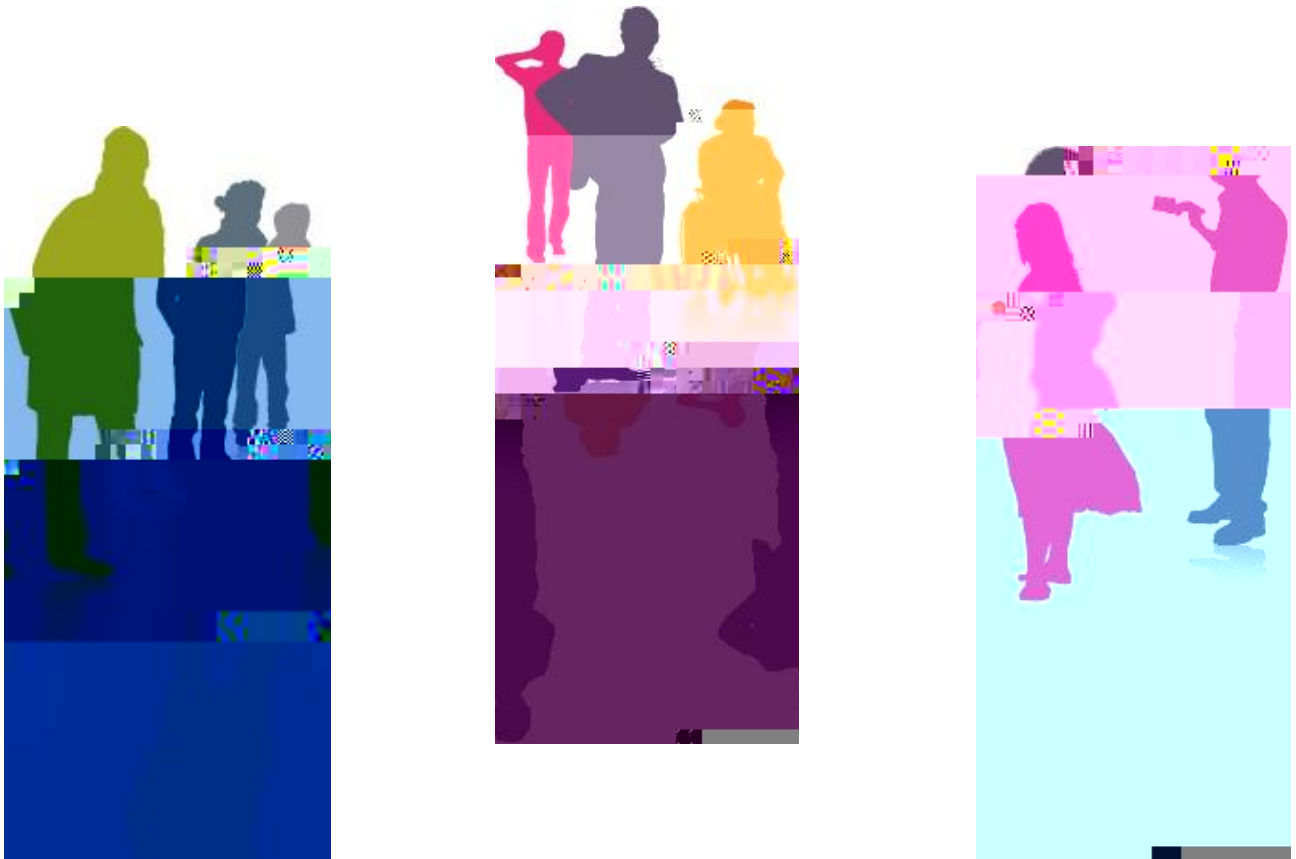


Improving Access to Offender Learning in the Community

2014



The
Education
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Improving access to offender learning in the community

Introduction

As part of the Ministry of Justice's Transforming Rehabilitation reforms, from early 2015, a new suite of providers will deliver a new 'through the gate' services to prisoners, and to offenders supervised in the community. Community Rehabilitation Companies will have responsibility for the management of the majority of offenders in the community with the exception of high risk offenders who will be managed by the National Probation Service.

Enabling offenders to improve their skills and secure employment is at the heart of the government's strategy to reduce re-offending. The Green Paper [Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders](#) (MoJ 2010) put employment at the centre of a menu of interventions designed to support the rehabilitation of offenders. [Making Prisons Work: Skills for Rehabilitation](#) (BIS/MoJ 2011) set out the coalition government's proposed reforms for offender learning.

The importance of employment in reducing offending has placed a greater emphasis on the need to develop offenders' en

Who is this guidance note for?

The content of this guidance note will be of particular interest to:

- further education colleges, providers of adult, community and work-based learning
- staff responsible for the planning, co-ordination and management of offender learning opportunities
- practitioners involved in the delivery of offender learning programmes
- staff new to working with offender learners.

What does this guidance note contain?

This guidance note has a focus on offenders (aged 18 and over) serving sentences in the community under the supervision of the Probation Service. It identifies some of the barriers offenders may face and provides signposting to information and ideas to improve access to learning and skills provision.

Each barrier is presented with a summary of the issue to be resolved, followed by information and signposting to help support and improve practice.

The guidance note also includes:

- an introduction to the provisions of the Rehabilitation of Offenders Act 1974 and the Legal Aid, Sentencing & Punishment of Offenders Act 2012
- information and signposting to the Disclosure and Barring Service (DBS)
- examples of risk assessment documents produced by Leicester College.

How do offenders enter learning and skills provision in the community?

Offenders enter learning and skills provision in a variety of ways. Most offenders will be referred by the Probation Service, Jobcentre Plus or the National Careers Service to learning and skills provision following an assessment of their learning and employability needs. Some offenders will have a Community Payback (unpaid work) requirement as part of their community sentence which could include learning and skills activity. Ex-offenders (offenders who have completed a community or custodial sentence) may apply direct to a learning provider or be referred to learning and skills provision by a range of public, private and voluntary support agencies.

Further information

For more information about the role of the Probation Service and Community Sentences go to the Ministry of Justice website www.justice.gov.uk.

Issue 3: Offenders are often reluctant to enter a mainstream learning environment, e.g. a further education college campus.

Preparing offenders for the transition to a more formal learning environment can be achieved by:

- providing first step learning opportunities delivered at probation service premises or other discrete locations
- organising college visits prior to progression to a mainstream learning environment
- offering short taster courses as an introduction to a wider range of learning opportunities
- using learning mentors to support the transition to a mainstream learning provision

For example, one of the prisons in the North East has good relationships with the local colleges, with college staff visiting prison staff and vice versa. Prisoners are supported in contacting the college prior to enrolment to disclose offences. An interview/visit is then arranged to meet tutors prior to enrolment. Training placements, community unpaid work and work placements are arranged through the prison's Training Employment Group.

Whilst many offenders may be reluctant to enter mainstream learning there are also instances of where an offender is keen to continue a course that they have been attending before arrest,

Issue 4: Offenders often have a history of under-achievement at school and need intensive English, mathematics and ICT support.

Improving prisoners' English and maths is a priority as this increases the likelihood of future employment when released. The Government has introduced mandatory assessments of maths and English for all newly

Issue 5: Offenders don't always know how or when to disclose information about their conviction(s).

A criminal record can act as an additional barrier to engaging in learning and employment opportunities. The Rehabilitation of Offenders Act 1974 (ROA) removes some of these barriers by enabling certain criminal convictions to become 'spent' after a specified 'rehabilitation period'. In practice this means ex-offenders are not obliged to reveal their criminal convictions after their rehabilitation period has been completed.

The Rehabilitation of Offenders Act 1974 was updated in March 2014

Issue 8: How do learning providers ensure offenders do not make inappropriate 'disclosures' or 'brag' about their offences and criminal behaviour in the learning environment?

Admission and induction procedures should ensure all learners understand what constitutes acceptable behaviour in the learning environment. In addition, at Leicester College, as part of the risk assessment process (see p15), the risk assessment manager discusses with learners the issue of what constitutes appropriate disclosure. Due to the success of the risk assessment process less than 1% of learners who have been risk assessed are later involved in a disciplinary.

Issue 9: How do learning providers prevent poor attendance and achievement rates from affecting their organisation's funding?

Court appearances and restrictions on activities can have an impact on an offender's record of attendance and achievements. Learning and skills providers can take steps to reduce the impact of absenteeism by:

- creating a positive working relationship with Probation staff to ensure supervision schedules and other appointments do not clash with learning programmes
- offering offenders short courses and courses delivered on a roll-on, roll-off basis
- using learning mentors to work with students and tutors to address and overcome the impact of poor attendance.

Issue 10: How can learning providers meet the cost of offenders' additional support needs?

Learning and skills providers have access to funds to support learners who need additional support. Offenders attending Skills Funding Agency provision are treated in

Issue 11: How can learning providers balance an offender's right to learn with their organisation's safeguarding responsibilities?

Every organisation has a legal duty to safeguard children and adults from harmful and/ or abusive activities. This means having an 'effective safeguarding system, where harm or the risk of harm is identified, acted upon effectively and ultimately prevented' (Changes to disclosure and barring: What you need to know, HM

Safeguarding legislation

The duty to 'safeguard' sits within, and is informed by, a wide range of other legal responsibilities and policy directives designed to protect children and adults. These currently include:

| Core legislation | Other legislation | Broader policy context |
|--|--|------------------------|
| Safeguarding Vulnerable Groups Act (2006) and Children Acts. | Employment law (to cover work-based learning), | |

Risk Assessment data is classed as 'sensitive data' and as such is treated with additional data protection safeguards, information is only shared with relevant staff on a need to know basis. All students are made aware of how their data is handled, stored and retained.

Once a risk assessment has been completed and analysed, a safeguarding manager will decide whether to:

- accept the learner
- refuse admission (the learner has the opportunity to appeal)
- transfer the learner to another course
- refer the learner for support (involving work with internal teams and external agencies to provide mentors, mental health support, counselling and disability support)
- defer entry to a later date and/or apply conditions to manage the learner's needs and mitigate any potential risks.

In addition, some learning and skills providers highlight all risk assessed learners on their database records. This ensures information is available (in compliance with Data Protection legislation) across the organisation and is a useful additional safeguard for organisations operating via multiple locations.

Further information

For examples of risk assessment procedures and documentation used by Leicester College go to:

[Leicester College Risk Assessment - Students - Criminal Convictions Policy 2014](#)

[Leicester College Declaration of Previous Current Convictions Form 2014](#)

[Leicester College Risk Assessment Information to Students 2014](#)

[Leicester College Risk Assessment Interview Main Document 2014](#)

[Leicester College Risk Assessment Interview Information to Students 2014](#)

[Leicester College Risk Assessment - Students - Reference Form 2014](#)

The Education and Training
Foundation
157-197 Buckingham Palace Road
London
SW1W 9SP
T: 020 3740 8280