



# Prisoner Education Forum



Parliament House – August 23rd 2016

## Summary Paper

**In May 2016 the Minister for Corrections, David Elliott and the Commissioner, Peter Severin announced the 'Better Prisons' initiative, which would remove over 130 qualified teaching positions in NSW prisons. The proposal would see administrative clerks replace the senior education/education officers and outsource the provision of education to private providers.**

The government describes the initiative as a program to lift performance and improve the efficiency of the prison education system. However the privatisation of prisoner education raises significant ethical problems as prisoners become wholly dependent upon the decisions of private corporations, without any choice, in such a vital area of personal development.

This is seen as an abandonment of the state's obligation to nurture and rehabilitate prisoners, as the other side of the obligation to punish by holding securely. In separating the two elements, the government is relinquishing its commitment and obligation to a comprehensive rehabilitation environment for prisoners.

Private providers are less likely to deliver quality, tailored education to prisoners due to the profit-oriented considerations that drive private decision-making. Ensuring the successful long-term rehabilitation of prisoners, rather than short-term financial considerations should be the paramount concern of all stakeholders.

The proposal is that prisoner education would be separated from mainstream public education. It would not be serviced by government teachers as part of the teaching community carrying the culture of inspiration, and improvement. Instead it would be removing the leg up on the ladder of opportunity. The educational offering would be controlled by the lowest bidder. Profitability and efficiency would replace dedication and commitment.

### ***Importance of education***

Education is a legally recognised human right under Article 26 of the Universal Declaration of Human Rights. This article states that education shall be available to all humans irrespective of socioeconomic status and personal circumstance.

Currently, two out of three prisoners in NSW do not have a functional grasp of language, literacy and numeracy; they are either at or below a certificate 2 level in the Australian Skills Quality Authority (ASQA) framework. The Full House Report by the Inspector of Custodial Services expressed concern about the unmet demand for education, as a result of the increasing number of people incarcerated without proportionate increases in resources.

### ***Recidivism***

Studies on the effectiveness of prison-based adult education programs, show that offenders who undertake these programs have higher rates of employment and lower rates of recidivism as a result. The McKenzie Study showed a 15% decrease in recidivism.

### ***Reduction of Education Funding***

Education programs are the key to successfully rehabilitating offenders, yet the resources allocated have been continually reduced. Privatisation is seen as yet another reduction of costs and commitment. In 2015 the new 'Smart and Skilled' program no longer considered that inmates were disadvantaged, thereby forcing them to pay the full course fees. Fees for TAFE have increased and as a consequence enrolments and course offerings have fallen.

According to the Full House Report, only one-third of inmates are able to participate in their chosen course. As a result the high rate of demand continues to be unmet. Due to the overcrowding of prisons, the short period of free time out of cells and the lack of access to computers and online resources, prisoners are hindered from accomplishing the most basic tasks, including attending and listening to educational seminars.

## **PROPOSAL BY GOVERNMENT**

Outlined below are the intended objectives of the government proposal and responses.

### **• Claim #1 – Literacy and numeracy improvements**

The government states that its proposals will double the completion rate of literacy and numeracy courses and increase the number of VET 'activities' by 20%. Response: The statement released by the government is unspecific about the term 'activities' and how the specified targets would be achieved.

### **• Claim #2 - Limited teaching hours available in school holidays**

The Minister David Elliott said there are limited teaching hours from December to January, and the months of April and July because of teacher's holiday entitlements. Response: Teachers say that CSNSW imposed this policy. They have offered solutions to provide for year round teaching that has already been adopted by Juvenile Justice.

### **• Claim #3 – Redeployment of teachers**

CSNSW has said that the 130 teachers will be able to apply for new and remaining roles. Response: Positions within Parole or with Psychologists have been offered. Thus staff with twenty years experience teaching will be required to retrain and their replacements in the private sector will be required to train to do their jobs. This is major turmoil disturbing delivery of services to prisoners, only for ideological reasons.

### **• Claim #4 – Art and music programs in prison**

The Minister David Elliott has said that inmate programs reflect the quantity of available teachers at a centre, rather than the needs of inmates. For example, one quarter to one third of vocational education programs delivered by CSNSW teachers are in art and music rather than areas linked to inmate employment. Response: Teachers say that this is wrong. 95% of vocational education training is in purely employment related areas.

## **CORRECTIONS NSW STATEMENT TO FORUM**

Assistant Commissioner responsible for Offender Management and Programs, Dr Anne Marie Martin, in a letter dated 18th August responded to the Forum Paper. She said:

*"Government has approved a new service delivery model that is scalable with changes in the number of inmates, and access to inmates across Correctional Centres. The new model also focuses on front end assessment to identify learning needs, and flexibility in meeting the needs of inmates. Into the future inmates with the highest learning needs will be given priority for participation in intensive learning programs. Inmates with specific needs (or in highly secure environments) will have access to various accredited and non-accredited learning opportunities. Those with low learning needs will have access to vocational training. Opportunities for distance education will be available to inmates that can largely self-manage and require minimal resources.*

*The new external service provider will be required to employ qualified staff who meet the requirements of the Australian Skills Quality Authority. The provider will also need to meet the requirements for the delivery of Australian qualifications framework training products, as determined by the industry groups in the development of training packages.*

*Corrective Services NSW has identified 130 internal roles for existing staff to consider to minimise job losses. This includes role with the new inmate education Model, and roles across community connections and defender services and programs.*

*Corrective Services NSW is confident that the new service delivery model will provide high quality education and vocational training programs that will maximise inmate learning outcomes and increase the achievement of skills and qualifications that enhance employability skills."*

## ***Prospective use of technology***

It is not clear whether the progress towards greater access to computers in cells by inmates will continue as there are likely to be fewer teaching staff and it is unclear whether distance education will be continued, undermining the push for technological literacy and access.

## ***Education and Women Prisoners***

Prison education for women in NSW is not in an ideal position despite some good programs available that are designed specifically for female inmates. Our research reveals that women have lower access to education and training programs than men.

One reason is that women in prison choose employment over full time education in a Corrective Service Industry. Women typically pursue employment in order to earn funds to purchase products such as hygiene items, snacks, writing instruments and food. The reason given was that they could not make enough money to support themselves.

In July 2012 at Silverwater Women's Correctional Centre not one woman out of the 250 women at the centre were undertaking full-time education. Since then, this number has not increased past eight at any one time. This seemingly low number further demonstrates that female inmates do not have the time or ability to afford to both complete a course and undertake work while serving their sentence. While the choice made by the prisoners is not under the control of the government, the government should bear some responsibility in introducing more influential and engaging programs for them to participate. Moreover, there are approximately more than 900 women currently within the NSW prison system. Of those, approximately only 25 to 50 women at any given time are offered apprenticeships or traineeships to complete an equivalent course that will further their education and prospects of work once their sentence is complete.

For many women, their offenses are often the result of significant underlying issues, such as drug or alcohol addiction and mental health problems. Many have been victimized by violence and have long experienced disadvantage.

The less than satisfactory situation in regard to education, the prospective reduction in standards, the relatively few female prisoners and their generally short terms, together with the large proportion of indigenous women suggest

that women's access to education and training programs, and the effectiveness of those programs will be substantially improved if the women participate in those programs in community programs rather than within the prison system. Such programs can be more readily tailored to the specific needs of each woman.

## ***High Risk Management Correctional Centre***

Inmates from the High Risk Management Correctional Centre (HRM) sent a letter expressing their frustration towards the current system of prison education. More than 20 prisoners are accused of terrorist offences and are affected by the withdrawal of education.

The Commissioner stated that 'High Risk Management Correctional Centre (HRM) has [seen] no reduction in staff time or other educational resource but HRM does not have the resources to support students to undertake distance education due to the requirement by distance education providers for students to have access to electronic resources.'

One case is particularly well documented. In 2016, the subject was officially informed that education would no longer be provided in the prison, except for basic literacy and numeracy programs equivalent to late primary school level.

## ***Letter from May Butler***

May Butler, a prison teacher for many years, received a letter from an inmate who is currently serving a prison sentence exceeding 10 years and who has completed two university degrees during his custody. The prisoner urges the abandonment of this reform because taking away inmates day-to-day support outlet will only increase aggression and violence from both an inmate-on-inmate and inmate-on-staff perspective.

## ***Inmates Living with Severe Mental Illness***

Little if any education at all will be available for those living with mental illness because difficulties with self-regulating behaviour will mean exclusion from mainstream goals centred around education by external providers.

## ***Inmates with Intellectual Disability and Cognitive Impairment***

The new Education Services Coordinator (ESC) and the Assessment and Planning Officer (APO) positions require no teaching qualifications to perform the roles. When asked, CSNSW has not been able to give details on how the external provider will provide full-time special education teachers for inmates with complex needs and at what cost.

Commitment, consistency, trust, patience and time are the keys to delivering education to inmates with complex needs. This can only happen when inmates have access to a permanent education team adequately skilled and qualified to work with people with special needs.

## **CASE STUDIES**

The case studies below highlight the Government's dismissive attitude to prisoner education despite their current statements that education will be improved.

### ***Jeffrey McKane***

The case study of Jeffrey McKane shows the vulnerability of education whilst in prison. His case demonstrates the need for greater support and certainty at the prison level, rather than outsourcing education delivery.

Jeffrey McKane was a law student whose continued education was blocked by Corrective Services. He challenged this decision in the Supreme Court and lost with costs awarded against him, in a judgment that said CSNSW had the discretion to refuse.

McKane was told that there were limited resources for education despite political pressure being applied on his behalf. The prison would not download his lecture materials or allow him a computer in his cell. He was told to wait over five years and he would be reconsidered closer to his release date. However an external NGO enrolled him as a distance student at Southern Cross University and is responsible for sending all his study materials.

### ***Rachel Stancombe***

Rachel Stancombe's is currently serving time at Dillwynia Womens Correctional Centre. She wants to use her time in prison to gain an education and confront her drug use. Rachel, unfortunately, was made to choose between work, education or completing a drug and alcohol program.

The opportunity to complete more than one of these is impractical with the time restrictions and resources offered in the correctional facility. For example, the completion of a certificate IV or diploma requires more than 12 months of study, however the majority of women within the NSW Corrective Services are serving between 6 months and 12 months. Moreover, further education is currently only offered to inmates within minimum security, however Rachel is contained in the medium security classification. She can't have a computer in her cell.



### **Community Justice Coalition**

[www.communityjusticecoalition.org](http://www.communityjusticecoalition.org)

PO Box 345 Broadway 2007

[info@communityjusticecoalition.org](mailto:info@communityjusticecoalition.org)