates, then 47% for adults and 72% for juveniles give no cause for celebration.

The catalogue of weaknesses that have remained over the years are unacceptable:

■ **Poor attendance**

How ironic, in an environment with the most captive of audiences. I understand that security is paramount in prisons, but poor attendance at work or training is all too often the result of poor management of regimes. All too often, FE and skills are simply not seen as a priority by prison staff.

■ **Poor punctuality**

Motivation and enthusiasm can be a vital ingredient for making sure you're always on time. But the regime needs to be such that it supports prisoners in getting to work on time.

■ **Weak careers information and advice**

Prisoners are generally not getting sufficient direction from the National Careers Service to help plan their education and training in line with their plans for employment on release.

■ **Poor quality teaching**

One of our inspectors witnessed a three-hour session on apostrophes.

■ **Vocational qualifications that are too low**

Low level qualifications may be relevant for those who are completely new to a vocational area, but far too many prisoners gain qualifications that do little to show future employers their skills and potential.

But an even greater weakness is when prisoners are locked up in their cells during the day and cannot attend training or work. A direct consequence of over-crowding perhaps?

I'd really like to know why the good and outstanding practice we have identified in one prison isn't transferred to every other prison – or even, as in some cases, maintained in that prison.

Let me give you an example. In 1999, Lord Ramsbotham, the then Chief Inspector of Prisons, led the inspection of HMP Altcourse, a two-year-old category 'B' prison on the outskirts of Liverpool built and run by Group 4. David famously referred to the prison as 'the jewel in the crown of the prison service'. With reference to the preparation of prisoners for the world of work, he commented:

'We were informed that local employers were not interested in prisoners having particular skills, but, more generally, having an attitude for work. This work ethic was central to the thinking of the Employment and Training Department and involved prisoners working a 40-hour-week which reflected, as much as possible, the real world of work. Prisoners were discouraged from having domestic visits during the working day and received a financial penalty if day-time visits were arranged.'

The report goes on to judge favourably the system of offenders being given pass keys that enabled them to make their own way through a prescribed and secure route from their cells to the workplace every day. Getting up, getting breakfast and making their own way to work on time was firmly the responsibility of the individual offender. Wages were proportionally cut if offenders turned up late for work. David also expressed his concern that, as this was a private prison, the public Prison Service would not take on board and share this good practice. He was right.

The learning and skills opportunities remained strong at the last inspection in 2012. So why isn't every other prison doing this?

Very few prisons promote employability skills and attitudes effectively. For example, I observed one group doing restoration work on bicycles start the afternoon session with a 20-minute tea break.

Far too few prisoners enter prison and then leave it able to calculate a weekly budget, complete a simple work log book or follow written instructions on a work schedule. Data from initial assessments have shown that, in some prisons, about 75% of prisoners' English and maths skills are assessed to be below the equivalent of a GCSE at grade C; 50% do not have the skills expected of an 11-year-old.

And the list can go on ... But each one of those weaknesses mean that prisoners' time is not being used to help them move closer to employment on release.

The core value of education and training in prisons must be, quite simply, giving every prisoner a second chance. For most prisoners, a sentence is a small but significant part of their lives: put there by society as a punishment for their crime; a moment to reflect – to hopefully show remorse. We must seize this moment. This is a captive audience. In every single prison in the country we have the most fantastic opportunity to do amazing things with the hardest to help in our society. But it needs energy, determination, enthusiasm and expertise – it needs the **best** teachers, the **best** managers and the **best** advisers. But above all, it needs commitment and a belief among prison staff and all the partners involved that giving every prisoner a second chance is the right thing to do.

Aside from the moral and social imperative, there is a clear financial driver – fewer prisoners, fewer prisons, more in employment, more income tax, less crime, more educated parents better able to support their own children's education ... I could go on.

It's clear that there is no easy solution, but inspection over the years has helped us identify a pattern of key approaches that have led to successful progression to work for prisoners on release and ultimately lower occurrences of re-offending.

Getting employers such as Timpson's involved not only in training but also developing prisoners' employability skills is perhaps one of the most important components of good vocational provision in prisons.

We also need to promote of the advantages of working to offenders in prisons. They must be given a clear opportunity to see that there is a realistic alternative to crime. Ex-offenders with jobs in the community provide good role models.

I have seen some excellent training and work resources in prisons, but it takes investment and commitment by the companies and the prisons. It takes ambition and determination.

- Rail track training sites, such as at HMP Ranby and Wealstun, really do help prepare prisoners gain the rail track qualifications that almost guarantee a job - and the pay is good.
- HMP Norwich has teamed up with local employers, such as the Chapelfield Shopping Centre, who provide excellent work experience and paid work for prisoners on release on temporary licence. Not only does this give prisoners a real experience of the world of work, it also provides proof that they are employable. As one prisoner said, the chance for work experience while in prison had helped him to feel normal again after being institutionalised for so long.

If this can happen at these prisons, then why not at every prison?

The recent historic model of preparing offenders for work on release has focused on the education and training of offenders, supported by key performance targets (KPTs), with a heavy emphasis on basic skills. The problem with this model is that the KPTs become the driver, strategically. They lack clarity and they lack the individualisation that is required. The result is a steady stream of ex-offenders who are educated to a level and in skills that may hold little value with employers.

We have got to have more ambition. How many prison documentaries have we all seen where a prisoner is released and the officer instinctively turns to camera and says, 'I'll give him a week before he's back'?

I am therefore proposing six recommendations that have at their core the aim to increase the number of prisoners who don't return. I'll take each one in turn.

They are about:

1. sentencing
2. delivery responsibility
3. social responsibility.

To start with **sentencing**, I return to my earlier point. What are prisons for? Holding prisoners securely is of course the first priority. They also have to respond to the judiciary by implementing the sentence that the judge passes. In the most severe of cases, this is achieved – for example a serial killer or a child murderer can expect the

judge to state that they must be sent to prison in order to protect the public for the rest of one natural life. These cases are rare, but they provide clarity.

But surely there is need for a new model that would provide the same level of clarity in all cases?

So my **first recommendation** is to the government, to review further the Rehabilitation of Offenders Act and, rather than a one size fits all approach, consider empowering the courts to determine on a case by case basis the length of time that a conviction must be declared beyond the time spent in prison. This may or may not be conditional on the offender gaining, say, qualifications in English and maths while in prison. This would remove, or at least lower, the clear barrier to employment that nearly every ex-offender faces.

Moving on, I have two recommendations about **the delivery responsibility**.

The question is, how can we guarantee that prisons provide the best education, training and employment opportunities to equip prisoners for future employment? The answer is clear. A single line of accountability.

We are only one year into the cluster arrangements of prisons for contracting providers of offender learning and skills. But I have a real concern about the accountability of the training and education in prisons. It is too complex and needs to be located with the prison governor. Currently, a governor is directly accountable for the work activities in their prison – but not for the education contractor. If work activities are not up to scratch, actions can be taken. If education is not delivering, a long chain of people are involved, so in practice, nothing happens.

So my **second recommendation** is that the governing governor of a prison should have a clear responsibility for holding a contractor for education and training to account.

We also need to be clear that we are measuring and rewarding the right things. I've already mentioned the very low rates of progression to employment from prison. But these destination data are also unreliable as they frequently depend on prisoners' intentions and not actual progression.

In being held responsible for the impact of education and training, prison governors should have the responsibility for identifying the prisoners' employability on entering the prison (such as prior qualifications, English and maths skills, and experience of work) and their realistic employment aims to inform training while in prison. They should be held accountable for prisoners' skill development while in prison and their actual progression to sustained employment or further education.

My **third recommendation** is therefore that targets should be based on prisoners' development of vocational and employment-related skills at level 2 and above and their progression to sustained employment or further training on release.

This brings me to **social responsibility**. I started this lecture by asking the question, who are the people who commit a crime most likely to be? Are pupils eligible for free school meals more likely to end up in prison than those that are not on free school meals? Which areas of the country produce more prisoners? How is that linked to the number of people previously in care or excluded from schools? I said that we simply didn't know as there were no reliable data on prisoners' backgrounds.

So my **fourth recommendation** is to the National Offender Management Service to gather reliable information about the characteristics of all prisoners entering the prison system. This information should then provide the background for our collective social responsibility to provide more targeted support to help avert young people from entering a life of crime.

Alongside this, a fundamental and crucial omission from the current model is any indication of collective social responsibility to engage with those who do end up in prison. For example, employers are actually protected from ex-offenders by the Rehabilitation of Offenders Act 1974.

Very few employers engage with and employ ex-offenders and I recognise that they need support to do so. There is a greater need for prisons to engage with employers of all sizes.

The government is committed to reorganising the prison estate and to creating 70 resettlement prisons. A secure college for juveniles is also likely to become a reality. These developments are to be welcomed. We must, however, seize this moment to reconsider what makes a successful prison.

This is also the opportunity to break down the natural barriers that many employers have to employing ex-offenders. The employers in this room have shown that it is possible.

This is also an opportunity to seriously consider whether the prison officers who will be working in the resettlement prisons require a higher level of education than is currently the case so that they can have a direct impact in supporting prisoners' rehabilitation on release from custody. Currently, a prison officer can be recruited without any qualifications themselves. And I have met some outstanding officers who have so much more to offer. Let's find ways to incentivise them.

My **fifth recommendation** is that the prison regime in the 70 resettlement prisons is built round the working day, as successfully achieved at HMP Altcourse.

This would help to develop the sense of personal responsibility and prevent the institutionalised dependencies that can act as a barrier to self-sufficiency on release. The resettlement prisons provide an excellent opportunity to make this more systemic across the estate.

This would of course need to be closely linked with the need to engage employers in resettlement work in prisons.

This brings me to my **sixth and final recommendation** that, in the same way that the government is consulting on ways to engage employers in their flagship apprenticeship programme, serious consideration should be given to extending those same incentives to those who train and employ ex-offenders.

The approach does not require employers to employ ex-offenders, but it would incentivise them. It is intended to build on the excellent examples of employer engagement that already exist:

- collaboration on course design so that skills development on prison courses would match employers' requirements
- guaranteed interviews for the ex-offender
- support for employers and the ex-offenders through the training provider and Probation Trusts, or whatever they evolve into.

So where does inspection come in?

In prison inspections, Ofsted will continue to focus on the quality and impact of the FE and skills and work provision. We will be unrelenting in our criticism of unacceptable and poor practice. These prisoners need the best teachers, the best careers advice and the skills that employers are looking for today. Not 10 years ago. But our role is also to celebrate and disseminate good practice where we find it. There are currently 11 examples of good practice on our website. And there needs to be more.

Finally, this is not just about prison inspection. It's about our inspection of schools and colleges and social care settings for looked-after children. I don't want to rehearse the recommendations made by Sir Michael in his 'Unseen children' speech, but it is safe to say that a good number of those children Michael was talking about, those poorer children who were failed by successive years in the education and care system, will end up here – in places like Wormwood Scrubs. We all have a role to stop that happening.

I now invite you to watch a brief video to demonstrate that with determination and ambition... This can be done.

<video>

Thank you for listening.....Sally.