



Report

Review of European Prison Education Policy and Council of Europe Recommendation (89) 12 on Education in Prison

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Scotland, United Kingdom
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PROMOTING
PROFESSIONAL
PRISON
PRACTICE

**Final Report on the Review of European Prison Education Policy and update of the
Council of Europe Recommendations on Prison Education (1989)**

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EuroPris Expert group on Prison Education

The initiative for the establishment of this EuroPris expert group was partly based on a request from the European Prison Education Association (EPEA) aiming at attracting more attention at the national policy level for prison education.

The first meeting of the group took place from 8-9 June 2017 in Nicosia, Cyprus. After sharing the policy and practice of prison education in the 10 countries represented at this meeting, the participants discussed the approach they could take in order to progress prison education policy in the European member states. It was decided to take a closer look at the existing 1989 Council of Europe Recommendation on Prison Education and to evaluate to what extent these Recommendations are still in line with current education practices inside and outside of prisons. At the start of this work a questionnaire was drafted to explore the current situation of prison education in European prisons, also in relation to the Council of Europe Recommendation. This questionnaire was answered by 22 countries. The responses to this questionnaire were analysed and presented in a separate report by the Scottish Centre for Crime and Justice Research. <https://www.sccjr.ac.uk/>

At the second meeting, from 18-19 September 2018 in Bratislava, Slovakia the group discussed in detail each article of the Recommendation and started to draft their comments and suggestions for adaptation. This process was finalized at the last meeting of the group during the conference of the European Prison Education Association (EPEA) in Dublin, Ireland from 13-14 June 2019.

This report is the result of the joint work of the members of the EuroPris expert group on prison education in the past two years. Next to the report a good practice collection has been gathered, providing inspiration and examples from the expert group member countries for each article of the CoE Recommendation.

In the course of these two years the expert group also had the chance to present their preliminary findings to the meeting of the working group of the Council for Penological Cooperation of the Council of Europe (PCCP) on 5 February 2019. Further consultation with the Council of Europe is planned, including a presentation to the PCCP plenary meeting in November 2019.

EuroPris aims at linking the various EuroPris activities with each other and with activities of partner organisations in the correctional field. Further presentations to inform about the work of the group and to promote the relevance of prison education were given by the chair of the expert group, James King, at the European Prison Regime Forum in November 2017 in Rome, at the EuroPris ICT workshop in May 2018 in Stockholm and at the EuroPris Real estate workshop in October 2019 in Ljubljana. James King was also presenting the work of the group to the Director Generals participating at the EuroPris Annual General Meetings in the course of the three years that the group was operational.

Introduction

For the past three decades, the Council of Europe (COE) Recommendations on Prison Education (1989) have provided the principal point of reference and generally accepted standards for custodial education services. The COE's Convention for the Protection of Human Rights and Fundamental Freedoms (1950) stated that "*no person shall be denied the right to education*", while the Basic Principles for the Treatment of Prisoners) proclaimed 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). These rights were reiterated by The European Prison Rules in promoting "*access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations*" (COE, 2006, 28.1). Furthermore, the European Commission's Charter of Fundamental Rights recognised that "*everyone has the right to education*" (COE, 2007). Given the time lapse since these publications, EuroPris proposed the establishment of the Expert Group on prison education (https://www.europris.org/expert_groups/education-in-prison/) to consider a review of the COE (1989) recommendations. In addition to reviewing the original recommendations, the report by the Expert Group would simultaneously consider some of the principal developments in justice over the past three decades that have impacted on contemporary European prison education policy.

An initial consultation was held in Cyprus in June 2017 in which representatives from 10 European countries established an Expert Group to progress this work. Despite a consensus on the need for an educational policy review, there was clear acknowledgement that the group held no formal authority or explicit mandate to examine or supplement existing national or international policies pertaining to prison education. Nevertheless, the group were in agreement that a more contemporary consideration of educational approaches and methodologies could assist in the sharing of good practice, promote harmonisation in types of educational programmes and reflect the potential for further developing technological advances. The Group further recognized that the review should be undertaken with sensitivity and respect to the distinctive priorities and individual cultures of each country and/or jurisdiction. To initiate the review, Mr James King, Head of Education for the Scottish Prison Service was appointed as Chairperson of the group. Membership of the group was facilitated by Kirsten Hawlitschek, Executive Director of EuroPris and included:

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Name	Country or Jurisdiction
Katherina Schwarzl	Austria
Kathleen Van De Vijver	Belgium
Iakovos Stylianou	Cyprus
Per Thrane	Denmark (EPEA Representative)
Martin Zschel	Germany: Rheinland-Pfalz
Tanja Klee	Germany: Mecklenburg Vorpommern
Kieran Moylan	Ireland
Anne Costelloe	Ireland (EPEA Representative)
Ioana Morar	Romania
James King	Scotland (Chairperson)
Peter Kriska	Slovakia
Petra Prijatelj	Slovenia

Key considerations of the group included:

- Reiteration of the strong principles underpinning the Council of Europe Recommendations on Prison Education (1989) and their ongoing relevance;
- Advising on how best to enhance existing recommendations through highlighting best practice in educational approaches in particular areas, e.g. working with women; young people; people with mental health and learning issues etc., and harnessing the significant and ongoing advances in technology;
- Building on the achievements of EuroPris in the establishment of Expert Groups, the experiences of the European Prison Education Association (EPEA), and the insights of the COE Council for Penological Co-operation (PC-CP) to improve communications and collaboration;
- Establishing and nurturing collaboration with other EuroPris Expert Groups to provide a coherent and coordinated approach to custodial education and associated interventions.

Please note that the terms ‘Prisoner’ and ‘Learner’ are used interchangeably depending on the point being discussed and associated context.

Drawing on academic research, accumulated experiential knowledge (at both policy and practical levels) and consultation with other Expert Groups, the group designed and disseminated a questionnaire to inform on the current status of prison education across Europe. From the outset it was clear that many jurisdictions already have a significant distance to travel in embracing the principles set out in the 1989 document prior to implementing any new practices or proposed revised recommendations. This situation is further compounded by the multiple variations in what is considered to constitute education, the differences in criteria for accessing education and the lack of clarity in what is actually being sought or expected from prisoners’ educational engagement.

Where education is provided it is invariably structured around the remediation of low-level literacy/numeracy abilities and the development of low-level employment skills. While identifying and addressing low level literacies and promoting employment skills are necessary and important functions of education, they are often excessively

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emphasised in relation to the provision of more general social sciences, arts and humanities opportunities. This imbalance can both discriminate and limit the aspirations for equity of access and for providing a range of opportunities that meet the needs of the wider prison population. Although prison populations tend to be comprised principally from marginalised and socially excluded communities (where complex educational needs are more acute) there is also a significant cohort of prisoners with the potential to undertake more demanding programmes of learning suited to their own distinctive needs and future educational aspirations. Moreover, access to custodial education within some jurisdictions can be perceived as a privilege or solely for the purposes of delivering remedial interventions in contrast to being considered as a fundamental human right.

Given the time lapse since the 1989 recommendations; there is a general consensus as to the necessity of the review which is strengthened by the practical and moral support of EuroPris and the EPEA. Furthermore, the unprecedented educational and technological advancements of recent times in conjunction with extensive educational research and developments have assured us of both the legitimacy and necessity of the review. Consequently, we remain confident that the proposed revised recommendations can refresh and revitalise the admirable intentions of the original authors and enhance the practical application of educational policy across all European justice jurisdictions.

Background to original Recommendations (1989) and associated context

The benchmark for the provision and delivery of custodial education was established through the publication of the COE Recommendations for Prison Education (1989). Implicit to the ethos and overall approach of the original group was the necessity to establish services that addressed the educational needs of the “whole person” and not simply the provision of services constructed to reflect the preferences of particular prison regimes, prevailing ideology or government authority. Embracing a person-centred and holistic approach to custodial learning forms the cornerstone of an inclusive adult education approach that promotes self-efficacy, democracy, responsible citizenship and sets minimum standards for an effective and wide-ranging curriculum (COE, 1989). Such standards have already informed and been supported by numerous multi-lateral projects that have helped promote international cooperation and established good practice in areas of educational innovation and engagement. The publication of the COE Recommendations (1989) were accompanied by an explanatory memorandum that highlighted the sometimes-considerable contrasts in culture and administrative systems that operate across the European continent. These include key differences in how prison education is constituted, accessed and delivered. While acknowledging that education is not a homogenous activity across European jurisdictions, the report nevertheless establishes the principle of access to learning opportunities as fundamental to all prisoners, and with education encapsulating a wide range of activities and interventions. In addition to general academic subjects, the report includes consideration of participation in vocational training, cultural activities, arts, libraries and physical education (COE, 1989). Differences in the perception of what constitutes education will obviously be reflected in what is available as well as influencing inevitable variances in priorities and culture. Accordingly, it is timely to

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reiterate the COE core principles and subsequent documents that recommend educational programmes and interventions should primarily be structured around the identified needs and aspirations of the learner. For some jurisdictions this may present particular challenges as policy (where it exists) can often be decided at a political or institutional level with little or no direct consultation with learners. Nevertheless, if there is serious intention to encourage and nurture those who are disaffected and subject to multiple deprivations (who disproportionately inhabit the spaces of our carceral institutions) then it is necessary to take due cognisance of the expressed needs and views of these learners.

The Select Committee appointed to review prison education policy in 1984 and who subsequently drafted the 1989 recommendations, based their considerations on the clear intention to promote engagement in education is an important factor in mitigating the often “abnormal” and “destructive” aspects of prison life (Council of Europe, 1989, p.9). Such adverse effects of imprisonment had previously been articulated by Clemmer (1940) who coined the term “prisonization”. This concept described the inevitable loss of personal autonomy through the inescapable assimilation by prisoners of carceral community norms which are exacerbated by long-term imprisonment and the gradual loss of external relationships (Clemmer, 1940). While there are varying degrees of prisonization, the term aptly foreshadows Gresham Sykes's seminal work *Society of Captives*, (1974), which presents a lucid articulation of the inherent “pains of imprisonment”. While acknowledging the potential for individual differences, the “hard core” of such pains are presented around the loss of liberty; the deprivation of goods and services; frustration of sexual desire; denial of autonomy and threats to personal security (Sykes, 1974). While such deprivations are in many respects obvious, Sykes also highlights the more personally profound implications of incarceration such as the diminution and erosion of the prisoner's sense of self until it “begins to waiver and grow dim” (Sykes, 1974, p.79). This in turn leads to a build-up of psychological pressure with the majority of prisoners condemned to suffer the inherent “pains of imprisonment” (Sykes, 1974, p.82).

More recent research in this area by Cambridge Professors' Liebling and Crewe highlighted that contemporary pains of imprisonment are less obvious but more psychological, compounded by the culture of risk management and the decline of the rehabilitative ideal (Crewe, 2011; Garland, 2001). Within such environments designed to punish and exclude, the importance of relationships, fairness, respect and opportunities for self-development are fundamental in helping alleviate the inherent associated pains. (Liebling, 2011).

Such “existential” anxieties can often exacerbate existing emotional burdens of “uncertainty” and “indeterminacy” created by processes of “psychological-assessment” and generating “frustrations” that further reinforce the impact of the carceral experience with additional “depth, weight and tightness” (Crewe, 2011, p.509). While such earlier considerations on how to mitigate the detrimental effects of imprisonment informed the basis for the Select Committee of Experts on Education in 1984, it is reassuring to note that subsequent research both validates and provides further nuanced insight to the inherent pains of imprisonment. While some of the more overt physical pains and hardships of incarceration have eased over the years as a consequence of improvements in buildings and the prison estate, the experience of imprisonment has nevertheless intensified becoming ever deeper, heavier and tighter (Crewe, 2011).

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The decline of the rehabilitative ideal is, according to eminent Criminologist Dave Garland, a consequence of ideological changes detailed in his seminal work "The Culture of Control" (2001). In this widely acclaimed perspective, Garland strongly argues that the long-standing post-war consensus of penal-welfarism which collectively formed the rehabilitative ideal until the 1970's has been supplanted by a new type of penal control (Garland, 2001). This involved a realignment of societal responses to crime and from altruistic welfare treatment to a more reactionary focus on issues of security and crime prevention. This resulted in a more punitive response to crime through harsher sentencing and an increased use of imprisonment. According to Garland, the previous long-standing consensus highlighting the benefits to society of rehabilitation have now been subordinated in favour of a populist and punitive retribution perspective in association with the rigorous management of perceived risk. This changing of perspectives was synonymous with late 20th century neo-liberal economics which replaced programmes of individual support and welfare concerns with new stringent laws designed to control behaviours, minimise costs and maximise security controls. Implicit to this new and prevailing model of crime control was the need to measure and manage "cost-benefits", "best-value" and "fiscal responsibility" with the concomitant rise in private sector involvement (Garland, 2001, p.188). This realignment of justice policies prompted significant shifts in the perceived objectives of imprisonment in both Scotland and England during the 1980's and encouraged concepts of prisons primarily as places of "humane containment" (King et al, 1989, P108). These populist policies embraced a punitive rhetoric realigning concerns from social and economic inequalities to perceived individual deficits prompting the expansion and use of cognitive behavioural and low-level basic skills programmes (Reuss, 1999).

The pervasiveness of this approach according to Wilson, presents a paradox between the fundamental aims of "prison" and the aims of "education" with the former seeking deprivation of freedom, while the latter seeks individual liberation (Wilson et al, 2000, p.175). The priority of behavioural programmes over prison education forms the central critique of a 2009 report by United Nations Rapporteur Vernon Muñoz. While acknowledging the COEs original statement that the aims and objectives of education are often inconsistent and confusing, Muñoz highlights how behavioural programmes under "medical", "cognitive deficient" or criminogenic type headings have in many jurisdictions, supplanted educational programmes (Muñoz, 2009, p.7). Although such programmes contain some "positive features", their priority and inflexibility demeans the dignity of prisoners by denying them access to wider educational opportunities such as "*informal literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sport, social education, higher education and library facilities*" (Muñoz, 2009, p7). As education is deeply embedded in its location and context, its content requires examination alongside the broader objectives of penal systems that reflect "*societal calls for punishment, deterrence, retribution and/or rehabilitation*" (Muñoz, 2009, P7). This presents a clear picture that prison education policy remains strongly tied to ideological and political perspectives within each jurisdiction as portrayed in Garland's work.

Expert Group Considerations:

The questions posed by Expert Group concerns are often compounded by distinct differences between respective government departments and agencies responsible for justice and/or education. While a differentiated education policy is desirable, it is often absent when the responsibility for prison education varies between educational

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authorities, justice authorities or services contracted to external agencies or Non-Government Organisations (NGOs). This in turn leads to significant disparities in what is considered to constitute education and the type of services that are available to prisoners. For example, in some jurisdictions, provision may be limited to the national schools' curriculum or overly focused on adult literacies and low-level employability skills. Moreover, the benefits of the creative arts (Anderson *et al*, 2011, Tett, 2012) may be excluded from a limited conception of what is deemed acceptable within the context of custodial education. Such programmes can promote personal development, knowledge acquisition, self-reflection and behavioural change. A further area for consideration concerns the number of foreign prisoners currently held across Europe and requiring provision of appropriate language and cultural education. This issue with its wide-ranging implications for communication, family contact, legal representation and educational access is the principal subject of study for another EuroPris Expert Group. Accordingly, the Expert Group on Education will collaborate with all other Expert Group to share information, expertise and conclusions.

Expert Group Initial Approach

To address these complex issues in the context of the revision, the Expert Group have drawn upon academic research, accumulated experiential knowledge (at both policy and practical levels) to design and disseminate a questionnaire. These various sources will inform of the current status and associated issues pertaining to prison education across jurisdictions in relation to the original 1989 Recommendations. The questionnaire will help establish a general overview of current educational provision and enable consideration of each jurisdictions' adherence to the core principles of the 1989 document. Questions would seek to elicit information on the nature of education services within each country or region and help establish the extent to which the underpinning principles of the 1990 Recommendations are being applied.

Accordingly, questions are focused around a number of pertinent areas including curriculum; types of educational approaches; inclusion of arts; access to libraries; provision for foreign nationals; and issues of access and exclusions. Beginning with an outline of the background and context, the questionnaire seeks to provide each jurisdiction with an overview of the Expert Group's intentions and to encourage participation in this exercise. Drawing on both the literature and the experience of the group, the document is divided into six sub-sections each covering a distinct area of educational intervention including: Educational Policy & Strategy; Educational Priorities; Information Technology; Higher & Distance Learning; The Arts & Vocational Training. The overall format of the questionnaire was designed to elicit detail concerning the underpinning principles, approach and priorities of each jurisdiction and to identify the range of educational interventions in use.

To enable an independent perspective that would inform their deliberations, the Expert Group commissioned the Scottish Centre for Crime & Justice Research (SCCJR) based at the University of Glasgow to undertake an analysis of responses. Accordingly, SCCJR considered the responses from 22 European jurisdictions which equates to a return rate of 73%.

Responses to Questionnaire

Access and participation

- Almost half of all respondents indicated restrictions on access to education.
- Remand / pre-trial and disruptive / segregated prisoners have no access to education in many countries.
- Foreign nationals can only access education in the language of the host country
- Only 15% of respondents were able to provide data on levels of participation in education.
- Participation of prisoners in higher level education are generally below 5%.
- The way in which participation levels are measured and quantified varies considerably across jurisdictions.

Type of education provided

- Respondents overwhelmingly considered General Subjects to be synonymous with prison education.
- The majority considered the Creative Arts and Life Skills to be part of prison education.
- All but one included Vocational Skills as part of prison education.
- Physical Education and Libraries were included by 16 of 17 respondents as part of prison education.
- Half of respondents considered ICT skills to be a core component of prison education.

Range of provision and priorities

- Only one respondent listed a broad and wide-ranging curriculum which included all of the above.
- Vocational Education and Literacy / Numeracy were perceived to be the highest priorities.
- General Education and Certification were seen to be the second highest priorities.
- Some form of restricted Internet access is available to prisoners in around 50% of jurisdictions.

Providers

- There was no dominant provider type or body delivering prison education.
- 14 indicated contracted education providers or NGO delivered education.
- 8 indicated multiple bodies including host country delivered education.
- 6 indicated regional/federal government delivered education.

Policy

- 5 respondents reported no prison education strategy / policy in their country.
- 10 respondents identified National Government involvement in policy, with 2 selecting it as the only decider of policy.
- 7 identified a Local/Regional Government role, with 2 selecting it as the only decider of policy.
- 14 identified a Prison Service role, with 2 selecting it as the only decider of policy.

Summary of Questionnaire Findings:

Most European prisoners can access some form of education, although the range and depth of provision varies considerably across countries and/or jurisdictions. Access to education is shown to be subject to variation with a significant number of countries providing only restricted access to a limited number of prisoners. Consequently, participation levels vary with almost half of all respondents indicating restrictions on prisoners attending education. In general, the range of subject choice is limited, in contrast to the benefits of a wide-ranging curriculum as advocated by the COE Recommendations (1989). The dominant focus continues to be on Basic Skills in association with an overemphasis on Vocational Skills which is in variance with the COE Recommendations. While all countries state an aspiration to meet the COE Recommendation and develop the whole person, the limitations listed above suggest that this is not happening in a large number of cases.

There are of course sound practical reasons for providing vocational education some of the shortcomings mentioned above including individual justice and educational preferences, prioritising employability and basic skills provision creating an imbalance in curriculum provision. This can limit the provision of academic opportunities for those with particular needs such long-term prisoners or those requiring additional support for learning. The lack of an agreed vision or articulation of shared aims and objectives for custodial education services could therefore simply perpetuate long-standing or ineffective practices.

Council of Europe (1989) Recommendations and proposed Revision of Recommendations

Recommendation 1 (Original)

“All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities.”

Recommendation 1 (Revised)

“All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, information technology, vocational education, creative arts and cultural activities, physical education and sports, life-skills and library facilities to enable them reach their full educational potential.”

This recommendation seeks to embed the principle of education for all as endorsed by:

1. United Nations (1948), Universal Declaration on Human Rights (Article 26);
<https://www.un.org/en/universal-declaration-human-rights/index.html>
2. United Nations (2005) High Commissioner for Human Rights & Prisons;
<https://www.ohchr.org/Documents/Publications/training11Add3en.pdf>
3. United Nations(2016) Resolution pertaining to the acceptance of the Mandela Rules <http://undocs.org/A/RES/70/175>:
4. *Council of Europe European Prison Rules* (revised in 2006):
<https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

This recommendation also includes a list covering the principal subject areas of a prison based curriculum. Although prison education is often structured around national and cultural priorities, the recommendation provides the opportunity for jurisdictions to move beyond the limitations of a fixed curriculum and the pursuit of formal education (often school) diplomas. Such limitations are in stark contrast to the provision of a person-centred adult education approach which seeks to structure educational provision around the needs and aspirations of the individual. This method helps mitigate against the imposition of a narrow based curriculum that seeks to make paramount the perceived economic needs of the jurisdiction in contrast to focusing on the aspirations and intentions of the learner.

The recommendation is also seeking to introduce contemporary developments in the field of learning such as resilience, mindfulness, yoga and therapeutic arts that provide an interesting and stimulating range of subjects to improve well-being and mental health among prison-based learners. Such subjects have been shown to enhance concentration and cognition and should enable the learner to self-regulate more effectively, manage impulsivity and reduce conflict and oppositional behaviour. Implicit to the recommendation is the need for Prison authorities to ensure that sufficient and proportionate resources are made available for prison education as a key aspect of rehabilitation and reintegration programmes. Such interventions can be constructed to stimulate a learning environment that encapsulates all types of learning activities from traditional education to therapeutic programmes, modern technology and new

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programmes such as life-skills, yoga and mindfulness. This would enable promotion of education as something that underpins and permeates all custodial activities promoting a philosophy where every encounter has the potential to be a learning opportunity for both prison-based learners and staff. A cornerstone of all such provision is that education is available for all prisoners regardless of age, gender, security classification, sentence type or length, specified risk or ethnic background.

Recommendation 2 (Original)

“Education for prisoners should be like the education provided for similar age-groups in the outside world, and the range of learning opportunities for prisoners should be as wide as possible.”

Recommendation 2 (Revised)

“Education for prisoners should be comparable to the education provided for similar groups and communities of learning in the outside world.”

The revision of Recommendation 2 relates to some aspects of Recommendation 1 in seeking to ensure that custodial education is consistent with opportunities available in the wider community. For young people in custody, provision may well include access to national qualifications or to accepted standards of competence in training that will ensure eligibility for further study or employment. However, the principal point of this recommendation is to ensure that custodial education is not simply designed to meet the standards of a school-based curriculum and that it embraces choices that would be available to adults in the community. Therefore, the range of learning opportunities for prison-based learners should be as wide as possible to reflect the fact that adults have wide-ranging life experiences and skills that can be harnessed to promote engagement and support educational diversity. Furthermore, education must be delivered by appropriately qualified teaching staff to ensure consistency and quality of delivery. Jurisdictions should promote links and shared activities with external learning institutions to help normalise education and nurture a culture of learning.

Recommendation 3 (Original Retained)

“Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context.”

In parallel with aspects of the aforementioned recommendations, the underpinning intentions of Recommendation 3 are laudable in seeking to address the educational needs of the “whole person”. While such terminology may invite a variety of interpretations subject to each jurisdiction’s national priorities and cultural concerns, a key consideration was to maintain the principle that education should be comprehensive and inclusive addressing the often-diverse needs of a complex and disaffected population. The results of the Expert Group questionnaire and associated consultations demonstrate that educational provision is generally limited in both its content and accessibility and consequently not consistent with the underpinning principles and intention of the COE 1989 Recommendations. These principles integral to the original document are based on an authentic understanding of adult education and lifelong learning that benefits the social, personal and skills development of prisoners, their families and ultimately the communities to which they will return.

The implicit reference to “cultural context” makes clear the need to ensure appropriate educational opportunities for all those held in custody including foreign national

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prisoners. Given the increase in the number of foreign national prisoners, this has proved to be problematic and a significant resource commitment for many jurisdictions. The original COE Memorandum that supports the recommendations uses the term “race” which is no longer used and should be replaced with reference to diversity of ethnicity and culture. There has been a number of valiant attempts over the years to address the cultural and language needs of foreign national prisoners. However, there is also a fundamental issue across jurisdictions in their ability to provide education services as highlighted by the Expert Group questionnaire. 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.

The COE 1989 Recommendations & Memorandum (6.11) also makes reference to such provisions as “special educational needs”, which in contemporary educational settings is the terminology primarily reserved to refer to those individuals who may have a particular learning difficulty or disability (LDD). Accordingly, the Expert Group suggests that the term Foreign National prisoners is used to avoid any confusion with those requiring additional educational support needs. Therefore, to maintain the spirit and principles underpinning the revised Recommendations, education should be provided to meet the prisoner’s social, economic and cultural context taking account of nationality, ethnicity and native language requirements as well as specific educational need.

Furthermore, Education should collaborate with and complement other types of learning interventions e.g., (Family contact, Vocational Training, Life-Skills and Behavioural/offence focused Programmes) to help maximise the overall impact of learning and promote active citizenship. This would also help better integrate and coordinate all forms of educational activity, thereby reflecting the Education and Training (ET2020) recommendation to promote and develop intercultural, social and civic competences. This should include information, advice and guidance for learners wishing to continue with their studies or vocational training enabling them to access appropriate educational or career opportunities post-release.

Recommendation 4 (Original)

“All those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible.”

Recommendation 4 (Revised)

“Prison authorities, justice agencies and external partners should facilitate and support the promotion, development and delivery of education in prison.”

The COE Memorandum that supports this recommendations states that in some countries “education is marginal to the prison system, limited in scope and poorly resourced.” The results of the questionnaire in conjunction with the experiences and deliberations of the Expert Group effectively reinforce this position across several jurisdictions. Moreover, where education is provided, there is often a lack of clarity as to its intended outcomes or potentially liberating purpose (Muñoz, 2009, p.7). Subsequent to the original recommendations, the core principles were reiterated in international documents as the United Nations (1990) “Basic Principles for the Treatment of Prisoners” proclaiming that “All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality” (Resolution 45/111: No 6). These rights were further endorsed by “The

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European Prison Rules” (2006) that promoted “*access to educational programmes which are as comprehensive as possible, and which meet their individual needs while taking into account their aspirations*” (28.1). Similarly, the European Commission's Charter of Fundamental Rights (2007) recognised that “*everyone has the right to education*”. At present there is lack of consistency 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, if there is no clearly articulated national or regional policy, vision or statement of educational intent, it is not surprising to find a lack of coherence, and low priority in planning for educational provision. When this occurs, the potential for improving engagement and promoting rehabilitation may be compromised as well as potentially diluting prisoners' rights from both a United Nations and Council of Europe perspective. The reasons for this may be complex including adherence to historical and cultural conventions in conjunction with wide variation in the providers and priorities of educational services within custodial environments. In several jurisdictions the responsibility for educational policy remains with the education provider which can sometimes be confined to school-based services, Non-Governmental Agencies or commercially contracted providers. Consequently, responsibility for the drafting and implementation of education policy is often contested or unclear. Moreover, across jurisdictions there appears to be 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, prison policy makers and education authorities can positively influence the expansion and enrichment of educational opportunity as a key contribution to rehabilitation interventions. However, this needs to be structured around a clear adult education philosophy seeking to work with the individual learner to determine both their learning needs and future ambitions.

Recommendation 5 (Original Retained)

“Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education.”

This presents a long-standing challenge for most jurisdictions and links directly to Recommendation No 4 above in terms of the importance and priority that is ascribed to educational activity. In many jurisdictions, prisoners are required to work to ensure efficient functioning of the prison through performing essential tasks in catering, cleaning, laundry etc. As such tasks are invariably allocated a priority status, they can often attract higher payment or other benefits than alternative types of activity such as vocational training or education. Ensuring a balance between work and educational attendance can also be affected by contractual pressures when jurisdictions undertake commercial or manufacturing production work for external companies. While such opportunities can often provide training and possibilities for post-release employment, they can also become the primary focus of activity where additional payments or bonuses provide a greater financial reward to prisoners than participating in educational study.

Prison authorities should therefore ensure that prisoners are not in any way disadvantaged either financially or in respect of any other benefits by taking part in

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educational activities. Equity of payment for educational attendance should be consistent with any other paid activities within the regime. Essential work functions should be shared across each population as much as possible enabling individuals to manage their time between work, training and educational activity without the loss of payment or reward. Where there is an obvious shortage of work, or where appropriate for individual prisoners, prison authorities should include educational attendance and training as a legitimate aspect of work.

Good practice in educational policy includes ensuring that key literacy and numeracy skills are embedded within the fabric of 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. However, embedding skills not only provides prisoners with the competence and confidence to undertake tasks, it provides motivation to succeed in employment post-release. For example, there are always opportunities to train prisoners in key areas of work that may assist them in future employment e.g., catering, laundry, cleaning and/or vocational training such as construction skills. Prison authorities should also take cognisance of those who for a variety of reasons such as disability, age or infirmity cannot participate in physical work activities but for whom full-time education or training may be more appropriate and indeed therapeutic.

Recommendation 6 (Original)

“Every effort should be made to encourage the prisoner to participate actively in all aspects of education.”

Recommendation 6 (Revised)

“Every effort should be made to encourage prisoners to participate actively in all aspects of education including access to Information Technology and higher-level learning.”

Despite the evident disparities in what constitutes “education” and the vagaries across jurisdictions in respect of access criteria to learning opportunities, this recommendation has been revised to reflect two principal areas of educational activity: Information Technology & access to Higher Education. While the former is self-evident in the modern world, the latter will ensure the provision of education for all those held in custody regardless of their previous educational achievement and position. Through embracing an adult education philosophy as articulated at Recommendation No 1, education should be actively promoted and accessible for all types of prison populations and in all aspects of prison activity. 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. In essence, such subjects should be seen as useful in their own right as well as a gateway towards more formal learning opportunities. Likewise, the versatility of modern technology can be harnessed to promote participation and present further educational challenges for aspiring learners.

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

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supervised or 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 Information Technology and the Internet is an essential component of contemporary educational practices, opportunities and research. Not only does this provide opportunities to enrich the curriculum, it simultaneously expands the learner's insights and indeed their entire world in previously unprecedented ways. As intimated, the opportunities available to prisoners have often been focused on the provision of low-level literacy and numeracy skills to the exclusion of access to higher and distance learning courses. However, the custodial curricula should be as wide-ranging as possible providing an appropriate balance between basic educational skills and provision for those with the ability to undertake higher level learning. Such a breadth of curriculum generates more interest while simultaneously promoting participation and allowing for educational progression for those serving long sentences. The changing demographics of prison populations have not only seen increases in foreign national prisoners but also in an increase in elderly prisoners mainly those convicted of sexual offences. These increases in conjunction with longer term prison sentences in some jurisdictions has seen significant shifts in the age profile of prisoners with various types of additional need including assistive technologies and wider access to educational opportunity. It is important to remember that prisoners are not a homogenous group and that for specific types of crime, the general profile of previous educational achievement is sometimes higher. Accordingly, educational provision needs to reflect this diversity and provide opportunities to higher level of learning for those with the pre-requisite skills and ability.

The Expert Group questionnaire highlighted the paucity (less than 5%) 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 language classes for foreign national prisoners. 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.

Recommendation 7 (Original)

"Development programmes should be provided to ensure that prison educators adopt appropriate adult education methods."

Recommendation 7 (Revised)

"Education in prison should be delivered by suitably qualified educators adopting adult education methodologies and practices."

The term “Adult Education” features prominently within the COE Recommendations on Prison Education (1989) and the associated Memorandum, although there is no clear agreement as to what this term means. The United Nations Rapporteur Vernon Muñoz suggested that the term has been variously employed to describe a wide-range

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of activity including the delivery of “offender behaviour” programmes that seek to address cognitive thinking skills, anger management, addictions, life-skills courses etc. The term has also featured as an important aspect of Kevin Warner’s EPEA conference report (2000) which he reiterated at the EPEA Conference in Vienna in 2017. As one of the original authors of the COE Recommendations on Prison Education (1989), Warner cites the American educator Austin H. McCormick (1931), stating the need to “*consider the prisoner as primarily an adult in need of education and only secondarily as a criminal in need of reform*” (Warner, 2017).

From a more general perspective, the term Adult Education refers to learning following the post-compulsory period of childhood education. It highlights a strong reference to a person-centred approach where education is structured around the needs and aspirations of the learners and does not include pre-ordained or abstract programmes of learning¹. Adult Education philosophy is also invariably concerned with transcending the traditional “banking system” of education where teachers are perceived to be gate keepers of knowledge which they “dispense” to their willing subjects who consequently are perceived as receptacles to be “filled” with the rather ephemeral concept of knowledge. To describe key methodologies of Adult Education, Malcolm Knowles introduced the term ‘Androgogy’ to distinguish from the more common and schools focused terminology of ‘Pedagogy’ and asserting that adults require reasons for learning (Knowles, 1968, 1980). Implicit to such a philosophy are that adults respond better to learning that has personal relevance and validates the learner’s experience. Similarly, Jack Mezirow asserted that adults engage in transformative learning through critical reflection if their life experiences often initiated by a particular life crisis (Mezirow, 2000).

It is the view of the Expert Group that training programmes should be provided to prison educators including continuous professional development incorporating best practices in adult education methods. 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. Training for education staff should also include “job shadowing” and peripatetic working to facilitate experiential learning in the challenges of working with groups within custodial settings.

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. As always, such issues will often be compounded by childhood trauma, unresolved bereavement and substance abuse. Recent research suggests that the majority of prisoners (84% of prisoners compared to 46% of the national average) have overwhelmingly experienced

¹ The European Commission’s *European Agenda for Adult Learning* (2011) covers the whole spectrum of adult learning contexts and highlights the need for a holistic approach to adult learning by including the elements of personal development and social skills; the importance of a learner-centred approach to adult education and the need for effective strategies to give credit for informally acquired skills.

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a range of Adverse Childhood Experiences (ACEs) and such factors must be taken into consideration when designing educational provision and practice². 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.

Recommendation 8 (Original Retained)

"Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems."

Given the amount of time that has elapsed since the original COE Recommendations (1989) and associated Memorandum, this area of intervention has undergone significant interdisciplinary research in communities including prisons. The subject area not only covers what is traditionally known as Adult Basic Education but also the broad range of conditions that fall under the umbrella terminology of "Learning Difficulties and Disabilities (LDD)".

With reference to "Adult Basic Education" or "Adult Literacies" as it is often commonly known, there has been much written about the best way to approach this area of educational intervention. Academic studies in recent years, have clearly demonstrated the need to construct learning programmes within the context of learners' individual lives. These insights termed "New Literacy Studies" (Barton, D. 1994), advocate a "social practice" or socio-cultural approach to literacy development. This perspective acknowledges that literacy practices are inevitably shaped by the context and social practice in which they are used. For example, reading newspapers requires more skills than simply decoding text, it requires comprehension and critical understanding of who is writing on particular topics and themes and what, if any, are the authors' intentions or motivation in respect of the views that they are espousing. Traditionally, literacy skills are often defined by the learner's ability to demonstrate functional skills of encoding or decoding text. However, this is now considered a limited perspective as "literacies" (plural) include the ability to demonstrate wider skills of communication, evaluation and problem solving. This wider view would suggest that "*reading is understanding the world, writing is reshaping it*" (Costelloe & Warner, 2014). A further example of a wider interpretation of literacies ability is contained in the following Scottish Government's definition:

"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

² <https://www.bangor.ac.uk/news/documents/PHW-Prisoner-ACE-Survey-Report-E.pdf>
<https://www.ncbi.nlm.nih.gov/pubmed/23045353>

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the situations in which they are used. Background and detail of a "social practices" approach to literacy is available from (Barton, *et al*, 2000).

In terms of the issue of Learning Difficulties and Disabilities (LDD), there have been significant developments in research within the criminal justice system across the UK over the past decade: 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). Moreover, in terms of identifying issues such as dyslexia, there are multiple definitions of this condition ranging from those based on neuro-developmental functioning, to optical considerations and concerns around short-term memory abilities. 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 highlight 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. This will help establish a baseline of educational ability to inform individual plans detailing appropriate schedules for learning and highlighting both short-term and long-term goals.

Where such conditions are suspected or identified, intervention, referrals and collaboration with appropriate professionals e.g., health services or NGOs to develop care pathways should be put in place. 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.

Recommendation 9 (Original Retained)

"Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour-market."

This recommendation is relevant to a wide range of prison activity that will vary depending on the economic and political priorities and associated employment

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opportunities that may be available. Such opportunities may change over time due to economic conditions, market demand and investment and therefore it is important that jurisdictions remain as flexible as possible to meet ever-changing demands. Despite inevitable fluctuations across particular sectors of the economy e.g., construction, catering, hospitality, there is a strong case for embedding contextualised literacy and numeracy skills within the fabric of vocational and employment training as outlined earlier. This makes learning basic skills more relevant and acceptable to those who would otherwise be interested in only participating in the practical activities of vocational education or employment-based training. Moreover, vocational training should be supported by opportunities to develop self-employment, entrepreneurial skills and provide detail of 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, marketing and 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 and hygiene as well as more practical life-skills such as CV writing and interviews skills that are essential to promoting employment readiness.

Recommendation 10 (Original Retained)

"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 leisure and educational purposes. In essence, the Expert Group consider that 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.

Recommendation 11 (Original Retained)

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

This is also a self-evident recommendation emphasising the importance of physical exercise and healthy lifestyles. Physical activity can easily be utilised as part of Life

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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.

Recommendation 12 (Original)

"Creative and cultural activities should be given a significant role because these activities have particular potential to enable prisoners to develop and express themselves."

Recommendation 12 (Revised)

"Creative arts and cultural activities should form a core aspect of the curriculum as such activities are particularly effective in enhancing communication skills, promoting confidence and nurturing esteem."

The arts in prisons have been well documented in terms of their benefits in developing literacies skills (Tett *et al*, 2012), nurturing positive social identities and improving employability prospects for ex-prisoners (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. Moreover, enhancing self-perception and esteem can nurture positive change, helping establish a sense of place in the world and promote desistance from offending (Giordano, 2002). Accordingly, ensuring a dedicated place for the arts in the curricula for prison education will provide opportunities for prisoners to gain confidence and esteem which can in turn 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). As mentioned previously, the proven role of the Creative Arts as gateway subjects to more formal learning and accreditation cannot be overemphasised. Responses to the Expert Group questionnaire indicate that only around half of all European jurisdictions includes arts as a core part of the educational provision. Accordingly, the recommendation seeks to promote creative arts as a core part of prison education activity including therapeutic interventions and explore the array of "in-cell" activities that can help promote learning and counter the negative aspects of imprisonment.

Recommendation 13 (Original)

"Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating his return to society."

Recommendation 13 (Revised)

"Education should include practical life-skills to enable the prisoner to better manage daily life both within the prison and in preparation for liberation to the community."

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The teaching and development of core life-skills can also be a crucial area to promote engagement and personal development. Many prisoners lack the skills to effectively manage a household including the operation of domestic appliances (cookers, washing machines, etc.), controlling budgets and shopping for fair deals. Accordingly, practical life-skills should encapsulate the range of activities pertinent to the prisoner's future lifestyle and aspirations. This could include the development of appropriate social skills, education in citizenship and "soft skills" to 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. While a number of life-skills may be recorded under different headings e.g., cooking, (health and employability), practical life-skills can include a range of interventions and skills development 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, they may also be utilised for those starting long-term sentences and those preparing for progression.

In addition, it would be important to remember that life skills can also prepare the prisoner for the possibility of coping with long term unemployment. Life Skills can also play a key role in assisting individuals leaving custody to become "Community Ready". However, 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 practise could be shared to stimulate ideas and new thinking.

Taking recommendation 12 and 13 together, it should be remembered that the European Commission's ET2020 promotes intercultural, social and civic competences and stresses the need to value transversal key competences (learning to learn, sense of initiative, awareness and expression) as being necessary to foster tolerance, solidarity and intercultural understanding. In this way, it can be seen that these wider key competencies³ are necessary not only for the prisoner's personal and social skills development but for community development and social inclusion in general. These can be developed in collaboration with prisoners and help address their post release needs in terms of access to housing, advocacy, social security benefits etc.

³ The EC's Recommendation of 18 December 2006 on Key competences for lifelong learning sets out eight key competences which all individuals need for personal fulfilment and development, active citizenship, social inclusion and employment.

- 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.

For more details see *OJ L 394, 30.12.2006, pp. 10–18*

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Furthermore, the development of all 8 competencies is important in terms of preparing the prisoner for employment. Employability should be seen as a set of competences combining transversal and technical skills for today's workforce where adaptability is key to successful employment. Similarly, interpersonal, "emotional" and "aesthetic" skills are increasingly demanded by many employers, particularly where there is a direct contact and communication with customers (Witz *et al*, 2003 & Glomb and Tews, 2004). Such thinking is echoed in the European Commission's Memorandum on Lifelong Learning (2000) which states that "*employability is obviously a key outcome of successful learning, but social inclusion rests on more than having a paid job*".

Recommendation 14 (Original Retained)

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

This will be an issue for each country or jurisdiction to manage in respect of their own specific conditions and procedures for those accessing "open" or "semi-open" prison establishments where access to the community is a part the regime. There will obviously be key considerations of security and access to appropriate interventions.

Recommendation 15 (Original Retained)

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

While this will also be an issue for each country or jurisdiction to manage in respect of their own policies, priorities and security procedures, external engagement can significantly enhance the curriculum 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 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.

Recommendation 16 (Original Retained)

"Measures should be taken to enable prisoners to continue their education after release."

As with Recommendation 15 above, developing links with external institutions and communities can have positive associated benefits such as preparing prisoners for further education study post release. All prison-based staff and external agencies working in prisons should seek to encourage prisoners to engage in educational activity and seek to identify appropriate opportunities to enable them to continue their learning post release.

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Of particular relevance here, is the necessity to ensure that all forms of certification and accreditation gained in prison are commensurate with that available in the outside community, (appropriate safeguards should be applied to prevent disclosure that awards were gained in a prison environment). To ensure educational 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), 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 learning outcomes are formally recognised and validated. Needless to say, it will also allow greater transferability of their qualifications post-release.

Recommendation 17 (Original Retained)

"The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available."

This presents a very general recommendation that would of necessity be a pre-requisite to the successful implementation of the other recommendations.

Recommendation 18 (NEW)

"Prison authorities and Education services should seek to proactively work with international agencies and organisations seeking to improve and expand access to education and training opportunities for prisoners."

The growth and expansion of the European Union in recent years has provided both challenges and opportunities to promote cooperation and reiterate the sound principles underpinning the COE Recommendations on Prison Education (1989). In many respects the unprecedented advances in technology will provide the means to establish better collaboration, resource sharing and insights and to monitor the incorporation of the recommendations across European jurisdictions. The strategic support of organisational forums initiated by EuroPris and the EPEA have been very welcome and essential to this ongoing task. Similarly of note are the Education and Training Programmes of the EU such as the "Grundtvig" programme for adult education and the "Leonardo da Vinci" programme for vocational training. Moreover, exchange programmes and collaboration in educational research can only further build on the evidence supporting the evidence base of the positive impact of educational interventions for those in custodial care. However, the changing political climate across the European continent in conjunction with the ongoing impact of financial austerity makes it more important than ever before for educators to share experiences and knowledge acquisition to promote investment, collaboration and expansion of custodial education.

Conclusions

It is evident that much remains to be done across European jurisdictions to embed the principles of the original 1989 Recommendations and consequently implement the proposed revisions. The various consultations, questionnaire, insights and combined experiences of the Expert Group provide the cornerstone upon which jurisdictions can construct a new vision and framework for future custodial education interventions. Much of the evidence for improvement points towards adopting the philosophy of adult education that promotes active participation and building education around the needs of the learner (Behan, 2014; Costelloe & Warner, 2014; Czerniawski, 2015). This embraces the needs of the “whole person” in contrast to outdated teaching methodologies that often presume the “*passive absorption of knowledge or skills*” (COE, 1989, p. 12: 2.4). Kevin Warner, a founder member of the EPEA writing almost 10 years after the publication of these ground-breaking recommendations, stated that the original 1989 principles “*would not even be recognised across large swathes of Europe*” (Warner, 1998, p.122). Unfortunately, that statement remains valid in 2019.

In spite of this, there is evidence to suggest that some contemporary examples of Education Centres being perceived as a place of sanctuary or safe space within a carceral environment that helps provide an effective antidote to the pains of imprisonment (Wilson; 2000; Crewe, 2009; Warr, 2016). Within such safe spaces, learners are more willing to acknowledge and share in creative accomplishments such as arts, where they can adopt a complex arrangement of private thoughts captured in paint, poetry or prose. Drawing on Foucault's concept of the “spatial inscription of power”, Crewe concludes that such therapeutic spaces have clear implications for both prison researchers and for the future architecture and design of carceral institutions (Crew et al, 2014, p.71).

Prioritisation and implementation of such types of therapeutic interventions would require a realignment of many prison regimes to evolve towards a primary focus on rehabilitative interventions that help address the underlying causes of offending behaviour. However, the dominance of modern risk management and cognitive behavioural programmes can impact on prisoners’ access to education where such courses are compulsory to allow progress to semi-open or open regime conditions. While the merits and utility of such programmes are beyond the scope of current considerations, they nevertheless present as a clear concern for prisoners, regimes and educators in determining priorities and their potential impact for rehabilitation (Muñoz, 2009). This is perhaps an area for future research in determining prisoners’ perspectives on the utility and priority of the provision of holistic educational programmes in comparison to the imposition of mandatory behavioural courses with their inherent “deficits”, “psychopathies”, “predictions” “types”, “categories”, and “classifications” (Duguid, 2000).

Such a philosophical divide according to Costelloe is starkly portrayed by contrasting the Norwegian prison education document “Another Spring” (2005) with the more instrumentally focused English document “Reducing Reoffending through Skills and Employment” (2005), (Costelloe et al, 2014, p.176). While the former acknowledges the individual learner as a “citizen” with “rights”, the latter portrays the “offender” within the context of clearly stated correctional objectives of “reduced offending” and “employment” (Costelloe et al, 2014, p.176). Conversely, approaches grounded in the liberal philosophy of adult learning encourage choice; increased confidence and the

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development of critical skills (Bayliss, 2003; Behan, 2014; Warr, 2016). This essentially provides a more authentic and effective form of education through addressing the needs of the whole person which can mitigate the detrimental effects of imprisonment (Warner, 2002, p.32-33). However, addressing the needs of the individual would not necessarily address the needs of the prison or institution which reiterates the crucial question posed by Reuss as to whom education is actually for (Reuss, 1999).

According to Reuss, if the objective is "correctional" then education is required to address perceived shortcomings and character defects of prisoners thereby appeasing the public's appetite for "*punishment, deterrence, retribution and rehabilitation*" (Reuss et al, 2000, p.175). Education would therefore become the "treatment" for correcting such deficiencies and effectively reinforcing a medical model of "cure" (Reuss et al, 2000, 175). This question presents a key paradox for prison educationalists who see the transformational power of learning as an individual journey and not something that can be initiated within pre-determined timeframes and outcomes (Reuss et al, 2000). Moreover, such perceptions result in a "narrowing of perspectives" where the wider needs of the individual are neglected as a result of demanding compliance of the perceived treatment for the "criminal" or "offender" (Costelloe *et al*, 2014). Such negative perceptions are a "crucial factor" (Costelloe, *et al*, 2014) in undermining education and stand in stark contrast to the principles of the COE Recommendations on Prison Education (Council of Europe, 1989), and the European Prison Rules (COE, 2006). While Costelloe's claims were largely reinforced by Muñoz, Behan cautions against the complete dismissal of cognitive programmes although conceding that a "more transformative" experience may be achieved through "Adult Learning" that "*encourages critical thinking, reflection and personal awareness*" (Behan, 2014, p.20).

The promotion of critical thinking and liberal humanities in education is nothing new in the field of prison education with examples stretching back to the insights of MacCormick (1931). Influenced by the educational philosophy of John Dewey, MacCormick advocated the implementation of educational opportunities that encapsulated the academic, vocational, cultural and social (citizenship) aspects of study (MacCormick, 1931). From the early 1970s until the early 1990s an education programme based on the humanities sought to minimise the damage of imprisonment and enabling prisoners to improve their abilities in making moral rational choices (Duguid, 1997). While surviving a "*near fatal blow*" following Martinson's "Nothing Works" (1974) conclusion on prison programmes, the initiative sought to counter the negative sub-culture of the prison through utilising studies in Fine Art and Theatre, and fostering a separate sense of community for those taking part (Duguid, 1997). Despite, demonstrating a reduction in reoffending for participants, the programme fell victim to the twin discoveries of "illiteracy" and Fabiano and Porporino's (1991) claims on the merits of cognitive skills which proved "*at best premature and at worse dangerously Orwellian*" (Duguid, 1997, p. 60).

Much of the inherent danger of imposing "education" whether in remedial basic skills or predetermined cognitive programmes is that what is offered may present as "a gift bestowed by those who consider themselves knowledgeable upon those whom they consider knowing nothing" (Freire, 1970, p.72). The students or recipients in turn accept their ignorance and oppression which perpetuates power relations and prevents "reconciliation" and resolution of the teacher student relationship to acknowledge that they are both simultaneously both teachers and students" (Freire, 1970, p. 72). While the answer may well lie in achieving the appropriate balance, as the recent Coates Report suggested (2016), this ignores the fact that participation in

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education is of itself a major problem due to the primacy afforded to other prison work-based activities (Bayliss, 2002; Warr, 2016). It is obvious that the wide-ranging requirements of modern prison regimes necessitate the participation and compliance of prisoners who are suitably able and motivated to undertake a range of tasks. This often results in competition and the offer of disproportionate incentives and rewards for engagement and consequently can impact on the prisoner's ability to attend educational interventions. In association with essential work tasks, education needs to feature as a core activity of prison regimes with appropriately allocated priority and rewards for engagement and achievement. Accordingly, there is significant scope for jurisdictions to review their regime structures and their relationship or support for educational opportunities and intentions. These need to be clearly articulated in national or regional policies and strategies with concomitant aims and objectives.

Underpinning the implementation of educational strategies is the need to set a clear vision for the future of each jurisdiction's custodial education structured around the underpinning principles of the COE Recommendations. This means that education needs to form a core and valued aspect of activity and not be subject to the vagaries of individual prison regimes; subordinated to the priority of achieving pre-determined quantitative targets or secondary to ensuring commercial contract outputs. One way of ensuring that custodial educational services are appropriate to the needs and aspirations of learners is to ensure the inclusion of prison-based learners in any review or policy development in respect of educational provision.

Such engagement is also important to ensure an appropriate balance between the opportunities afforded by self-directed learning (such as through modern in-cell technologies) and the crucial social interaction, stimulation and challenge of engagement with educational staff and peers. The value of human interaction within communities of learning especially disaffected prison populations cannot be underestimated and are essential to motivating and realigning perspectives that mitigate the inherent pains of imprisonment. Prison authorities should therefore seek to proactively work with educational staff to critically examine their current practice and philosophies for custodial educational and compare with the underpinning philosophy and detail of the proposed Revised Recommendations for Prison Education (2019).

In order to enhance international cooperation and build on the extensive links and positive work of both EuroPris and the EPEA, we feel that 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 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. The strategic networks and promotion of good practice through the EuroPris Expert Groups and the ongoing collaboration of the EPEA provide a solid foundation for the future flourishing of educational opportunities for all. Through engaging in critical reflection, we can harness and utilise

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the insights of research, listen to the needs of those in our care, expand their abilities, provide hope and new horizons and nurture an educational oasis amidst the often-arid landscape of prison life.

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GLOSSARY OF TERMS

Accreditation

Accreditation is the process of formally obtaining validity from an authorized certification body. In the field of education, it means that quality assurance processes are applied to evaluate awards and/or certificates provided by educational institutions to determine if given standards are met. If these standards are met, the agency in charge of the quality assurance process grants accredited status to the educational institution or programme.

Active citizenship

Active citizenship in education refers to the idea that individuals have certain roles and responsibilities to society, even if they have no specific governing roles. Active citizenship aims to make it possible for everyone to take part in all aspects of society including the following areas of activity: cultural, economic, political, and community. In the context of the debate over rights versus responsibilities, it implies that the individual has certain responsibilities as a citizen as well as certain rights. Active citizenship in the context of adult education is underpinned by a set of fundamental values that includes respect for the rule of law, democracy, justice, tolerance and open-mindedness, and regard for the rights and freedoms of others. It's relevance for education in prison is obvious.

Adult education

Adult education refers to the idea that adults (older than 16 / 18 years) engage in learning activities to enhance their professional and personal lives. Adult education can be part of the formal education system, e.g. vocational education and training, or second chance courses to acquire a Secondary School diploma. However, very often it refers to 'non-formal adult education' which encompasses all forms of structured learning activities outside of the formal 3 tiered education system. In the context of the COE (1989) Recommendations on Prison Education it is taken to refer to education for the whole person, which aims to develop the ability to think critically and act responsibly.

Adult learning

The term 'adult learning' is often used synonymously with 'adult education'. The European Commission uses the phrase 'adult learning' rather than 'adult education' but refers to the concept of 'adult education'. 'Adult learning' can also refer to specific learning needs of adults and methodologies for working with adults, based on the assumption that learning in adult life works differently to learning at a younger age.

Basic skills

These are the skills needed to live successfully in contemporary society, such as listening, speaking, reading, writing and mathematics. In the past, the phrase adult basic education (ABE) was commonly used to describe education for adults that aimed to develop literacy and numeracy skills. However today basic skills are often used synonymously with 'key competencies' as described in Recommendation 2006/962/EC of the European Parliament and of the Council defined by the

Blended learning

Blended learning is a pedagogical methodology which integrates face-to-face classroom teaching and the use of ICT. It involves creatively blending learning resources and media in different learning settings to offer diverse learning solutions and opportunities. Blended learning sometimes leads to the redesign of the educational environment and learning experience, contributing to the creation of a “community of inquiry”.

Citizenship education

Citizenship education recognises the importance of active citizenship and learning about democratic values, as well as decision-making processes at the various political levels. In the past years, as a result of various European policy papers, citizenship education has been included in the national curricula in formal and non-formal education in many European countries. It has become a priority in European education policies (see Paris Declaration, ET2020 Priorities). In terms of prison education, it should be seen as education that enables prisoners develop the skills and competencies to take part in political, economic, social and cultural life.

Community Education

Education that enables learners develop the skills and competencies to work together to change and improve the quality of their lives, the communities in which they live and the society of which they are a part.

Cultural capital

Resources not based on finance but on skills, knowledge, custom and education. A group with high cultural capital has good opportunities to take part in the life and culture of their society.

Digital competences

Digital competences involve confident and critical use of information and communication technology (ICT) for successful working, living and learning in a knowledge society. Digital competency is the ability to access digital media and ICT; to understand and critically evaluate digital media and media contents and to communicate effectively in a variety of ICT influenced contexts.

Employability

Employability is understood to be more than simply getting a job; it implies the capacity to function effectively in a job, to be able to move between jobs, and to remain employable throughout life.

Entrepreneurship

Being entrepreneurial is not just about starting and running a business, it is about the willingness and ability of individuals to turn ideas into action. In education it refers to developing a sense of initiative and entrepreneurship that refers to an individual's ability to turn ideas into action. It includes creativity, innovation and risk-taking, as well as the ability to plan and manage projects in order to achieve objectives. This supports individuals, not only in their everyday lives at home and in society, but also in the workplace in being aware of the context of their work and being able to seize

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opportunities, and is a foundation for more specific skills and knowledge needed by those establishing or contributing to social or commercial activity.

European Framework of Qualifications (EFQ)

The European Framework of Qualifications is an overarching system that link different countries' qualifications systems together. They act as a translation device to make qualifications easier to understand across different countries and qualifications systems in Europe and beyond. It is a ten-level system (1–10) giving an academic or vocational value to qualifications obtained. Each level is based on nationally agreed standards of what a learner is expected to know and be able to do after receiving an award.

European Memorandum on Lifelong Learning

The Commission presented this Memorandum in response to the Lisbon European Council in March 2000 and its conclusions concerning a Europe of knowledge, which have inevitable repercussions in the field of education and training. The two objectives of equal importance for lifelong learning are the promotion of active citizenship and the promotion of vocational skills in order to adapt to the demands of the new knowledge-based society and to allow full participation in social and economic life.

Formal education

Formal education is intentional, organised and structured. It leads to recognised diplomas and qualifications and is usually provided in formal educational institutions and normally constitutes a continuous 'ladder' of full-time education for children and young people.

Learning Difficulties/Disabilities (LDD)

Terminology and definitions for Learning Difficulties and Disabilities (LDD) remain variable across jurisdictions and can vary depending on the perspectives employed e.g., education or health: Additional Learning Needs, Specific Learning Difficulties, Special Educational Needs and Neurodevelopmental Disorders. However, in the context of prison education, Learning Difficulties and Disabilities is used as an umbrella term to capture conditions where the person has challenges in certain domains that will impact on their ability to cope with a custodial sentence. Conditions may include: Attention Deficit Hyperactivity Disorder (ADHD) that affects attention, focus, concentration, impulsivity and hyperactivity; Autism Spectrum Disorder (ASD), that affects social interaction, communication, interests and behaviour; Dyslexia that affects reading, writing and spelling, Dyspraxia (also known as Developmental Coordination Disorder/DCD) that affects movement, balance and coordination; Dyscalculia that affects mathematical skills; Developmental Language Disorder that affects receptive language and/or expressive language; Learning Disability/intellectual disability that affects every day functioning and Tics (sudden, repetitive, recurring, hard-to-control movements and/or vocalisations). Extensive research also shows the prevalence of high rates of co-occurrence between these conditions; therefore it is highly likely that someone with a specific trait and/or a diagnosis of one LDD will have challenges in other areas associated with other LDD's.

Non-formal education

This is used in adult education to encompass all forms of structured learning activities outside of the formal education system. It is usually organised and can have learning

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objectives. It takes place alongside the mainstream systems of education and training and does not typically lead to formalised certificates. In the prison context, it may refer to learning opportunities that does not involved accreditation but in which the learner attends formal structured classes delivered by professional educators.

Informal learning

Informal learning is never organised or institutionalised in terms of objectives, time or learning support. From a learner standpoint, it is never intentional. It is often referred to as learning by experience or just as experience. It results from daily life activities related to work, family or leisure.

Intercultural education

Education that helps to develop an understanding of different cultures and helps a learner to look at the world from other points of view; also promotes equality and human rights, challenges unfair discrimination, and provides the values on which equality is built

Key competences

Key competences are the basic set of knowledge, skills and attitudes which all individuals need for personal fulfilment and development, active citizenship, social inclusion and employment (as described in Recommendation 2006/962/EC of the European Parliament and of the Council). 8 key competencies were identified: Communication in the mother tongue; • Communication in foreign languages; • Mathematical competence and basic competences in science and technology; • Digital competence; • Learning to learn; • Social and civic competences; • Sense of initiative and entrepreneurship; • Cultural awareness and expression.

Learner-centred

An approach to education that puts the learner at the centre of the process and starts from the learner's own experience and needs. The concept is intrinsic to an adult learning approach unlike mainstream education which is curriculum centred.

Life skills

UNICEF defines life skills as psychosocial abilities for adaptive and positive behaviour that enable individuals to deal effectively with the demands and challenges of everyday life. They are grouped into three broad categories of skills: cognitive skills for analysing and using information, personal skills for developing personal agency and managing oneself, and inter-personal skills for communicating and interacting effectively with others. They are also often called transversal, transferable, soft and 21st century skills and competences

Lifelong learning

Lifelong learning covers education and training across all ages and in all areas of life (i.e., life wide learning) be it formal, non-formal or informal. It aims to develop the learner's full participation in society in its civic, social and economic dimensions. Its objective is not only described in terms of employability or economic growth but also as a framework for personal development and the development of social and cultural capital.

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Literacy

In the past literacy was considered to be the ability to read and write. Today the meaning of literacy has changed to reflect changes in society and the skills needed by individuals to participate fully in society. It involves listening, speaking, reading, writing, numeracy, using everyday technology, forming ideas, expressing views and handling information. Literacy is sometimes defined as the ability to understand, evaluate, use and engage with written and spoken texts. It is considered essential in Western societies to participate in democratic processes, achieve one's goals and develop one's knowledge and potential.

Social and civic competences

Social and civic competences include personal, interpersonal and intercultural competence and covers all forms of behaviour that equip individuals to participate in an effective and constructive way in social and working life, and particularly in increasingly diverse societies, and to resolve conflict where necessary. Civic competence equips individuals to fully participate in civic life, based on knowledge of social and political concepts and structures and a commitment to active and democratic participation.

Social capital

Resources not based on finance but instead based on relationships and networks of influence and support and enable people to get help from each other.

Social Practices

Social Practices provides the basis for understanding that Literacy practices are more than simply the ability to use reading and writing, to decode or encode text. Accordingly, to Barton, Hamilton & Ivanic (2000), all literacy events are mediated by the social context in which they are conducted and influenced by the accepted norms and power relations, identities and relationships. A comprehensive explanation is provided at:

<https://www.mheducation.co.uk/openup/chapters/9780335237364.pdf>

<https://www.lancaster.ac.uk/educational-research/about-us/people/mary-hamilton>

Transversal competences

The term 'transversal competences' has largely replaced the term 'transferable skills'. Transversal competences are the skills which are usually deemed relevant to jobs and occupations such as leadership, communication and critical thinking but which can be also transferred to other contexts. They include digital skills, entrepreneurship or civic awareness and are considered integral to the EU Key Competencies for Lifelong learning as described in Recommendation 2006/962/EC of the European Parliament and of the Council.

Document ends

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