



**Submission of the Irish Penal Reform Trust to the
Joint Committee on Education and Skills on
“Education Inequality and Disadvantage”
1 February 2018**

About IPRT

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our vision is one of respect for human rights in the penal system, with prison as a sanction of last resort. We are committed to respecting the rights of everyone in the penal system and to reducing imprisonment. We are working towards progressive reform of the penal system based on evidence-led policies and on a commitment to combating social injustice.

IPRT publishes a wide range of policy positions and research documents; we campaign vigorously across a wide range of penal policy issues; and we have established IPRT as the leading independent voice in public debate on the Irish penal system.

Contact Details:

Address: Irish Penal Reform Trust [IPRT]

MACRO

1 Green Street

Dublin 7

IRELAND

Phone: 00353 1 874 1400

Website: www.iprt.ie

Twitter: @iprt

Introduction

1. IPRT welcomes the invitation by the Joint Committee on Education and Skills to make a brief written submission on education inequality and disadvantage. We commend the Committee for its initiative in choosing to focus on this important issue. While our area of expertise lies primarily in penal policy IPRT views educational disadvantage and inequality as one symptom of wider social exclusion in society. Social exclusion and social injustice are intrinsically linked to penal policy.
2. At the outset it should be noted that in our work, educational inequality and disadvantage is relevant both to the experience of the child and young person but also to that of the adult learner within the prison system. In this submission, IPRT will outline the key points, link to some relevant data while also making some broad policy recommendations.

Statistics on Educational Disadvantage and the Penal System

3. While there has been no recently published study looking at the social profile of prisoners in Ireland, previous studies show a demonstrated link between educational disadvantage and the penal system¹.
4. An unpublished survey conducted by the Irish Prison Service over the period 2015-2017, based on aggregate data from the Midlands, Wheatfield and Limerick prisons shows that:
 - 25.6% of prisoner participants attended no secondary school
 - 52% of participants left school before Junior Cert
 - 80% of participants had left school before Leaving Cert
 - 1 in 5 prisoners had completed the Leaving Cert (compared to **3 in 5** in the general population)
 - Only 9% of the prison population had completed some form of higher education (Certificate through doctorate)

¹ IPRT welcomes invitations for two PhD fellowships issued by the Educational Disadvantage Centre, Dublin College University, Institute of Education and the Irish Prison Service that aim to (1.) examine literacy levels of the prison population (2.) examine digital literacy levels of the prison population https://www.dcu.ie/sites/default/files/students/x2_phd_research_fellowships.pdf

5. IPRT's report *Travellers in the Irish Prison System: A Qualitative Study*² highlights figures from the Census 2011 which shows that 17.7% of Travellers have no formal education, this compares with 1.4% of the general population.
6. Oberstown Campus Statistics, *Point In Time Statistics*, January 2018³ showed that for young people in detention, 23 of 43 young people detained at that time were not engaged in education prior to their detention. It was unclear from files whether an additional nine young people had been engaged in education prior to detention. 6 young people were described as having a learning difficulties/disabilities. Findings from the last HIQA inspection report identified that children in detention 'loved school.'⁴ The report also identified that current logistics in moving children to the school impacted negatively on the duration of time children spent in the school where many children wanted more time in school.
7. This link between educational disadvantage and the prison population is similarly demonstrated in older studies:
 - In a 1997 study, 56% of prisoners in Mountjoy Prison came from six districts in Dublin characterised by high levels of economic deprivation. Almost 80% of participants in the study had left school before the age of 16⁵.
 - In 2003 an Irish literacy survey found that 52% of the prison population had the lowest literacy levels. These figures compared with 25% of the general population.⁶
 - Findings from a study in 2007 examining the geography of prisoner reintegration showed that the most deprived areas in the country had 145.9 prisoners per 10,000 population compared to 6.3 in the least deprived areas⁷.

Prevention and Early Intervention

8. A core part of IPRT's advocacy work has always focused on the need for early intervention and prevention. In this respect, IPRT would like to draw the attention of the Committee to two 'at risk' cohorts of children that should be examined in any consideration of educational inequality and disadvantage in order to inform and support future education policy. These are (1) children affected by parental imprisonment and (2) children in care.
9. Children affected by parental imprisonment may experience disruption to their schooling as a result for example, poor attendance, behaviour or concentration

² http://www.iprt.ie/files/IPRT_Travellers_Report_web.pdf

³ <https://www.oberstown.com/campus-stats/>

⁴ Health Information and Quality Authority, *Inspection of Oberstown Child Detention Campus, 27th to 30th of March 2017*, available at <https://www.hiqa.ie/areas-we-work/find-a-centre/oberstown-children-detention-campus>

⁵ O'Mahoney, P. 1997, *Mountjoy Prisoners: A Sociological and Criminological Profile* <http://www.drugsandalcohol.ie/3464/1/616-mountjoy.pdf>

⁶ Mongan, M 2003, *The Prison Adult Literacy Survey* http://www.iprt.ie/files/adult_literacy_survey.pdf

⁷ O'Donnell, I., Teljeur C., Hughes N., Baumer E.P & A. Kelly, 2007, When Prisoners go Home: punishment and social deprivation and the geography of reintegration, *Irish Criminal Law Journal*, 17(4) pp.3-9

levels⁸. IPRT in conjunction with University College Cork and the Children's Rights Alliance developed and made a call for a *National Advocacy Strategy for Children of Prisoners* identifying a need for a holistic approach to respond to the needs of children, in particular how schools can play a pivotal role in supporting children affected by parental imprisonment⁹

10. Similarly, a report commissioned by the Ombudsman for Children's Office¹⁰ highlighted the educational barriers facing children in care and the important role schools play (including fostering good relationships with teachers) in providing stability. IPRT will also publish a report later this year that aims to explore the reasons behind the over-representation of children in care in the criminal justice system. **IPRT believes that these two cohorts of children should be recognised and provided with additional supports to ensure better educational outcomes.**

⁸ See Barnardos, Department of Education & POPS, 2016, *Children of Prisoners: A Guide for Community Professionals*, UK, p.17 <https://www.i-hop.org.uk/ci/fattach/get/664/0/filename/i-HOP+Health+Guide.pdf>

⁹ See further <http://www.iprt.ie/contents/3190>

¹⁰ See Darmody M., McMahon L., Banks, J. & R. Gilligan *Education of Children in Care in Ireland: An Exploratory Study*, 2013 <http://www.lenus.ie/hse/bitstream/10147/292986/1/EducationCare.pdf>

Young People

11. Crime and punishment must be viewed in the context of wider social and economic marginalisation and exclusion which includes education inequality and disadvantage. In responding to crime and risk of crime, education and access to education is a vital part of the solution¹¹. School completion rates and literacy levels are important in ensuring positive life outcomes¹².
12. Certain socio-economic factors place young people at a higher risk of offending behaviour. These include not being in employment, education or training, living in a disadvantaged area, experiencing familial problems and becoming substance dependent¹³.
13. A consultation for IPRT's *Turnaround Youth* report cited above held with young men with offending behaviour -all of whom reported wanting to "stay out of trouble"- highlighted a range of barriers in preventing them from doing so including unemployment, boredom and alcohol use. As one participant interviewed stated: 'If you can't get a job, you're going to go on the rob.' Other perceived barriers included whether Garda vetting would prevent access to education courses and a lack of training opportunities.
14. IPRT believes that breaking the cycle of educational disadvantage is imperative in addressing the issue of wider social exclusion, thus reducing crime. **IPRT believes that early intervention and prevention programmes are key to retaining potential early school leavers.**

¹¹ See further, 'The Vicious Cycle of Crime and Social Exclusion: Ireland's Disproportionate Punishment of the Poor' IPRT, 2012 <http://www.iprt.ie/contents/2276>

¹² See further, 'Shifting Focus: From Criminal Justice to Social Justice' IPRT, IAYPIC & Barnardos, 2010 http://www.iprt.ie/files/IPRT_Barnardos_IAYPIC_Shifting_Focus_Position_Paper_EMBARGOED_TO_23_SEPT_2010.pdf

¹³ See further *Turnaround Youth: Young Adults in the Criminal Justice System* IPRT, 2015 <http://www.iprt.ie/contents/2733>

Prison and Re-Offending

15. The latest prison recidivism figures collated by the Central Statistics Office¹⁴ highlighted that from a 2010 prison population cohort, within three years 45.1% had re-offended. Rates of recidivism were highest for young males between the ages of 21-25.
16. The highest rates of recidivism were by prisoners whose initial offence fell into one of the following categories: Robbery, Extortion and Hijacking Offences, Burglary and Related Offences and Theft and Related Offences. Following a period of imprisonment, the most common categories for re-offending include: Public Order and Social Code Offences, Theft and Related Offence and Drug Controlled Offences. All of these offences could be described as acquisitive offences and often linked to wider socio-economic factors.
17. IPRT believes imprisonment as a sanction is not an effective deterrent to committing crime and has many damaging consequences including disruption to family life and access to education. Using effective alternatives to custody can help promote self-esteem and motivation for offenders, while making a positive contribution to society¹⁵.

¹⁴ (CSO, 2016, *Prison Recidivism* <http://www.cso.ie/en/releasesandpublications/er/priir/prisonrecidivism2010cohort/>)

¹⁵ IPRT (2017) *Community Service Orders in Ireland: A Qualitative Exploration of One Short-term Alternative to Imprisonment*, <http://www.iprt.ie/contents/3196>

Education within Prison

18. It is well-known that the prison population is often characterised by low levels of educational attainment. While no exact data are available, an EU report estimates 3%–5% of the prison population would be qualified to undertake higher education, where in many countries early school leaving is strong characteristic associated with the prison population¹⁶.
19. At the same time, there is a well recognised right to education for persons in prison¹⁷. The Council of Europe¹⁸ specifically recommends that “*All prisoners shall have access to education which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education, sports, social education and library facilities*” (Recommendation 1) and that “*all those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible*” (Recommendation 4).
20. There has been a deterioration in education budgets within the prison estate in recent years. In addition, staffing shortages have resulted in a reduction in school hours.
21. Figures provided by the Irish Prison Service suggest that only 42% of the prison population participated in education activities in March 2017.¹⁹
22. Education and training is a vital component in addressing the rehabilitative needs of the prison population. IPRT believes that every prison should provide each prisoner with access to a range of educational activities that meet the individual’s needs and take into account their aspirations²⁰.
23. For many, past experiences of the education system have been negative. For this reason, education in prisons should be innovative. It should involve the promotion of forms of non-traditional learning with alternative methods of assessment and accreditation. There is a need for the education system to be comprehensive and reflect the diverse needs and interests of the prison population. A person-centred approach is required whereby both basic and continued learning is catered for. Choice, availability and accessibility should be important features of the curriculum.

¹⁶ See Hawley, J, Murphy, I and Souto-Otero, M (2013), *Prison Education and Training in Europe Current State of Play and Challenges* http://ec.europa.eu/dgs/education_culture/repository/education/library/study/2013/prison_en.pdf

¹⁷ See *Basic Principles for the Treatment of Prisoners*¹⁷ and the *UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)*. Rule 28.1 of the *European Prison Rules(2006)* provides that “*every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their needs which take into account the individual needs while taking into account their aspirations.*”

¹⁸ Council of Europe, *Education in Prisons Recommendation No.R. (89)12 adopted by the Committee of Ministers of the Council of Europe on the 13th October 1989 and Explanatory Memorandum, Strasbourg* http://www.epea.org/wp/wp-content/uploads/education_in_prison_02.pdf

¹⁹ Written Answers, *Educational Services for Prisoners*, 11 July 2017: <https://www.kildarestreet.com/wrans/?id=2017-07-11a.731>

²⁰ See further, *Progress in the Penal System: A Framework for Penal Reform*, IPRT 2017 [http://www.iprt.ie/files/Progress_in_the_Penal_System.compressed .pdf](http://www.iprt.ie/files/Progress_in_the_Penal_System.compressed.pdf)

24. Inclusive prison education can help an individual cope with their sentence, while also being used to effect change in offending behaviour. In some cases, prison education can be transformative.

Barriers to Education and Employment on Release

25. The lack of supports upon release, including stable accommodation acts as a barrier for former prisoners to successfully reintegrate into society and access education and employment.

26. The current spent convictions legislation represents a significant barrier in supporting many young people/individuals with a criminal convictions history to access education, employment, travel and insurance. The current legislation does not allow people who have committed more than one offence (with the exception of motoring/other public order offences) to wipe the slate clean, no matter how long ago in the past the offences were committed. While IPRT welcomed the introduction of Spent Convictions legislation, we believe this legislation does not go far enough²¹. **Post enactment review of this legislation would provide an opportunity to remove this barrier to education and employment.**

²¹ See IPRT's information campaign video for information on the current spent convictions legislation (Adults <https://www.youtube.com/watch?v=cWleQYxyBqU> and children https://www.youtube.com/watch?v=Z7e1wfp_Gt8)

Policy Recommendations and Possible Solutions

Regular Publication of Data

- a. Regular data collection and publication of the educational profile of those in contact with the criminal justice system is required in order to analyse the links between educational disadvantage, social exclusion and crime.

Awareness Raising and Education

- b. Increased awareness-raising activity including the development of information materials for teachers and schools in order to understand key issues for at risk cohorts of children. This includes children of prisoners (and may include doubly marginalised children such as Traveller children of prisoners) and children in State care. These children should be provided with additional supports (e.g. specialised teaching supports, improved access to services such as Child and Adolescent Mental Health Services, Speech and Language Therapists, Child Welfare Services and Child psychologists) to maximise positive educational outcomes.
- c. The *National Drugs Strategy: Reducing Harm, Supporting Recovery 2017-2025*²² highlights the role that school based programmes play in particular programmes around social and personal development. School is an important intervention point where there is substantial overlap between early school leaving and drug misuse and this links to crime, social exclusion and punishment.
- d. Schools should recognise the diverse talents and skills of young people. Curricula should place greater emphasis on non-traditional forms of education, taking a person centred approach.

Investment in Early Intervention and Prevention Programmes

- e. Investment in early intervention and prevention programmes in order to retain potential early school leavers.
- f. The *National Children and Young People's Framework*²³ should be monitored, fully implemented and evaluated. Some of the transformative goals are relevant in promoting educational equality and opportunity including: supporting transitions effectively for children and young people, listening to children and young people and creating cross government interagency collaboration and cooperation.

²² <http://health.gov.ie/blog/publications/reducing-harm-supporting-recovery-2017-2025/>

²³ Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* https://www.dcyv.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf

Promotion of Alternatives to Custody

- g. IPRT has previously highlighted the damaging effects of imprisonment including its disruption to family life and access to education. IPRT believes that imprisonment should be used as a sanction of last resort, and effective alternatives to custody should be promoted in line with the *Criminal Justice (Community Service) Amendment Act 2011* and international human rights standards.

Access to Education in Prisons

- h. Publication of information on education in Irish prisons is required in order to monitor performance in this area.
- i. Efforts need to be made to address the specific barriers faced by certain cohorts of prisoners in relation to accessing education. As highlighted by the Council of Europe *'Every effort should be made to encourage the prisoner to participate actively in all aspects of education.'* In addition, the Strategic Review Group on Penal Policy (2014) recommended *'prisoners should only be on restricted regimes for the shortest period consistent with their safety and have access to adequate training, education and recreational facilities.'*²⁴ With high numbers of prisoners across the estate being on a restricted regime or in solitary confinement, a strategy must be in place to ensure that this cohort of prisoners has decent access to education.

Access to Education upon Release

- j. Having criminal convictions histories can act as a barrier to accessing education. IPRT believes that legislators should conduct a review of the current spent convictions legislation with a view to broadening criteria of convictions to which it applies by the end of 2018. IPRT believes the current legislation could be strengthened through:
 - (a.) Raising the limit on the type of custodial sentence eligible to become spent from 12 months or less, in line with other jurisdictions e.g. less than 30 months (Northern Ireland) and less than 48 months (Scotland)
 - (b.) Removing the cap on the number of convictions that may become spent
 - (c.) Retaining a proportionate relationship between the nature of the sanction and the rehabilitation period.

²⁴ Strategic Review Group on Penal Policy, *Final Report July 2014*, p.58 available at <http://www.justice.ie/en/JELR/Pages/PB14000244>