



Leading learning and skills

# **Offenders' Learning and Skills:**

## ***Taking the Next Step***

*The Learning and Skills Council's next steps in reforming  
and developing the offenders' learning and skills service*

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**Offenders'  
Learning and  
Skills: *Taking  
the Next Step***

# Introduction by Jon Gamble, Director for Adults and Lifelong Learning, Learning and Skills Council

I would like to begin by expressing my thanks for the many considered responses we received to our Prospectus consultation. I was delighted by the high level of support for our proposals, and the detailed responses which have helped shape the design of the revised arrangements for the Offender Learning and Skills Service (OLASS).

I am also grateful to the National Audit Office for their recent study on Offender Learning and Skills; an external review which supports our proposals and urges us to press ahead.

As we now approach the end of our first set of OLASS contracts, I find myself reflecting on how we all, as key stakeholders and partners, have *together* forged strong and sustainable relationships, learned key lessons and faced key issues and challenges since the start of our own 'learning journey' some four years ago. All of which took place in an environment of significant organisational changes on many fronts.

We all recognise that developing and delivering a relevant and coherent offender learning and skills service is at once both a

fascinating but incredibly challenging remit and one, which if successfully accomplished will make a real and measurable contribution to the lives and futures of those in the criminal justice system.

From the outset we all recognised that getting OLASS into shape would take time; time to develop, change and then implement the service. I believe we now have some strong proposals (shaped with you, our partners and stakeholders) for the reform of the service. And now the forthcoming re-tendering process gives us the opportunity to implement those changes.

We are developing a much stronger and focussed set of arrangements that aim to put the right learning provision in the right place at the right time. Our aim is to secure and to fund the delivery of only high quality provision. With this aim in mind, LSC-commissioned offender learning provision from August 2009 will not only be focussed, but will also need to be sufficiently flexible and responsive to individuals', employers' and regime need.



**JON GAMBLE**  
**Director for Adults and Lifelong Learning**  
**Learning and Skills Council**

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# Executive Summary

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Initial responsibility for planning and funding a new Offenders' Learning and Skills Service (OLASS) was passed to the Learning and Skills Council (LSC) in August 2005. From that date, three English development regions, the North East, North West and South West trialled new OLASS arrangements prior to the service being rolled-out nationally in August 2006. There was recognition amongst partners that the transfer of responsibility for OLASS across England to the LSC marked the beginning of a programme of reform and development to ensure that offender learning in England is both effective and efficient.

Having learned the lessons from those arrangements, the LSC has been working on its proposals to introduce a learning and skills service that is designed to align more closely to the needs of individual offenders and employers. The LSC consulted on its proposals to reform and develop offender learning arrangements in England and published, "*Developing the Offenders' Learning and Skills Service: The Prospectus*" in September 2007.

Responses to that consultation were generally supportive, and now *Offender Learning: Taking the Next Step* provides a sample of representative responses to the Prospectus, and provides the LSC's response to and clarification, of some issues that have been raised.

Also set out are the LSC's further developed proposals and the timescales necessary to achieve a stronger focussed, intelligence-based learning and skills service for offenders in England. The introduction of revised OLASS arrangements will coincide with the LSC's tendering of OLASS provision covering the period 2009-14, with new contracts commencing in August 2009.

A programme of work is set out in this document which aims to arrive at an effective, needs-based service. This document sets out the processes and timescales needed to work towards achieving those goals.

# Preface: A changing landscape

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The changes proposed within The Prospectus and the subsequent actions outlined in this document sit within a context of an evolving vision for the criminal justice system itself and the role of learning and skills within it.

As far as possible “*Taking the Next Step*” takes into account the developments within the National Offender Management Service, as well as the Machinery of Government process. It holds to its original principles, set out in “The Prospectus”, namely the need to align learning and skills with the drive to reduce re-offending, and the corresponding need to commission appropriately targeted provision which can help deliver that aim.

It is our belief that these principles and the foundations established here can be sustained whatever the changes to structures and organisations. We believe this to be a blueprint for the future of learning and skills for offenders, capable of delivery in the short and medium term.

## **Ministry of Justice (MOJ)**

In January 2008, as part of the MOJ Organisational Review, and in line with the recommendations from Lord Carter’s recent review of Prisons, a reorganisation of National Offender Management Service (NOMS) and Her Majesty’s Prison Service (HMPS) was announced to drive forward more effectively the management of offenders, focus resources on front-line delivery and further improve efficiency.

The changes brought NOMS and the Prison Service together, streamlining headquarters and rationalising regional structures in order to improve the focus on frontline delivery. Strategic policy for offender management will become a separate responsibility, including a regulatory function (e.g. ensuring there is a level playing field for providers from all sectors) and will link more closely with the other parts of the criminal justice system.

Whilst the changes at national level were implemented from 1 April 2008, integration at regional level will be phased over the next 12-24 months. For each of the English regions, a Director of Offender Management (DOM) will be appointed to commission all of the prison and probation services in their region, whether from public, private or third sector providers. The DOMs will have the real authority to deliver national policies in ways which meet the needs of their region. In turn, individual prison governors and Probation Trusts will have the authority they need to determine how best to deliver against their contractual requirements.

## **Machinery of Government (MOG)**

Further to the Machinery of Government Changes, the LSC is working closely with Department for Innovation Universities and Skills (DIUS) and Department for Children Schools and Families (DCSF) to understand and help progress the implications of the decision to route funding for young people through Local Authorities – with implementation expected no sooner than 2010/11.

In addition, through the review of the post 19 delivery chain, DIUS are also taking the opportunity to review the current architecture, systems and processes and will determine what changes are necessary to ensure our goals of building a demand led system for adults and employers and introducing the reforms of the FE White Paper are met.

# Introduction

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## The LSC's post-consultation response

In September 2007 the LSC published "*Developing the Offenders' Learning and Skills Service: the Prospectus*", in response to the challenges set out in "*Reducing Re-offending through Skills and Employment: Next Steps*". The Prospectus sets out the LSC's proposals for the reform and development of arrangements for offender learning and skills in the community and in custody in England.

The deadline for formal responses to the consultation was 26 October 2007. 108 very detailed responses were received. Many of these were from individuals but it was pleasing to see the number of joint responses where colleagues from different stakeholders had come together to discuss and put forward their views.

As part of the process of consulting on the proposals and ideas contained in the Prospectus, the LSC carried out a series of consultation events in the nine English regions between 21 September and 3 October 2007.

LSC regions invited their partner organisations to the events to ensure that the widest possible range of perspectives was available. Around 600 people attended these events providing a rich, robust and diverse response to the proposals. The use of real-time electronic responses provided the LSC with instant feedback. The LSC used Crystal interactive technology to capture accurately the range and complexity of the views represented.

The responses show a fairly balanced set of contributions, capturing the range and complexity of views.

Together the events and the formal consultation have yielded a rich source of reflection and advice on the future of the Offenders' Learning and Skills Service. They have also commented on other aspects of the Criminal Justice System, and the LSC have shared these comments with the relevant partner organisations.

In line with the Cabinet Office Code of Practice on consultation:

- we have published on-line this summary of the written responses received
- we have also published on-line answers to all the questions raised at the Roadshow day conferences
- we have responded to individuals where this has been requested
- we are setting out in this report what we now intend to do

We were clear from the outset that our proposals contained within the Prospectus were bold in their aspirations for the Offenders' Learning and Skills Service. We also acknowledge that those aspirations cannot be achieved or implemented without the commitment and energy of partners, and so the LSC is delighted to have received such a high volume of well articulated responses to its proposals.



Having taken those responses into account, this document now sets out:

<ul style="list-style-type: none"> <li>• the context of the proposals</li> </ul>	<b>Section 1</b>
<ul style="list-style-type: none"> <li>• an outline of the key themes arising from the consultation, quoting directly from respondents</li> </ul>	<b>Section 2</b>
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# 1: The context of the proposals

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1. The Prospectus derives its vision of the contribution which learning and skills can play in reducing re-offending to the thinking laid out in *“Reducing Re-offending through Skills and Employment: Next Steps”* (DfES 2006).
2. The ‘Next Steps’ document set out how to realise the vision set out in the Green Paper *“Reducing Re-offending through Skills and Employment”* (2005). In the section *“Gaining Skills and Improving Employability”*, the first priority is – *“to continue to improve the planning, organisation and funding of learning and skills, building on the Offenders’ learning and Skills Service reforms, and forging stronger links with mainstream services in the post 16 sector”*.
3. In particular, the LSC was charged to:
  - consult on plans to reform the learning offered to offenders both in prison and in the community;
  - target resources in order to have the greatest impact on reducing re-offending;
  - equip offenders with the skills and qualifications they need to secure and sustain employment;
  - adjust the nature of training offered to take account of factors such as the needs of the labour market within the re-settlement area, the individual’s sentence length, and the place they are undertaking their learning;
  - introduce greater planning and coherence which will lead to a more effective distribution of funds to meet offenders’ needs, and;
  - establish a core offer, differentiated according to individual need(s).
4. The arrangements presented in the LSC’s Prospectus were designed to respond to this challenging programme of requirements.
5. Throughout July and August 2007, whilst the LSC was drafting the Prospectus, we were pleased to receive regular input and feedback from partners, and we incorporated suggestions and comments in the final version of the Prospectus working draft. It was extremely useful to go into consultation in the knowledge that the key ideas within the Prospectus were endorsed by major stakeholders within the Criminal Justice System.

## 2: Consultation responses: key themes and issues

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6. The issues which the consultation is based are extremely complex. They involve the planning, funding and delivery of a very broad curriculum offer to arguably one of the 'hardest to reach' groups of potential learners. In addition this task is to be achieved within the parameters of the criminal justice system and the outcome of learning and skills is not only the learning itself but a contribution to reducing re-offending.
7. It is not surprising therefore, that the consultation questions attracted responses from many different perspectives, and much of the declared support or opposition to ideas was qualified by pragmatism and realism.
8. Respondents acknowledged that the successful implementation of the LSC's proposals is dependent upon the contribution of the full range of parties. On occasions therefore comments or suggestions for future action are directed not only at the LSC but at NOMS, the Prison Service and others.
9. There was a varied response to the proposals; broad consensus on some issues, but differing views on others. The consultation questions are set out below with details of some of the arguments contained within the responses.
10. The LSC is fortunate to have access to such an informed series of responses and is grateful to those who took the time to deliver them. The task of the implementation phase will benefit from the sound advice and words of caution expressed.
11. Representative responses to the five consultations are set out below, together with the LSC's response to points raised.

## Consultation Question 1

**Do you consider that our proposed four broad objectives, as contained in paragraph 29 of the Prospectus, are appropriate? Should there be any other considerations?**

- Developing and reforming the way in which learning provision for offenders **in custody** is planned, organised, delivered and funded – signalling a move away from historical arrangements by prioritising the availability and range of provision based upon learner and employer need
- Widening the scope, range and availability of learning provision for offenders **in the community**
- For **all offenders**, ensuring that the learning offer is explicitly linked and aligned to other services and interventions, and
- That by supporting improvements in the quality of provision, we hope to ensure that **all offenders** are able to benefit from existing provision and developments within the wider post-16 sector.

12. It was extremely important for the LSC to gauge the level of support for the underpinning principles to the new proposals. Whilst recognising that these are high level objectives, and that the key to success will be in the detailed implementation plan, it was important to gather views on the objectives.

13. There was considerable support for the objectives. However most respondents qualified their support by citing concerns about how the objectives would translate into practice:

### **Representative response: R20**

*“It is difficult to disagree with the statements contained in the four broad objectives. Any concerns relate to the capacity to convert principles into action; the lack of details makes it difficult to comment on this. Learning and Skills funding is significant for prisons and it is essential that it is used in a clear and transparent way to support the objectives, and to reduce re-offending.”*

14. Many urged caution about introducing further changes whilst the OLASS contract arrangements are still settling in. Further change was thought to have the potential to exacerbate provider difficulties in recruiting, training and retaining suitable staff:

**Representative response: R50** *“Overarching reform is essential but there will be winners and losers at every level – from individual learners to teachers and establishments. Reform must be phased, managed and prioritised to minimise disruption and retain the current best in the system.”*

15. Many respondents took the opportunity in this section to use their experiences to comment on how the service might develop in the future, and its relationship within the wider criminal justice system:

**Representative response: R60** *“We agree that the four broad objectives are appropriate. However, in order to achieve the objectives, it will be necessary to ensure that the relevant Prison and Probation staff receive on-going development and support to enable them to understand, and promote to offenders, the benefits of learning/training. We completely support the notion of a relevant, timely and high quality learning, skills and employment offer to offenders, but this will only come about if staff at the “front end”, responsible for diagnosis of skills, needs and capabilities, have the time, skills and resources to undertake this role thoroughly and professionally. Otherwise, the learning journey is likely to fail at the first step.”*

16. Some respondents have concerns that there is too much emphasis on employment and employability at the expense of other factors to reduce re-offending.

**Representative response: R97** *“Our view is that there is too great a focus on a single reducing re-offending pathway: employment. For a significant proportion of offenders, employment is not a realistic goal, due to their age, public abhorrence at the nature of their offences, or disability. The realistic goal of the seven reducing re-offending pathways is to prepare offenders to live in the community without re-offending. We believe that the needs of the community should be considered alongside those of the offender and of employers.  
We also look for recognition that employability is not just about training an offender in a trade, but also about the soft skills required to function in the workplace and relate to colleagues and customers.”*

17. In what was a very comprehensive response to the consultation, many respondents looked closely at each of the objectives, and shared their thoughts and, in some cases, concerns.

### **Objective 1**

Developing and reforming the way in which learning provision for offenders **in custody** is planned, organised, delivered and funded – signalling a move away from historical arrangements by prioritising the availability and range of provision based upon learner and employer need:

**Representative response: R93** *“No framework for change will succeed without a complete overhaul of the environmental influences such as regime support, sentence planning process, and the access, links and influence of the vocational training opportunities supplied across the service.*

*It should also be recognised that many offenders are not ready for employment after release or due to age, family circumstances and health this is not a viable option, therefore provision while predominately focussed on employment must cater for a range of resettlement needs, including adjustment to release and society expectations.”*

### **Objective 2**

Widening the scope, range and availability of learning provision for offenders **in the community**:

**Representative response: R61** *“...there needs to be training on offer to enable a much greater understanding of offenders by college admissions staff, Senior Management Team and those involved in the admission, enrolment, induction and training of offenders. Training would enable college staff to ensure offenders are acknowledged as a priority group for funding uplift/fee remission, ensure they are signposted to the additional learning support they require and also minimise misunderstanding and discrimination.”*

### **Objective 3**

For **all offenders**, ensuring that the learning offer is explicitly linked and aligned to other services and interventions:

**Representative response: R28** *“Working towards a cohesive and ‘holistic’ provision has been the ambition of learning providers for a very long time. Enabling Skills for Life to support access to Offending Behaviour Programmes (OBP), for instance, would be a radical breakthrough, both in custody and the community. Ending the arbitrary distinction between Education Training and Employment (ETE) and Skills for Life on probation programmes would prove equally beneficial, cost effective and would have a much greater chance of reducing re-offending. However the Prospectus seems to ignore the articulation of the 7 pathways by concentrating exclusively on the ETE route. This is an example of the disjuncture between the stated objective and its suggested implementation.”*

### **Objective 4**

That by supporting improvements in the quality of provision, we hope to ensure that all offenders are able to benefit from existing provision and developments within the wider post-16 sector.

**Representative response: R44** "...consideration also needs to be given to the transition from custody to post custody supervision. A prisoner has to be released on a specific date (unless he/she has an indeterminate sentence e.g. life). Therefore wherever they are in their Learning Journey on release, this has to be picked up in the community provision. With straight skills for life provision this is manageable but with the emphasis on embedded courses and vocational courses it could be that there is not similar in the locality to where the prisoner is returning or he/she has missed the start date of any course and/or there is not the funding for them to continue."

## **Consultation Question 2**

**Do you consider our proposed priority groups for offender learning in custody at Annex B to be appropriate?**

18. The proposals concerning the prioritisation of provision and the targeting of particular groups of learners have generated considerable debate. There are several arguments against the idea of prioritisation at all – and within those some who challenge the proposed priorities. There are also concerns about a perceived lack of coherence between LSC priority groups and those of partner organisations:

**Representative response: R19** "A chief concern here is that the groupings are clearly linked to the LSC's priorities, and whilst that is right and proper, they are diametrically opposed to the priorities of the Prison Service and in particular those of the High Security Estate. High risk offenders are not just a priority group within 2 years of release. The nature of offences, functional skills requirements and mental health needs mean that during the time of their sentence they could move in and out of different priority groups and therefore their learning and skills requirements need to be funded throughout."

19. Many responses focussed on the impact on groups of potential learners, such as 'lifers', those on remand, foreign nationals and women offenders – arguing that their needs are overlooked in the Prospectus. Such responses have been helpful in highlighting areas, either where the meaning has not been clear or where the detail has not been sufficiently comprehensive. We will ensure that we clarify the situation in future documents.

**Representative response: R23** "Foreign Nationals while not mentioned in the document are unlikely to attract funding due to the fact that they will either fall within the un-sentenced population or will not be released into the community and will not therefore come under the employability skills priority funding."

**Representative response: R11** "In the case of women offenders, the Prospectus is in danger of making the same mistake as "Reducing Re-offending through Skills and Employment" and "Next Steps" in, as a token gesture, acknowledging briefly that women's needs may be fundamentally

*different and then brushing them to one side and concentrating instead on what is a very male agenda.”*

**Representative response: R18** *“Whilst the prison population serving less than 12 months merit priority status in terms of their likelihood to re-offend, they do not have an allocated Offender Manager or period on licence, so without continuing motivation / encouragement there is a substantial risk input in prison will not be followed up / continued by the offender on release. The lower priority afforded to long term prisoners is consistent with the employability agenda but would have a major impact on prisons for longer term sentences. For prisoners, who didn’t engage in education as a child, allowing them to engage in prison education closer to release might be too late – they may need lengthy preparation earlier in the sentence.”*

### **Remand and Foreign nationals**

20. The LSC takes its policy lead on learner eligibility from DIUS and DCSF. In line with current policy, the LSC expects to continue provision in custody for those on remand and foreign nationals. The prospectus was not intended to mark a change in respect of such learners.

### **Women**

21. As far as women offenders are concerned, there was indeed very little separate mention of them in the Prospectus, because as was stated, the LSC has accepted one of the central arguments in the Corston Review – namely that the education, training and employment needs of women offenders are quite different from those of men. The LSC will align its plans for a curriculum and priorities for women offenders with those of the Corston implementation. Further details on the Offender Skills Curriculum Area Reviews (OSCAR) process are detailed later in this document.

### **Learning difficulty and disability**

22. One area attracting significant comment was the prioritisation for Learning for Living and Work provision as medium, as opposed to high. We are happy to clarify that OLC5 was not intended to be the only curriculum area for learners with learning difficulties or disabilities. The intention was that such learners would access all areas, some with additional support. However, there were many powerful arguments around this issue (not all in agreement) and we intend to look closely at this aspect.
23. Others drew on their experience to challenge some of the assumptions which underpin the prioritisation, and give helpful examples of current practice which does not appear to fit within the prospectus proposals. These are mainly to do with some of the timescales quoted – about what can be achieved with short termers, how long a first level 2 takes etc.

**Representative response: R36** *“Skills for Employment is highly appropriate for short term offenders and we agree it should be a high priority strand. However the timescale of up to one year is a substantial period of time and we believe that more could be delivered in a year to support the development of*



*offenders' employability skills, including communication, team working, problem solving, customer care and other generic skills gaps identified by employers. A package of programmes, starting with basic employability and job search skills, could be developed, with progression onto other linked programmes i.e. customer care and short vocationally relevant courses. For offenders serving up to a year, skills for life can be embedded into these programmes as appropriate. Mentoring could be used to support offenders into further training or work placements, leading to sustainable work."*

24. Several people comment of the importance of 'soft' skills in preparing offenders to access employment or further learning:

**Representative response: R16** *"The arts within prisons are a good engager with disadvantaged learners of all levels and can break down any preconceived experiences a learner may have of entering education. Through running course like Art, learners are able to develop those softer skills that are sometimes overlooked, i.e. communication skills, team work, self motivation, self esteem and self confidence."*

25. The low priority proposed for those on long sentences, for higher education and for leisure learning was criticised by many respondents. Many arguments were about the nature and timing of provision for long sentenced offenders, and we will clarify the provision when we have evidence from the Offender Skills Curriculum Area Reviews (OSCARs)

26. Supportive comments were made of the proposal to conduct OSCARs. the LSC was urged to consider:

- not rushing the process
- recognising and making use of data which already exists
- having a collaborative approach.

**Representative response: R25** *".... it would seem that the planned Criminal Justice Area Reviews (CJARs) (since renamed OSCARs) are fundamental to the future of OLASS. I would therefore trust that they are thoroughly and sensitively undertaken by individuals with proven experience and understanding of the probation service and custody. From the periphery it feels as if there have been numerous mapping exercises, consultations and reviews of the existing service which have not produced any new information or practical solutions to the complex world of offender learning"*

### Consultation Question 3

**Do you agree with our proposal to introduce a formal method of supporting offender learners in custody and in the community with additional learning support needs? This will have significant budgetary implications on a finite resource. How can the varying learning needs be most appropriately supported within that finite resource?**

27. There was general recognition of the issue and welcome for the proposal.

**Representative response: R39** *“Both our custodial and community provision have considerably gained from the introduction of an ALS provision supported and guided by a Special Educational Needs Coordinator (SENCO). Key to the effectiveness of the provision is the rigorous transfer of information about the needs identified and interventions provided to each individual as s/he moves within and out of the penal system.”*

28. Concern about the availability of funding for support was expressed by some respondents.

**Representative response: R35** *“If the funding to support learners is to be drawn from existing resources, there will be a significant and negative impact on other provision particularly that which is focused on meeting employers’ needs. Clearly there needs to be some kind of balance here, as in an ideal world, there would be sufficient funding available to achieve both agendas.”*

29. There were, some questions about giving priority to learners who might take longer for example to achieve outcome, or who might find employment more difficult to achieve.

**Representative response: R3** *“I am concerned. Resources should not be diverted from those most job-ready. To support those with further to travel in their learning journey. This would stop potential quick wins in reducing re-offending and possibly discourage potential employers of ex-offenders, thereby slowing the whole process.”*

30. On the whole, this proposal had significant support but there is concern about the lack of additional funding. Many respondents shared their ideas about how additional support might be provided.

**Representative response: R70** *“Formalising of additional support is necessary and specific learning needs addressed. However, prisons are very small and cannot provide the specialist learning support available in a large college. Perhaps there is a need to work either regionally, with partners or with local colleges to provide adequate support economically. Prisons do accommodate learning needs by delivering to small groups - 6-10 with well trained Skills for Life (SfL) tutors, peer mentors and outreach support to vocational and other subjects. Investing in Continuing Professional Development (CPD) to have a range of skills within staff teams could be an effective way of meeting the need.”*

#### **Consultation Question 4**

**In relation to custodial provision, do you agree that the role of learning and skills as part of purposeful activity within prison regimes needs urgent clarification? How can learning and skills work in harmony with other interventions?**

31. Learning and skills providers are focused upon meeting the learning and skills needs of individual offenders and the Prison Service requirement to occupy prisons in purposeful activity. The responses to this question highlight the ‘tension’ which still remains between partner organisations.

**Representative response: R11** *“This is critical to the success of transforming into reality the vision of converting prisons into “secure learning centres”. There is still a very long way to go as it will involve a major shift in organisational culture and psychology in a Prison Service in which regrettably, many prison officers are poorly educated themselves and in which education and training are still seen all too often as little more than a means of notching up hours to meet the Purposeful Activity Key Performance Target (KPT).”*

32. There is much support for urgent clarification and some respondents ask whose role it might be to bring about clarification

**Representative response: R39** *“The responsibility for a re-alignment of activities probably falls on National Offender Management Service (NOMS) and specifically the Regional Offender Managers (ROMS). Abolishing the arbitrary separation between in-scope and out-of-scope activities will offer a first, productive step in the right direction.”*

33. Several responses say that there is already harmonious working.

**Representative response: R46** *“It is not necessary to keep learning and skills separate from other work interventions or Offender Behaviour Programmes (OBP) programmes. The whole package of interventions needs*

*to be seen as a corporate range from which prisoner/learner needs are impacted. Learning & Skills already works in harmony with other interventions in establishments. The key is in the process of initial assessment and Information Advice and Guidance (IAG), effective sentence planning and adherence to the Offender Management (OM) model. In addition, all providers of interventions, HMPS, contracted in services and the voluntary sector need to be aware of each others' role and purpose in the establishment."*

34. For many the key to the success on any intervention programme was the extent to which it was integrated into other activities. Whilst there was an understanding of different areas of responsibility, there were many calls for a collaborative approach which sees learning and skills as integral to other interventions, and vice versa.

**Representative response: R72** *"It is vital that Learning and Skills links more purposefully with the Resettlement process. Additionally, we believe linking accredited learning with prison enterprise enhances overall provision and increases the value to offenders (a combination of qualification and work experience will increase potential for progression to employment)."*

35. Although the purpose of the consultation exercise was clearly focussed on the Prospectus, many respondents took the opportunity to take a more holistic view and to make observations about the wider context of offender management, which of course falls outside the remit of the LSC and the Prospectus. Some felt that changes needed to be made to targets, in order to underpin a collaborative approach.
36. There were many calls for the need for the cultures of the different stakeholders to draw together and for the development of a shared understanding of (and agreement on) key concepts. For example, some asked for a shared definition of purposeful activity and agreement on the elements which go towards it – also who has responsibility for each element.
37. Joint staff training was suggested as a crucial part of the process of sharing culture – once again there were questions about how and by whom this might be planned and delivered.

### **Consultation Question 5**

**In relation to community supervision, we do not believe that commissioning significant levels of offender-specific provision in the community would be beneficial. Is our intention to harness delivery through mainstream LSC-funded post-16 provision the most appropriate route? How can we best take this forward?**

38. Several related themes emerged in response to this question. There were arguments for and against niche/offender-specific provision, with many respondents totally opposed to it, while many others argue that niche provision is an essential practical step to engage learners.

**Representative response: R53** *“I would agree that it is inappropriate and inefficient to fund offender-specific provision in the community if this duplicates the mainstream provision; this can also lead to unhelpful competition between providers. However, I think that a distinction has to be made between offender-specific provision which would merely duplicate other provision and that which provides first step learning which is a progression route and which engages those who will not, without support and confidence building, be able to access the main stream provision.”*

**Representative response: R7** *“There is no reason whatsoever why offenders in the community should not engage in mainstream provision. Learning & Training providers should be made aware that these are a priority group. Regional events could take place to promote this.”*

**Representative response: R90** *“Offender-specific provision in the community must still have a place. To expect a learner to transfer easily from the relatively comfort and safety of a prison education department to a General Further Education (GFE) College is unrealistic and some discreet interim provision is crucial in bridging the enormous gap and preparing the learner for the mainstream.”*

39. The current responsiveness of mainstream (mainly Further Education (FE)) provision was seen in their wider context of the planning and funding arrangements

**Representative response: R86** *“The barriers to mainstream provision are huge, and to date no-one seems to have come up with any realistic solution. In the absence of a radical change to the funding and operation of the FE sector (budgets planned for the year in advance, learning programmes start in September) then mainstream delivery is never going to happen for many in this learner group. They benefit from specialist provision, individual attention, the chance to fail and try again, innovative engagement activities that, probably, only a niche market can provide.”*

**Representative response: R20** *“There is no business case for FE to get involved and difficulties in publicising/growing the provision for ex-offenders because of the potential impact on other stakeholders e.g. parents of 14-19 year olds. Student Services staff within colleges will need training on how best to support offenders in the community. “One-stop shops” in the community, dealing with probation and learning and skills development, can work well and make a big difference to reducing re-offending.”*

40. Proposals about how to engage mainstream providers, not only FE:

**Representative response: R17** *“There should not be specific offender provision in terms of learning but there should be a programme that can bridge this gap where learners can test out their skills and in some cases learn acceptable behaviour.”*

# 3: Response to, and clarification of, issues of concern

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## RESPONSE TO ISSUES RAISED IN CONSULTATION

41. The publication of the prospectus and the extensive consultation process which followed reflected a genuine desire by the LSC to hear and to reflect upon the opinions of our providers and partners. Section 2 gives a flavour of the range, diversity and quality of the contributions received.
42. It is important to do justice here to arguments which were presented in the consultation, which challenged the approach as understood from the Prospectus. We will indicate where some of the issues which cause concern relate not to actions of the LSC but to wider concerns within the criminal justice system. The LSC has shared these with partner organisations through the National Executive Group (NEG) and Offender Skills and Employment, Finance Benefit and Debt (OSE/FBD) Sub Board.
43. We are committed to demonstrating how our response to comments is integrated into our action/implementation plan. For example, even where there was widespread support for the ideas contained in the Prospectus, there was concern expressed that there was not a consistent approach across all estates and in the community to ensure that the actions taken would lead to the intended outcomes. As a result we have identified as part of our action/implementation plan a communication strand, to ensure that our actions are understood and that we are supporting coherence and consistency.
44. Many respondents reported that some of the ideas being proposed were already working in some parts of the criminal justice system, but it would appear that such a situation had arisen as a result of a coincidence of circumstance and the commitment of individual(s), rather than a strategic approach to the system as a whole. We are therefore including as a strand of our action/implementation plan, a focus on mainstreaming, which will consider how the ingredients which lead to good practice can be planned for, rather than be left to chance.
45. Other concerns arose from confusion over what was being proposed – we intend to address those misunderstandings. Many respondents provided very valuable suggestions, particularly in relation to Annex B, based on experience of offender learning. The influence of these comments will be seen in the action plan which is set out in Section 4

## **SOME KEY AREAS**

### **a) Annex B**

In Annex B of The Prospectus, the LSC set out a framework showing how provision might be prioritised

### **ISSUES RAISED**

The LSC's suggested priorities were met with a mixed response, but some people expressed concerns about those learners and learning activities, which might not fall within those priority groups.

The idea of prioritising provision is fraught with difficulties and many expressed fears about the potential loss of what they see currently as valuable provision both in educational terms and in terms of their belief that it has the potential to contribute towards a reduction in re-offending.

These concerns related particularly to non accredited provision, sometimes leisure, or arts and crafts, or personal and social education. Many arguments were about the value of such provision in:

- engaging with learners who might otherwise be resistant to education. The argument goes on that many of these progress to further more structured provisions
- establishing a first step provision where there is a conscious attempt to facilitate the progress described above
- allowing such provision as a vehicle for embedded Skills for Life
- raising self esteem

All of these arguments are backed by examples in both custody and community where such processes occur.

### **Our response**

Some of the groups of learners, for whom concern is expressed, for example female offenders, are dealt with elsewhere within this document. In this section we respond to the general concerns about Annex B.

We believe that within the resources available to us we must prioritise provision taking account of factors including readiness to learn, time available and potential for employment.

While holding to the need for prioritisation, we accept that some of the detail in Annex B may not result in provision which meets the desired outcomes. A revised version, now entitled **Offender Learning Curriculum Areas - Custody** is set in Annex A.

We acknowledge the far-reaching influence which learning can have on an individual – ranging from impact on self worth and mental health, through to the acquisition of skills and knowledge. We believe that learning in this widest sense covers the whole of the reducing re-offending agenda, and is an activity which is shared with all partners. What the LSC must prioritise are those parts of learning which most closely match the agenda set by the Government.



It is correct to observe that under the new curriculum areas, the pattern of provision will change and as some observers have said, there will be 'winners and losers'. We do not intend that learners should be among the losers. It may be that some of the provision which currently exists may no longer be available, but we intend to work with partners within criminal justice to ensure stability and a phased introduction of the new Offender Learning Curriculum.

Determining how and where future provision will be delivered, will be a key outcome of the OSCARs process. This will provide a rationale for the activities of OLASS. We will expand on our work arising from OSCARs in our action/implementation plan

### ***b) Timescales for programme eligibility***

Within Annex B, there were several areas where it was suggested that programmes should not be undertaken for offenders with sentences of particular lengths.

### ***ISSUES RAISED***

There were two main issues of concern which were raised by several respondents.

First, people pointed out that timescales associated with accreditation (as set out in the original Annex B) which were appropriate in the community were quite different in custody. The achievement of some Skills for Life accreditation for example could be completed in half the time taken by someone studying part-time in the community. People argued that it was unhelpful to have a timescale included as part of the criteria for determining priority.

The second concern related to priority provision being linked too closely to a particular time range within a sentence, for example in the year before release. Many people felt that such a proposal could work only in a relatively static context, which clearly is not the case in custody. There were arguments put about unpredictability of prisoner movement and release dates, as well as the impact that such a limitation would have of the range of provision available for those serving longer sentences. This last issue will be addressed separately.

### ***Our response***

We accept the points made and have sought to present the range of priority provision in ***Offender Learning Curriculum Areas – Custody*** in ways which are not overtly linked to timescales. Those used in the Prospectus were illustrative of our thinking, and we have continued an illustrative but not prescriptive approach in the revised document.

We will continue to hold to the principles which gave rise to the original text, namely

- the time taken to achieve a meaningful outcome and successful accreditation must be a central part of the match of provision to learner particularly in custody. We reject the view held by one or two respondents that any provision is better than nothing in custody. We believe that it is not appropriate for any learner to be placed on a programme for reasons outside those expressed in an ILP. It is additionally a waste of resources
- one of the central principles of the process of prioritising involves identifying those for whom potential employment is a prospect in the foreseeable future.

We are committed to seeing learning and skills as a link into employment, and from there hopefully a reduction in re-offending. We recognise the truth behind the statement about exposure to learning having the potential to be life changing, but we are determined to use the resources available to us in a planned and purposeful way in partnership with the prison regime.

- while recognising the potential motivational impact of 'quick wins' for those on short sentences, we remain concerned that this effect is relatively transient, and might occur to the exclusion of encouraging, motivating and signposting people to further support in the community.

### ***c) High Security Estate and long stay prisoners***

Annex B in The Prospectus indicated a lower priority for long sentenced offenders

#### ***ISSUES RAISED***

There was considerable concern about what the proposals might mean for both the High Security Estate and for long sentenced prisoners. Arguments mainly focussed on the rights of these individuals, the civilising effect of learning, and the consequent contribution to regime management.

#### ***Our response***

As a result of these representations, the LSC has held meetings with the five High Security prisons and agreed that there will be a separate specification for the OSCAR (Offender Curriculum Skill Ares Review) for that part of the custodial estate. It is envisaged that the recommendations from those reviews will inform the volume, mix and balance of provision in particular settings according to need and prioritisation. Though the needs of long sentenced prisoners are not identical to those in the High Security estate, it is intended that a factor derived from this OSCAR will be used in calculating the overall profile of prisons with long sentenced prisoners. The arrangements for identifying factors and a profile which will build towards an allocation for each establishment will be covered in the action/implementation plan

### ***d) Women***

#### ***ISSUES RAISED***

One of the criticisms of The Prospectus was that it failed to address adequately the position of women in the criminal justice system. In fact, The Prospectus made only a single statement about women and that was that because of the timing of the Corston Review in 2006 and pending the publication of the Government's response, it would hold back from further comment.

#### ***Our response***

The Government's response to Baroness Corston's Review was published in December 2007, and as was indicated in The Prospectus, the LSC is committed to taking forward the recommendations relevant to learning and skills.

We note with interest the recommendations in relation to the development of one-stop-shop community centre provision, including the extension of the Women Together programme. The response indicates that the Government is aware of the potential of such centres to contribute to improving women's education and training.

We believe that the revised statement of priorities for the Offender Learning Curriculum Areas will allow the flexibility of provision which is required to meet the needs of women, whether that is personal and social development, functional skills or employment related skills.

The LSC will want to be kept aware of the development of this provision and will encourage appropriate involvement by local providers of learning and skills.

For custodial provision, the LSC will follow with interest the project which will consider the future of the women's custodial estate, and the outcomes of pilots reporting to ministers in April 2008.

In the LSC's Single Equality Scheme (April 2007), there is a commitment in the section on National Priority Area: Learning and Skills to analyse baseline data on participation, retention and success for relevant groups, with a view to having robust data to inform regional commissioning plans. This encompasses the Gender Equality Duty. Responding to the recommendations of the Corston review will form part of that duty.

The LSC will consider recommendation 10, calling for a 'greater visible direction in respect of women in custody and a much higher profile' and will see how this might be achieved within the communication strand and other work of OLASS

The LSC hope to contribute to the work being carried out between DIUS and NOMS to ensure that the issue of self employment for offenders as part of **Next Steps** takes account of the needs of women offenders.

The LSC will follow the mapping emerging from the Test Bed regions which will contribute to guidance in summer 2008 for the delivery of a holistic service to improve life skills.

#### ***e) Learning Difficulties and Disabilities***

The LSC along with its partners and providers has a responsibility to meet the needs of offenders who have learning difficulties and disabilities.

## **ISSUES RAISED**

The proposals in The Prospectus to recognise formally that many prisoners have barriers to learning which may require additional support received widespread approval. However, there appeared to be confusion over terminology with some respondents understanding the phrase 'learning difficulty and disability' in a much narrower context than is used by the LSC. Some respondents understand the term solely in the context of basic skills, or in the context of specific learning difficulty such as dyslexia.

In addition, even amongst those supporting the recognition of this need, there were a range of concerns expressed, mainly about the absence of an additional pot of money for the provision of such support. Most respondents are aware of the FE model where Additional Learning Support (ALS) funding is provided in addition to the main allocation. Many felt that a similar arrangement should apply if money is not to be diverted, unfairly in many people's opinion, away from learners without additional support needs.

There were concerns about the need for access to specialist expertise as well as training for existing staff (in education and elsewhere) if needs are to be met.

There was concern over the suggestion in Annex B that provision specific to those with a learning difficulty and disability be considered as medium priority.

### ***Our response***

We believe the concern expressed about the 'medium' level of priority to rest on a misunderstanding. Annex B in its original form was meant to be inclusive in all its sections of learners with learning difficulties and disabilities, so we would anticipate for example that some learners engaged in Skills for Life provision would have learning difficulties and disabilities. We would expect to see learners with learning difficulties and disabilities (LLDD) represented across the entire annex

The LSC is committed to meeting the needs of those learners who have additional support needs, both those defined as 'disabled' under the Disability Discrimination Act (DDA) and those identified as having 'learning difficulties and disabilities' as defined by the Learning and Skills Act.

OLASS recently undertook further research work with Skill (The National Bureau for Students with Disabilities) to identify how these needs are being met in custody. This work has re-enforced the view that the label 'learning difficulty and disability' which is complex within the education community generally, is particularly hard to define in the offender context, where so many barriers to learning can exist. We will seek to reach a common understanding of 'learning difficulty and disability' particularly with providers, and to encourage the dissemination of existing good practice.

We are required to work within the allocated resource for OLASS provision, and while we can and will report on the extent of the learning challenge being faced by many offenders, we are currently not in a position to identify a separate funding stream for this area of work. It is important in this context to remind ourselves of the

responsibilities placed by the DDA on all agencies working with offenders and to respond accordingly.

**f) *Integration across regimes***

Understandably The Prospectus dealt largely with those areas of activity which fall within the scope of OLASS, although the need for a collaborative approach was emphasised.

***ISSUES RAISED***

Some respondents felt that there is insufficient evidence of an holistic approach to interventions, and that The Prospectus failed to take account of progress achieved in vocational areas and industries.

Respondents were clear that maximum impact could only be achieved when agencies and interventions work in harmony and in support of one another. Many examples were quoted both of where this DOES happen, and of where it DOES NOT happen. Examples were quoted about the inter-dependence of Skills for Life and Offending Behaviour Programmes, arguing that these should be delivered in conjunction with one another. Skills for Life should underpin other interventions, while other interventions might benefit from advice on how to make programmes more accessible to those with literacy and language difficulties.

Leadership from the Governor was seen as crucial in the custodial setting, but there were concerns that this was dependent on the attitudes of the individual. At all levels there were calls for a greater degree of joint working and shared understanding

There were concerns about the work still to be done to ensure a shared understanding of the different cultures which exist within the criminal justice system and the need for on-going exchange of information was emphasised.

***Our response***

We are responding to these comments by examining our communication and links at all levels. Our aim is that by continuing to strive for an integrated approach and by learning from the contexts in which this can be demonstrated to work, we can influence practice

**g) *Niche provision in the community***

One of the proposals in The Prospectus suggested that mainstreaming in the community rather than an expansion of niche provision should be the way ahead.

### ***ISSUES RAISED***

Many respondents accepted this proposal in principle. However, there were a wide range of arguments put forward to suggest why it might be impractical. These included:

- the unwillingness of many offenders to attend 'mainstream provision'
- the perceived unwillingness of some colleges to engage with providers
- the inflexibility of the FE funding system particularly regarding start dates and flexible curriculum
- the difficulty which many voluntary organisations experience in accessing LSC funding
- the lack of through the gate support and other mentor type support for offenders

### ***Our response***

We accept that there are significant difficulties in attracting offenders to mainstream education providers – though of course without a data collection system which flags such learners it is impossible to report the extent of the problem, or indeed any success. While we remain committed to maximising the use of mainstream learning and skills opportunities by offenders, we appreciate the value of link of preparatory courses which support access to such provision and provide the additional backup which an individual might need and will consider how best to meet that need.

# 4: Moving from proposals into action

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## 4.1: Emerging Strategy and Policy Development

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Based upon the consultation responses and our knowledge and experience of offender learning arrangements, the following section describes our current programme of work in progress to develop arrangements for implementation from August 2009.

The recommendations in the recent review of offender learning by the National Audit Office (NAO) – “*Offender Learning and Skills Service – Meeting Needs?*” (2008) have highlighted some areas that require action to be taken. Action is already in hand to address many of these recommendations. However in addition to identifying areas for improvement, the report acknowledges and supports our proposals and urges us to press forward.

The NAO concluded that despite the evident progress that had been made, in its view, “*the value for money of OLASS across almost all aspects of delivery is below the level of which the service is capable in time*” (para 17). Specifically, the report noted:

- Significant problems from the previous system have continued to impact adversely on the effectiveness of OLASS, including “*levels of provision at each prison not necessarily being linked to current learning and skills needs, contracts not rewarding outputs or outcomes, and insufficient management information on the achievement of the policy objectives*” (para 10).
- The current management information system (MIS) system “*does not currently provide the partners with information on the proportion of offenders who are meeting their personal learning needs, why offenders do not meet their learning needs, and what impact the provision has on employment and re-offending rates*” (para 14).
- There is no consistently applied process for identifying individual offenders’ learning and skills needs and planning how to address them, in either the custodial or community setting. “*No information is systematically collected as to why offenders with learning and skills needs do not devise learning plans and enroll on courses, ...*” (para 15).
- Approximately one third of the courses commenced in custody are not completed. “*Offenders who do not complete the courses they start will not*

*achieve a qualification that could demonstrate to a potential employer the skills acquired, undermining the core purpose of OLASS of increasing employability. On this basis, we estimate that uncompleted courses could be costing the LSC as much as £30 million” (para 16).*

As a result of these findings, the NAO made a number of recommendations, including:

- *“Define a core curriculum to be in place at each prison establishment and, in line with the LSC’s proposals, bring more consistency into the other courses that providers deliver, to allow greater continuity when prisoners are transferred” (para 18b).*
- *“Facilitate access to information on offenders’ learning needs, progress and achievements by providers and offender managers” (para 18f).*
- *“Hold providers to account over their contractual obligations to devise learning plans that set clear targets and record progress” (para 18g).*
- *“Improve performance measures to incentivise delivery partners to act in a way that is wholly consistent with the policy objective for OLASS” (para 18h).*
- *“Draw up new contracts for offender learning and skills provision in prisons, which reward providers for progress made by offenders... we support the LSC’s intention to ... set target participation rates and achievement levels for each provider in the 2008-09 academic year, and minimum levels of performance from 2009 onwards” para 18i).*
- *“Implement an OLASS management information system to monitor overall performance and effectiveness. The OLASS partners...should... put in place systems to collect and report relevant information. The indicators should include the extent to which”:*
  - *offenders’ learning and skills needs are assessed;*
  - *offenders’ learning plans are met;*
  - *provision is of good quality;*
  - *progress is made towards learning and skills attainment milestones; and*
  - *offenders enter sustained employment” (para 18j).*

In considering our actions in response to the consultation on The Prospectus proposals, we will also take note of the NAO recommendations and incorporate those issues into our action plan. In particular, we will use the findings of the OSCAR process to inform arrangements for the commissioning round for providers which began with Pre-Qualification Questionnaires in January 2008 and will culminate in the issuing of new contracts for August 2009.

In commissioning learning and skills for offenders, we are proposing a fundamental review of the way in which offender learning in custody is planned, organised, delivered and funded, as envisaged in The Prospectus and subsequently refined in the light of consultation.



Through the OSCAR process, we will arrive at baseline establishment learning profiles (ELPs) that seek to reflect:

- learner demand, aspirations and characteristics
- volume and turnover in provision
- qualifications and skills acquisition
- links to labour market requirements.

Our emerging strategy and policy is determined by:

- our on going response to Next Steps
- our response to consultation and the ideas contained in The Prospectus, and the subsequent refinement to those ideas
- our response to the recommendations in the NAO report.

## 4.2: Research and Development

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The following section describes the key piece of work to inform the development and implementation of a revised Offender Learning programme.

This is the OSCAR process which will provide the evidence base for the:

- the changes outlined in The Prospectus and refined in this document
- the prioritised curriculum
- new commissioning arrangements
- a new funding methodology
- development of new performance management framework
- minimum levels of performance

### **Offender Skills Curriculum Area Reviews (OSCARs)**

See <http://readingroom.lsc.gov.uk/lsc/National/nat-offenderskillscurriculumareareviews-sep08.doc>

#### **for the specification for the Reviews**

The purpose of the reviews are to improve the alignment between the supply of learning opportunities for offenders in a prison establishment or area; and their needs, prioritised to meet two principal objectives:

- to ensure alignment to the LSC's remit and responsibilities for commissioning high quality, relevant learning and skills opportunities, and
- maximising the opportunities for appropriate learning, skills and employment provision to contribute towards a reduction in re-offending, by determining what range, type and level of provision should be in place in particular prison establishments or areas taking into account numerous factors, including, but not exclusive to:
  - offender learners' needs;
  - employers' needs;
  - prisoner movement and resettlement into the community and the need for continuity of learning/progression;
  - physical location and capacity;
  - the need for personal and social development programmes;
  - programmes that lead to the acquisition of relevant and appropriate functional and vocational skills and qualifications;
  - employment focussed provision that lead to employment and a contribution towards a reduction in recidivism;

Following the completion of the OSCARs, the key outcome of the reviews will be the development of a new commissioning approach, to incorporate a planning and funding methodology and allocation model for custody. For the community, we need

greater detail on offenders' needs to ensure that the LSC has a sound evidence base to challenge existing LSC commissioned provision for the general population so that it is available, accessible and supportive to offenders.

The OSCAR process is currently underway, having begun in May 2008 in the two test bed regions (East of England and West Midlands). KPMG were awarded the contract for this work. On completion of the first phase, the process will be evaluated and then carried out in the other regions and in the High Security Estate.

The full OSCAR process will be complete by August 2008 in time to inform the specification for the new commissioning round.

## 4.3: Implementation

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### What will happen next?

Following the publication of The Prospectus, and the analysis of responses, the following actions have been taken:

- the plans in The Prospectus have been revised in the light of consultation responses and in dialogue with partners
- the prioritisation of provision has been reviewed, and the OSCAR process implemented
- the LSC is addressing the issues raised in the NAO report
- OLASS has consulted with custody providers on funding and performance management issues, both of which areas are currently in development
- preparations are underway for the new commissioning round.

On a broader front, we have chosen to separate out the wider action/implementation process into two key themes:

- communication
- mainstreaming

The reason for doing this is in response to the many comments received in the consultation, which broadly supported the objectives and the proposed way forward but which highlighted weaknesses in the integration between departments and services, and the continuing need for the development of a collaborative approach.

### COMMUNICATION

There were powerful arguments that the objectives in The Prospectus could only be realised if there was an accompanying programme to influence the environment in which OLASS operates – both within the criminal justice system and in post 16 learning and skills.

It is easy to forget the pace of recent change in the delivery of learning and skills for offenders, and we therefore accept that there should be, as part of our action and implementation plan, separately identified actions which promote continued collaboration and understanding within and between organisations.

We understand communication to include the following contexts:

- between OLASS and all parts of the LSC organisation nationally
- between OLASS and the all parts of the LSC organisation regionally
- between the LSC and NOMS
- between the LSC and other stakeholders, including providers
- for public information
- with new agencies and organisations such as the Young People's Learning Agency, the Skills Funding Agency

- we will work alongside the DIUS and MoJ communications strategies and plans, contributing as required.

The communication strategy will ensure that each of these important contexts is addressed specifically with a view to ensuring that the actions carried forward are understood by others, and supported by them as appropriate.

### **MAINSTREAMING AND PROVISION FUNDED BY OTHERS**

Our understanding of mainstreaming includes the following activities:

- facilitating access to LSC funded provision for offenders (through work with providers). We anticipate a high profile campaign on this in autumn 2008
- supporting LSC colleagues to understand the importance of offenders as a target learner group (in all teams within the LSC)
- working to ensure that LSC's planning and funding arrangements take note of the needs of offender learners.

### **STRAND 1 - COMMUNICATION STRATEGY**

**We will ensure continued and ongoing involvement with our key partners, particularly NOMS as we move into the implementation phase of our proposals.**

Our target date for the publication of the priorities for funding is July 2008, in time for these to be absorbed into the arrangements for the new procurement round which began in January 2008. We will work closely with partners and seek their support and agreement of the new arrangements.

Our commitment is to align our work with that of other partners, and to encourage them to see the opportunities provided by Learning and Skills in our shared commitment to reducing re-offending. To achieve such an alignment requires a comprehensive programme of communication and collaboration.

One of the major issues to arise from the consultation was around attitudes to learning and skills and communication particularly in custody. This point was not made as a criticism – but it highlighted the problems of bringing teams from different disciplines and backgrounds together to work on a shared objective. The LSC is committed to play its part in firstly understanding the 'criminal justice' culture and secondly in supporting others to understand the culture of learning and skills. A structured series of activities will be undertaken to develop this shared purpose

For many respondents, the publication of The Prospectus at a time when departmental responsibilities were changing, gave cause for concern about the high level policy overview. Many asked for clarification on how youth and adult policy will be joined up between the new departments. We will work with both DIUS and DCSF to ensure that there is a common approach to offender learning and skills.

Participants frequently commented on the apparent difficulty of 'getting alongside' Job Centre Plus (JCP) provision, which is considered to be complementary to OLASS provision. One suggestion was that the way JCP is organised does not easily fit with other partners. This was seen as an area requiring urgent

development. We will work with colleagues from DWP to make progress in this area.

We recognise the need to keep a wide network of colleagues in touch with the regular process of our work. To that end, we are committed to providing a monthly bulletin online and available to all staff providers, partners and interests organisations and individuals.

## **STRAND 2 - MAINSTREAMING STRATEGY**

**We will raise the profile of the revised Prospectus proposals with LSC providers and with colleagues within the LSC to highlight and develop areas where offender learning and skills will feature more prominently**

There were strong representations made in the responses to the Prospectus that while mainstreaming might be a proper and desirable objective (in the sense of facilitating access by offenders to the full range of LSC funded provision), there are many practical issues to be resolved if the objective is to be realised. By mainstreaming we mean:

- LSC funded provision will be organised in a way which allows the needs of offenders to be adequately addressed
- Staff within LSC funded provision are knowledgeable about the needs of offenders
- Targets and MLPs will not be set in ways which will discourage the participation of offenders
- LSC staff, particularly partnership managers, will have knowledge of the needs of offenders and will include offenders in their discussions with local providers

Within each of the points above, there are a range of activities to be pursued, and it is our intention to scope the activities which comprise mainstreaming and to develop a structured approach to the process.

From our own knowledge and from the suggestions made in the responses, our action plan will seek to address these barriers. We recognise the scale of this as an endeavour and will seek support from the highest levels within the LSC to ensure that mainstream provision can be 'offender friendly'.

## 4.4: Timescales

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A summary of the key features, details and timescales related to the development and implementation of revised Offender Learning arrangements are set out here for reference..

July 08 – outcomes of pilot OSCARs received and considered.

July 08 – OSCAR process revised if necessary and rolled out across the country and the High Security estate.

July 08 – drafting of new funding arrangements for use in the new commissioning round, following management consultation and approval.

July 08 – drafting of new performance management arrangements for implementation in contracts for the new commissioning round, following management consultation and approval.

August 08 – work with regions to determine units of procurement.

August 08 – full OSCAR data available to inform units of procurement, and funding approach.

September 08 – Management Board approval for tender specification, which will draw on the new funding and performance management arrangements and will reflect new units of procurement.

October 08 – invitation to tender issued to those providers who have been approved following the PQQ.

October 08 – tender clarification meetings in regions following the release of the tender specification.

December 08 – return of tenders.

December/March 09 – assessment of tenders.

March 09 - Notification to successful tenderers.

June 09 – contracts signed.





## Annex A

# Offender Learning Curriculum Areas - Custody

Notes in relation to all curriculum areas:

- The participation of offenders with learning difficulties and/or disabilities should be considered on an individual basis in EACH area
- The participation of remand and foreign national prisoners should be considered on an individual basis in EACH area
- Women prisoners may require a portfolio of learning which focuses more strongly on the personal and social agendas
- Any timings given are for illustration only
- Where possible courses should be drawn from the QCF – any others should be undertaken only after negotiation

## Offender Learning Curriculum Area

### 1: IAG and Preparation for Employment

Purpose	Components	Priority
<p>This curriculum area recognises the benefit to be gained for these offenders by motivating and guiding them towards provision elsewhere on release. This short but potentially intensive programme makes effective and efficient use of time and resources to encourage future employment and participation in learning and skills. Coordination between custody and community and between LSC-funded providers is crucial to success. Programmes should not be undertaken where there is little realistic opportunity of completion</p>	<p>This curriculum area is intended for offenders who will have a limited sentence period and therefore a limited opportunity to develop their learning. It will comprise:</p> <ul style="list-style-type: none"> <li>• initial assessment of functional skills</li> <li>• feedback on what the outcomes of this assessment mean</li> <li>• skills health check</li> <li>• short taster provision based on that which might be available when moving, for example, from a local prison to a training prison</li> <li>• short programmes which boost self esteem and which will have relevance to possible employment can be included ion the portfolio</li> <li>• education and employment guidance and support, including detailed signposting of where training and support can be obtained on release, or further opportunities in the secure estate.</li> </ul> <p>Note – some of these learners will require additional learning support</p>	<p><b>All learning and skills work undertaken should be identified within an ILP.</b></p> <p><b>Priority for LSC OLASS funding - HIGH</b></p>

## Offender Learning Curriculum Area

### 2: Skills for Life offer – literacy (language and communication), numeracy, ESOL

#### Learner Target Group

Prisoners who have a need for functional skills provision, are considered to be ready to learn and require at least 6 months for progress to be achieved

Readiness to learn is defined as – being motivated, and in sufficiently good physical and mental health to bring some degree of concentration and focus to learning

Foreign Nationals may require ESOL provision within this curriculum area.

Purpose	Components	Priority
<p>Inspection evidence that shows that basic/functional skills provision is most effective when embedded in other meaningful activity, so where possible Skills for Life programmes should be embedded in other programmes, such as vocational tasters and including ‘work’ roles. There are several models for embedded basic skills provision, and providers are strongly discouraged from offering standalone basic skills provision unless it is linked to immediate and relevant contexts. For these offenders, it will be necessary to introduce at an appropriate time, information, advice and guidance (IAG) on employment prospects. It is recognised that some learners may require additional discrete functional skills support – this need should be evidenced in the ILP</p>	<p>This curriculum area is intended for offenders whose assessments indicate basic skills difficulties that are likely to impede their employment prospects. The curriculum will comprise:</p> <ul style="list-style-type: none"> <li>• initial basic skills assessment</li> <li>• skills health check</li> <li>• further diagnostic assessment where indicated</li> <li>• assessment for the relevance of learning support</li> <li>• a programme of embedded basic skills</li> <li>• a programme that links basic skills to relevant and realistic employment options, including vocational tasters.</li> </ul> <p>Learners will be expected to take national qualifications within this curriculum area using incremental steps where appropriate.</p>	<p><b>Priority for LSC OLASS funding - HIGH</b></p>

## Offender Learning Curriculum Area

### 3: Skills for Employment including First full level 2 offer

#### Learner Target Group

Offenders in custody with around two years prior to release and preparing for resettlement

Purpose	Components	Priority
<p>In OLC area 3, the vocational component must be aligned with the skills areas most likely to result in employment for the individual in his or her resettlement region. Funding for this provision will be conditional upon the current relevance of the vocational area.</p> <p>Note also that priority will be given to learners who have not previously achieved a qualification at Level 2. It is likely that offenders might need two years to complete this qualification.</p> <p>Note that basic skills support and additional learning support where required should be embedded into this activity. The qualifications offered should be relevant and driven by the needs of the labour market (where possible in the resettlement area), be up to date and meet industry standards, that is, have national accreditation</p>	<p>This curriculum will include:</p> <ul style="list-style-type: none"> <li>• initial basic skills assessment</li> <li>• further diagnostic assessment where indicated</li> <li>• assessment for the relevance of learning support</li> <li>• a programme of embedded basic skills</li> <li>• if possible, a full Level 2 programme (staged where required)</li> <li>• level 3 programmes, where these are the first level 3 programme undertaken by the learners and where there is a link with IAG evidence of realistic progression to related employment opportunities</li> </ul> <p>Note that we would also expect providers to make full use of the Qualifications and Credit Framework (QCF), once available, thereby allowing the accumulation of units towards qualifications, as this will be of particular benefit and relevance on release.</p>	<p><b>Priority for LSC OLASS funding - HIGH</b></p>

## Offender Learning Curriculum Area

### 4: Young people

#### Learner Target Group

Young people in custody

Purpose	Components	Priority
To ensure sufficient availability and engagement in meaningful and relevant learning and skills opportunities for all young people in custody, at levels prescribed by the Youth Justice Board.	The full range of learning and skills provision should be made available to young people, as prescribed in the <i>Offender's Learning Journey (Juveniles)</i>	<b>Priority for LSC OLASS funding - HIGH</b>

## Offender Learning Curriculum Area

### 5: Learning for living and work: communication and personal skills curriculum

#### Learner Target Group

Learners with learning difficulties and/or disabilities (LLDD)

Those seeking to improve social, life and personal skills.

Those requiring support to develop confidence and motivation in relation to learning

Those requiring employability skills, including the 'soft' skills for employment

Note that the label *LLDD* encompasses all additional support needs in relation to learning. There is no intention that such learners should have a 'diagnosis' – their needs should simply be identified within their individual learning plans and the appropriate support provided

Purpose	Components	Priority
<p>Many prisoners will have had very difficult experiences with previous learning which might mean that they have difficulty accessing any learning provision without additional support. Others will have particular difficulties or disabilities which will always require the curriculum and the methods of delivery to be made accessible for them</p> <p>Some learners including those with physical and sensory impairments are likely, with suitable adaptations, to be able to participate in other curriculum areas described here.</p> <p>Arrangements to provide additional learning support across the estate will assist providers to meet needs appropriately</p>	<p>For some learners, additional support may not be enough to enable them to engage in learning and they will require a programme that addresses fundamental skills such as:</p> <ul style="list-style-type: none"> <li>• communication skills</li> <li>• working in groups</li> <li>• personal and social skills and self-confidence.</li> </ul> <p>Without the above skills, it is difficult for other learning to take place. Programmes in OLC area 5 should seek to support progression to further learning, but OLASS recognises that in many cases such progress is unlikely to be achieved within a short timescale.</p>	<p><b>Priority for LSC OLASS funding - HIGH</b></p>

## .Offender Learning Curriculum Area

### 6: Higher level (levels 3, 4 and 5)

#### Learner Target Group

Learners wishing to undertake **non vocational** qualifications above Level 2

Purpose	Components	Priority
Personal development	This curriculum area will include: <ul style="list-style-type: none"><li>• GCE A-levels and further study</li><li>• Study relating to hobbies and interests.</li></ul>	<b>Priority for LSC OLASS funding - LOW</b>

### 7: Personal interest learning

#### Learner Target Group

Prisoners engaging in learning which is not linked to their employment agenda

Prisoners who have previously achieved high levels of qualifications and whose needs are not met by other curriculum areas

Purpose	Components	Priority
Individual satisfaction	Leisure and recreational studies (not as part of a planned employment package);	<b>Priority for LSC OLASS funding - LOW</b>