

# LEARNING AND SKILLS PROVISION FOR OFFENDERS IN THE COMMUNITY: DRAFT POLICY FRAMEWORK

## PURPOSE

The attached draft Policy Framework sets out the basis for the new partnership arrangements between the DfES Offenders Learning and Skills Unit (OLSU), the Learning and Skills Council (LSC) and the National Probation Service (NPS) to support the learning and skills of offenders in the community in England.

## ACTION

Comments are invited on the draft policy framework attached at Annex A. Please address any comments to Roger Stevens at the Directorate by **14 May 2004**.

## SUMMARY

Policy responsibility for learning and skills provision for offenders in the community is to transfer from the Home Office to the DfES from April 2004. The Learning and Skills Council (LSC) will assume responsibility for the planning and funding of education (Skills for Life) for offenders in the community in England. Different arrangements will be made in Wales.

## RELEVANT PREVIOUS PROBATION CIRCULARS

PC11/2004 – Basic Skills Monitoring  
PC12/2004 – Operational Guidance

## CONTACT FOR ENQUIRIES

Queries and/or advice on the attached can be obtained by telephone or email from:

Laura Fairweather – 020 7217 0680/1 or  
[laura.fairweather@homeoffice.gsi.gov.uk](mailto:laura.fairweather@homeoffice.gsi.gov.uk)

Roger Stevens – 020 7217 8283 or  
[roger.stevens@homeoffice.gsi.gov.uk](mailto:roger.stevens@homeoffice.gsi.gov.uk)

# Probation Circular

## REFERENCE NO:

21/2004

## ISSUE DATE:

14 April 2004

## IMPLEMENTATION DATE:

April 2004

## EXPIRY DATE:

1 April 2009

## TO:

Chairs of Probation Boards  
Chief Officers of Probation in  
England (Wales for information  
only)  
Secretaries of Probation Boards  
Regional Managers  
Regional What Works Managers

## CC:

Board Treasurers

## AUTHORISED BY:

Martin Copsey, Head of  
Community Reintegration

## ATTACHED:

Appendix A:  
Draft Policy Framework

## **Background**

1. The Social Exclusion Unit's (SEU) report on Reducing Re-offending in 2002 highlighted the role of education and training as a means of providing offenders with alternatives to crime. As part of a strategy to improve the quality and quantity of education and training available to offenders, Ministers have sought to encourage a closer working relationship between the NPS, OLSU and the LSC, at local and national level.

## **Consideration**

2. The attached draft policy framework was included within the information packs issued to delegates attending the recent regional workshops in England. The policy framework sets out how partners will work together in practice and what is to be achieved over the period April 2004 to August 2005. In particular it discusses the:

- Challenge and potential benefits of change;
- Roles and responsibilities of key partners; and
- How the partnership will operate in practice.

## **Comments**

3. Comments are invited on the attached draft policy framework. Please address any comments to Roger Stevens (E mail: [roger.stevens@homeoffice.gsi.gov.uk](mailto:roger.stevens@homeoffice.gsi.gov.uk)) at the Directorate by **14 May 2004**.

## Draft Policy Framework

### Foreword

The provision of education to help offenders is a key part of Government's effort to rehabilitate offenders and reduce re-offending. Over the last five years we have significantly improved the educational achievements of offenders in prison. We now need to take further action to tackle the learning needs of offenders under supervision in the community.

This draft policy framework sets out the basis for a new partnership between DfES Offenders Learning and Skills Unit (OLSU), the Learning and Skills Council (LSC) and the National Probation Service (NPS) to support the learning and skills of offenders in the community.

The work it describes will involve considerable change which calls for an investment in commitment, time and energy by everyone involved. This is an enormous challenge and we recognise that it is only with the efforts of those working directly with offenders that we will achieve the Government's aims.

This draft policy framework is intended to support this aim by setting out our aspirations and the roles and responsibilities of key partners and other partners with an interest in offender learning – the Prison Service and Youth Justice Board, Jobcentre Plus and voluntary organisations with expertise in this area,

We look forward to hearing your comments on this draft – **by 26 March please to the contact named at the end of this draft policy framework** – as the agreed document will form the basis for the way forward on work with offenders in the community for the next 12 months.

Jane Bateman  
DfES

MartinCopsey  
NPS

Tony Belmega  
LSC

## OUR VISION

*Offenders according to need should have access to education and training in the community which enables them to gain the skills and qualifications they require to provide alternatives to crime, get and keep appropriate employment, and play a positive role within their local community.*

## **INTRODUCTION**

- 1 From April 2004 new arrangements will come into operation to support the improvements in the learning and skills of offenders in the community. These arrangements will cover offenders supervised by the probation service and those released from prison on licence in the community.
- 2 This policy framework sets out how the Department for Education and Skills Offenders Learning and Skills Unit, the Learning and Skills Council and the National Probation Service will work together in practice and what we jointly seek to achieve over the period April 2004 - August 2005. In particular it discusses the:
  - challenge and potential benefits of change;
  - roles and responsibilities of key partners; and
  - how the partnership will operate in practice.
- 3 We are operating in the context of plans to transform the organisation of the criminal justice system so that fewer offenders re-offend and many more can go on to participate fully in society once their sentence has ended. In June 2004 a new National Offender Management Service (NOMS) will come into being with the aim of ensuring that the focus is firmly on managing offenders throughout their entire sentence. Prison and probation services will need to work much more closely together on a range of interventions to support rehabilitation.
- 4 This will prove crucial when, from 2006, new sentencing arrangements are introduced where many more short term offenders will serve sentences with custodial and community supervision components. Building on present arrangements, we will need to respond in due course to these changes by further improving coherence in the arrangements for learning and skills in prisons and those for offenders under supervision in the community.

## THE CHALLENGE

- 5 In any one year the National Probation Service supervises approximately 200,000 offenders aged 18 and over. They include offenders serving community sentences and those released from prison on licence, some of whom will have been able to gain literacy, language and numeracy skills qualifications in prison. Offenders on supervision in the community face a multitude of problems and issues including a lack of stable accommodation, health problems, lack of family support, unemployment and a poor employment history, drug and alcohol abuse and mental health problems.
- 6 Improving offenders basic skills so they can benefit from sustainable employment contributes significantly to reducing the level of re-offending. Around half of offenders screened by the NPS will have very poor basic skills, significantly higher than the estimated 20% of the general population with a similar learning need.
- 7 In addition many offenders will have had a negative experience of education, resulting in truanting, exclusion and expulsion. Where this has occurred, offenders feel dis-enfranchised from education with little or no enthusiasm or motivation to return to a school/educational or learning environment. This is particularly true of young adult offenders whose negative experience of school will be more vivid than adult offenders.
- 8 National Probation Service case managers report that the biggest barrier to learning is the unwillingness of offenders to participate. However, we also need to tackle institutional barriers which may impede offenders from learning to ensure that:
  - offenders are motivated and supported to learn, with learning presented to offenders primarily as a positive opportunity to improve themselves and as a route to achievement and self-efficacy – rather than as a punishment;
  - everyone working with offenders is committed to working closely in partnership, to ensure that as many offenders as possible are helped to achieve a qualification during their sentence;
  - learning providers are equipped with the expertise to manage offenders effectively, promoting access and participation through well-organised and imaginative learning opportunities designed to meet the needs of different learners;
  - NPS areas give greater weight to literacy, language and numeracy skills as a significant part of supervision planning and offender management so that more time is created for learning during sentence; and
  - support for offenders continues after sentence has ended so that more offenders can complete learning programmes and achieve a qualification and encouraged to start or continue their learning journey.

## **KEY PARTNERS**

- 9 Three key partners are involved in this new initiative – the DfES Offenders Learning and Skills Unit, the Learning and Skills Council and the National Probation Service.

### **DFES OFFENDERS LEARNING AND SKILLS UNIT**

- 10 The Offenders Learning and Skills Unit is a cross-Government unit which reports jointly to the Home Office and the Department of Education and Skills. The Unit is currently responsible for the delivery of learning to some 73,000 prisoners in some 140 prisons, for which the Government has made £122m available in 2004/05. Targets for 2004/05 are to achieve 60,000 literacy, language and numeracy qualifications and 130,000 accredited work skills qualifications. The literacy, language and numeracy skills target for prisons contributes nearly 10% to the Skills for Life target to help 750,000 adults improve their skills by 2004.
- 11 As part of the DfES, the Unit is also responsible together with the LSC for supporting links between prisons, probation and mainstream learning opportunities. In particular the aim is to raise the profile of offenders needs to policy makers developing mainstream learning and skills and advice programmes for young people and adults. Staff in the Unit work closely with the Adult Basic Skills Strategy Unit and with DfES and LSC colleagues responsible for the Skills Strategy.

### **THE LEARNING AND SKILLS COUNCIL**

- 12 The Learning and Skills Council has responsibility for the planning and funding of all post 16 non-higher education and learning throughout England. It is a non-departmental public body operating through 10 Regional Directors and 47 local offices with a budget of around £8 billion. The LSC has a mission to raise participation and attainment through high-quality education and training that puts learners first and a vision that by 2010 young people and adults in England will have the knowledge and productive skills matching the best in the world.
- 13 Offenders are one of the key groups which the LSC seeks to reach. As well as the adult basic skills strategy, Skills for Life, the LSC is a key organisation in the implementation of the Government's skills strategy. The skills strategy has a firm focus on raising achievement amongst individuals without level 2 qualifications. The strategy is supported regionally through Regional Skills Partnerships of key partners who work collaboratively to match planning for skills to economic need.

### **THE NATIONAL PROBATION SERVICE**

- 14 The National Probation Service is a law enforcement agency delivering community punishments, supervising and working with offenders within the terms set by the court or parole board in ways that help offenders to reduce their re-offending and better protects the public. Its responsibility relates to both England and Wales. Of the caseload of 200,000 offenders supervised by the NPS, approximately 70% of offenders supervised will be on community sentences and 30% on licence supervision in the community following release from prison.

- 15 The NPS have a number of Home Office targets set in order to achieve an outcome of a 5% reduction in the re-conviction rate of offenders subject to supervision by 2007. The NPS also has a key role to play in the rehabilitation of offenders and since 2002/03 its work in basic skills has contributed to that role, with NPS Areas predominately undertaking the delivery of basic skills provision in partnership with local providers and partnerships.

## **THE NEW PARTNERSHIP ARRANGEMENTS**

### **INTRODUCTION**

- 16 From April 2004 a new national partnership will come into being which builds upon the strong partnership links which already exist between many NPS areas and local LSCs. The specific objectives of the partnership for 2004-05 are to:
- foster an increase in demand for learning so that we double the number of offenders who start learning programmes and continue to develop support strategies so many more offenders complete the course;
  - increase the quantity of learning provision so that we double the number of offenders gaining qualifications and more offenders progress to mainstream learning provision;
  - improve significantly quality standards so learning and skills for offenders matches the best mainstream learning and skills provision; and
  - put in place solid and effective partnership arrangements as a basis for coherent and accountable planning and delivery arrangements nationally and locally.
- 17 The focus of the partnership will be on adults aged 18 plus. Key partners will continue to work closely with the Youth Justice Board and their community based Youth Offending Teams who have responsibility for juvenile offenders up to 19 years of age to ensure there is continuity and coherence in support for this group too.
- 18 Separate arrangements will be made for Wales so that they improve performance in line with the best improving areas elsewhere. A partnership between NPS in Wales, the Welsh Assembly Government, ELWa, the Basic Skills Agency, HM Prison Service and Jobcentre Plus will be responsible for the development of a Welsh strategy and delivery plan as part of the Basic Skills Strategy in Wales, taking into account the need for a bilingual Wales and with 2004/5 designated a transitional year.

### **FUNDING AND TARGETS**

- 19 A total of £17.9 million will be available for offenders under supervision in the community in England and Wales. The arrangements for funding and targets will be as follows:
- Offender basic skills targets for England and Wales for 2004-05 be set at 32,000 starts and 8,000 qualifications, a doubling of the targets for 2003-04. Responsibility for the targets will be shared jointly between the NPS/DfES/LSC. At local level arrangements will be secured through an agreed Partnership Plan;
  - The NPS in England and Wales will ring-fence its £7.9m baseline for basic skills screening, referrals, support and infrastructure costs associated with their role in 2004-05. A joint DfES-

HO-LSC survey will clarify how this baseline funding for 2005-06 should be allocated including whether further funding should flow towards local LSCs for learning provision;

- Through the DfES, the LSC will be allocated £9.3m for 2004-05 for delivery of learning programmes in England. Local LSCs will also be in a position to support offenders who wish to continue learning at the end of their sentence on their mainstream funded learning programmes; and
- Wales will be allocated up to £1.2m (precise level to be agreed) for the planning and delivery of offenders learning and skill in Wales; and for Welsh probation areas to conduct screening and referral to enable them to meet their share of the targets. Different organisational arrangements will apply.

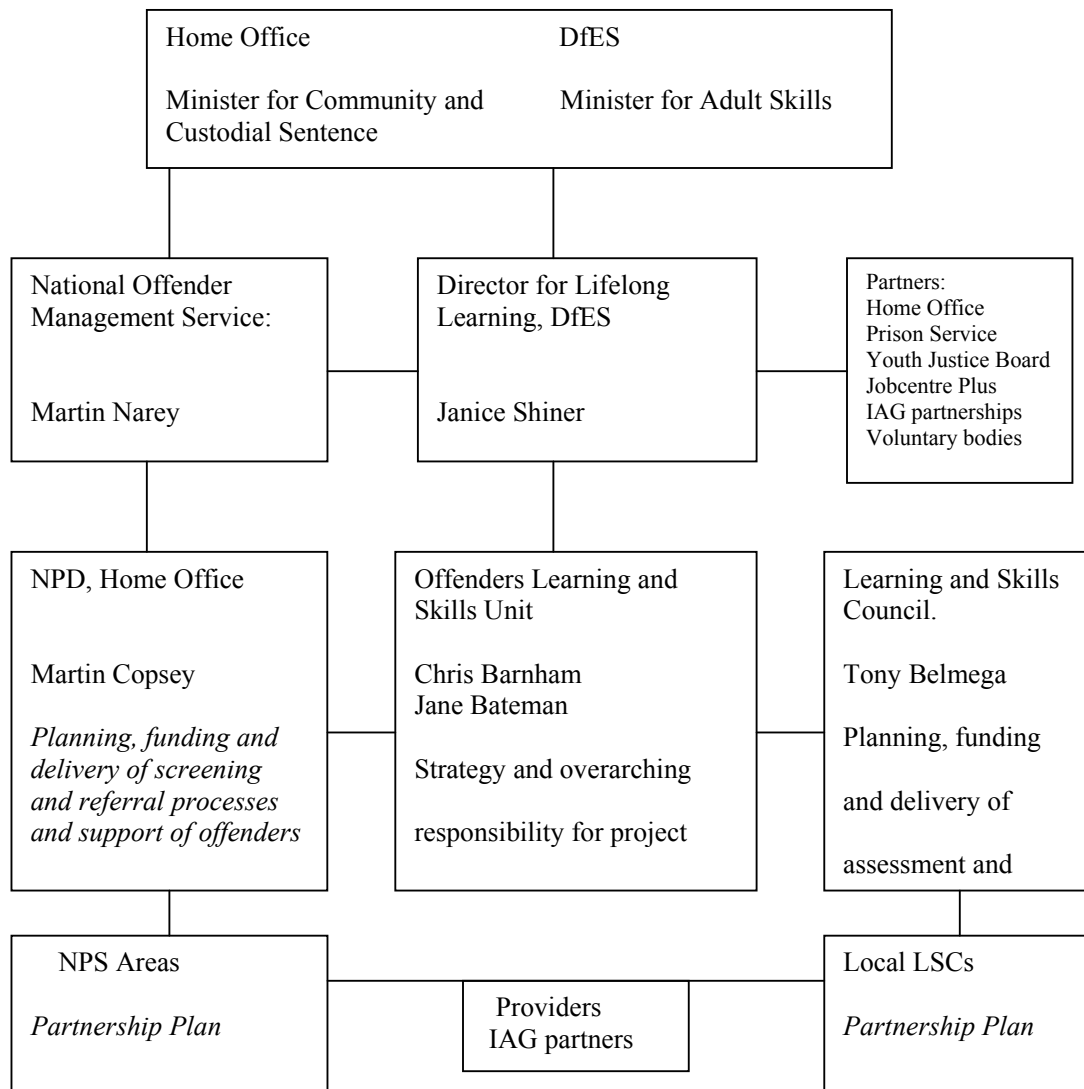
#### **TRANSITIONAL ARRANGEMENTS IN 2004/05**

- 20 NPS areas and local LSCs will be able to use 2004/05 as a transition year in which to agree the basis for future contractual and staffing arrangements. The key aim for 2004/05 is to ensure that there is sufficient quality learning provision to meet the targets and offenders learning needs. In assuming responsibility for the funding and planning of NPS learning and skills provision, the LSC will seek to fund relevant provision at the same levels in 2004/05 as received in 2003/04 in order to reduce the risk of instability during the transition period.

#### **THE PARTNERSHIP STRATEGY**

- 21 OLSU will assume lead responsibility for bringing partners together to develop future policies for the learning and skills of offenders in the community and to review and evaluate progress towards achieving our aims. Day to day responsibility for decisions affecting delivery will remain with the LSC and the NPS. The development of policy for the learning and skills of offenders in the community will be overseen by a strategy implementation group which represents all interests – Home Office, NOMS, DfES, LSC as well as the Prison Service and the Youth Justice Board. The group will:
- provide strategic direction on future policy and programme development;
  - review progress and identify and resolve cross-cutting issues which impact upon development; and
  - provide advice to Ministers and senior officials in the Home Office, DfES and the LSC in the future development of the strategy.
- 22 The strategy implementation group will be accountable both to Ministers and senior officials in both DfES and the Home Office. Ministerial responsibility for delivery of education and training for offenders is held jointly by the Community and Custodial Sentences Minister in the Home Office (Paul Goggins) and the Minister for Adult Skills in DfES (Ivan Lewis). Both Ministers sit on the Adult Basic Skills Cabinet Committee. Ministers are supported in their work by officials in both DfES and the Home

Office, where the new National Offender Management Service will take on the key role for driving change across prison and probation services from June 2004.



### **PROMOTING A LEARNING CULTURE AMONGST OFFENDERS**

23 The National Probation Service will retain responsibility for identifying offenders with learning needs. As the point of first contact with offenders case managers are well placed to motivate, refer and support offenders to access learning programmes and provision. Agreeing precise roles and responsibilities locally, NPS Areas will, with the support of the local LSC and learning providers:

- deliver their responsibility to screen all offenders for basic skills needs at the pre-sentence report (PSR) stage of an offender's sentence using the Offender Assessment System (OASys), the prison and probation services joint assessment tool for risk and needs;

- refer offenders in need to literacy, language and numeracy and other learning opportunities, wherever possible in the community, and provide feedback to the local LSC through network arrangements about the patterns of offender need;
- establish an effective infrastructure and use a range of motivational strategies to maintain offenders involvement with learning at each stage of the 'learning journey' calling on the support of local information, advice and guidance (IAG) partnerships, Jobcentre Plus and voluntary organisations to organise mentoring and support for offenders and linking with the Youth Justice Board and Youth Offending Teams as appropriate;
- ensure that greater weight is given to learning, particularly literacy, language and numeracy skills, as a significant part of supervision planning and offender management and, as needed, integrate learning into probation interventions such as the Think First offender behaviour programme, and orders, such as Drug Treatment and Testing Orders (DTTOs); and
- where learning provision continues to be contracted with NPS Areas in 2004-05, to work towards nationally agreed standards and ways of working, including LSC performance review and inspection arrangements, subject to plans agreed between local LSCs and NPS Areas for future development.

#### **DELIVERING LEARNING WHICH PROMOTES ACHIEVEMENT AND PROGRESSION**

- 24 The LSC will assume responsibility for the planning and funding of learning programmes for offenders in the community. Local LSCs are well placed to broker arrangements with a range of learning providers and, through them, to support progression to other learning opportunities. Local LSCs will also take account of offenders' needs in planning policy and programmes: for example, as part of their Strategic Area Reviews to plan future provision and through the local strategic board for information, advice and guidance.
- 25 LSC responsibility for learning for offenders will include literacy, language (English for speakers of another language) and numeracy programmes and Guided Skills Learning (GSL) programmes in key skills and pre-vocational skills delivered as part of the Enhanced Community Punishment programme. While some in-house programmes will remain with the NPS in the short-term, the aim is for all learning provision to be provided by LSC accredited learning providers from 2005-06.
- 26 Working closely with NPS Areas and learning providers, and agreeing precise roles and responsibilities locally, local LSCs will:
- develop a range of learning provision to meet offenders needs ensuring that in-depth assessment of learning needs is on offer for those who need it, making best use of mainstream arrangements for this, for individual learning plans and other learning processes;

- support providers to adopt flexible funding strategies, particularly in the transition year 2004-05, making best use of the additional funding available for individuals with poor basic skills and learning disabilities;
- actively engage the LSC-funded IAG partnerships and work collaboratively with Jobcentre Plus, Connexions, and voluntary organisations to support offenders to progress to further learning or sustainable work opportunities;
- encourage providers to develop flexible and responsive approaches to delivery in order to meet effectively the needs of this priority group. This might include encouraging offenders to take the national test for literacy, language or numeracy skills or otherwise achieve a qualification during sentence or soon thereafter; and
- promote access to mainstream learning opportunities for offenders to a wide range of local learning providers and support agencies.

## **RAISING STANDARDS AND QUALITY**

- 27 High quality learning provision can make a critical difference in offenders' willingness to improve their skills. Local LSCs and NPS Areas will need to work closely together to ensure that the whole process from screening to completion of learning programme is effective. The twin aim should be to ensure all staff have the expertise to work with offenders and that standards of learning, advice and teaching improve. A range of measures will operate to improve quality standards which include: inspection and self-assessment processes; support for learning providers; and support for innovation.
- 28 Inspection provides valuable feedback about how to improve arrangements for learners. All learning providers funded by the LSC are subject to inspection by OFSTED and/or the Adult Learning Inspectorate working to criteria set out in the Common Inspection Framework (CIF). NPS areas are subject to inspection by Her Majesty's inspectorate of Probation. We will want to consider whether for the future there are any benefits to be gained from greater coordination between inspectorates.
- 29 As well as inspection all LSC funded learning providers follow a process of self-assessment to achieve continuous improvement and are subject to two performance reviews annually by the local LSC. Following on from the publication by ABSSU of *Success in Adult Literacy, Numeracy and ESOL: A Guide to support the CIF*, further guides have been commissioned to support the process of self assessment tailored to the needs of a specific learning setting. A guide for providers working with offenders on probation will be published in autumn 2004.
- 30 NPS Areas and LLSCs will be able to access the LSC *Skills for Life* Quality Initiative as a way of helping ensure that local projects and the staff working in them are equipped to deliver Skills for Life. The LSC are currently tendering for the 2004/2005 programme, which will have two key aims: to develop a 'whole organisation' approach to *Skills for Life*; and to develop a professional *Skills for Life* workforce.

- 31 We are also developing our thinking in two areas. First, regarding the most appropriate type of infrastructure in terms of staff resources to put in place to support local and regional partnership. Second, whether it would be appropriate and necessary to conduct further scoping work and establish pathfinder projects for work with offenders in the community as well as in prisons. This would enable us to test out new ideas and effective working.
- 32 Some NPS areas and LLSCs are already engaged in mainstream education, training and employment pilots which include offenders. Further information about these pilots will be made available as part of our aim to promote innovation and emerging practice.

### **LOCAL PLANNING AND DELIVERY ARRANGEMENTS**

- 33 In order to succeed we must ensure that partnerships are effective at both national and local levels. There must be solid partnership arrangements between local LSCs and NPS Areas and those they work with, particularly learning providers, based on the development of a mutual understanding of each others organisational aims and objectives. The key aim should be to put in place a seamless process in support of offenders with learning needs.
- 34 Local LSCs and NPS areas have already demonstrated their commitment to building partnerships through their implementation of the LSC-NPS protocol in 2003. The new local partnership plan will supersede previous arrangements. While we might expect NPS Areas and local LSCs broadly to follow the roles and responsibilities set out here, there is also considerable discretion for the development of local arrangements as long as these are effective and mutually agreed.
- 35 The Partnership Plan asks NPS Areas and local LSCs, working in wider partnership with the Prison Service, Jobcentre Plus and other agencies to agree arrangements for:
- Increasing provision to meet targets and for handling of current NPS organised provision, including transition arrangements where these apply, and procurement arrangements for 2004-05 and beyond;
  - the collection of data in support of this, to track learners, and to meet national information requirements;
  - plans to expand provision beyond 2005-06 and analysis of how existing provision does or does not meet learners needs;
  - quality assurance and plans to raise standards including self-assessment arrangements, capacity building among providers, appropriate curriculum developments and staff training, and plans to build on findings from the HMIP and ALI reviews; and
  - protocols for communication and information exchange between local LSC and NPS Areas and how linkages with other key partners will be managed - such as links with local prisons

and prisons nationally, IAG partnerships and Youth Offending Teams in helping individuals to access New Deal programmes.

- 36 The Plan will be signed off by both the local LSC and the NPS and will form the basis of the contract between the two. While they will work to a suggested template to ensure key information is provided for national co-ordination and policy purposes, this is primarily a local plan to inform local needs.

#### **COMMENTS ON THIS DRAFT POLICY FRAMEWORK DOCUMENT**

- 37 Please send your comments on this draft policy framework by 26 March to Paul McDonald who can be reached as [paul.mcdonald@dfes.gsi.gov.uk](mailto:paul.mcdonald@dfes.gsi.gov.uk)

#### **FURTHER READING AND RESOURCES**

[www.dfes.gov.uk/offenderlearning](http://www.dfes.gov.uk/offenderlearning)

SEU Report – Reducing Re-offending by Ex-Prisoners – a report by the Social Exclusion Unit July 2002.

Managing Offenders, Reducing Crime A new approach – Patrick Carter December 2003

Reducing Crime – Changing Lives – the Government’s plans for transforming the management of offenders January 2004.

Her Majesty’s Inspectorate of Probation thematic report on employment and basic skills January 2004

Success in Adult Literacy, Numeracy and ESOL: A Guide to support the CIF: Prisoners. The version for offenders available September 2004

Skills for Life initiative: more information available from the local LSC or [www.lsc.gov.uk/sflqi](http://www.lsc.gov.uk/sflqi)