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**COUNCIL FOR PENOLOGICAL CO-OPERATION**

**PC-CP**

**COMMITTEE OF MINISTERS RECOMMENDATION (XX)XX  
ON PRISONER EDUCATION**

**Draft prepared for consultation with PC-CP Committee by:**

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

Considering that the aim of the Council of Europe is to achieve greater unity among its members and that this aim can be pursued notably by common action in ensuring equal access to good quality education for all;

Considering that ensuring quality education is a public responsibility;

Having regard to the European Convention on Human Rights (ETS No. 5) which in Article 2 of its First Protocol states that “no person shall be denied the right to education” and the relevant case law of the European Court of Human Rights;

Having regard to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS N°126) and also to the work carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

Having regard to Recommendation 2 (2006) on the European Prison Rules; which state that “Every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations.”(CM Recommendation Rec (2006) 2-rev, Rule 28.1).

Considering that the right to education is fundamental a fundamental right;

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

Recognising that a high proportion of prisoners have left formal education before completion, have limited or negative past educational experiences, and therefore now have unmet educational needs and aspirations;

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

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

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

Considering that the probation services, within the limit of their competences and resources can also play a role in assisting prisoners under their supervision through providing access to suitable educational programmes, including vocational training, digital education and training in social skills;

Agreeing that deprivation of liberty should be used as a measure of last resort as many accused or convicted persons can be efficiently and cost-effectively dealt with in the community;

Reiterating that prison overcrowding and prison population growth present a major challenge to prison administrations and the criminal justice system. Such challenges are particularly concerning in respect of ensuring the maintenance human rights of those in custody and ensuring the efficient management of penal institutions including preparation for release and the social reintegration of prisoners;

**Taking also into account:**

- Recommendation CM/Rec(2019)10 on developing and promoting digital citizenship education
- Recommendation Rec (2017) 3 on the European Rules on Community Sanctions and Measures
- Recommendation CM/Rec (2014)03 concerning dangerous offenders
- Recommendation CM/Rec(2012)5 on the European Code of Ethics for Prison Staff
- Recommendation CM/Rec(2012)13 on ensuring quality education
- Recommendation CM/Rec (2012)12 concerning foreign prisoners

- Recommendation CM/Rec(2010)1 on the Council of Europe Probation Rules
- Recommendation Rec 2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse
- Recommendation Rec (2003)23 on the management by prison administrations of life sentence and other long-term prisoners

**Bearing in mind:**

- The United Nations 'Basic Principles for the Treatment of Prisoners' which proclaims that "All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality" (United Nations, 1990, Resolution 45/111: No 6)
- The United Nations (2016) Resolution pertaining to the acceptance of the Mandela Rules
- The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (Resolution 2010/16)
- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (Resolution 40/33)
- The Charter of Fundamental Rights recognising in its Article 14 that: "everyone has the right to education and to have access to vocational and continuing training"

**Replaces:**

Recommendation (89)12 on education in prison.

**Recommends that the governments of member States:**

- take all appropriate measures, when reviewing their relevant legislation and practice, to apply the principles set out in the appendix to this recommendation;
- ensure the dissemination of this recommendation and its explanatory report to the relevant authorities and agencies, in particular, prison administrations, probation services and providers of education in prison.

## I. Scope

The present Recommendation applies only to adult prisoners. Separate rules regarding education of detained children should apply which take into consideration their age, individual development, needs and aspirations.<sup>1</sup>

The Recommendation is referring to the wide concept of education which should include the academic subjects encompassed by the traditional concept of education, vocational training, digital learning, creative arts and cultural activities, physical education and sports, social education and life-skills as well as library services.

Prisoner education should be grounded in the principles and practices of adult education which develops the skills, competencies and qualifications needed for employment as well as for personal development and full participation in society. Furthermore, the education provided must be as close as possible to the best adult education provision in the outside world.<sup>2</sup>

The most educationally disadvantaged prisoners and/or those with specific educational needs, in particular those with limited basic skills, those with different first languages, and those for whom neurodiversity or mental health issues impact on their general wellbeing and ability to learn should be prioritised in the provision of education in prison and after release.

Nothing in this Recommendation ought to be interpreted as precluding the application of other relevant international instruments and standards that are more conducive to ensuring the right to education of adults.

## II. Definitions

**Education** is considered to be “the process of facilitating learning or the acquisition of knowledge, skills, values, beliefs and habits”<sup>3</sup>.

**Compulsory education** pertains to the education period mandated by the state, which legally requires children to be in full-time education. It is important to provide prisoners who may not have completed compulsory education and/or attained the associated certification with the opportunity to do so while in prison.

**Education provider** is the organisation that provides the education to prisoners. This can be a public educational institution, a private enterprise, non-governmental organisation, or non-educational public body.<sup>4</sup>

**Prisoners** are persons who have been remanded in custody by a judicial authority or who have been deprived of their liberty following conviction<sup>5</sup>.

**Adult education** “denotes the entire body of learning processes, formal, non-formal and informal, whereby those above the age of 18 develop and enrich their capabilities for living and working, both in their own interests and those of their communities, organisations and societies”<sup>6</sup>. It may also encompass continuing education, recurrent education or second chance education.

**Adverse Childhood Experiences (ACEs)** are traumatic events that children experience before the age of 18 that can have lasting impacts on their mental or physical health, general well-being, and ability

<sup>1</sup> Recommendation CM/Rec (2008)11 on the European Rules for juvenile offenders subject to sanctions and measures

<sup>2</sup> Recommendation CM/Rec(2012)13 on ensuring quality education

<sup>3</sup> UNESCO definition, correct reference of the document is needed facilitating learning or facilitating the acquisition.

<sup>4</sup> Public supervision and assistance and resources, quality to be respected; the responsibility for providing good quality education lies with the public authorities.

<sup>5</sup> to whom the European Prison Rules (Rec (2006) 2-rev) are applicable

<sup>6</sup> UNESCO [Recommendation on Adult Learning and Education](#) [2015]: Para. 1)

to learn. They can include physical and emotional abuse, neglect, household dysfunction and other traumas. Research has shown that prisoners tend to have experienced significantly more ACEs than the general public<sup>7</sup>.

**Basic skills** include listening and speaking, reading, writing, numeracy and using everyday technology to communicate, access services, and make informed choices.<sup>8</sup>

**Broad and balanced curriculum** is one that provides a wide range of subjects and programmes to allow prisoners develop a comprehensive range of knowledge and skills, attain formal qualifications and diplomas, and which reflects the diverse needs and interests of the prison population.

**Creative arts** in education encompass a broad spectrum of artistic disciplines, including visual arts, music, drama, and creative writing that foster creativity, self-expression and holistic development, and develop a range of skills.

**Digital education** refers to the use of digital technologies to facilitate and enhance teaching and learning.<sup>9</sup>

**Digital literacy / skills** is the capacity to participate, learn, work, explore, innovate, contribute to and benefit from digital transformation.<sup>10</sup>

**Neurodiversity** refers to “Neurodevelopmental Disorders (NDDs) which comprise a spectrum of prevalent disorders affecting social, communication, attention, motor coordination and literacy and numeracy skills”.

**Physical education** aims to develop individuals’ physical competence and knowledge of movement and safety, and their ability to use these to perform in a wide range of activities associated with the development of an active and healthy lifestyle.<sup>11</sup>

**Training** is the process of learning a skill and is primarily focused on employability.<sup>12</sup>

**Vocational Skills** are the practical skills specific to a career, trade, or job role and are typically acquired through technical training programmes or apprenticeships.

### III. Recommendations

#### QUALITY AND SCOPE OF EDUCATION

1. Prisoners should have access to education based on broad and balanced curriculum comparable as much as possible in level, breadth, quality, and qualifications to the education provided for adult learners in the outside world.

#### NON-DISCRIMINATION IN ACCESS TO EDUCATION

2. Positive steps should be taken when providing access to education, to avoid discrimination on grounds of race, colour, ethnic origin, nationality, gender, age, disability, sexual orientation, language, religion, political or other opinion, economic, social or other status or physical or mental condition.

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<sup>7</sup> Have to find this research????????????????????

<sup>8</sup> Prioritising the provision of basic skills is crucial.

<sup>9</sup> In this context, it aims to provide prisoners with the tools and resources they need to succeed in the modern world, where digital literacy and technical skills are becoming increasingly important.

<sup>10</sup> Addressing the digital skills needs of prisoners should be prioritised.

<sup>11</sup> Physical education that teaches prisoners the skills and knowledge needed to establish and sustain an active lifestyle should be provided in addition to opportunities for engagement in physical activities or sports.

<sup>12</sup> There is a clear distinction between education and training in this Recommendation and an emphasis on providing opportunity for both.

3. Regardless of the length of sentences, the security regime or the individual categorisation of each prisoner, access to education should be provided.

#### **DELIVERING EDUCATION CERTIFICATES**

4. Certifications and qualifications acquired by prisoners should be the same as the ones acquired in the community in order to enable them to find employment or to continue their education after release. These certifications and qualifications should not specify that they were delivered in a prison.

#### **INDIVIDUALISATION**

5. Education of prisoners should address the needs and strengths of the individual while taking into account their interests and aspirations.

#### **RESOURCING EDUCATION IN PRISON**

6. The public authorities are responsible for ensuring the quality of education and for providing access to it and need to develop and resource educational policies and practices that facilitate and support the promotion, development and delivery of education in prison, including support from relevant stakeholders to facilitate post-release learning.

#### **STATUS OF EDUCATION**

7. Education should have the same status as work and other activities within the prison regime and prisoners should be financially or otherwise supported to take part in education.

#### **MOTIVATION TO TAKE PART IN EDUCATION**

8. Every effort should be made to encourage prisoners to participate actively in the different forms of education.

#### **PROFESSIONALISM OF EDUCATORS**

9. Education in prison should be delivered by qualified professionals adopting adult education methodologies and practices.

#### **PRIORITISING BASIC SKILLS**

10. Priority in education should be given to those prisoners seeking support to improve their basic skills like speaking, reading, writing, numeracy and using everyday technology.

#### **ADDRESSING SPECIFIC NEEDS OF PRISONERS**

11. Particular attention should be paid to addressing the specific needs of prisoners identified as having neurodiverse, psychosocial or mental health issues.<sup>13</sup>

#### **DIGITAL EDUCATION**

12. Prisoners should have access to digital technology which is an integral part of everyday life and should be offered training in digital skills in a secure technical infrastructure.

#### **VOCATIONAL TRAINING**

13. Prisoners should have access to vocational training and certification which includes building social skills in order to facilitate finding employment.

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<sup>13</sup> by adapting the educational curriculum, tools and methodology to them

## **ACCESS TO LIBRARY SERVICES**

14. Prisoners should have regular access to a well-stocked library which may include also access to digitally stocked reading, audio and video materials.

## **PHYSICAL EDUCATION AND SPORTS**

15. Prisoners should have access and be encouraged to take part in physical education and sports to help them maintain and improve their mental and physical health.

## **CREATIVE ARTS AND CULTURE**

16. Creative arts and cultural activities should be included in the educational curriculum and prisoners should be encouraged to take part in these.

## **LIFE-SKILLS EDUCATION**

17. Education should include practical life-skills to enable prisoners to better manage daily life both inside the prison and for life after release.

## **EDUCATION OF FOREIGN PRISONERS**

18. Foreign prisoners should be assisted in learning the local language and the local cultural and social habits and traditions. Culturally sensitive staff speaking foreign languages should be trained to deal with such prisoners.<sup>14</sup>

## **EDUCATION OUTSIDE PRISONS**

19. Wherever possible, prisoners should be allowed to participate in education outside prison.

## **INVOLVEMENT OF OUTSIDE COMMUNITY IN PRISON EDUCATION**

20. Where education has to take place within the prison, the outside community should be involved as fully as possible.

## **EDUCATIONAL POLICIES BASED ON RESEARCH AND INTERNATIONAL COOPERATION**

21. Educational stakeholders should invest in regularly updating the curriculum, tools and methodology used for education in prison in line with contemporary research and international developments in this area.

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<sup>14</sup> Recommendation CM/Rec (2012)12 concerning foreign prisoners and add also from there that they should be assisted in obtaining qualifications that are recognised and can be continued in the country in which they are likely to reside after release.

## EXPLANATORY MEMORANDUM:

### QUALITY AND SCOPE OF EDUCATION

1. Prisoners should have access to education based on broad and balanced curriculum comparable as much as possible in level, breadth, quality, and qualifications to the education provided for adult learners in the outside world.

This recommendation recognises that the fundamental human right to education including lifelong learning, applies equally to persons in penal custody and those subject to non-custodial sanctions or measures as articulated in Council of Europe and United Nations declarations, conventions & standards. Although education in prison is often structured around national and cultural priorities, the recommendation urges jurisdictions to move beyond the limitations of a curriculum focused on basic skills and employability or solely focused on the completion of formal national school diplomas.

Rather, it is important to support equally the provision of formal, non-formal, and informal learning opportunities for prisoners in order to empower them “to act as agents of change through their choices”<sup>15</sup>. An optimal approach to achieving this goal is to provide a broad curriculum that caters to prisoners' personal, social, and vocational development and fulfilment, as well as their health and well-being. This should be done while taking into account their individual needs, abilities, and future aspirations.

Moreover, a broad-based curriculum is required to meet the EC's Recommendations on Key competences for lifelong learning (December 2006) which sets out eight key competences that individuals need for personal fulfilment and development, active citizenship, social inclusion and employment.

These are: 1) Communication in the mother tongue; 2) Communication in foreign languages; 3) Mathematical competence and basic competences in science and technology; 4) Digital competence; 5) Learning to learn; 6) Social and civic competences; 7) Sense of initiative and entrepreneurship; and 8) Cultural awareness and expression. While acknowledging the ambitious nature of the above goal in a prison context, it is founded in the necessity to establish a collective vision that enhances prisoner education and gives the social and personal development dimensions as well as employability equal priority. Moreover, it mirrors the holistic approach to adult learning and education, which is based on an inclusive and flexible learning curricula that encourage the participation of underrepresented groups in mainstream education.

### NON-DISCRIMINATION IN ACCESS TO EDUCATION

2. Positive steps should be taken when providing access to education, to avoid discrimination on grounds of race, colour, ethnic origin, nationality, gender, age, disability, sexual orientation, language, religion, political or other opinion, economic, social or other status or physical or mental condition.

This recommendation aims to guarantee compliance with all applicable legal requirements for implementing policies and measures that promote intercultural, social, and civic competences. Adult education promotes critical thinking and offers opportunities for personal growth and engaged citizenry. In order to learn from current European issues including growing radicalization, migration, and social inequality, prison learners must learn to reflect critically on societal realities and challenges. These problems have demonstrated the necessity to promote democratic values, tolerance, and respect. Ensuring educational access to all prisoners irrespective of age, ethnic background, political beliefs, etc., exemplifies, models and strengthens the principles of inclusivity, diversity, and equality. Furthermore, it emphasises the importance of valuing transferrable key competences such as learning to learn, sense of initiative, awareness, and expression, which are essential for fostering tolerance, solidarity, and intercultural understanding all of which are beneficial to society, democracy, and social harmony.

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<sup>15</sup> <https://data.consilium.europa.eu/doc/document/ST-14485-2021-INIT/en/pdf>



In this way, it can be seen that these wider key competencies are necessary not only for the individual's personal and social skills development but for community development and social inclusion. Therefore, providers of education in prisons ought to be seen to be actively promoting and endorsing these principles.

3. Regardless of the length of sentences, the security regime or the individual categorisation of each prisoner, access to education should be provided.

This recommendation deals specifically with prison-based operational issues, conditions of confinement and occupancy rates that often impact on the individual's right to access education during their custodial term. For example, the security level allocated to an individual may prevent them from accessing specific courses or subjects as they may be prevented from mixing with the mainstream prison population. Prisoners held in segregation units, (or where special arrangements are applied to their custody), can be prevented from attending education. Such disciplinary measure may be taken that result is a prisoner being removed from class for a period of time. Furthermore, inter-prison transfers may be implemented without any consideration given to the continuity of education or completion of certification. *Research conducted in the UK revealed that being transferred to a different prison was the primary cause of prisoners' failure to finish a course. 41% of the respondents cited this as the primary reason*<sup>16</sup>. And while it may be necessary to take such actions for the efficient operation of the prison and the safety of prisoners and staff, due consideration must be given to the impact on the prisoner's educational journey and their fundamental right to education.

In essence, the recommendation is stating that regardless of the length of sentences, the level of security or the individual security categorisation applied to each prisoner, access to education should be provided. However, the recommendation is also cognisant of the fact that a significant number of sentences are relatively short. Specifically, 25% of European prisoners serve sentences ranging from 1 to less than 3 years, 7.5% serve sentences of 6 months to less than a year, and approximately 8.3% serve sentences of less than 6 months. As a result, it might be impossible to offer meaningful access to any kind of rehabilitation programs for the latter 2 cohorts.

## DELIVERING EDUCATION CERTIFICATES

4. Qualifications and certificates obtained by prisoners should be the same as those acquired in the community to enable them to find employment or continue their education after release. The certificates and qualifications should not specify that they were delivered in a prison.

Qualifications and skills certificates are important and play a fundamental role in fulfilling personal, social, and economic ambitions. They enable prisoners to gain skills and qualifications to make up for any lack of previous certification and help them adapt to changes in the labour market. Gaining a certificate is a formal recognition of the acquisition of specified information, abilities, and competences, together with their level of proficiency. This recognition enhances opportunities and promotes confidence to pursue further education and employability.

Qualifications and/or certificates provided by education services within custodial facilities should mirror those of mainstream qualifications and should never state the name of the prison or institution where the award was achieved. To ensure that the prisoner is not subjected to potential discrimination while attempting to participate in further educational activities or obtain employment, national or sector-specific certificates and certifications should always display the name of the education service or sector skills provider. In short, the certificate or qualification that is awarded in prison must be identical to all of the awarding body's certificates.

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<sup>16</sup> Prison Education Trust, Inside Time and RBE Consultancy Ltd., 2009, Brain Cells: Listening to prisoner learners. [http://prisonerseducation.org.uk/wp-content/uploads/2019/04/BRAIN\\_CELLS\\_THE\\_REPORT-2009.pdf](http://prisonerseducation.org.uk/wp-content/uploads/2019/04/BRAIN_CELLS_THE_REPORT-2009.pdf)

To ensure a clear pathway for progression and validation while in prison and after release, it is important that accreditation gained in prison can be set against the European Qualifications Framework (EQF), European Credit System for Vocational Education and Training (ECVET) and the European Quality Assurance Reference Framework for VET (EQAVET)<sup>17</sup>, as well as mainstream national qualifications frameworks. This not only allows prisoners the chance to acquire the same skills, competences and knowledge as their mainstream counterparts but ensures that their qualifications are formally recognised and validated. This will allow credit transfer across programmes while in prison and will allow greater transferability of qualifications post-release.

## INDIVIDUALISATION

5. Education of prisoners should address the needs and strengths of the individual while taking into account their interests and aspirations.

Research literature indicates that prisoners' experiences of and attitudes to mainstream education are a major obstacle to promoting engagement in education while in custody. Wilson et al., for example, discovered that a large number of younger prisoners' harbour negative attitudes towards education, and that these attitudes permeated prison education initiatives. The "value system" of female prisoners in Bulgaria is cited as one of the causes of their disengagement from the educational options provided to them; for many, education is "not part of their life priorities". To mitigate "the poor experiences of compulsory education"<sup>18</sup> and make learning in prison different from that previously experienced, prisoners should be actively involved in the development of their own learning. Providing a less formal curriculum, moving away from more formal teaching methodologies, and creating tailored learning programmes is advisable.

To do so, teachers must acknowledge and identify the unique motivations, interests, and strengths of each prisoner and be provided with resources to develop and implement individualised programmes – both formal and informal – to engage prisoners in education. Individualised learning methods in adult education involve creating tailored programmes and integrating learner interests and real-world applications into the curriculum. Teaching materials must be adult-appropriate and should incorporate the specific interests and experiences of the prisoner. For example, transcribing and using the student's own words and narrative as a text when teaching literacy is regarded as both appropriate and effective.

Prisoners will engage with and benefit from more effective and interesting educational experiences through individualised learning, which recognises and accommodates a variety of learning styles and preferences. Furthermore, individualised or tailored learning is consistent with the ideals of lifelong learning, which recognises that individuals have unique needs and objectives that call for a customised approach to education. Therefore, it is recommended to work with small groups that can accommodate both sporadic and inconsistent intake and allow for the implementation of tailored individualised programmes.

## RESOURCING EDUCATION IN PRISON

6. The public authorities are responsible for ensuring the quality of education and for providing access to it and need to develop and resource educational policies and practices that facilitate and support the promotion, development and delivery of education in prison, including support from relevant stakeholders to facilitate post-release learning.

### **SUGGESTED CHANGE:**

*Public authorities are responsible for resourcing, facilitating and promoting the delivery of high-quality education. This includes collaborating with stakeholders to facilitate post-release learning.*

"As of 31 January 2023, there were 1,036,680 inmates in the 48 PAs of the Council of Europe member states"<sup>19</sup> This is a considerable increase since the adoption of the original Recommendations on Prison

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<sup>17</sup> Links to each

<sup>18</sup> Tett et al. (2012), p.172

<sup>19</sup> [https://wp.unil.ch/space/files/2024/06/SPACE\\_I\\_2023\\_Key\\_Findings.pdf](https://wp.unil.ch/space/files/2024/06/SPACE_I_2023_Key_Findings.pdf)

Education in 1990. At that time, the authors felt the need to justify the financial outlay and other resources needed to provide and sustain the quality and comprehensiveness of their recommendations. Those justifications still stand today and are as follows: “Firstly, prison is of its very nature abnormal, and destructive of the personality in a number of ways. Education has, among other elements in the prison system, the capacity to render this situation less abnormal, to limit somewhat the damage done to men and women through imprisonment. Secondly, there is an argument based on justice: a high proportion of prisoners have had very limited and negative past educational experience, so that, on the basis of equality of opportunity, they are now entitled to special support to allow their educational disadvantage to be redressed. A third argument that may be put forward is the rehabilitative one: education has the capacity to encourage and help those who try to turn away from crime. Given such a variety of factors, cost-benefit analysis in relation to allocating resources to the education of prisoners is exceedingly complex, but one point is striking: education costs tend to be very low relative to the overall costs of running prisons (and, indeed, relative to the general costs of crime in society). In particular, the costs of most educational activities in prison (in terms of space, finance requires, etc..) compare well with alternative activities such as work projects”<sup>20</sup>.

Prison authorities and education providers must exercise caution when equating short-term cost-effectiveness with genuine and enduring effectiveness. For example, complex educational “outcomes” often exceed the limitations of a simplistic economic analysis. Consequently, it is important to take cognisance of the UN Human Rights Council’s view that because education in prison is uniquely and pre-eminently concerned with learning, fulfilling potential and development it should therefore be a fundamental concern...not simply a utilitarian add-on should resources ‘allow’ it, (Munoz, 2009: 7)<sup>21</sup>.

In respect of the key issue pertaining to the quality of educational interventions, the authors suggest the drafting of a set of quality standards and measures applicable to prison education. This may be something that the PC-CP may wish to consider.

## STATUS OF EDUCATION

7. Education should have the same status as work and other activities within the prison regime and prisoners should be financially or otherwise supported to take part in education.

This recommendation presents a long-standing challenge for many jurisdictions and highlights the sometime secondary priority that is ascribed to educational activity. In many jurisdictions, prisoners are required to work to ensure efficient functioning of the prison regime through performing essential tasks in catering, cleaning, laundry etc. As such tasks are invariably allocated a priority status, they can often include higher payments or other benefits than alternative types of activity such as attendance at education or vocational training. However, prisoners should not lose out financially by taking part in education, either on a full-time or part-time basis, and therefore the same range of payments should apply to the two activities. The balance between work and educational attendance or payments can also be affected by contractual pressures when jurisdictions have engaged in commercial or manufacturing production work for external companies. While such opportunities can provide training and possibilities for post-release employment, they may also become the primary, or indeed sole, focus of activity where additional payments or bonuses provide a greater financial reward than participating in education. Prison authorities should therefore bear in mind rule 26.8 of the European Prison Rules which states that “although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners should not be subordinated to that purpose”.

It should be highlighted that attending education and engaging in prison work do not have to be in conflict with one another and can be complementary activities. Good practice would ensure that the teaching and learning of key literacy and numeracy skills are embedded within vocational training, mandatory programmes and/or work-based activities. Embedding basic skills training in real-life work experience reduces the need for standalone or dedicated literacies provision although these are usually necessary for lower-level learners. Embedding skills not only provides prisoners with the competence and confidence to undertake tasks, but it also provides motivation to succeed in employment

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<sup>20</sup> original

<sup>21</sup> <https://www.refworld.org/reference/themreport/unhrc/2009/en/67371>

post-release. In addition, it can help prevent the marginalisation of education to "evening classes" and ensure that education is seen as a legitimate endeavour on par with and complementary to work.

## MOTIVATION TO TAKE PART IN EDUCATION

### 8. Every effort should be made to encourage prisoners to participate actively in the different forms of education.

This recommendation addresses the fact that many people held in custody have often been subject to adverse childhood experiences such as bereavement, institutional care, family dysfunction, neuro-diverse or learning difficulty/disability issues. Such previous experiences can often produce apathy or disinterest in educational engagement when opportunities are made available during their custodial term. Such obstacles to educational engagement have been well documented in research: (Kaiser et al 2022, Brosens et al 2019, Manger et al 2013). Typically, these barriers can be classified as either push or pull factors, which have been further subdivided into four domains: 1. institutional barriers (such as limited access to classes or the Internet); 2. informational (not being aware or informed of educational opportunities); 3. situational barriers (such as doubts about the effectiveness of the programme or the belief that education is not beneficial in the current circumstances); and 4. dispositional barriers (such as previous negative school experiences or internalised stigma).

Responsibility for motivating and encouraging educational engagement by reluctant prison learners is often allocated to those providing the education service. However, such responsibility should be shared across all agencies and individuals responsible for an individual's rehabilitation and care. Education services like many other external agencies have limited resources and limited access to all areas of a prison to meet directly with potential clients and promote educational engagement. This often means that education services can only work with those already motivated to attend or those granted the permission to participate. Although Recommendation 5 addresses the primary dispositional and situational barriers that discourage prisoners to participate, some barriers are institutional such as lack of information which lead to apathy and demotivation. However, this recommendation seeks to highlight the need for shared responsibility, accountability, and nurturing of a collective obligation that promotes and facilitates prisoner participation.

Good practice in this area of intervention would be the drafting of Individual learning Plans (ILP's) in consultation with the prisoner that can record and ensure that the educational needs and aspirations of each prisoner are considered. These plans can provide the necessary educational underpinning and interventions to enable prisoners to acquire the skills and understanding to successfully fulfil associated tasks such as participating in offending behaviour programmes, life-skills and preparation for release courses. Such plans work best when developed in consultation with the prisoner and are reviewed on a regular basis and feed into an overarching Sentence Management Plan. Accordingly, Educators should work in collaboration with prison staff and other agencies to support and augment other custodial based learning programmes such as vocational skills and training, life-skills and offence related interventions.

It is important also to acknowledge the increase in lengthy prison sentences with concomitant shifts in the age profile of prisoners requiring an educational curriculum that facilitates progression opportunities. It is important to remember that prisoners are not a homogenous group and that educational provision needs to reflect this diversity and provide opportunities to higher levels of learning for those with the pre-requisite skills and ability. Moreover, it is crucial that provision is designed to enable individuals serving lengthier sentences to advance from basic to higher education during their time in prison. The Expert Group questionnaire (Europris, 2019) highlighted the paucity (less than 5% of respondents) of higher education provision such as participation in degree programmes and/or distance learning courses. Access to such programmes can enrich the curriculum providing appropriate challenges and stimulation for higher level learners, while simultaneously being an effective and economic means of providing new skills for employment. Whenever possible, higher-level programmes of learning should be progressed in collaboration with external educational institutions to enrich curricula choices and provide opportunities for continuity of learning following release.

## PROFESSIONALISM OF EDUCATORS

9. Education in prison should be delivered by qualified professionals adopting adult education methodologies and practices.

The term “Adult Education” features prominently within the original COE Recommendations on Prison Education (1989) and the associated Memorandum. Adult Education refers to different forms of learning following the post-compulsory period of childhood education. It encompasses a person-centred approach which means that education is structured around the needs and aspirations of the learners and not simply based on the needs of the prison or educational institution. Adult Education philosophy is also concerned with transcending the traditional “banking system” of education based on knowledge acquisition but which is devoid from teaching key critical thinking skills. An inherent aspect of Adult Education is that participation is always voluntary, and adults consistently respond more favourably to learning that is personally relevant and validates their prior experiences.

Accordingly, it is incumbent on educational providers to ensure that their teaching staff are adequately trained and qualified in the philosophy and practice of Adult Education. In this way, they will “consider the prisoner as primarily an adult in need of education and only secondarily as a criminal in need of reform” (Warner, 2017). Training in Adult Education methodologies will help them meet the diverse educational needs of the prison population including higher education and those requiring additional support for learning. Training for education staff should include “job shadowing” and peripatetic working to facilitate experiential learning in the challenges of working with groups within custodial settings.

As with the authors suggestion at Rec 6, pertaining to the development of a set of quality standards and measures applicable to prison education. This would include assessing the skills, competences and qualifications of teaching staff.

## PRIORITISING BASIC SKILLS

10. Priority in education should be given to those prisoners seeking support to improve their basic skills like speaking, reading, writing, numeracy and using everyday technology.

This area of intervention has undergone significant interdisciplinary research in both academia and within learning communities including prisons. The subject area not only covers what is traditionally known as ‘Adult Basic Education’ but can also include the broad range of conditions designated as ‘Learning Difficulties and Disabilities (LDD)’, or more recently cited as ‘neuro-diversity’. (see Recommendation 11)

With reference to “Adult Basic Education” and/or “Adult Literacies”, there has been much written about the best types of pedagogical approach within this area of educational intervention. For example, academic studies have clearly demonstrated the benefits of constructing learning programmes within the context of learners’ individual lives. These insights termed “New Literacy Studies” (Barton, D. 1994), advocate that “literacies” require more than the simply ability to decode text, and should include clear comprehension and critical understanding of context.

Traditionally, literacy skills have often been defined by the learner's ability to demonstrate the functional skills of encoding or decoding text. However, this is now considered a limited perspective as “literacies” (plural) includes the ability to demonstrate wider skills of communication, evaluation and problem solving. An example of such wider abilities is contained within the following; “By 2020 Scotland's society and economy will be stronger because more of its adults are able to read, write and use numbers effectively in order to handle information, communicate with others, express ideas and opinions, make decisions and solve problems, as family members, workers, citizens and lifelong learners.” (Scottish Government, 2011) This definition goes beyond the functional ability to encode or decode text and includes the skills of speaking, listening and comprehension. It also recognises that literacy skills operate across a number of everyday contexts and are often defined by the situations in which they are used.



## ADDRESSING SPECIFIC NEEDS OF PRISONERS

### 11. Particular attention should be paid to addressing the specific needs of prisoners identified as having neurodiverse, psychosocial or mental health issues.<sup>22</sup>

Recent research within the criminal justice systems across the UK has focused on the issues of learning difficulties/disabilities or more recently 'neuro-diversity: E.g., (Loucks, & Talbot, 2007); (Talbot, 2008); (Bradley, 2009); (Coates, 2016) and (Kirby & Gibbon, 2018). It is estimated that around 20-30% of people in prison have some form of learning difficulty or disability that impedes their ability to cope with their imprisonment (Loucks, 2007). One of the principal challenges in this area of intervention is the disparity of the various terms and definitions used to describe such conditions (Kirby, 2018).

Furthermore, in terms of identifying issues such as dyslexia, there are multiple definitions of this condition ranging from those based on neuro-developmental functioning, to problematic optical issues and concerns around short-term memory limitations. It is often difficult to initially detect whether an individual has a definite reading disorder or whether they did not undertake sufficient schooling to gain the requisite skills involved in decoding text. While there has been much focus previously on issues of dyslexia and dyscalculia it has now been demonstrated that such conditions invariably co-occur with other conditions and that they should be considered in terms of a continuum or complexity of co-occurring conditions rather than presented in isolation or as "neat boxes separate and discrete from each other" (Kirby, et al, 2018).

Utilising a range of previous research Kirby highlighted that it is not unusual for multiple learning difficulties to be present with an individual. This point is strongly reinforced within the Bradley Report (2009) which states that any single assessment would not be sufficient to capture the complexity and range of difficulties experienced by each individual. Accordingly, a person-centred and holistic approach should be taken with each individual to determine their specific needs and abilities (Kirby et al, 2018). To help address these complex areas of educational intervention, prison authorities should ensure that learners should have an opportunity to undertake initial screening or assessment processes. The planning of educational programmes and interventions should take account of each learners' previous history including experiences of adverse childhood experiences (ACEs\*), trauma, head injury and mental health issues\*. Whenever appropriate, prison authorities and education services should collaborate with other relevant agencies and health services to promote therapeutic interventions to assist those with additional support needs or mental health issues. This presents an extremely short summary of relevant issues and a more comprehensive outline of the issues involved can be accessed through the research studies cited above.

N.B. Young People: The term 'Adult Education' may prove problematic in terms of detailing the more structured types of educational interventions for young people held in custody. Such individuals may be required to achieve or undertake specific programmes of instruction that are essential to their national curricula and educational philosophy. Moreover, there is increasing evidence that adolescent brain development is not fully achieved until young people reach their mid-twenties. This means that such programmes may require to be adapted or structured in a particular way to enable young people to absorb the aims and objectives of specific behavioural courses.

- A range of Adverse Childhood Experiences (ACEs) and such factors must be taken into consideration when designing educational provision and practice<sup>22</sup>. Consequently, a partnership or collaborative approach may well be the best means of progression for young adults who have often experienced what is termed cumulative adversity. This refers to the fact that many young people in custody have often experienced multiple factors of disadvantage including poverty, trauma, bereavement, addictions and placement in institutional care. Such complexity can often require the input of specialists' skills to advise of appropriate therapeutic and multi-dimensional approaches to engagement and service delivery.

The authors acknowledge that following the planned presentation on Neuro-diverse issues to the PC-CP in November by Professor Kirby, this commentary may require some updating. The authors would also suggest that referencing and perhaps a hyperlink to Mental Health recommendations are included.

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<sup>22</sup> by adapting the educational curriculum, tools and methodology to them

## **DIGITAL EDUCATION**

12. Prisoners should have access to digital technology which is an integral part of everyday life and should be offered training in digital skills in a secure technical infrastructure.

This recommendation has been included in response to the unprecedented development and expansion of Information Technology in all areas of life. Therefore, to provide the best possible preparation for release, prison authorities and associated agencies working with prisoners should ensure access to digital education for all those held in custody regardless of their previous educational achievement and position.

Access to modern technology is essential for contemporary educational practices, opportunities and research. Accordingly, prison authorities and education providers should invest in modern digital technology to ensure access to training in digital skills that enhances the learning experience and provides prisoners with the necessary skills and preparation to better manage their lives post-release.

Where possible, this should include access to secure Internet services or alternative “Intranet” systems that mirror the contemporary digital experiences of modern life. Where access to the Internet is permitted, prison authorities and education services should collaborate to review and enrich curriculum choices, access to rehabilitation services and to promote responsible on-line use and practices. To ensure safety and to promote responsible use, prison authorities and education providers should promote compacts or contract agreements with prisoners promoting individual responsibility and detailing agreed protocols for Internet use and educational advancement.

Access to such programmes can enrich the curriculum providing appropriate challenges and stimulation for all levels of educational ability.

## **VOCATIONAL TRAINING**

13. Prisoners should have access to vocational training and certification which includes building social skills in order to facilitate finding employment.

This recommendation is relevant to a wide range of prison activities that will vary depending on the economic and political priorities and potential for post-release employment. Such opportunities may change over time due to prevailing economic conditions, investment and variable markets. It is therefore important for jurisdictions to remain as flexible as possible to meet ever-changing demands. Despite inevitable fluctuations across particular sectors of the economy e.g., construction, catering, hospitality, training can be more effective by embedding contextualised literacy and numeracy as well as life-skills within the fabric of vocational and employment training. This makes learning basic skills more relevant and acceptable to those who would otherwise be interested in only participating in practical work-based activities of vocational education.

Vocational training should also be supported by opportunities to develop self-employment, entrepreneurial skills and provide insight into associated tasks such as mandatory legal requirements including health and safety, hygiene, tax, employment law etc. Similarly, vocational training should be supplemented by training in the use of modern technology to facilitate product promotion, sales marketing and review of quality standards. It is also worth remembering that a significant proportion of prison populations comprise people with a poor work ethic who often require training in what could be termed pre-employment skills such as learning the importance of good timekeeping, communication skills, health and safety, personal hygiene as well as respect for workplace supervisors and authority. Employability training should also incorporate such practical skills such as CV writing, interviews techniques and presentation skills essential to promoting access to employment.

## **ACCESS TO LIBRARY SERVICES**

14. Prisoners should have regular access to a well-stocked library which may include also access to digitally stocked reading, audio and video materials.

Prisoners should have direct access to a well-stocked library at least once a week.

This recommendation is self-evident in emphasising the importance and promotion of reading for both educational and recreational

purposes. In essence, the promotion of library services and associated standards will help ensure that libraries meet the informational, cultural, educational and recreational needs of the prison community. This should include an adequate range of resources for ethnic minority groups and ensure a suitable selection of books are available in large print format for those with visual impairment. Minimum library standards should be agreed within each jurisdiction and annual or biennial audit should be undertaken to evaluate the impact, effectiveness and range of stock available for service users. Wherever possible, prison libraries should be managed by an appropriately qualified person who works closely with prison education services to help better coordinate and integrate educational services and resources. Furthermore, Library standards should ensure that accommodation is fit for purpose providing services commensurate with those available in the community, i.e., that meet the informational, cultural, educational, statutory and recreational needs of the prison population. Every prisoner, regardless of location or risk category should have access to browsing time within the prison library for a minimum period of 30 minutes per fortnight. Prison libraries should work in partnership with education services and other relevant agencies within the prison and where appropriate should be located in close proximity to the Education Centre. Whenever possible, library services should be delivered, co-delivered or supported by appropriately trained library staff providing opportunities and skills development for prisoners in library operations.

## **PHYSICAL EDUCATION AND SPORTS**

15. Prisoners should have access and be encouraged to take part in physical education and sports to help them maintain and improve their mental and physical health.

Physical education and sports for prisoners should be emphasised and encouraged.

Physical activity can easily be utilised as part of Life Skills programmes that include generally relevant information such as the promotion of good diet, exercise and general healthy living advice. The benefits of improvements in mental health through increased physical activity could also be emphasised. In addition to the teaching of practical skills, physical education should seek to include all aspects of well-being including mental health, mindfulness, yoga etc. It would seem that this is an area within which education can effectively support and complement the work of the prison health care team, including psychology and psychiatric services. As with all subjects, there are opportunities within the framework of physical education to include key literacy/numeracy skills as a core component of courses and embed them in their delivery. [\(Link to MH recommendations\)](#).

## **CREATIVE ARTS AND CULTURE**

16. Creative arts and cultural activities should be included in the educational curriculum and prisoners should be encouraged to take part in these.

Participation in creative arts and cultural activities particularly effective in enhancing communication skills, promoting confidence and nurturing esteem. Given that many prisoners have had poor previous experiences of education, introductory informal education through creative arts such as music, drama, film, book clubs etc, can be crucial in demystifying education and promoting participation by reluctant learners. Although proving extremely useful for encouraging engagement, these subjects should be seen as useful in their own right as well as a gateway towards more formal learning opportunities.

The use of creative arts in prisons and justice services have been well documented in terms of their benefits in developing communication, literacies skills, nurturing positive social identities and helping improve employment prospects (Koestler, 2014). In England and Wales, research evidence from the National Criminal Justice Arts Alliance has demonstrated how participating in the arts can promote desistance from crime through fostering empathy, promoting family relationships and assisting restorative justice. Furthermore, participation in creative activity can enhance self-perception and esteem, nurture positive change, help establish a sense of place in the world and promote desistance from offending (Giordano, 2002). Ensuring a dedicated place for the arts in the curriculum for prison



education will provide opportunities for prisoners to gain confidence and esteem which in turn can engender self-reflection and behavioural change. In contrast to the view that the arts are a “soft option”, participation in creative activity can help overcome previously perceived personal failures and provide a radical shift towards enabling prisoners to embrace learning (Scottish Prison Service Arts Review, 2015). Accordingly, the proven role of the creative arts as a gateway to more formal learning and accreditation cannot be overemphasised. In addition to promoting engagement, the creative arts can be a core aspect of “in-cell” activities that can help promote learning, mental well-being and counter the negative aspects of imprisonment. [\(link to MH recommendations\)](#).

## **LIFE-SKILLS EDUCATION**

### **17. Education should include practical life-skills to enable prisoners to better manage daily life both inside the prison and for life after release.**

The teaching of core life-skills can be a crucial area to promote personal development and provide key skills for post-release employment. Many prisoners lack the skills to effectively manage a household including the operation of domestic appliances (cookers, washing machines, etc.), control budgets and shop effectively for best value. Accordingly, practical life-skills should encapsulate the range of activities relevant to the prisoner’s future lifestyle and aspirations. This could include the development of appropriate social skills, positive citizenship and ‘soft skills’ that enhance communication and teach appropriate social norms i.e., punctuality and positive communication skills. Life skills should include options to advise prisoners on basic health care such as exercise and provision of a healthy diet and can often be progressed in collaboration with local health services. The practical operation of household equipment e.g., washing machine, cooker, microwave etc. can also be included in life-skills to prepare individuals for independent living. As the range of practical life-skills for effective community functioning is extensive, prisons should use their experience to design appropriate interventions that are suitable for their own particular population. Life-skills may also include practical life-skills that will assist with resettlement and home management e.g. painting and decorating; basic plumbing; hygiene; household appliances etc. Although such practical skills would be suitable for individuals preparing for release, such skills may also be utilised for those starting long-term sentences and those preparing for progression. Life skills can also prepare the prisoner for the possibility of coping with long term unemployment through mindfulness, yoga, exercise and positive mental health practices. Although there is no clear definition or agreement as to what constitutes Life Skills and each jurisdiction will identify their own priorities although examples of good practice could be shared to stimulate ideas and new thinking.

## **EDUCATION OF FOREIGN PRISONERS**

### **18. Foreign prisoners should be assisted in learning the local language and the local cultural and social habits and traditions. Culturally sensitive staff speaking foreign languages should be trained to deal with such prisoners.** <sup>23</sup>

This recommendation includes those held in custody outwith their country of origin and helps address the first two of the EC’s Recommendation on Key competences for Lifelong Learning (2006), setting competencies for personal fulfilment and development, active citizenship, social inclusion and employment. Promoting these competencies is crucial to the education of foreign prisoners especially: No 1, Communication in the mother tongue; No 2, Communication in foreign languages; No 4, Digital competence; No 5, Learning to learn, and No 8 Cultural awareness and expression. and Tews, 2004).

Language acquisition is a priority for prisoners’ ongoing health and well-being and can be challenging for many jurisdictions given the increasing number of foreign national prisoners. While there are no easy solutions to this ongoing issue, increased cooperation and the utilisation on modern technology can help provide appropriate programmes for all prisoners regardless of language, ethnicity and background. Therefore, education should be provided to meet the prisoner’s social, economic and

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<sup>23</sup> Recommendation CM/Rec (2012)12 concerning foreign prisoners and add also from there that they should be assisted in obtaining qualifications that are recognised and can be continued in the country in which they are likely to reside after release.

cultural context taking account of nationality, ethnicity and native language requirements as well as specific educational need.

## **EDUCATION OUTSIDE PRISONS**

### **19. Wherever possible, prisoners should be allowed to participate in education outside prison.**

For those prisoners approaching release, continuity of educational engagement can be crucial to their ongoing rehabilitation, resettlement and desistance from offending. Where such opportunities can be developed, prisoners can seamlessly continue with their educational courses rather than experience a cessation of engagement due to lack of knowledge of community courses and access criteria.

For those accessing “open” or “semi-open” prison establishments limited access to the local community is often promoted as a means of nurturing community inclusion and contact with essential agencies of support. Such access is a key aspect of fostering good relationships with local communities and promoting the educational and rehabilitative work of prisons.

## **INVOLVEMENT OF OUTSIDE COMMUNITY IN PRISON EDUCATION**

### **20. Where education has to take place within the prison, the outside community should be involved as fully as possible.**

Engagement with external engagement can significantly enhance the curriculum of prison education with wider programmes of learning and help prisoners interact with a wider range of people. In particular, links with university partnerships can often be mutually beneficial providing live teaching experience for post graduate students while helping supplement the number of teaching staff available to support learners. Universities can also assist in introducing wider programmes of learning including preparation for higher education study in the post release period. Wider programmes of learning can also be delivered by external agencies such as Non-Governmental Organisations (NGOs) and various charitable organisations. The key concern for prison education authorities is ensuring that the programmes of learning being proposed by external agencies are relevant and appropriate with clearly stated outcomes for their particular prison population. These programmes should effectively complement existing education provision and not be undertaken in isolation to ensure all educational development can be better coordinated and integrated to maximise educational benefits.

## **EDUCATIONAL POLICIES BASED ON RESEARCH AND INTERNATIONAL CO-OPERATION**

### **21. Educational stakeholders should invest in regularly updating the curriculum, tools and methodology used for education in prison in line with contemporary research and international developments in this area.**

The Europris (2019) Expert Report demonstrated the absence of appropriate policies and lack of clarity concerning preferred educational outcomes. At present there is lack of a shared understanding across Europe as to: what constitutes education? what is included as education? who is eligible to access education? what the purpose is of education? and whether education is provided at all for certain groups. Accordingly, the potential for improving engagement and promoting rehabilitation may be compromised as well as diluting prisoners’ rights in accessing educational interventions.

In several jurisdictions the responsibility for educational policy and delivery is held by the education provider which can be an integral part of the regime, a Non-Governmental Organisations (NGOs) or external commercially contracted providers. Consequently, there is significant disparity in curriculum choices with a dominant focus on basic skills and employability. There is often a lack of collaboration and shared vision as to what constitutes the educational curriculum and what specific aims and objectives are being sought. Through the drafting and implementation of a clear strategy for the promotion and delivery of education at a national or regional level, prison policy makers and education authorities can positively influence the expansion and enrichment of educational opportunity as a key contribution to rehabilitation interventions.

Therefore, both authorities and providers of educational services in prisons should take cognisance of and to contribute to educational research. This can provide a regular refresh of curriculum and teaching

methodologies to maximise effectiveness in all areas of activity. Regular appraisal and feedback from prisoners are extremely useful aspect of such practice reflection to maintain both relevance and interest for the learner.

Education providers in prisons and justice services can often change over time due to contractual expiry or need to review their curriculum such as unexpected changes in the prison population (long term, short-term, women, young people, protections). Each population group can have widely divergent education needs and providers require to be both flexible and knowledgeable in amending their services to meet the needs of prison population.

Prison authorities and education providers should share experiences, research and areas of best practice. The fluctuating demographics of prison populations, the ongoing impact of austerity and the shifting sands of political allegiance across the European continent make it more important than ever for educators to share experiences and to promote understanding and tolerance as core aspects of custodial education. Existing limitations of educational provision can be enhanced through continued professional development and international exchange in research and dissemination of good practice. While the COE Recommendations on Prison Education 1989 established sound principles for the future of prison-based education, the unprecedented advances in technology, research and educational methodologies provide new and exciting opportunities to reiterate their sound and enduring rationale. Through engaging in critical reflection, we can harness and utilise the insights of research, listen to the needs of those in our care, expand their abilities, provide hope and new horizons for responsible citizenship and nurture an educational oasis amidst the often-arid landscape of prison life.