Hibiscus Initiatives

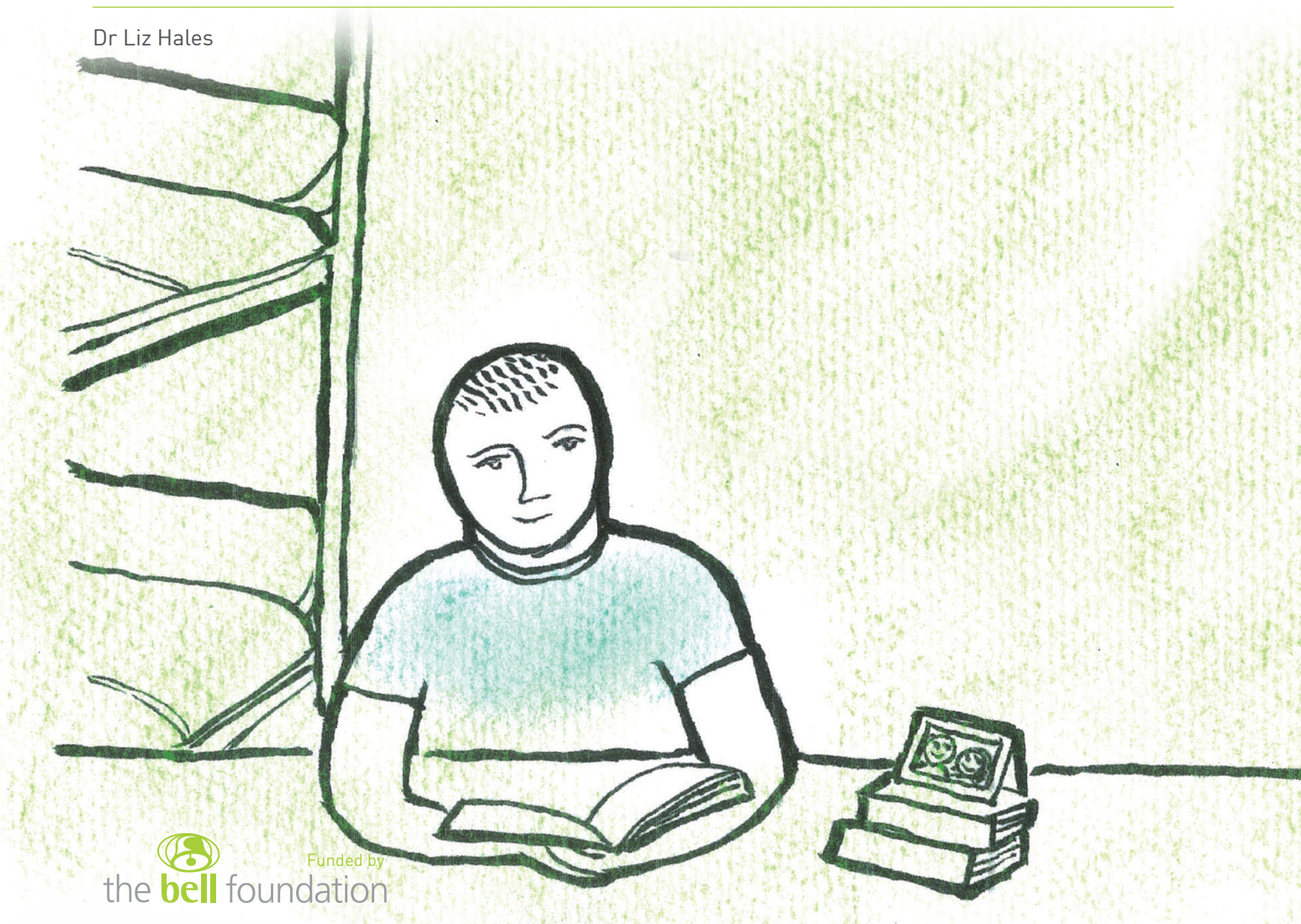
REPORT

February 2015

The Language Barrier to Rehabilitation

REPORT AUTHOR

Dr Liz Hales



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Acknowledgments

I would like to thank the education staff at HMP Bronzefield and HMP Peterborough for arranging visits and giving time in their busy schedule to talk about the key issues around the delivery of ESOL and English Literacy for those in custody. I am also grateful for the time given for discussions on site and/or by phone by key staff at third sector organisations working in the community with non English speakers. These include PRAXIS, BAWSO, the Dawn Projects in Cambridge and Peterborough, the Roma Support Group and the Hibiscus Initiatives Roma Literacy Project. Last but not least I am grateful for the students whom I met in the context of this work, who talked to me about the barriers that their limited understanding of English presents and the impact of the support they were receiving.

The Author

Liz Hales worked in Probation and Prisons for 23 years. She holds a Ph.D. in Social Anthropology for research on kinship, residence and marriage in Darfur, Sudan. Her interests are focussed on issues of diversity, migration and human rights for those in the criminal justice system in the UK and her most recent significant publication is The Criminalisation of Migrant Women (Hales and Gelsthorpe 2012).

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Acronyms

ESOL	English for Speakers of Other Languages
ESA	Employment Support Allowance
ETE	Education, Training and Employment (one of the 9 key resettlement pathways)
HMCIP	Her Majesty's Chief Inspector of Prisons
ILP	Individual Learning Plan
JSA	Job Seekers Allowance
LPT	London Probation Trust
MOJ	Ministry of Justice
NRDC	National Research and Development Centre for Adult Literacy and Numeracy
NOMS	National Offender Management Services
OLASS	The Offender Learning and Skills Service (OLASS)
PSI	Prison Service Instruction
PT	Probation Trust
SAR	Specified Activity Requirement in the context of a court order
SFA	Skills Funding Agency

CONTENTS

SECTION 1:
INTRODUCTION AND RESEARCH GOALS

1. Introduction and research goals

Within the criminal justice system, a key area of research and development has been in identifying the most effective interventions to reduce re-offending and to ensure effective resettlement of offenders within the community. In looking at barriers to this, limited literacy impacting on access to employment has been a consistent theme, with Education, Training and Employment (ETE) considered as one of the nine pathways out of crime. Within this ETE pathway access to appropriate literacy training (alongside numeracy and life skills) is formally identified by the Ministry of Justice as an evidence based effective intervention to increasing levels of employment[1]. There is also recognition that improved literacy impacts on abilities to engage with some of the other resettlement pathways.

Alongside UK nationals, whose English literacy levels are directly linked to their level of engagement and achievement within the UK educational system, we find an increase in the numbers of offenders in custody for whom English is a second language, resultant in the doubling of the number of foreign nationals in custody between 2003 and 2013[2]. The same is likely for those on community supervision although comparable data is not available. Barriers to resettlement for this group may be limited literacy in their national language, but even for those who have achieved good education in their country of origin, limited understanding and fluency in English can inhibit entry to the work market and access to other key support services. The need for good English for Speakers of Other Languages (ESOL) provision for this group was recognised in the involvement of six prisons in the ESOL Pathfinder, first launched in 2002 in the context of the Department for Education and Skills (DfES) Public Services Agreement Target to improve the literacy, language and numeracy levels of 2.25 million adults. Findings of the report in relation to the ESOL prison pathway confirmed a high level of need and although it did not attempt to evaluate the potential impact on resettlement, data gathered from students identified relevant goals and outcomes in relation to improved self- confidence and help to improve their abilities to secure better-paid employment on release[3]. This need continues and as stated this year by the National Research and Development Centre for Adult Literacy and Numeracy (NRDC):

> **London's prison population includes a large proportion of foreign nationals (up to 40% in some cases). Dealing with issues relating to English as a second or other language is therefore a high priority. There is a huge diversity of languages among offenders and widely varying levels of English language skills, with the majority at a basic level[4].**

1. Ministry of Justice (2013) *NOMS Commissioning Intentions for 2013-14*
2. https://www.justice.gov.uk/offenders/types-of-offender/foreign
3. Taylor Nelson Sofres (2005) *ESOL Pathfinder Learners' Survey and Prisons Report Department for Education and Skills Research Report 612*
4. NRDC (2014) *National Research and Development Centre for Adult Literacy and Numeracy Website*

In recognition of this link between resettlement, literacy and language skills, The Bell Foundation Programme on Offenders and Ex-offenders is currently working in partnership with a number of organisations who deliver literacy support, to test, trial and evaluate the outcomes of this work. This research and report aims to give a fuller understanding of the need and potential impact of this work, with a particular focus on the Roma Literacy Project which is managed by Hibiscus Initiatives. The goal was to achieve this by looking at:

- **Relevant data on the size of the total population and more specifically the foreign national population in custody and in supervision in the community; the respective literacy and language levels and resultant service need.**
- **Legal and statutory requirements in relation to how these needs should be met within the criminal justice system.**
- **Current areas of delivery, by statutory sector organisations to meet Offender Learning and Social Skills (OLASS) requirements and factors that impact on effective delivery.**
- **Current areas of delivery by third sector organisations, that fall within and beyond OLASS requirements in terms of literacy and language training and additional related support.**
- **Evidence of the balance between demand and supply to those who would benefit from literacy and English language training.**
- **Benefits and areas for potential improvements identified by those who deliver and those who receive literacy and ESOL support.**

This would be achieved by:

- **Researching and referring to relevant publications including Home Office data.**
- **Gathering information from those who deliver literacy and ESOL training for offenders in custody and the community, within the statutory and voluntary sector.**
- **Interviews with recipients of these services.**
- **Additional information gathered from organisations that offer wider support to non-English speakers within the criminal justice system.**

SECTION 2:

THE OVERALL OFFENDER POPULATION AND RECORDED DATA ON LITERACY AND ENGLISH LANGUAGE LEVELS

2. The overall offender population and recorded data on literacy and English language levels

The latest published NOMS statistics show that the prison population on 31st March 2014 was almost 85,200; representing a 2% increase over the last 12 months. Of those in custody 84% were actually serving a sentence. The remaining 16% were on remand, awaiting trial or sentencing, or on immigration hold at the end of a sentence. Almost 5% of this population (just under 4,000) were held in the female estate[5]. On 31st December 2013 (the latest data included in the same NOMS publication) almost 111,000 offenders were being supervised by Probation on community and other sentences and just over 39,000 on post release supervision.

This Ministry of Justice national database does not include levels of literacy for those in custody or supervised in the community. However the London Probation Trust (LPT) states that the national estimates are that 50% of offenders have no educational qualifications[6]. Figures quoted within the National Research and Development Centre for Adult Literacy and Numeracy (NRDC) report of 2010 show that in the custodial setting 51% of young people were below level 1[7] and, within the community, this fell to 57%[8]. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners show that 47% of those interviewed had no qualifications[9] and 21% needed help with reading, writing and ability with numbers. Within the data presented 11% of the responses fell within the category of *needing a lot of help*[10]. A report by the Prison Reform Trust in 2010 states that 23% of young offenders have very low IQ of less than 70% and that 25% have special educational needs[11]. Such estimates of need have been fairly consistent over the last 13 years with official data from the Social Exclusion Unit (SEU) report in 2002 stating that 48% of prisoners were at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing[12].

Common factors identified as linked to lower rates of academic achievement and lower literacy levels within this population are disruptive experiences in childhood, special educational needs, exclusion because of behavioural problems, low rates of completion of compulsory education, negative experiences of education and resultant low self- esteem.

5. Ministry of Justice (2014) *Offender Management Statistics- Quarterly – December 2013 to April 2014 Last updated 30th May 2014.*

6. London Probation Trust (2013) *Changing Lives for a Safer London.*

7. Level 1 in numeracy and literacy indicates a *poor level* of competency

8. Hurry J, Brazier L, Wilson A, Emslie-Henry R. and Snapes K. (2010) *Improving the literacy and numeracy of young people in custody and in the community research report*. National Research and Development Centre for Adult Literacy and Numeracy

9. This compares with the 15% of the population of working age with no qualification reported by the Office of National Statistics

10. Hopkins, K (2012) *The pre-custody employment, training and education status of newly sentenced prisoners*. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners. London: Ministry of Justice. *https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217400/pre-custody-empl-training-edu-status-newly-sentencedprisoners.pdf*

11. Talbot J. (2010) *Seen and Heard. Supporting Vulnerable Children in the Youth Justice Service.* Prison Reform Trust.

12. Prison Statistics England and Wales 2001 Home Office. As quoted in Reducing Reoffending by ex-prisoners Social Exclusion Unit (2002) Office of the Deputy Prime Minister.

SECTION 3:

LITERACY AND LEVELS OF SPOKEN ENGLISH WITHIN THE FOREIGN NATIONAL POPULATION

3. Literacy and levels of spoken English within the foreign national population

There have been no national statistics gathered that are specific to educational achievements and literacy levels within the non UK offender population in custody or under supervision in England and Wales. More critically there is also an absence of data on the numbers of foreign nationals and UK nationals, who still routinely use the language of country of origin at home and in the workplace and who have limited abilities in spoken and written English[13]. It is recognised however that literacy levels are higher for those who have benefited from education within the UK and that illiteracy and limited fluency in English is generally more widespread in the older female population.

The main source of information that helps to indicate the potential size of this group is NOMS data for England and Wales, showing that in the last quarter of 2013 13% of the male prison population and 15% of the female prison population were non UK nationals. If one includes the Immigration Removal Centres run by the prison service the overall percentage of non UK nationals held in the prison estate is 14%. However distribution of those without UK nationality is not evenly spread, with 6 prisons holding over 28% at the time of this research[14].

Nationality breakdown of this non UK population, taken from the latest available MOJ data from those in custody on 30th September 2013, shows, with the exception of those from the Irish Republic (796), a domination of those from the East European countries such as Poland (876) and Romania (532), followed by Albania (267). Within this East European group there is evidence from caseloads of those offering support to foreign offenders that there are large numbers of Roma[15]. Although it is not possible to substantiate this by the NOMS data, where only nationality is recorded, this is recognised in the Prison Inspectorate report for 2012-13 which points out that:

> **'Gypsy, Roma and Traveller prisoners are a significant but often unrecognised minority in many prisons'[16].**

There are also high numbers in the male and female estate from African countries such as Nigeria (525) and Somalia (439). The dominant Asian nationals are from Pakistan (558), India (431) Bangladesh (281), Vietnam (277), Afghanistan (157) and China (118). The pattern in the female estate is slightly different with the highest numbers from Vietnam and China. There are smaller numbers from the Middle East, dominated by those from Iran (195) and Iraq (157). The only other notable nationality group are Jamaicans (741)[17].

Looking at these figures what is apparent is the fact that, in none of these countries is Standard English the mother tongue. In Nigeria, teaching Standard English is a core element of the education system, but Pidgin English is the core lingua franca, incorporating words from the many regional languages. In Jamaica Standard English is more dominant, used in all written material but in many areas of verbal use it is mixed with Jamaican Patois.

The other point of note is that in many of these countries of origin there is no universal free state education or social security system and some potential students, particularly girls, are excluded from education by poverty, or pulled out of education at the end of the primary stage to contribute to the family economy, or as a result of cultural or religious discrimination. Civil conflicts have also impacted on the ability of pupils to safely attend schooling or further education and the delivery of educational services in a number of the countries of origin listed above. It is perhaps

13. Within the data quoted we do not differentiate those for whom the Welsh tongue is the first language on the assumption that all Welsh speakers are also fluent in English.

14. These include Bronzefield, Downview, Holloway, Huntercombe, Wandsworth and Wormwood Scrubs

15. Based on information provided by ESOL tutors in custody and community based organisations who were interviewed in the context of this research

16. HMCIP Report for England and Wales 2012-13

17. Ministry of Justice (October 2013) *Offender Management Statistics. Prison Population Table for Quarter 2, 2013.*

of relevance to note that migration and involvement in crime to travel, enter, remain or access work in the UK is often linked with a desire to escape such poverty or seek refuge from civil conflict. This is demonstrated in findings on a report on migrant women in custody by Hales and Gelsthorpe where 12% of the sample of women studied were illiterate and only 48% had completed primary education[18].

Even where there is state provision minority groups are sometimes disadvantaged. This is particularly evident within Europe for those from traveller or gypsy communities and is perhaps most evident for those within the Roma communities of Eastern Europe, whose low educational achievement is resultant on lack of the specialist support within the mainstream educational setting[19]. In addition to this a deterrent to attendance is physical separation in classrooms and what is perceived as prejudice shown by other non Roma pupils and staff[20].

In relation to language skills some of those in custody have resided in the UK for a number of years and are fluent in spoken English. However there is evidence that many of those arrested in relation to their illegal residential status have relied on co-nationals for work and support and their illegal status has inhibited access to ESOL support[21]. In addition a number have been remanded in custody at or not long after their arrival in the UK and may have limited or no knowledge of spoken English. This latter group tend to dominate within the part of the prison estate that covers arrests at port of entry.

With those supervised on community orders, gender and length of residence within the UK also impacts on the level of literacy, with a dominance of non-English speakers amongst those who did not have access to primary or secondary education within the UK on arrival and whose lives are more confined within the family or community where language of origin dominates.

18. Hales and Gelsthorpe (2012) *The Criminalisation of Migrant Women*.

19. Centre for Strategy and Evaluation Services (2011) *Evaluation of ESF Support for Enhancing Access to the Labour Market and the Social Inclusion of Migrants and Ethnic Minorities. Roma Thematic Report*. May 2011

20. This was raised by the students at the Hibiscus Initiatives Roma Literacy Project

21. This evidence was gathered by the author in the context of interviews for the report The Criminalisation of Migrant Women, Hales and Gelsthorpe (2012) and from contacts over many years work with foreign national prisoners in custody.

SECTION 4:

DELIVERY FRAMEWORK FOR EDUCATION IN CUSTODY

4. Delivery framework for education in custody

Education delivery in all prisons is determined by Prison Service Instruction (PSI) 66/2012 which presents an operational context for the prisoner employment training and skills experience in custody and facilitates transition and continuity upon release. It states that the prison should asses the numeracy and literacy levels and training needs of all prisoners in the period of Induction. On the basis of this information an Individual Learning Plan (ILP) should be developed with the goal of 'enhancing employability' by offering a learning programme from basic functional skills support to higher education. Prisoners can also request attendance on particular courses and, in prisons visited in the context of this research, the education department was considered of particular value to those who were not UK nationals. Indeed in the HMCIP report published in 2013 it was stated that *44% of FN prisoners were currently involved in education, including basic skills*[22].

The delivery of this education and training is financed and commissioned in the public sector by the Skills Funding Agency (SFA) which oversees the Offenders' Learning and Skills Service (OLASS). Its goal is to integrate offender education with mainstream academic and vocational provision, with the vision that offenders in prison and supervised in the community should have access to *learning and skills, which enable them to gain skills and qualifications that they need to hold down a job and have a positive role in society.* Looking specifically at where English as a second language training fits in with this vision, the SFA states that *ESOL is a core funded part of OLASS 4 and it should be a very firm part of education department delivery*.

To see what this means in practice the LILAMA network report dossier file was published in 2011 with information provided by several government agencies and through approximately thirty visits to HMP establishments in East England to talk to prison staff & offenders[23]. Their findings showed that in relation to linguistic input:

> **'The main focus is on ESOL (English for Speakers of Other Languages) strategy and provision, which is delivered across England. However, the inclusion as best practice is due to a combination of ESOL provision and foreign language and culture support focussed on the development of a prison-specific foreign language training resource, unique to the East of England.**
>
> **On average, ESOL classes last 3hrs each and are run five times per week, once per day, either morning of afternoon, giving each learner a total of 15 hours of language training per week. Morning and afternoon sessions are frequently divided by level. Each prison on average runs 1-2 classes per morning or afternoon, with group sizes of 6-12 (nine being the most common). ESOL is contracted through tender process and is currently delivered by the organisations Milton Keynes College and A4E. The latter supply seven of the prisons, and the former eight prisons[24].'**

Their report was based solely on evidence gathered from public sector prisons and in the context of this work the researcher visited two private sector prisons; HMP Bronzefield, a prison for adult and young[25] female offenders and HMP Peterborough which holds adult male and female offenders and sentenced young female offenders[26]. Both prisons are categorised as *local* in that they receive and hold remand prisoners from a defined geographical area of courts awaiting trial or sentencing, as well as those who are sentenced.

22. HMCIP 2013 *H.M. Chief Inspector of Prisons for England and Wales Annual Report 2011-12.*

23. The LILAMA Network was set up with the goal of becoming a mutual learning platform for the exchange and dissemination of guidelines, best practises and policy recommendations contributing to the design and implementation of linguistic policies oriented to labour market needs.

24. Lilama network Linguistic Policy for the Labour Market (2011) *Language Training and Support for Offenders and Staff in East of England Prisons, UK, Language Policy.*

25. Young offenders are categorised as those between the ages of 18 and 21.

26. The researcher also attempted a similar meeting with staff and prisoners in a state sector prison, but requests were not responded to.

The key difference from those in the public sector is that they directly employ their own education staff and the researcher requested time to meet with them and, if possible, their students. The goal was to gather information in relation to identification of literacy need within the prison population, student profiles, format and content of delivery of ESOL, levels of enrolment and attendance, and discussion around goals and achievements from the perspective of tutors and their students. In both prisons the researcher met up with the ESOL tutor and her line manager. This was a Senior Tutor in one prison and a Strand Leader in the other. At HMP Peterborough the researcher was invited to observe an ESOL class and given the opportunity to talk to some of the students.

On both sites those in custody with English literacy support needs and/or problems with spoken English were identified within the first few days of the induction period. This was evidenced by their inability to read and complete standard forms and problems communicating with others. On completion of induction all of those in custody (including those on remand) were given an individual learning plan (ILP) where these needs were formally recognised.

In terms of the student profile the dominant nationalities accessing support with ESOL were East Europeans including those from Poland, Latvia, Lithuania,[27] Romania, Albania, the Czech Republic, Ukraine and Russia. These included Roma people who tended to have the lowest level of literacy. In addition there were students from Vietnam, China and the Indian sub-continent. Lower numbers of students were from other European countries such as Spain, and those arrested on immigration related offences from countries such as Iraq and Iran; all of whom tended to have higher education and literacy skills. However within both prisons there were a number of students with very low literacy levels who receive additional support through the Toe by Toe Scheme[28]. In the class observed five women had entered with no literacy skills and three were befitting form additional Toe by Toe support. In terms of spoken English a significant number were also at the pre-entry level.

On both sites there were ESOL classes held 5 mornings (for 3 hours) and 4 afternoons (for 2 ¾ hours) per week. This work was covered by one full time tutor, with leave cover. There was also some additional classroom support from prisoners who have a formal role of assistant and, at Peterborough, support from community volunteers. Morning sessions covered Entry 2 to Level 1 and the afternoon Pre Entry to Entry Level 1 and women were allocated to morning or afternoon classes according to their needs. The capacity of classes was 20 but on both sites average attendance was between 12 and 14.

The teaching material delivered covered Skills for Life and Prison English, but for those at pre-entry the tutors designed their own material. On both sites Key Performance Targets had been set in terms of qualifications per month which were being achieved. On one of the sites the students were initially enrolled on the ESOL class for 11 weeks and, on the second a 6 week programme was delivered with assessment at the 3 and 6 week stage. However students could remain enrolled in ESOL for up to 6 months to achieve entry level 2 or above, at which point they could enrol for literacy, numeracy and IT classes.

On both sites there were no apparent problems with attendance and indeed, from observations and discussions with students it would appear that the classes provided a welcome and supportive environment. This was very important to the prisoners whose limited English meant that the prison environment was often confusing and intimidating. In addition to this, as the tutors pointed out, this was one time in their lives where nothing else stood in the way of them accessing education.

27. The balance of nationalities varied between male and female offenders with a higher percentage of those from Latvia and Lithuania in the male side at HMP Peterborough.

28. This is a scheme whereby literate prisoners are trained to act as individual mentors to those with literacy needs.

However as their literacy skills improved the fact that money they could earn, for example, in prison kitchen work, was twice that allocated to those in full time education, the incentive to move from education into work for those still supporting family outside of the prison walls was strong[29].

Short-term goals and benefits were to develop a better understanding of what was going on in the prison and reduce their reliance on other bilingual prisoners. However it was also apparent that improvements in their English literacy skills impacted on their self-confidence and feeling that they could do something in custody that would help them on release. One of the tutors expressed her goal as *giving her students hope* and one of the students talked with pride of the progress she had made; talking about her aim of finding work on release now that she could speak and understand English. It was apparent that improvements in literacy provided a major and important step towards a better future. However the level of achievement depended on time in classes and those who showed most progress were those sentenced to fairly long periods of time in custody.

Alongside this are the challenges that the prison regime imposes; challenges that are common to the whole prison estate[30]. These included the need within local prisons to transfer sentenced prisoners as quickly as possible to free up places, resulting in the fact that it is rarely possible to put a hold on such a transfer on the basis of an Individual Learning Plan. In addition to this the tutors are having to deal with new students on a daily basis and manage classes where there were mixed abilities and where ideally some students needed one to one support. This is partly alleviated by the support offered to newcomers by other students as observed on visits[31]. Finally individual learning outside of the classroom is inhibited by the inability of prisoners to access material on the internet or by post[32].

It is also difficult to help prisoners to plan a future in which they could use the skills they are developing when the threat of deportation, or transfer to an Immigration Removal Centre at the end of sentence, is very real[33]. In addition the education staff rarely have the resources to help plan for continuation of their students learning plan in the community, even when this is under supervision.

The common element in both sites visited, and indeed from those involved in literacy support in the community, was that the support provided for students regularly extended beyond ESOL provision. Roles talked about included *being a listening ear*, mentor, coach, explaining what was happening, offering pastoral care and for those who were bi-lingual *acting at times as an interpreter and translator*. A common reason behind this is that those with limited literacy and spoken English find themselves very isolated, and regular contact leads to trust and confidence that help can be sought from someone outside of one's language group. Ideally such help should be sought from the named Personal Prison Officer or other officers on the house blocks. However, as the Prison Reform Trust has pointed out, reduction in staff to prison ratios from 1:1.3 in 2000 to 1:4.8 by 2013 has impacted on the potential for meaningful one to one contact with officers on the wing[34].

29. At the time of the research visits pay allocated to those in full time education was £10.50 per week in contrast to kitchen work which was £21. It should be noted however that training, such as Health and Hygiene and other courses were integral to such work placements.

30. As observed by the researcher in the context of previous research and work experience.

31. In the context of this research and previous work.

32. Internet access is denied on the basis of security.

33. Automatic removal for foreign prisoners was first introduced in the Immigration Act 1971 with further amendments in the UK Border Act 2007. Currently all foreign nationals sentenced to 12 months or over are subject to automatic deportation with no in country rights of appeal. (The exception is for nationals of EU countries where the trigger point is 2 years). In addition the prison is responsible for advising Immigration before releasing any non UK national, for them to determine their immigration status and decide whether they wish to impose an IS91 (Immigration Holding Warrant).

34. Prison Reform Trust (2014) *Prison: the Facts.* Bromley Briefings Summer 2014.

SECTION 5:

DELIVERY FRAMEWORK FOR EDUCATION IN THE COMMUNITY

5. Delivery framework for education in the community

The researcher was advised by NOMS at the beginning of 2013 that individual Probation Trusts (PTs) sourced a range of organisations to provide for the Education, Training and Employment requirements of the offenders they were supervising in the community and they each held varying contracts with the shrinking Local Authority ESOL providers. How integral English language provision was within PTs contracts with their ETE providers varied between different Probation Trusts and many providers sign-posted to external ESOL provision. In London there had been various initiatives over the years for offenders to improve their use of English. This had included pilots to see whether attendance on ESOL courses might be a condition of a Specified Activity Requirement (SAR) within a community order.

Irrespective of these differences between Probation Trusts, the National Careers Service has and still does recognise the specific needs of ex-offenders. Their website enables those in need of training and education to find out about courses; their availability, location, cost and whether independent funding is available. The time spent by the researcher on this website looking at information on ESOL classes indicated difficulties in accessing courses out of London. It also indicated that costing would be a big issue as the few courses that were free necessitated evidence of three years continuous residency in the UK or another EU country, or for the student to be in receipt of Job Seekers Allowance (JSA) or Employment Support Allowance (ESA) and advanced learning loans were only available for those aged 24 plus for courses at level 3 or 4. In addition there was no evidence of additional funding to pay for transport to the location of the classes. As pointed out by the Refugee Council, ESOL is mainly funded by the Skills Funding Agency, but by the end of 2011 its funding and strategy had changed significantly and although it remained part of the Skills for Life it no longer carried the automatic entitlement of numeracy and literacy[35].

During the period of this research, supervision of offenders in the community was undergoing major restructuring under the Government's Transforming Rehabilitation Strategy[36]. The Probation Trust contracts were terminated in April 2014, replaced by Community Rehabilitation Companies that will work in partnership with the National Probation Service and delivery of support services is to be opened up to a diverse range of new rehabilitation providers in the public, voluntary and private sectors.

Of equal significance is the addition of post release supervision for all offenders who have been in custody, as from June 2014. From a situation where there was no supervision of those sentenced to under 12 months, there will be statutory supervision of 12 months for all offenders sentenced to a custodial sentence under 12 months and the current provision for those sentenced to between 12 and 24 months will also be increased to 12 months. This supervision has three goals;

- **Monitoring behaviour to ensure public protection**
- **Managing offenders on release by enforcing standard licence requirements**
- **Ensuring the rehabilitation of offenders**

35. Refugee Council 2011 *Refugee Council Briefing on English for Speakers of Other Languages (ESOL)* January 2011.

36. Ministry of Justice (2013) *Transforming Rehabilitation. A strategy for Reform.* May 2013.

Bearing in mind the fact that a disproportionate number of foreign nationals are remanded in custody and given short prison sentences, rather than community based sentences, this period of supervision could potentially open a door of opportunity to access literacy and ESOL support in the context of the third goal of ensuring rehabilitation. However at this stage it is difficult to assess to what extent this specific need has been recognised and what the impact will be on the provision of and funding for essential literacy and language support for this group of offenders.

To get a better understanding of how current government provision works out in practice and the perceived impact of literacy and ESOL provision on offender rehabilitation in the community, the researcher visited or talked by phone with a number of organisations (not currently funded by The Bell Foundation) that offer support to members of migrant populations and minority groups (including those who have offended) who are most likely to have literacy and or language problems. Comments in relation to the potential impact of the potential impact of the Transforming Rehabilitation Agenda were also noted, although the general view was one of *let's wait and see.*

The first of these organisations visited was PRAXIS whose overall aim is the provision of advice, support and a welcoming meeting place for vulnerable migrants and refugees in London. Work with offenders is integral to this, with the provision of casework support in two prisons and mentoring to help with successful reintegration into the community. The researcher met with staff to gather information on issues around literacy, language and resettlement and was invited to their one day conference held in February 2014 on Working with Foreign National Offenders. Their work in custody identifies the impact of cuts in prison funding on the reduction of time for verbal interaction between staff and prisoners. In addition they talked about a heavy reliance on understanding written information in English from solicitors and the Immigration Department for any involvement in the management of their clients' criminal and residential status[37]. In terms of their mentoring work in the community they stressed the importance of overcoming the language barrier to access work and training for employment.

Issues raised at the conference were the impact of cuts in public sector English language provision. Conference presenters emphasised the importance of tuning ESOL provision to the real life context and the importance of a learner led model and classes that were at a convenient time and also accessible on line. At the time of the visit, PRAXIS was delivering ESOL classes on site one evening a week and additional classes on English pronunciation. Of equal importance was their new project the Praxis Language Gym; an on line learning tool to be launched in June 2014. The consistent message was the importance of overcoming the language barrier to achieve successful resettlement, in terms of accessing work and being more in control of their own future lives.

A comparable organisation is BAWSO which supports people from black and minority ethnic backgrounds in Wales from offices in Cardiff, Swansea, Wrexham and Newport. Although BAWSO is not offender focussed, their Youth Development work includes clients who have been involved in the criminal justice system and their support for victims of trafficking includes those who have been criminalised in their attempts to survive as undocumented migrants. Accepting that many of their clients are non- English speakers they provide an extensive language support system through paid interpreters and they are acutely aware that the most immediate need is for improved use of verbal English to access key resources in the community for themselves and their families. They do not currently have funding to provide ESOL classes on site but signpost those with support needs to the relevant service provides.

37. It should be noted that all communication from the UK Visas and Immigration Department are written in English irrespective of the nationality of the recipient and in 2013 Legal Aid was removed from immigration case support.

In discussing the level of need and service provision their advisor pointed out that the need for literacy training and ESOL far exceeds service provision in the community, resulting in long waiting lists. As pointed out by other community support organisations, some of their clients are at the pre-entry level for whom there is no provision and some others would benefit from a greater emphasis on improving their spoken English to access the job market. For those whose needs could be addressed by classes in the community there are a number of additional hurdles to be overcome. These include the funding issue, as the residential status of a number of their clients means that they have no recourse to public funds. In addition many of their clients have young dependent children and the provision of crèche facilities is even more limited. Other inhibiting factors are fitting attendance at regular classes in college around childcare responsibilities and other meetings to sort out the numerous problems for which they have approached BAWSO for support. Last, but not least, was the impact of lack of confidence and low self-esteem on starting a new class.

Looking at community services that are specifically available to women at risk of involvement with the criminal justice system, but not specific to minority groups, the researcher approached the Dawn Project, integral to the Women's Resource Centres in Cambridge and Peterborough and until this year funded by the Cambridge and Peterborough Probation Trusts[38]. The Cambridge branch stated that in the context of their current service delivery to women supervised by probation they were not seeing women who spoke no English, nor were they aware of any cases where attending ESOL classes were a Specific Activity Requirement of a community order[39]. However they accepted that with changes in the criminal justice system and supervision of all offenders post release, the nature of their client group could well change.

In their overall work with women in the community and in the context of the Education Training and Employment pathway for those under formal supervision they offer classes in Literacy and Numeracy. Up until last year they also delivered weekly ESOL classes, but they have since lost the money for this element of work. However they currently deliver a less formal class they name as PRESOL, in which women with limited literacy, who are at the Pre- Entry level for ESOL, are encouraged to engage and discuss issues of interest with others and gain support in raising their self- esteem. They reiterated the impact of changes in eligibility for funding for those without UK citizenship to access ESOL provision in the local adult education centre and the fact that those most in need were likely to be those without the means to be able to prioritise this.

The Support Project Worker at the Peterborough Dawn Project stated that they had provided an ESOL course for those on court orders but that the response had been disappointing. However they do offer a limited volunteer based ESOL provision for those on the court order of Unpaid Work.

Looking specifically at issues raised by members of the Roma community, one of the organisations contacted was the Roma Support Group. This group offers a specialist assessment and intervention service for Roma families in crisis and also takes referrals for those under 18 from the Youth Offending Services in Haringey. The Chief Executive pointed out that limited literacy is more acute in those aged 30 and over, resultant on segregated education in the countries of origin. However this also impacts on Roma children who have access to primary and secondary education in the UK, in that they are *being nurtured in an environment of illiteracy and tend to become locked into their family's experience*, at times missing out on schooling to act as interpreters for the older family members. Parental illiteracy also impacts on family income, the ability to secure the status of self-employment for 12 months; a requirement up until 2014 for E2 nationals to qualify for state support, and their ability to support their children to succeed in an academic environment. Where children of these families are involved in criminal activity it is generally in relation to shoplifting to access clothing and food, resultant on family poverty.

38. The Dawn Project was one of a number of community projects set up following the recommendations of the Corston Report in 2007 of the need for more gender specific community based support services for women at risk of reoffending

39. The Specific Activity Requirements are stated by the court at the time the sentence is made on the basis of needs identified by Probation.

The experience of this organisation is that for those who do not speak English, standard ESOL classes are not appropriate in the demands they make of their students. The focus on grammar in the lesson format means that for those who have had no previous classroom experience there is limited success. The Chief Executive stated that Roma clients benefit more from language support that develops their current skills and is targeted towards everyday experience such as the key phrases they will need in the building and cleaning industries, thus improving their ability to secure work. Their experience with families in crisis is that the most effective intervention is one to one mentoring of family members and ESOL tuition that is catered towards the individual need. The Roma Support Group is partnered with Newham College of Further Education where their clients can access weekly ESOL tuition. In addition they offer training for young girls in skills such as seam stressing to encourage the generation of income on the basis of self-employment.

SECTION 6:

THE HIBISCUS INITIATIVES ROMA LITERACY PROJECT

6. The Hibiscus Initiatives Roma Literacy Project

Talking to those who supervise members of the Roma community in custody and the community it is apparent that their offences are not generally high in terms of the risk category and those who end up in custody tend to be there for short sentences[40]. In turn this limits the degree to which they can benefit from Literacy and ESOL support in the prison environment. However they are a group in which there is a relatively high rate of recidivism.

The fact that they also present as a group with the most acute needs in terms of illiteracy and limited English and tend to struggle with the unfamiliarity of a classroom setting in the prisons and in starting and maintaining regular attendance at classes in the community is not coincidental. Cultural expectations are those of large families and the impact of illiteracy extends to their children in term of their own future expectations and the ability of their parents to engage with their teachers and others who will be key figures in their children's' future development. There is also evidence that one of their key challenges in the community is accessing safe and secure housing.

During the course of this research two half days were spent in January and May 2014 at the Roma Literacy Project at Tottenham Hale in North London, where the researcher talked with the Tutor and Community Support Worker and women who attended on these days. At the time of the visit she was advised that classes were delivered for 1 ½ hours twice a week and up to 9 women were registered at any one time, although attendance was quite low at the times of the visits and the community support worker was putting in a lot of energy into reminding and encouraging those who were registered to attend. At the time of the visits the internal Final Evaluation Report had not been completed, but the researcher was aware of the key goals of the programme in terms of providing basic literacy, improving employability skills, improving confidence to engage with official bodies, enabling those attending to play an active role in caring for their families and reducing their isolation, and through this to facilitate their rehabilitation. From questions asked of the community support worker and the students who were attending and discussions at a later stage on casework there was strong evidence of progress in the first five of these goals. In relation to resettlement it was relevant that the women who were attending were thinking about their future in a more positive light. There was no evidence of any of the attenders having been re-arrested on new charges, but at this stage it is not possible to gain evidence in relation to long term rehabilitation.

What was immediately apparent was the welcoming nature of the project and that although helping the women to learn to write and speak English was at the core of the work, what the women were taking from their attendance far exceeded this. The support worker talked of the importance of providing *a safe place for these women*, where they could *focus on their own development and increase their self-confidence*. There was discussion about the days out that had been arranged and, with one of the Roma women, about the words she had managed to learn and use last time she had been shopping.[41] Space was also allocated during the lunch break to offer one-to-one support in relation to current challenges these women were facing and talking with staff about specific cases it was apparent that this had covered facilitating access to housing support, social security benefits, registering with GPs and understanding letters they had received.

40. There are male offenders arrested on more serious charges, but this is less common in the women's prisons.

41. These are categorised as enrichment activities in the internal evaluation.

The women were encouraged to talk openly with the researcher and to use their limited English with confidence. As one attendee stated: *Coming here is more than just learning English. It is welcoming and good place and we are accepted*. Another talked of the impact of staff support saying: *Without her what do I do?*

There was evidence that at least one of the women attending was surviving on the poverty line and the provision of lunch was welcome not only in terms of the food provided but providing a shared activity for informal discussions and the encouragement of peer support within those attending the literacy group and the IT students (who used a different classroom).

SECTION 7:

CONCLUSIONS

7. Conclusions

Common factors that emerged from meetings and discussions with service providers within custody and the community were:

1. The growth in numbers of those caught up in the criminal justice system for whom English is not their first language.
2. The fact that this group of non UK nationals were often the most disadvantaged in terms of accessing work, accommodation and other services to which they had rights and that they were thus additionally vulnerable at the point of release from custody.
3. The fact that the need for support was generally higher for women and girls, who had experienced more restricted access to education.
4. The shared view that learning to understand written and spoken English opens a new door of opportunity and can be one of the most critical factors in resettlement for non-UK nationals.
5. The view that the priority in Literacy and ESOL delivery should be to enable their students to manage the challenges they face on a day to day basis (this being particularly acute for those going through court and/or in custody and whose residential status is being decided by Immigration). Beyond this, it should help them to access key resources, improve their abilities to find legal work and provide effective support for their children within the UK.
6. The need to adapt standard literacy and ESOL course provision to meet these goals.
7. The value of using peer support, both in terms of providing support for those who are most vulnerable and isolated and for the supporter, whose self-esteem can be enhanced by appropriate training and formalisation of their role.
8. The greatest demand is made by those who are pre-entry level and/or are illiterate and this is the areas where there is the greatest gap in community resources.
9. Due to the individuality of needs and ability to progress, delivery of literacy and ESOL support is sometimes most effective on a one-to-one basis.
10. Time outside the classroom needs to be set aside to discuss the many issues that those with English learning needs bring to those with whom they develop trust.
11. Changes in funding and rights of access for non UK nationals means that this group has felt a disproportionate effect of funding cuts in terms of eligibility to attend and finance courses.
12. The impact of funding cuts on all the third sector organisations contacted in the context of this work and the fact that confident forward planning of some of these organisations is hindered by the uncertainties of their role within the government's new rehabilitation agenda.

Talking to students, the general views expressed were:

1. **Frustration at their inability to understand spoken and written English and their resultant ignorance of critical decisions being made on their criminal cases and immigration status whilst in custody [42].**

2. **The challenges they faced in the community in accessing basic resources such as accommodation, healthcare etc because of their limited understanding.**

3. **Gratitude for the service from which they all felt they were gaining far more than education in English Literacy and or spoken English. Indeed in the community a couple stated that they did not know how they would cope without this support.**

4. **A number talked of the classes as the one thing they had which was focussed on their own future and there was evidence of the empowerment that this facilitated.**

5. **The importance of meeting other students and the impact this had on reducing isolation.**

On a more general level two key themes were dominant throughout the period of this research. The first was that English Literacy and ESOL provision for those within the criminal justice system is a critical area of support. However, despite formal recognition of the impact of effective resettlement interventions in the ETE pathway, current demand for ESOL, especially by those with limited literacy, exceeds supply. The second theme was that the most effective education input is delivered in the context of wider support by organisations that can adapt their material to their students' real life challenges, and develop effective links with their individual learners to encourage regular attendance, as well as delivering or signposting their students to access help to meet their wider needs.

These findings would indicate that by delivering literacy and language support in the prison environment, where nothing else stands in the way of prioritising the learners' needs, or in the context of wider community support, with appropriate encouragement, the potential impact on effective resettlement cannot be underestimated.

42. This was also one of the key findings in the report on the Criminalisation of Migrant Women (2012).

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