

## *Education in Prisons: Politics or Progress?*

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I never hear the word "escape"  
 Without a quicker blood,  
 A sudden expectation,  
 A flying attitude.

I never hear of prisons broad  
 By soldiers battered down,  
 But I tug childish at my bars, —  
 Only to fail again!

by Emily Dickinson

### **Politics, progress and pain**

Imagine a hypothetical correctional system in which the delivery of education and vocational training courses to inmates were accepted and valued as a key responsibility in the planning of a correctional service. Imagine that this responsibility was included in the accountabilities and performance requirements of prison managers to the same degree as the focus upon security and the prevention of escapes. Imagine a system which respected the value of freedom, and the responsibilities which flow from it such as open debate, freedom of speech, freedom of information, transparency of process, etc, since, through its being the agency engaged in punishing offenders through the deprivation of liberty, it understood the nature of liberty and freedom. Imagine a system in which there was a high level of cooperation between custodial and non-custodial staff, where resourcing was adequate and not under contest. Imagine a system in which reports generated on it from within and without where circulated for discussion, comment and then acted upon. Imagine a system which was progressive in its evolution, that recognised and built upon its successes, and that wasn't being tugged at by industrial posturing, ideological pressure, law and order campaigns, manipulation for political advantage, only to crumble and to fail again.

Sometimes one can imagine that this hypothetical correctional system could be brought to exist in reality as the NSW Department of Corrective Services. If one were to mistake the sample of positive articles contained in the *Corrective Services Bulletin* or occasional human interest story in the mass media for the total reality, then one could be mistaken for thinking that the imaginary already exists.

Unfortunately, as the Wood Royal Commission has demonstrated in relation to the NSW Police Service, the truth is a painful thing. That is not to suggest that corruption exists within the NSW Department of Corrective Services. Nor is it to suggest that the Editor of the *Corrective Services Bulletin* acts inappropriately by selecting only positive stories to communicate. Instead it should be acknowledged that it is difficult and painful for a Government Department to courageously reflect on and report on its deficiencies, to stimulate broad internal debate by its members, or to encourage discussion within a discipline such as education. The fear that this could produce a whiff of scandal if there was dissent which if made public would have political consequences in the media or Parliament seems to be overriding.

Painful though it is to admit, the reality should be reported. Education within prisons has experienced considerable progress and development both for its practitioners and for the inmates who are students. However, if one were to consider the numbers employed in this area both permanent and casual, including the recent appointment of a small number of permanent teachers, and the implementation of fully accredited curriculum and courses for inmates, then perhaps it could be mistakenly concluded that this was a thriving specialist discipline for which there is genuine institutional support. This mistaken conclusion could also be drawn if one were to read the *Report of the inquiry into Education and Training in Correctional Facilities* (1996) by the Senate Employment, Education and Training References Committee and the recommendations which were made. Such support would perhaps for example be indicated by the development of specialist degrees in education for penal or forensic settings which would contribute to setting standards and encourage debate. The appearance of disciplinary journals which could encourage contributions from practitioners without fear of having contravened the positive news guideline. The stimulation of broad internal debate by practitioners on reports such as the Senate Inquiry or that recommending a Departmental restructure which have an impact upon them, hosting of national conferences of educators in this field, the ongoing recruitment of more permanent teachers, and the facilitation of a cooperative working environment between custodial and non-custodial staff through strong leadership by Departmental managers from the top down.

The reality is that there is an absence of even this limited number of indicators. Developments in this discipline such as the employment of permanent teachers, and the implementation of accredited curriculum were won politically in sustained industrial campaigns by the Corrective Services Teachers Association (CSTA) with the support of the NSW Teachers Federation. These types of initiatives were resisted by Departmental negotiators. One suspects that if there was institutional support, and the strength to freely allow debates by educators concerning education to take place internally, which were reported on no matter how painful this was to those who dismiss education in prison, then its position within the Department would perhaps have been consolidated earlier, been recognised as central to its function, and managers been considered accountable for developing its progress. Sadly, the achievement of progress in prison education has been won politically, and being the subject of politics it is capable of being lost.

Since 1995 the Prison Officers Vocational Branch (POVB), an association of the Public Service Association, has been mounting a campaign against education in prison as part of a dispute with the Department over the reallocation of funding resources due to the introduction of new technology which has permitted the demanning of towers in NSW Correctional Centres. In an article in *The Telegraph Mirror* on 16 August 1995, in which it was claimed that the most pressing issue facing the State's correctional system was security and staffing, a representative of the POVB was quoted as saying:

We have seen the dramatic loss of custodial staff to be replaced with civilian staff in areas such as welfare drug and alcohol and education. With respect to these people, they appear to be dangerously unaware of the problems that may arise due to their close, and in many cases unprofessional involvement with prisoners. These general do-gooders often compromise the safety of every one involved in the correctional environment.

More recently, at the State Conference of the POVB held on 7 May 1997 the following motion was passed:

The Management Committee of the POVB moves that we call on the Department of Corrective Services to acknowledge the extent to which, due to inmate apathy, gaol education and D&A programmes have failed, and to identify one institution capable of housing the small percentage of inmates willing and able to provide worthwhile participation in such

programmes. The resources thus saved could be redirected to the areas badly neglected in recent years ie, secure containment and the provision of a safe living environment for inmates, and the provision of a safe workplace for staff.

The reality is that these types of programmes experience high attendance by inmates at most Correctional Centres, unless they are prevented from attending through having to work in industries, or are obstructed from attending. Most Correctional Centres actually rely on the dynamic security delivered by these programmes which removes the management of inmates from custodial to non-custodial staff.

In 1995, John Doyle, the POVB Chairperson, advocated on the *7:30 Report* harshening inmate living conditions as the environment was too soft, and the presence of education courses was an indication of this. Ironically the Corrective Services Teachers Association refused to negotiate with the Department on funds released by the demanning of the towers, as these funds were under dispute by other unionists. Consequently no funds were directed towards inmate education as has been mistakenly claimed by the POVB campaign which only seems to see the word escape as being central to the Department's responsibilities and accountabilities.

At meetings conducted recently within Correctional Centres to establish the Operational Agreements that provide a framework for staffing, inmate numbers in a centre, the inmate structured day, the delivery of education and other programmes to inmates, etc, there has been some dispute as to whether the education representatives should be included in these discussions. The Department has a responsibility to ensure that educators are involved in all negotiations that affect them. The number of staff employed to deliver inmate development services, including education, should be listed in Operational Agreements as part of the fully funded staff establishment of a Correctional Centre. These staff are essential to the core operation of Correctional Centres through meeting obligations imposed by the *Prisons (General) Regulations* for the provision of development programs, and the dynamic security which is afforded to the correctional system when inmates are in their care. Full funding for these staff who work at the 'coal face' under often extremely stressful conditions means that relief could be provided during their absences and continuity of service delivery guaranteed.

Imagine another hypothetical correctional system unlike the first, where one group of workers passed motions against another, bullied, actively impinged on the liberty of their representatives, and attempted to undermine them politically for their own gain. Imagine a system where senior departmental managers remained silent publicly on these matters, and failed to denounce such activities in its departmental journal. Imagine a system which fails to circulate reports for discussion and comment. Imagine a system where kneejerk reactions to security issues take precedence, and thus create the potential for political manipulation through law and order campaigns based on fear. Imagine the pain of educators working in this type of system. Just imagine which of these hypothetical correctional systems is real?

## Reports, reviews and restructures

He ate and drank the precious words,  
 His spirit grew robust;  
 He knew no more that he was poor,  
 Nor that his frame was dust.  
 He danced along the dingy days,  
 And this bequest of wings  
 Was but a book. What liberty  
 A loosened spirit brings!

by Emily Dickinson (*A Book*)

The recommendations contained in the *Report of the inquiry into Education and Training in Correctional Facilities* produced by the Senate raised the spirits of educators upon its release as its content was digested. Those moments of liberty produced by imagining a correctional system which made use of its recommendations and strengthened the delivery of education have disappeared, to be replaced by the painful recognition that this report will probably gather dust, particularly as there has yet to be any broad discussion of its ramifications by educators employed in the NSW Department of Corrective Services some 18 months after its release. For example:

Recommendation 3 calls for the education and training of offenders to be 'promoted as a right not a privilege'. In NSW education and training is still a privilege, yet this could easily be reversed by including a standard clause in all operational agreements. It is a policy of the Teachers Federation that education in prisons be a right and not a privilege.

Recommendations 4 & 5 call for the development of a draft set of National Standards for Education and Training for People in Custody by the Australian Institute of Criminology, and that training strategies be developed by the National Corrective Services Administrators Conference. If this process has occurred at all, it is without the broad consultation of the group which is expert in this area and that is the educators employed in corrections in this state.

Recommendation 10 calls for a minimum commitment of at least two hours per week of English teaching for inmates who have poor literacy skills in the English language. This basic guarantee should also be written into Operational Agreements.

Recommendation 13 asks that 'texts and other study materials related to prisoners' involvement in accredited courses' be exempt from restrictions contained in inmate private property policies. The new Private Policy which measures inmate private property by volume, that is, the capacity to fit into two standard containers, means that inmates must make a choice of what to sacrifice if their property, particularly their education or legal materials are too large.

Recommendation 15 asks that inmates be given access to personal computers with modems that have secure protocols to prevent system abuse, to access education and training. If this were possible, inmates may be able to access on-line legal libraries.

Recommendation 19 asks that 'education and training programs for offenders be delivered in a way which preserves their independence within the prison system and ensures their links with education and training systems at large. In particular, there should be a clear distinction between educational and custodial functions within prisons, with management and operational structures designed accordingly.' The recent restructure which has taken place within the Department seems to fall short of this recommendation. Whereas formerly

education along with other inmate development services reported independently of the operations division to an Assistant Commissioner, the restructure has placed education, etc, within the purview of enlarged operations division which has been renamed Inmate and Custodial Services. Within this division, the Inmate Development Services including education, are placed alongside Classification and Placement, Corrective Services Industries, the Indigenous Services Unit, and the new Equity Branch. These areas will be reporting to an Assistant Commissioner Inmate Management, who in turn will be reporting to the Senior Assistant Commissioner Inmate and Custodial Services, formerly the Assistant Commissioner Operations.

One has to question whether this restructure will preserve the independence of education and training systems as recommended by the Senate Inquiry, if one considers the long term tensions which have existed within the department between education and industries, education and classification, and education and operations. Particularly in regard to the past preference for industries over education, the sudden placement of inmates without considering the educational or other courses they may be undertaking, and the recent attempt to undermine the role of Senior Education Officers by attempting to remove from them professional accountabilities including financial delegations, responsibility for determining courses in centres based on inmate needs, etc. For an area such as education to function effectively it requires the allocation of resources. Those charged with the responsibility of using these resources must have the capacity to make decisions which are grounded in their professional judgement as educators. It must be asked how this restructure will ensure independence if conflicts of interest arise between the various arms of this new enlarged division.

Recommendation 32 calls for at a) 'the development of a national professional development curriculum for education staff in a corrections environment', and at b) 'that the National Corrective Services Administrators Conference establish a schedule of annual national conferences of educators in correctional facilities'. The establishment of a tertiary qualification for prison educators, such as a Postgraduate Diploma in Education for Correctional Settings, is a policy of the Federation. The Department has agreed during industrial negotiations to seek the establishment of such a course, however significant progress has yet to be made by the working party. Corrective Services had the opportunity to host a national conference of prison educators in 1997 which was being promoted by the International Forum on Education in Penal Systems (IFEPS). Conferences have previously been held by IFEPS in Melbourne in 1993, and Hobart in 1995. Conferences such as these provide an opportunity for educators to network, share curriculum resources and to discuss other issues pertinent to correctional education. It could be suggested that the Senate Inquiry arose as a result of the interest that these conferences generated. Unfortunately, the conference planned for Sydney has been cancelled due to an unwillingness on the part of the Department to commit funding. Thus, an opportunity for prison educators in this State to freely consider matters with their colleagues from other jurisdictions arising from the Senate inquiry, or issues from their respective correctional systems has been curtailed.

In the submission and evidence which the Teachers Federation made to the Senate Inquiry it was argued that through improving the conditions of educators in prisons industrially, this has led to improvements in the delivery of education to inmates as a consequence. Industrial processes are however necessarily political. Should the social expectation of rehabilitation from the community through the personal development and educational progress of the incarcerated be so subject to the need for ongoing political contest?

## Education is the word, not politics

A word is dead  
 When it is said,  
 Some say.  
 I say it just  
 Begins to live  
 That day.

by Emily Dickinson (*A Word*)

Education in prisons has the potential to bring liberty to inmates in at least two senses: through the escape which learning can bring in the time spent incarcerated by humanising the setting, and by the hope it gives in a democratic society of staying at liberty upon release through using the skills which have been learnt in education as new beginnings. Amongst many inmates the word is: do education!

The strides in progress which have taken place in the delivery of education could be given greater life through implementation of many of the recommendations contained in the report delivered by the Senate Inquiry, the employment of more permanent teachers, and by amending the *Correctional Centres Act* (formerly known as the *Prisons Act 1952 No 9*) and Part 7 of the *Prisons (General) Regulations 1995* which is concerned with 'Education and Vocational Training'. Simply worded amendments concerning education should include for example:

- that education is a right not a privilege;
- that educators should be fully qualified;
- section 57(4), 'The Commissioner may also use prison officers to conduct programs' should be deleted;
- that custodial and non-custodial staff working within Correctional Centres are both clearly recognised within the Act and Regulations as officers of the Department, whose responsibilities and functions though different, are core to its operation;
- that all correctional centres shall have maintained a law library which will contain copies of legislation and law reports which may be accessed by inmates for the purpose of case preparation for bail, committal, trial, sentencing, deportation, appeal, etc, hearings; inmates will be given access to online legal information services;
- education materials be excluded from regulations concerning inmate private property;
- that the *Correctional Centres Act* and the *Prisons (General) Regulations* be amended to give the Adult Education & Vocational Training Institute statutory independence within the Department (in the same manner as the establishment of the Serious Offenders Review Council (SORC)), with a Board of appropriately qualified members, outlining clear standards for both the delivery of education and training to inmates, and the professional development requirements of education staff. That relevant sections of the *Prisons (General) Regulations* relating to developmental programs in the classification and placement of inmates (including those recommended by SORC) be amended to take direct account of professional judgments made by educators working in correctional centres. That a clear process be outlined which permits a classification and placement (or SORC) decision to be challenged, and grounds which accord relevance to a professional judgment.

I call on the Minister of Corrective Services to:

(a) provide full funding for education positions located in Correctional Centres as a part of all Operational Agreements, and to increase the number of permanent teachers employed by the Department to deliver courses to inmates;

(b) implement the recommendations contained in the *Report of the inquiry into Education and Training in Correctional Facilities* (1996) by the Senate Employment, Education and Training References Committee; and

(c) convene a working party of appropriate representatives, including industrial representatives of educators, to develop amendments which will genuinely reform the *Correctional Centres Act* and the *Prisons (General) Regulations*, in regard to strengthening the role, position and delivery of education and vocational training within the Department.

Does the introduction of legislation which merely changes the name of the *Prisons Act* to the *Correctional Centres Act* pass for reform, when what is missing is the will to powerfully improve educational delivery through implementing recommendations contained in the *Senate Report*?

Peter de Graaff

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