

Prisoners' Education Trust's submission to the Independent Sentencing Review

Summary of key points

- This submission focuses on Theme 6 and on answering the question “How should we reform the way offenders progress through their custodial sentences to ensure we are delivering justice and improving outcomes for offenders, victims, and communities?”.
- Robust and extensive evidence shows that participating in education while in prison reduces reoffending and increases the chance of securing employment on release.
- Prisoners' Education Trust (PET) therefore supports in principle the introduction of a process that links early release to participation in education while in prison, incentivising people to participate.
- Such a scheme would, however, be complex and would require careful design. In particular, PET believes that the scheme should be based on participation and distance travelled, not just securing specific qualifications. Enabling fair and equitable access to relevant activities would be essential.
- Moreover, for any scheme to be successful a necessary prerequisite would be to substantially increase the availability of education in prison. Improvements in quality are also required.
- PET also supports abolishing the “six year rule”, which limits access to higher education, and enhancing access to ROTL for education and training.

1) Introduction

- 1.1 PET welcomes the opportunity to submit evidence to the Independent Sentencing Review. We have extensive experience of working with people in prison and prison staff, and of the role that education in prison can play in reducing reoffending. The focus of our response will therefore be on **Theme 6**, the progression of custodial sentences, and on answering the question “**How should we reform the way offenders progress through their custodial sentences to ensure we are delivering justice and improving outcomes for offenders, victims, and communities?**”.
- 1.2 To inform this submission we have drawn on our experience of providing education to people in prison over the last 35 years as well as our extensive research and policy work. We have consulted our staff team, which includes people with experience of working with prison staff and people in prison and people with lived experience of prison.

2) About Prisoners' Education Trust

- 2.1 PET is an independent charity that offers distance learning courses, advice and guidance to people in prison across England and Wales. We offer 130 different courses - including GCSEs and A-levels, Open University Access modules and a wide range of professional courses - and enable 1,500 people each year to access distance learning, giving them the skills to build brighter futures.
- 2.2 Analysis by the Ministry of Justice's Justice Data Lab shows that people supported by PET to access distance learning courses in prison are more likely to get a job within one year of release and are less likely to reoffend within one year of release than otherwise similar people in prison who PET does not support.¹
- 2.3 PET also uses policy and advocacy work to improve prison education and show policymakers and the public the impact that education can have for people in prison.

3) The provision of education and training in prison

- 3.1 At present, prison education in public sector prisons in England primarily focuses on literacy, numeracy and vocational skills up to Level 2 (recognising significantly lower levels of literacy and numeracy among people in prison than for the general population). This is delivered by specialist providers, through contracts with HM Prison and Probation Service (HMPPS). In addition, prison governors have some funding available to bring in additional provision via the Dynamic Purchasing System. This is used for a wide range of educational activities, including sport, art activities and peer reading schemes. Alongside this, people in prison can access distance learning courses, provided by PET, and higher education, primarily with the Open University. Employers also work in prisons to provide training and employment opportunities, and a range of charities also provide education, training and other related activity.
- 3.2 Robust evidence from England and Wales and from elsewhere shows that participating in education while in prison reduces the likelihood of reoffending and increases the likelihood of prison leavers securing employment. To summarise, a joint report by the Ministry of Justice and the Department for Education published in 2017 found that people who had taken part in education had a significantly lower reoffending rate on release from prison than their peers (34% compared to 43%).² A second report, published by the Ministry of Justice in 2018, found that learners were

¹ <https://www.prisonerseducation.org.uk/2021/01/government-research-impact-of-prison-education-goes-beyond-finding-work/>

² Ministry of Justice and Department for Education (2017) *Exploring the outcomes of prisoner learners: Analysis of linked offender records from the Police National Computer and Individualised Learner Records*. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/633198/pnc-ilr.pdf

approximately 7.5 percentage points less likely to reoffend within one year of release than people in prison who had not participated in education. They were also more likely to be in employment one year after release.³

- 3.3 This is supported by extensive evidence globally including, for example, a rapid evidence assessment of the effectiveness of prison education conducted by Manchester Metropolitan University⁴ and a meta-analysis of the available evidence by RAND.⁵ These positive findings are echoed in other research reviews. The evidence in support of the efficacy of prison education is set out in more detail in a 2024 report published by Clinks, the national infrastructure body supporting the voluntary sector working in criminal justice, and available at: www.clinks.org/publication/prison-education-review-evidence
- 3.4 Despite the well-evidenced benefits of participating in education in prison, however, there are problems with both access to education in prison and the quality of what is provided. In 2023-24, more than half of Ofsted inspections (54%) found education provision to be inadequate. The vast majority of the rest were judged to be “requires improvement” (33%). No prison has been judged outstanding for five years, as this summary of Ofsted prison education inspection outcomes for 2015-16 to 2023-24 shows.

	Total number of prisons/YOIs inspected	Outstanding	Good	Requires improvement	Inadequate
2023-24	39	0 (0%)	5 (13%)	13 (33%)	21 (54%)
2022-23	43	0 (0%)	4 (9%)	20 (47%)	19 (44%)
2021-22	22	0 (0%)	1 (5%)	10 (45%)	11 (50%)
2019-20	32	0 (0%)	9 (28%)	19 (59%)	4 (13%)
2018-19	45	1 (2%)	17 (38%)	20 (44%)	7 (16%)
2017-18	41	0 (0%)	16 (39%)	20 (49%)	5 (12%)
2016-17	41	1 (2%)	22 (54%)	12 (29%)	6 (15%)
2015-16	42	2 (5%)	14 (33%)	20 (48%)	6 (14%)
Total	305	4 (1%)	88 (29%)	134 (44%)	79 (26%)

Reflecting this, the Ofsted Annual Report for 2023-24 noted that “prison

³ Ipsos MORI Social Research Institute, Sheffield Hallam University and London Economics (2018) *Evaluation of prisoner learning: Initial impacts and delivery*. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708156/evaluation-of-prisoner-learning-initialimpacts-report.pdf

⁴ Ellison, M., Szifris, K., Horan, R., and Fox, C. (2017) ‘A Rapid Evidence Assessment of the effectiveness of prison education in reducing recidivism and increasing employment’ in *Probation Journal*, 64(2), p.108-128. Available at <https://e-space.mmu.ac.uk/618360/>

⁵ Davis, L., Bozick, R., Steele, J., Saunders, J. and Miles, J. (2013) *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults*. Available at https://www.rand.org/pubs/research_reports/RR266.html

education remains weak, almost without exception”.⁶ Similarly, HM Chief Inspector of Prisons Charlie Taylor has described prison education as “nowhere near good enough”.⁷

- 3.5 Not only is education in prison not of good enough quality, but not enough people can access it. In 2023-24, 49,965 people participated in a course in prison, including 21,781 people who participated in functional skills courses (primarily English and Maths, but also ICT and ESOL). A change in methodology means that these figures are not directly comparable to previous years, but it is clear that the number of people participating in educational courses is nowhere near the levels of a decade or so ago. The peak level in 2014-15 saw 101,600 people take part in a course, including 39,300 people who took part in a functional skills course. While the coronavirus pandemic has had an impact, the longer-term picture is of declining numbers of people participating even before the pandemic.
- 3.6 Moreover not enough of those who do access education in prison make sufficient progress, with only a minority achieving Level 2 in English and Maths. Of the 21,781 people who participated in a functional skills course in 2023-24, only 1,976 achieved Level 2 in English and only 1,334 achieved Level 2 in Maths. Prisons too often also fail to achieve the basics, such as teaching people to read.⁸
- 3.7 The reasons why prison education is currently nowhere near good enough are complex and include both broader pressures on the prison system (including overcrowding and staff shortages) and issues related specifically to education delivery, including the level of available funding, the lack of access to digital devices and the internet, and challenges in recruiting and retaining sufficient teachers.
- 3.8 Given the impact that participating in education can have for people in prison, in order to make custodial sentences more effective the Ministry of Justice should prioritise improving prison education. PET has produced a briefing setting out the steps that should be taken to achieve this, available at: <https://prisonerseducation.org.uk/2024/09/new-briefing-sets-out-10-recommendations-to-transform-prison-education/>.
- 3.9 The next section of this submission focuses on the issue of “earned release”, in recognition of the Independent Sentencing Review’s focus on progression and incentivisation. However, PET would like to emphasise that in our view the focus of the Ministry of Justice and HMPPS should first be on making improvements to the delivery of education and training in prison, as part of

⁶ Ofsted (2024) *Ofsted annual report 2023/24: education, children’s services and skills*. Available at <https://www.gov.uk/government/publications/ofsted-annual-report-202324-education-childrens-services-and-skills>

⁷ Taylor, C. (2023) *Chief Inspector’s blog: What’s going wrong with education in prisons?* Available at <https://hmiprisons.justiceinspectrates.gov.uk/news/chief-inspectors-blog-whats-going-wrong-witheducation-in-prisons/>

⁸ Ofsted and HM Inspectorate of Prisons (2022) *Prison education: A review of reading education in prisons*. Available at <https://www.gov.uk/government/publications/prison-education-a-review-of-readingeducation-in-prisons/prison-education-a-review-of-reading-education-in-prisons>

a broader programme of work to increase access to purposeful activity. While there are potential benefits of incentivising participation - discussed below - improving the quality of what is provided and increasing capacity would, in our view, have a more significant effect. In addition, any potential benefits of earned release cannot be realised unless these improvements to provision are made first.

4) Incentivisation and earned release

- 4.1 We have noted that the Call for Evidence suggests that we might want to consider the “role of incentivisation in sentence progression”. This section of our response therefore explores the issue of “earned release” - whereby people in prison can receive a reduction in the length of their prison sentence or their licence period by engaging in rehabilitative activities. Within this we will focus primarily on participation in education and training.
- 4.2 Securing reductions in sentence length by participating in positive activity - including education - is fairly common in a range of jurisdictions around the world. In the US, so called “Good Conduct Time credit” is available at the federal level, enabling people to earn a reduction of up to 54 days for each year of their sentence. A number of states also have earned release, with some linked specifically to education.⁹ As an example, in Colorado people in prison can gain six months of earned time for receiving a certificate or other credential that requires completion of at least 30 credit hours; one year of earned time for receiving an associate or baccalaureate degree; 18 months of earned time for a master's degree; and two years of earned time for a doctoral degree.¹⁰ Other examples include California¹¹ and Texas.¹² The evidence on the impact and efficacy of these schemes is very limited but broadly positive.¹³
- 4.3 There are also programmes based on similar principles in other jurisdictions around the world, for example in some states in India (in Maharashtra, for example, people can earn up to 90 days off their sentence by achieving specified qualifications¹⁴), in Brazil¹⁵ and in Italy (known as “liberazione anticipate”). While these are quite different in nature from what might be developed in England and Wales, there is likely to be relevant learning from these different jurisdictions.

⁹ <https://www.ncsl.org/civil-and-criminal-justice/state-approaches-to-sentence-credits-earned-and-good-time-laws> and https://www.kslegislature.gov/li_2022/b2021_22/committees/ctte_s_jud_1/documents/testimony/20210126_29.pdf

¹⁰ <https://leg.colorado.gov/bills/hb23-1037>

¹¹ <https://www.cdcr.ca.gov/proposition57/>

¹² https://www.tdcj.texas.gov/divisions/cid/supt_ops_class_HB2649.html

¹³ <https://ark.allrise.org/low-risk/low-need/incarceration/earned-release-credit-programs/>

¹⁴ <https://www.hindustantimes.com/education/maharashtra-prison-dept-renews-mou-with-open-varsity-for-courses-for-inmates-101725597455142.html>

¹⁵ <https://www.uil.unesco.org/en/articles/remission-reading-brazil>

- 4.4 This approach has also been considered before in England and Wales. In 2015 the then Secretary of State for Justice Michael Gove said, “I am attracted to the idea of earned release for those offenders who make a commitment to serious educational activity, who show by their changed attitude that they wish to contribute to society and who work hard to acquire proper qualifications which are externally validated and respected by employers”.¹⁶ Dame Sally Coates’s subsequent review of prison education in 2016 noted that early release “would be something I would support”.¹⁷
- 4.5 In principle, PET supports the introduction of a system of earned early release in England and Wales, based on participation in education and training.
- 4.6 There is value in encouraging people in prison to participate in education, as a robust evidence base (see above) shows that it has a positive impact on reducing reoffending and on securing employment. An earned release scheme that incentivised participating in education would therefore benefit participants (by reducing the length of their sentence and ensuring that they have c), the taxpayer (by reducing the cost of imprisoning them and the costs of reoffending) and the broader community (by reducing crime and introducing more skilled people into the workforce). The idea of earned early release might also be more likely to gain public support as it would link reduced sentences to participation in positive activities.
- 4.7 Enabling people to work actively towards securing their release would also give them a sense of purpose, agency and hope. This would not only have value for those individuals, but would also help to improve prison culture, with more focus on purposeful activity more broadly and education specifically.
- 4.8 However, for an earned release scheme based on access to education to be successful a number of important prerequisites would need to be in place. They are: investment in prison regimes; enabling people to complete courses; equal pay for participating in education; and improved record keeping.
- 4.9 Firstly, there would need to a **substantial investment in prison regimes**. For any scheme linking early release to participation in purposeful activity to be successful, current limitations in access would need to be addressed. This would include both significantly expanding the provision of education and training - so there are more places available - and ensuring that there are sufficient officers to enable people in prison to routinely access that provision. There would need to be more consistent provision between prisons, including between different categories of prisons, so learners were not disadvantaged by where they were being held.

¹⁶ <https://www.gov.uk/government/speeches/the-treasure-in-the-heart-of-man-making-prisons-work>

¹⁷ p.32: Coates, S. (2016) *Unlocking Potential A review of education in prison*. Available at <https://assets.publishing.service.gov.uk/media/5a7f537eed915d74e33f5bf5/education-review-report.pdf>

- 4.10 Earned release would also (as part of its design) incentivise people to take part in education who might not otherwise do so. They might be people with particular needs or who would struggle to positively engage in a classroom setting. Resource would need to be available to support those people and enable them to engage successfully. The breadth of what is available would also need to be expanded to make sure that there is something available that is suitable for everyone, whatever their past level of attainment. This could include expanding distance learning provision to provide more choice. Substantially improving access to digital technology and the internet in prisons would enable more people to participate in educational activities via online learning. In-cell access to digital devices and the internet would enable people to use time spent in their cells more constructively.
- 4.11 Secondly, it would be essential to **ensure that people are able to complete any courses that they start**. This would be particularly important if early release is linked in part or in whole to course completion. This would involve both ensuring that education providers have enough resilience in their workforce to continue a course when a teacher leaves and making sure that a learner is not transferred while participating in a course to a prison where they cannot complete it. Linked to this, steps need to be taken to ensure that where people start a course in prison they are able to complete it in the community if they are released while they are studying. This requires better links between prisons and education providers in the community, with probation ensuring that people are supported to continue studying on release.
- 4.12 Thirdly, prisons would need to **ensure that pay for participating in education and training is at least as high as it is for work**. At present, there is a minimum wage in place in prison for everyone who is in work, education or training. Beyond that, governors have discretion in how they set pay within their prison. In some cases, pay for education is lower than for work. This means that even if they want to participate in education, some people may not be able to afford to do so. To ensure that this is no longer the case, pay for education should be at least as high as for work.
- 4.13 Fourthly, **record keeping would need to improve** to make sure that a comprehensive and robust record is kept of what learners have participated in and completed. This would be necessary both to form the basis of decisions on early release and to enable people to complete courses if they are transferred. It is also important as it would enable people who return to prison after release to pick up where they left off. This would ensure that resources are not wasted by repeating assessments or courses.
- 4.14 All of these steps would be positive in improving prison education whether or not earned release is introduced and should be a priority for the Ministry of Justice regardless. But if a scheme that links early release to participation is introduced, they will become more important as accessing education will become even more important to people in prison and demand for education would be likely to increase.

4.15 Alongside these prerequisites, the design of the scheme itself would need to be carefully considered. This would include:

- Who can access the scheme - would it be open to anyone who receives a prison sentence, or would it be limited to only some people in prison? Would it, for example, only be open to people serving over a certain period (potentially six months or a year), so they have time to access purposeful activity, and/or only open to people serving a determinate sentence (and therefore not those whose release is subject to a parole board hearing)?
- What activities would count towards earning early release - would it only be education and training provided by the main contracted providers as part of the Prison Education Service contracts, or would a broader definition be used? The latter could include courses or activities provided by charities and by employers. If the latter approach is adopted, it would make steps to improve data collection (see point 4.13, above) all the more important.
- How would participation be measured - would it be judged based on completing courses and passing assessments, or would it be judged based on participation? In considering this it will be particularly important to consider “distance travelled”, recognising that some people come into prison with very low levels of literacy and numeracy, making securing Level 1 qualifications a significant achievement, while others may already have secured a degree or other equivalent qualification. A scheme that solely rewarded people for securing a Level 2 qualification, for example, regardless of their starting point would clearly disadvantage some learners.
- How would access to relevant purposeful activity be effectively and equitably managed - if the prospect of early release is intended to incentivise participation, then how would access be managed to ensure that the increased demand is managed fairly? It would be essential to ensure that those who might be eligible for early release are able to access education and training early enough in their sentence to benefit, but in a way that does not mean that other people are denied access. There would need to be clear rules and processes in place to allocate the available resources. It would not be appropriate or fair to leave it to the judgement of individual prison officers or education staff to make these decisions. Consideration would also need to be given as to when in their sentence people in prison can access relevant activities to ensure that their release date is known early enough to allow for release planning. This would need to include considering how this would include potential access to Home Detention Curfew.

4.16 These issues all need further consideration, including looking in detail at existing schemes from other jurisdictions. However, PET’s view is that:

- The scheme should be open to all people in prison, regardless of their sentence length or offence type. For those people on a determinate sentence, it would move forward their release date; for those subject to a parole hearing, it would move forward the date they were eligible for

parole. The only exception should be people serving very short prison sentences, as it is not realistic for prisons to ensure people serving short sentences can access appropriate education quickly enough to trigger early release.

- The scheme should be based at least in part on participation and on measuring “distance travelled” rather than on securing specific qualifications, in recognition of the different levels of past attainment for people sent to prison. It would be important to recognise that for some people spending time in classes and taking part in education and training is a significant achievement and is progress towards more engagement with the regime. If completion of a course is considered as part of a scheme, then consideration should be given as to how it will be taken into account when a participant cannot complete a course for reasons outside their control (for example illness, a transfer or the course no longer being available).
- The scheme should take a broad definition of education and training, including not only classes delivered by the contracted education providers but also other related purposeful activity.

4.17 A further key consideration is how the length of the sentence reduction would be set and who would make those decisions. The scheme is more likely to be implementable if this is largely fixed, with set levels of participation linked to a specific length of reduction (potentially up to a maximum number of days per year). That would make it as clear as possible both for people participating in the scheme and the people administering it. It would be more complex for people subject to an indeterminate sentence, but would in effect reduce the tariff and therefore move forward the potential date of a parole hearing. This could be something that the judge determines at the point of sentencing, with a reduced tariff set subject to participation in education or training. The length of the reduction available would need to be carefully calibrated to ensure it is long enough to act as a genuine incentive while also retaining public confidence. It should be in addition to existing ways in which sentences can be reduced (for example Home Detention Curfew) and not replace them.

4.18 In addition, PET is aware of the risk that linking participation in education to early release would impact on delivery, putting pressure on providers to deliver courses and interventions that can easily be measured in terms of participation and/or completion. One expert with lived experience of prison has described the risks of it becoming a “bureaucratic box-ticking exercise”.¹⁸ This risks moving prison education away from the person-centred, flexible approach that we think could deliver considerable benefits and losing sight of the broader value of education.¹⁹ This risk would be mitigated, to a degree, by basing the scheme on participation in education

¹⁸ Shipley, D. (2024) *Britain could learn from Texan prisons*. Available at <https://www.spectator.co.uk/article/what-britain-could-learn-from-texan-prisons/>

¹⁹ Warr, J. (2016) *Transformative dialogues: (Re)privileging the informal in prison education*. Available at <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20225%2C%20Transfor%20dialogues.pdf>

and distance travelled rather than securing specified qualifications (which would risk leading to “cherry-picking”, with those most likely to pass prioritised for participation). Nonetheless this risk remains and it would be important for HMPPS - and for Heads of Education, Work and Skills at an establishment level - to ensure that the introduction of an earned release scheme does not impact on the breadth and quality of education provision, or work against efforts to improve them.

4.19 Finally, in this submission we have focused on linking early release to participation in education and training as this is our area of expertise. However, we recognise that education may not be a priority for everyone in prison, not least those who may already have higher levels of educational attainment. It is not a good use of resources for these people to be participating in education solely to secure early release. The Ministry of Justice should consider what other forms of purposeful activity could contribute to early release, and this should include peer mentoring and other similar activities.

4.20 Given the complexity of these issues, if this proposal goes ahead then PET would strongly encourage the Ministry to Justice to ensure that time is spent designing the scheme and testing it, before it is rolled out. A pilot involving a limited cohort of people in prison should be considered, to address any challenges in the scheme before it is fully rolled out.

5) Access to higher education and the “six-year rule”

5.1 Alongside any access to earned release, the Ministry of Justice should aid sentence progression and take-up of higher education while in prison by abolishing the “six-year rule”, which prevents people in prison from getting a student loan until they are within six years of release. People in prison should be able to do a degree at the time that best suits their sentence plan and supports their rehabilitation. For many, that will involve doing their degree earlier in their sentence so they can focus on resettlement issues as their release date approaches and potentially take up opportunities to access employment via Release on Temporary Licence (ROTL). Six years may also not be sufficient time for people in prison to complete an Open University degree part time (given the challenges of studying while in prison), meaning that they have to complete it in the community post-release when they could be securing employment.

5.2 In their 2022 report on prison education, the Education Select Committee said that “the Government must remove the ‘six-year rule’ so that prisoners on long sentences can apply for higher education courses earlier in their sentence. This would give them motivation during their sentence and keep them focused on their potential employment opportunities following release”.²⁰ This recommendation should be implemented. This is particularly

²⁰ Education Select Committee (2022) *Not just another brick in the wall: Why prisoners need an education to climb the ladder of opportunity*. Available at <https://publications.parliament.uk/pa/cm5803/cmselect/cmeduc/56/report.html>

important as the profile of the prison population has changed and continues to change. As the Prison Reform Trust notes, “in recent years, there has been a significant increase in the number of people serving long sentences”.²¹ For example, more than two and a half times as many people were sentenced to 10 years or more in 2022 than in 2010.²² With people spending longer and longer in prison, doing a degree earlier in their sentence may allow learners to use their time in prison more productively.

6) Making greater use of Release on Temporary Licence

6.1 To further aid with sentence progression, the prison system should make greater use of ROTL to enable people in prison to access education and training. Where the educational needs of individuals or groups cannot be met within a prison, ROTL can be used to enable people to access broader education and training opportunities. This can include university degrees but also further education courses and apprenticeships. This presents real opportunities to enable people in prison to engage with educational activities that would not otherwise be available.

6.2 At the moment, ROTL for education and training is not used enough. Over the last five years, the Ministry of Justice has provided a breakdown of what ROTL is used for. One of the categories is Training and Education:

	2018	2019	2020	2021	2022	2023
Incidences of ROTL	376,343	436,531	184,465	245,508	375,586	416,621
Total incidences of Resettlement Day Release (RDR)	347,846	400,888	171,968	229,043	340,633	378,291
Incidences of RDR for Training and Education	21,222	18,125	5,688	6,407	10,943	13,361
Percentage of RDR for Training and Education	6.1%	4.5%	3.3%	2.8%	3.2%	3.5%

This data shows how infrequently it is used for this purpose. In 2023, only 3.5% of releases on ROTL were for education and training, despite the evidence that accessing education helps to reduce reoffending. It also shows that ROTL is used less frequently now for training and education than it was prior to the pandemic, in both absolute terms and as a proportion of the overall use of ROTL.

²¹ p.2: Prison Reform Trust (2021) *Long-term prisoners: the facts*. Available at https://prisonreformtrust.org.uk/wp-content/uploads/2021/10/Long-term-prisoners_the-facts_2021.pdf

²² p.16: Prison Reform Trust (2024) *Bromley Briefings Prison Factfile, February 2024*. Available at <https://prisonreformtrust.org.uk/wp-content/uploads/2024/02/Winter-2024-factfile.pdf>

- 6.3 Expanding the use of ROTL for education and training would both incentivise people to participate by making a broader range of educational opportunities available and also aid rehabilitation, with evidence showing that using ROTL can help to aid resettlement and reduce reoffending.
- 6.4 To help to facilitate this, consideration should be given as to how more people in prison could be held in open conditions. While this would require an increase in capacity in the open estate, it would enable more people to access education and training in the community and gain the skills and qualifications they need to secure employment on release.

7) Conclusion

- 7.1 In order to make prison more effective and reduce reoffending, the Ministry of Justice should prioritise making much-needed improvements to the delivery of prison education as part of a broader programme of work to improve prison regimes and access to purposeful activity. This would be more likely to have a significant impact than exploring ways to incentivise people in prison to participate. As Michele Deitch (the former policy director of Texas’s sentencing commission) has noted, earned release “will not solve the UK’s prison over-population problems. It is helpful, because it might reduce length of stay, but that can’t be the main approach”.²³
- 7.2 Nonetheless, if these broader improvements to access to education and its quality can be made then there could be value in introducing an earned release scheme based on participation in education and training. However, this would need to be carefully designed and introduced to address the multiple complexities. A poorly-designed or poorly-delivered scheme could negatively affect the morale of people in prison and their perceptions of the value of education. It could also have a detrimental effect on behaviour and on engagement with the regime.
- 7.3 Alongside this, the Ministry of Justice should consider other changes to prison education to incentivise participation and aid sentence progression. Abolishing the “six year rule”, which limits access to higher education, and enhancing access to ROTL for education and training would both help to achieve this.

²³ Deitch, M. (2024) *The UK looks to Texas for prison solutions – but is it looking through rose-coloured glasses?* Available at <https://www.crimeandjustice.org.uk/resources/uk-looks-texas-prison-solutions-%E2%80%94-it-looking-through-rose-coloured-glasses>