

**SCHEDULE 1 PART 2:**

**EDUCATION**



**CONTENTS**

1. DEFINITIONS.....	3
2. BACKGROUND.....	4
3. REQUIREMENTS.....	4
4. QUALITY AND EFFECTIVENESS OF THE EDUCATION SERVICES AND THE LIBRARY SERVICES.....	6
5. PROCUREMENT, PERFORMANCE AND OTHER OBLIGATIONS IN RESPECT OF EDUCATION PROVISION.....	6
APPENDIX 1 – LEGISLATION REQUIREMENTS.....	8

**1. Definitions**

1.1 For the purpose of this **Part 2 (Education) of Schedule 1 (Authority's Custodial Service Requirements)** unless the context otherwise requires:

**"Education Standards"** has the meaning given in paragraph 4.1 (**Quality and effectiveness of the Education Services and the Library Services**);

**"Ofsted"** means the 'Office for Standards in Education, Children's Services and Skills' and is responsible for inspecting and regulating services that care for children and young people, and services providing education and skills for learners of all ages;

**"Prison Library Services"** has the meaning given to it in **paragraph 2.2 (The Prison Library Service)**; and

**"Teacher Quality Management Plan"** has the meaning given to it in **paragraph 3.2.5.1 (Requirements)**;

**"YOI"** means a 'Young Offender Institute'.

## 2. Background

### 2.1 Education Services

2.1.1 The provision of education in prisons is a statutory duty. Section 86 of the Apprenticeships, Skills, Children and Learning Act 2009<sup>1</sup> provides that the Secretary of State must secure the provision of such education and training facilities as he/she considers appropriate for education and training suitable to the requirements of persons who are subject to adult detention. Adult detention applies to persons subject to a detention order, aged 19 or over, or aged under 19 and detained in a prison or a YOI, or part of a YOI, used wholly or mainly for those aged over 18, for example persons sentenced to prison and those on remand in custody.

2.1.2 The purpose of education in prisons is to give individuals the skills they need to unlock their potential, gain employment and become assets to their communities. It should also build social capital and improve the well-being of prisoners during their sentences and once they are released from Prison.

### 2.2 The Prison Library Service

2.2.1 The aim of the Prison Library Service is to provide a library service accessible to Prisoners based on their needs and requirements, which supports the reducing re-offending agenda and other resettlement pathways; and is appropriate to the needs of specific establishments. It should have a focus on improving literacy and other barriers to effective resettlement which assists Prisoners in making the transition from custody to community.

## 3. Requirements

3.1 Pursuant to paragraph 2 (**Background**) of this **Part 2 (Education) of Schedule 1 (Authority's Custodial Service Requirements)**, the Contractor shall deliver Education Services and Prison Library Services as part of the Regime that meets the need of the applicable Prisoner cohort(s) and Prison Function.

3.2 In providing the Education Services and Prison Library Services, the Contractor shall:

3.2.1 provide education opportunities to Prisoners to meet the Legislative requirements for Education Services and Prison Library Services (including those set out in Appendix 1 – Legal Requirements of this **Part 2 (Education) of Schedule 1**

---

<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2009/22/section/86>

(**Authority's Custodial Service Requirements**))(and shall ensure that of any of its Sub-Contractors or other third parties who provide Education Services and/or Prison Library Services also comply with these Legislative requirements);

- 3.2.2 deliver Education Services and Prison Library Services in line with the mandatory requirements set out in the Competition Operator Requirements. These will be superseded in due course by the 'Education Policy Framework'. In the event that any of the Authority's requirements referred to in this **Part 2 (Education) of Schedule 1 (Authority's Custodial Service Requirements)** or **Part 1 (Custodial Services) of Schedule 1 (Authority's Custodial Service Requirements)** are amended, the Contractor shall comply with the new set of requirements as defined by the Authority and contained in the 'Education Policy Framework';
- 3.2.3 ensure that the Education Services and the Prison Library Services provided engage and support the progression of each Prisoner's needs in accordance with the requirements of the Equality Act 2010;
- 3.2.4 put in place a physical environment at the Prison that is conducive to learning, for example, using study areas, workshops, gymnasias and classrooms as appropriate;
- 3.2.5 where the Prison is a Resettlement Prison ensure that Education Services, wherever possible, reflects and/or directly links to employment opportunities within the local communities to which Prisoners will return and shall;
- 3.2.5.1 produce, maintain and agree with the Authority a plan that includes qualifications held by teaching staff, common professional development planned in-year, other actions to drive quality and a recruitment and retention strategy (the "**Teacher Quality Management Plan**");
- 3.2.5.2 implement the Teacher Quality Management Plan in respect of each Contract Year which describes in detail the arrangements to maintain and improve teacher quality in line with the requirements of this Education Schedule; and
- 3.2.5.3 produce a report each quarter detailing the actions (CPD, training, recruitment, observation etc) completed against the Teacher Quality Management Plan, tracking progress against any targets agreed as part of the plan. Where delivery is in line with the agreed plan, the relevant PPT Measure shall be deemed to be achieved. The Authority will validate this PPT Measure utilising, amongst others: joint observations, document reviews and the result of HMPPS and Ofsted inspections and checks and in

accordance with **paragraph 4 (Prison Performance Tool) of Schedule 15 (Performance Mechanism)**.

#### **4. Quality and effectiveness of the Education Services and the Library Services**

4.1 The Contractor shall implement and maintain a system for monitoring quality and effectiveness of the provision of the Education Services and the Prison Library Services to deliver in line with Ofsted's standards for 'good' or 'outstanding' Education Services (as set out in the 'evaluation schedule' of Ofsted's 'Further education and skills handbook') and HMIP standards ("the Education Standards") (as all may be amended from time to time).

4.2 The Contractor shall undertake an assessment of the Education Services and Prison Library Services, including feedback from Prisoners, as part of the Annual Custodial Service Delivery Plan pursuant to **clause 24 (Annual Custodial Service Delivery Plan) and Part 1 (Custodial Services) of Schedule 1 (Authority's Custodial Service Requirements)**.

4.3 Where necessary, the Contractor shall engage actively with applicable inspections of the Education Services conducted by Ofsted, whether as part of inspections by HMIP or otherwise.

4.4 The Contractor shall document any shortcomings identified through inspection by Ofsted and take appropriate action against any recommendations made by Ofsted. The Contractor shall notify the Authority of any shortcomings and document such shortcomings in such form as the Authority may reasonably require from time to time.

#### **5. Procurement, performance and other obligations in respect of Education Provision**

5.1 The Authority Education Contract is an Optional Authority Third Party Contract and is available to the Contractor to use to procure an Education Provider to deliver the Education Services on the Contractor's behalf to meet its obligations under this **Part 2 (Education) of Schedule 1 (Authority's Custodial Service Requirements)**.

5.2 If the Contractor makes arrangements to appoint an Education Provider to deliver Education Services other than through the Authority Education Contract, it shall procure that the Education Provider meets the requirements as set out in this **Part 2 (Education) of Schedule 1 (Authority's Custodial Service Requirements)** and do so in accordance with the requirements of **paragraph 9 (Education Services) of Schedule 3 (Authority Third Party Contracts)**.

5.3 The Contractor shall comply with the requirements of **Schedule 15 (Performance Mechanism)** and in accordance with Good Industry Practice in providing and monitoring performance in respect of the Education Services and Library Services. The Contractor shall provide the Education Services in accordance with the PPT Measures.



**APPENDIX 1 – Legislation Requirements****1.1 Education - Legislation Requirements**1.1.1 Under the Prison Rules 1999<sup>2</sup>:

1.1.1.1 Every prisoner able to profit from the education facilities provided at a prison shall be encouraged to do so.

1.1.1.2 Educational classes shall be arranged at every Prison and, subject to any directions of the Secretary of State, reasonable facilities shall be afforded to Prisoners who wish to do so to improve their education by training by distance learning, private study and recreational classes, in their spare time.

1.1.1.3 Special attention shall be paid to the education and training of Prisoners with special educational needs, and if necessary they shall be taught within the hours normally allotted to work.

1.1.2 The Contractor shall ensure that that the structure and fabric of the training environment together with the impact of Prison operations on education activity meet the requirements of the Health & Safety at Work Act 1974<sup>3</sup> and associated Legislation. The Education Provider is responsible for ensuring that education equipment and activities comply with same.

1.1.3 The Contractor shall comply with the regulations and Legislation on Prisoner eligibility for tuition fee loans for higher level study (level 3 and above). The full range of Prisoner eligibility requirements for a student tuition fee loan can be found in the following regulations:

1.1.3.1 for undergraduate tuition fee loans:

[http://www.legislation.gov.uk/uksi/2011/1986/pdfs/uksi\\_20111986\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/1986/pdfs/uksi_20111986_en.pdf);

1.1.3.2 for Advanced Learner loans:

<http://www.legislation.gov.uk/uksi/2012/1818/made>;

1.1.3.3 for postgraduate master's loans:

[http://www.legislation.gov.uk/uksi/2016/606/pdfs/uksi\\_20160606\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/606/pdfs/uksi_20160606_en.pdf);

---

<sup>2</sup> <http://www.legislation.gov.uk/uksi/1999/728/contents/made>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/1974/37/section/2>



1.1.3.4 for postgraduate doctoral loans:

<http://www.legislation.gov.uk/uksi/2018/599/contents/made>.

1.1.4 In addition to meeting the standard eligibility conditions that the general population need to satisfy, a Prisoner must also meet specific ‘prisoner eligibility’ conditions, including that they must be serving a sentence of imprisonment in the United Kingdom (therefore persons on remand do not meet these prisoner eligibility conditions) and be within a specific period of time before they are released from Prison. The exact timeframe is set out in the above regulations and determined by the type of loan. To qualify for:

1.1.4.1 an undergraduate tuition fee loan or an advanced learner loan - a Prisoner must be within six years of their earliest release date on the first day of the first academic year of the course or part-time course;

1.1.4.2 a postgraduate master’s loan - a Prisoner must be within four years of their earliest release date on the first day of the first academic year for the course; and

1.1.4.3 a postgraduate doctoral loan- a Prisoner must be within eight years of their earliest release date on the first day of the first academic year for the course.

1.1.5 For Prisoners with indeterminate sentences, the minimum period of imprisonment set at trial (the sentence tariff) should be treated as the earliest release date.

1.1.6 In order for a prisoner to be eligible to apply for a tuition fee loan, the Director or other appropriate authority must give approval for the prisoner to study the chosen course.

## **1.2 Prison Library Service – Legal Requirements**

1.2.1 The Prison Rules 1996 and Young Offender Institution Rules 2007 (as amended) place upon the Secretary of State the responsibility for ensuring that each HMPPS establishment has a library, and that the prisoners of those establishments have facilities to use and exchange books.

1.2.2 The Contractor shall ensure as a minimum that a Prisoner’s statutory entitlement to library provision is met.

- 1.2.3 Article 6 of the 'European Convention on Human Rights' includes the requirement that individuals must be afforded enough time and facilities to prepare their defense.<sup>4</sup>

### **1.3 Legal Requirements that apply to both Education Services and the Prison Library Service**

- 1.3.1 The Contractor shall undertake an equality analysis, and ensure compliance with the Equality Act 2010 and shall comply with the requirements of [PSI 20-2016 \(Implementation of Equality Analysis\)](#) and [PSI 2011- 32 \(Ensuring Equality\)](#).
- 1.3.2 The Contractor shall ensure that relevant impact assessments are in place to support the local education policy, including monitoring against protected characteristics.
- 1.3.3 The Contractor shall ensure it complies with its obligations under Data Protection Legislation and PSI 03/18 (available at <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2018/psi-03-2016-dpa-foi-eir.pdf>).
- 1.3.4 The Contractor shall comply with the requirements of the Health & Safety at Work Act 1974<sup>5</sup> and associated Legislation. These requirements are interpreted in HMPPS by its policy and arrangements on health, safety and fire and further Guidance, including the health and safety framework agreement between HMPPS and Education Providers.

---

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/5>

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/1974/37/section/2>