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The Open University Law School's Public Legal Education in Prisons: Contributing to Rehabilitative Prison Culture

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Abstract

There is a massive unmet need for legal knowledge in prisons. The Open University Law School, through its Open Justice Centre, has trialled various ways in which to meet this unmet need. Most prison-university partnerships in England and Wales follow a model of prisoners and university students being taught together as one group in a traditional higher education learning format. The Open University Law School's public legal education in prisons follows instead the Street Law model to disseminate knowledge of the law throughout a prison, either through prison radio or through the work of the charity St Giles Trust. While this article confirms other research findings which evidence the personal benefit law students derive in researching and delivering audience-appropriate public legal education, it also considers the benefit for those imprisoned in the context of rehabilitative prison culture.

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Introduction

Since 2017, The Open University Law School through its Open Justice Centre has undertaken fifteen projects in eleven prisons across England and Wales.³ Most of these projects are in partnership with the charity St Giles Trust and one is in collaboration with prison radio at HMP Altcourse. This article considers the piloting and evolution of the Open Justice Centre's prison projects over four years. The prison projects are placed in the context of both other models of prison-university partnerships and the development of rehabilitative prison culture.

In mid-March 2020, some of the Open University Law School's prison projects had completed and more were due to conclude in the following week. Then a national lockdown was declared. The education departments of prisons were closed and prisoners could not be visited owing to the risk of COVID 19 transmission in crowded prison environments.⁴ Our law students were fully prepared for their final session with the men and women in prison: presentations, learning materials, handouts and leaflets were all complete. The projects were then peremptorily cut short. As the months passed, it became clear that the Open Justice Centre would not be able to run these prison projects in the spring of 2021 either. However, this interlude does allow a period of reflection. Why we offer this opportunity to law students; why we have

³ These prisons are: HMP Altcourse, HMP Cardiff, HMP Dovegate, HMP Oakwood, HMP Sudbury, HMP Leicester, HMP Foston Hall, HMP Send, HMP High Down, HMP Wandsworth and HMP Wormwood Scrubs.

⁴ See, for instance, Gaetan Portal, 'Prisoners like 'caged animals in lockdown jails' *BBC News* (11 February 2021) <www.bbc.co.uk/news/uk-55957048>

shaped the prison projects in the way that we have; what we have achieved so far; and how we can make the projects better in the future. Meanwhile, the impact of the pandemic on the four nations' prisons continued. Much face-to-face tuition in prisons was curtailed, but distance learning courses delivered by The Open University and other institutions continued.

Rehabilitative prison culture

An initial point which needs to be considered is the reason why prisons should allow law students and their tutors into prisons in the first place. Such initiatives involve extra work for hard-pressed prison staff in organising permissions and security clearances, booking rooms and equipment, and ensuring the prisoners can move from their cells to the places set aside for the prison projects. An important motivation for prison governors and their staff is the promotion of a rehabilitative culture – an idea which has particularly gained traction over the last decade in the UK.

It is commonly understood that prisons and those who administer them may exercise to varying degrees both punitive and rehabilitative aims – which at best seem competing or at worst even diametrically opposed.⁵ Custodial punishment for those convicted of breaking the criminal law entails suffering of various sorts, including the stigma of imprisonment, privation and the removal or reduction of autonomy in every

⁵ See Karen Bullock and Annie Bunce, 'The prison don't talk to you about getting out of prison' (2018) *Criminology & Criminal Justice* <'The prison don't talk to you about getting out of prison': On why prisons in England and Wales fail to rehabilitate prisoners - Karen Bullock, Annie Bunce, 2020 (sagepub.com)>

part of their lives. Rehabilitation, on the other hand, aims to transform the thinking, behaviour, skills, employment prospects, and life chances of those imprisoned. The regimes in different prisons - even within the same security category - strike their own singular balance between punitive and rehabilitative aims.

It is also well known that prisons generally do not reduce criminality and that the rate of reoffending amongst those released from prison is high, particularly for those adults serving prison sentences of less than twelve months.⁶ Many spend their lives passing in and out of prison; an iterative process often described as the revolving prison door.

In recognition of this, in recent years there has been a shift in focus towards the creation of a rehabilitative culture in prisons by the Ministry of Justice and HM Prison and Probation Service (which was previously known as the National Offender Management Service). The rhetoric at least is moving in a promising direction.

Recently released Prison Service Instructions have been designed to foster rehabilitative culture and include references to academic research on the subject.⁷

⁶ See Ministry of Justice, 'Proven reoffending statistics quarterly bulletin, England and Wales, January 2018 to March 2018' (30 January 2020) <<https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2018>>

⁷ National Offender Management Service, 'Rehabilitation Services Specification – Custody' PS1 04/2015, PI 01/2015 para 4.4 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913326/pi-01-2015-psi-04-2015-rehabilitation-services-custody.pdf>

This research has shown that for rehabilitative prison culture to be effectively created, it needs to take a holistic, whole prison approach. Everyone in the prison environment, whether they live, work or volunteer within it, is viewed as having a positive role to play. Rehabilitative prison culture should aim to be thoroughly pervasive and permeate all aspects of prison life.⁸ It includes treating people with respect and courtesy;⁹ applying rules fairly and consistently; engendering trust in authority; and fostering a sense of hope for a positive future.¹⁰

Rehabilitative cultures are respectful and hopeful environments, places where staff can experience greater job satisfaction and prisoners can experience support and encouragement to make personal and lifestyle changes.¹¹

Those writing on rehabilitative prison culture ascribe greater or lesser importance to the role which education plays in prisoner rehabilitation. For some, education holds a critically pivotal role: 'If education is the engine of social mobility, it is also the engine

⁸ See Benjamin Crewe, Alison Liebling and Susannah Hulley, 'Heavy-light, absent-present: re-thinking the "weight" of imprisonment' (2014) *British Journal of Sociology* 65, 3; Alison Liebling with Helen Arnold, *Prisons and their moral performance* (2004) Oxford University Press; Benjamin Crewe, Alison Liebling and Susannah Hulley, 'Staff culture, use of authority and prisoner quality of life in public and private sector prisons' (2011) *Australian and New Zealand Journal of Criminology* 44, 94-115.

⁹ Susannah Hulley, Alison Liebling and Benjamin Crewe, 'Respect in prisons: Prisoners' experiences of respect in public and private sector prisons' (2011) *Criminology and Criminal Justice* 12, 3-23.

¹⁰ The development of a rehabilitative culture in prisons can be seen in initiatives such as Prisoners' Active Citizenship. See: Prisoners' Education Trust, 'Active citizenship in prisons' <Active citizenship in prisons - Prisoners' Education Trust>

¹¹ Ruth Mann, Flora Fitzalan Howard and Jenny Tew, 'What is a rehabilitative prison culture?' (2018) *Prison Service Journal* 235, 3.

of prisoner rehabilitation'.¹² For others, interventions such as education, training and therapeutic treatment for substance abuse or behavioural issues are seen more as isolated pockets of transformational practice. Valuable though these interventions may individually be, they are perceived as being more effective when the culture of a prison is rehabilitative in entirety.¹³

Prisoners in many prisons in England and Wales are supported by a patchwork of charities which play an important role in ameliorating the funding shortfall. They too contribute to the development and embedding of rehabilitative prison culture, as do prison-university partnerships, to which we now turn.

Prison-university partnerships in the UK

Prison-university partnerships of various sorts contribute to the development of rehabilitative culture in prisons. The partnership between The Open University and prison services in the UK has been particularly significant in this regard.¹⁴ Since the

¹² Sally Coates, *Unlocking Potential: A review of education in prison* (May 2016) Ministry of Justice, Foreword < [Unlocking potential A review of education in prison \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) > ; see also: Prisoner Learning Alliance, 'What is prison education for? A theory of change exploring the value of learning in prison' (June 2016) < [Theory-of-Change-Report-FINAL.pdf \(prisonerlearningalliance.org.uk\)](https://prisonerlearningalliance.org.uk) >

¹³ See 'Special Edition: The Transformational Potential of Prison Education' (May 2016) *Prison Service Journal* 225, 2 < [Prison Service Journal \(crimeandjustice.org.uk\)](https://crimeandjustice.org.uk) >

¹⁴ See The Open University, 'Supporting Students in Secure Environments' <<https://www.open.ac.uk/secure-environments/>> For a full account see: Rod Earle and James Mehigan (eds) *Degrees of Freedom: Prison Education at The Open University* (2019) Policy Press, Imprint of Bristol University Press. For a conversational treatment of the subject see: The Open University, 'Transforming Lives: Stories from Prison' (13 May 2019) <[Transforming Lives_ Stories from Prison - 13th May, 2019.pdf \(open.ac.uk\)](https://open.ac.uk)> For an explanation of The Open University tuition model in prisons see: The Open University, 'Students in Secure Environments' (9 May 2019) <[SISE - May 9th, 2019 - YouTube](https://www.youtube.com/watch?v=...)> For a particularly striking example of prisoner rehabilitation, see the story of Stephen Akpabio-Klementowski, who studied for an OU degree while in prison and is now an OU member of staff: BBC Ideas, 'I went from prisoner to PhD' (4 August 2020) < ['I went from prisoner to PhD' - BBC Ideas](https://www.bbc.com/ideas) >

1970s, the university has provided courses to students in prison ranging from short access modules to full undergraduate and postgraduate degree programmes. Before the pandemic, The Open University had around 1800 students across much of the custodial estate in the UK and the Republic of Ireland. Each student in prison is supported by an Open University tutor and tutorials are delivered either in person or by telephone. Each student is often supported by their prison education department and by their more experienced peers who are also studying with The Open University.¹⁵ Module learning materials are provided in hard copy as well as being available digitally via a secure intranet called the Virtual Campus. The Virtual Campus was developed by HM Prison and Probation Service, The Open University and other partner institutions.¹⁶

The Open University (OU) has another partnership with the Prisoners' Education Trust (PET). Through this partnership, PET provides grants to prisoners to study for OU access modules (as well as grants for other academic and vocational courses provided by other institutions).¹⁷ A statistical analysis undertaken by the Ministry of Justice published in 2021, evidenced the positive and rehabilitative impact of PET

¹⁵ In a recent initiative, the OU Library in collaboration with the OU Students Association, set up a student volunteer scheme. This allows a student in prison to send an anonymised request outlining the Library resources they need, and a volunteer student carries out the research on their behalf.

¹⁶ The Open University, 'The Virtual Campus (England and Wales only)' <<https://www.open.ac.uk/secure-environments/students-prison/virtual-campus-virtual-learning-experience>>

¹⁷ Ruth McFarlane, 'The Open University at 50: we recognise the need to play to our strengths' (22 May 2019) Prisoners' Education Trust <<https://www.prisonerseducation.org.uk/2019/05/the-open-university-at-50/>>

grants.¹⁸ This analysis compared the employment and reoffending rates of around 9000 ex-prisoners who had received PET grants between 2001 and 2017 with those of a group of similar offenders not in receipt of the grants. The results of the analysis are statistically significant. Those former prisoners who received a grant for an Open University course were more likely to be employed during the first year after release from prison than those who did not (46% as compared with 36% in the control group). Whether they were in employment or not, they were also less likely to reoffend (reoffending while in employment: 13% as against 17%; reoffending while not in employment 19% as against 24%).¹⁹

Turning now to other universities in the UK, the number of them which have chosen to form educative partnerships with prisons has increased markedly over the last ten years – although these are typically small-scale and non-credit bearing short courses. The increase in the number of prison-university partnerships has occurred in parallel with the increased focus the Ministry of Justice and HM Prison and Probation Service have brought to bear on developing rehabilitative culture within prisons. PET has recorded the details of those prison-university collaborations made known to them in their Partnerships Directory.²⁰ While it is probable that there are other prison-

¹⁸ Ministry of Justice, 'Justice Data Lab Experimental Statistics; Employment and reoffending behaviour after support from Prisoners' Education Trust (PET) – 4th Analysis' (January 2021) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954465/Prisoners_Education_Trust__PET__4th_analysis_report.pdf>

¹⁹ *ibid* 19, 21 and 24.

²⁰ See: Prisoners Education Trust, 'Partnerships Directory' <<https://www.prisonerseducation.org.uk/what-we-do/work-with-universities/prison-university-partnerships-in-learning/partnerships-directory/>>

university partnerships which exist that are so far unrecorded by it, an interesting picture nonetheless emerges from the Partnerships Directory.

There are 133 prisons²¹ in the UK and 165 higher education institutions²². The PET's Partnerships Directory in January 2021 recorded that in the years before the pandemic, universities had formed 33 prison-university partnerships, comprising some 20% of the total number of higher education institutions, which is a significant figure. Moreover, some of these universities had multiple partnerships, either within or between prisons, such as the universities of Edinburgh, Durham, Westminster, Cambridge and The Open University. Clearly the pandemic has significantly curtailed the number of operative prison-university partnerships, but it is to be hoped that this will be only in the short-term.

Of the prison-university partnership models described in the Partnerships Directory, the 'Learning Together' model is the most numerous by far (over half of all partnerships) and dominates a similar model called 'Inside-Out' which was first developed in the United States in the 1990s. Both partnership models are discussed in the following section. The Street Law model does not feature in any of the recorded

²¹ 117 prisons in England and Wales: Institute for Government

<www.instituteforgovernment.org.uk/publication/performance-tracker-2019/prisons>

13 prisons in Scotland: Scottish Prison Service <www.sps.gov.uk/Corporate/Prisons/Prisons.aspx>

3 prisons in Northern Ireland: Northern Ireland Prison Service <www.justice-ni.gov.uk/articles/about-northern-ireland-prison-service>

²² In the academic year of 2018-19, there were 165 higher education institutions in the UK: Universities UK, 'Higher education in numbers' <www.universitiesuk.ac.uk/facts-and-stats/Pages/higher-education-data.aspx>

partnerships (although BPP University, as noted below, has provided Street Law programmes in custodial environments since 2004).

Of the subjects listed by the partner institutions as taught in their respective prisons, criminology is particularly prominent and outweighs the other subjects by some distance (around a half of all partnerships). Other partnerships offer diverse subjects such as philosophy, psychology, drama, the creative arts, sociology, education, science and law. Those universities which have had partnerships involving law students are the University of Central Lancashire,²³ the University of Cambridge²⁴ and The Open University.

The Inside-Out and Learning Together Models

The Inside-Out Model

This model, which is more formally known as the 'Inside-Out Prison Exchange Program', originated in the United States in 1997 and has as its tag line 'Social change through transformative education'.²⁵ The idea for Inside-Out originally came from an

²³ This is a Learning Together programme at HMP Kirkham open to UCLAN's criminology and law students. See also: Helen Codd et al "'The Best of Times and the Worst of Times": Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic' (2020) *International Journal of Public Legal Education* 4, 2 <'The Best of Times and the Worst of Times': Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic | International Journal of Public Legal Education (northumbriajournals.co.uk)>

²⁴ This was the Butler Law Course at HMP Warren Hill which was led by the late Jack Merritt (see: n 35). It involved the teaching of legal research and the production of resources explaining key legal issues in the criminal justice system.

²⁵ The Inside-Out Prison Exchange Program <<http://www.insideoutcenter.org/>>

inmate following a visit to his prison (Dallas State Correctional Institution in Pennsylvania), by Professor Lori Pompa and a group of her undergraduate students.²⁶

The model has proved to be both inspirational and effective:

An idea conceived in a prison classroom 25 years ago has now grown into an international movement comprised of more than 200 correctional and higher education partnerships, 1,100+ trained instructors ... and more than 60,000 students worldwide who have benefitted from these life-changing courses.²⁷

Each programme consists of inside (prisoner) and outside (university) students being taught together in the same class on a weekly basis over a term or semester. The teaching and learning strategy typically follows a higher education model: lectures, debates, group work, and the provision of the same reading materials and assessments to all participants. While the first programme delivered by Professor Pompa explored issues of crime and justice, subsequent programmes have covered subjects across the curriculum. Inside-Out is predicated on the idea that participants mutually benefit from learning in the same collaborative space. The model is evidently transformative as it informs and shifts individual perspectives.²⁸ A particular feature of this

²⁶ The Inside-Out Prison Exchange Program, 'The Story of Inside-Out' <<http://www.insideoutcenter.org/history-inside-out.html>> See also Lori Pompa, 'One Brick at a Time: The Power and Possibility of Dialogue Across the Prison Wall' (June 2013) *The Prison Journal Special Issue: The Inside Out Prison Exchange Program* 93, 2, 127 - 134.

²⁷ The Inside-Out Prison Exchange Program (n 26).

²⁸ For further information about and analysis of the Inside Out model, see Simone Weil Davis and Barbara Sherr Roswell (eds), *Turning Teaching Inside Out* (2013) Palgrave Macmillan.

programme is the rigorous training provided to both participating university teachers and to their students.

Durham University in the United Kingdom established the first Inside-Out programme outside the United States in 2014.²⁹ The initiative was led by Fiona Measham, a professor of criminology, and the partnership between HMP Frankland and Durham University was featured in a BBC News item in 2016.³⁰ Other universities in England and Wales have since followed suit and developed their own Inside-Out programmes of study.³¹

The Learning Together model

In 2015, the first 'Learning Together' programme was piloted in HMP Grendon by Drs Amy Ludlow and Ruth Armstrong of the University of Cambridge. It has been described as similar to the Inside-Out model as it includes many of the same elements.³² The model has the same format and blend of pre-session reading, lectures, small group work and assessment. The pilot of ten sessions was again grounded in the discipline of criminology.³³ The founders of Learning Together have been

²⁹ Durham University, 'Durham University launches Europe's first prison exchange programme' (29 October 2014) <Durham University launches Europe's first prison exchange programme - Durham University>

³⁰ BBC News, 'Durham University's Inside-Out scheme sees students study with prisoners' (30 January 2016) <www.bbc.co.uk/news/uk-england-tyne-35409927>

³¹ These include the universities of Kent, Teesside, Greenwich, and Salford.

³² Coates (n 12) 43.

³³ For more information see: Ruth Armstrong and Amy Ludlow, 'Educational partnerships between universities and prisons: how Learning Together can be individually, socially and institutionally transformative' (2016) *Prison Service Journal* 225, 9-17 <Prison Service Journal (crimeandjustice.org.uk)>

immensely successful in publicising their model, in generating funding and enthusiastic interest across the criminal justice and higher education sectors, and in fostering the rapid growth of a network of Learning Together prison university-partnerships across the UK.^{34 35}

The Inside-Out and Learning Together models have both been described as examples of good practice in promoting higher level education opportunities in prisons.³⁶ (Although, as indicated above, other forms of valuable prison-university partnerships have been created across the custodial estate.) The literature generated by these programmes of study indicates that they are transformational for many of the inside and outside students taking part. They challenge perceptions, break down barriers and participants learn from each other. They may also provide the inside students with the confidence, self-belief, and encouragement to seek other educational opportunities.³⁷

³⁴ Further details about the Learning Together network can be found in the Prisoners' Education Trust Partnerships Directory <Partnership directory - Prisoners' Education Trust>

³⁵ In December 2019, Learning Together suffered an appalling tragedy at their conference at Fishmongers Hall in London, when an ex-prisoner who had previously participated in a Learning Together programme, killed two from the University of Cambridge and injured a further three people. Whether the event and the consequential inquests will have a chilling effect on the leadership and development of the Learning Together Network over the longer term, remains to be seen.

³⁶ Coates (n 12) 42-43.

³⁷ For further detail, see: Jenny Fogarty, Natalie Gray and Jennifer Ward, 'Transformative Learning Through University and Prison Partnerships: Reflections from "Learning Together" Pedagogical Practice' (2019) *Journal of Prison Education and Reentry* 6, 1, 7 - 24 <Transformative learning through university and prison partnerships: reflections from 'Learning Together' pedagogical practice - Middlesex University Research Repository (mdx.ac.uk)>

It has been noted above that criminology is a commonly chosen vehicle for these programmes. It may be that this subject is especially powerful and affective in the custodial environment as all participants, whatever their social and educational background, will have knowledge, opinions and something valuable to contribute from both experiential and theoretical perspectives. Although a strong case could also be made for psychology, sociology, creative writing and law.

Relatively few, however, can benefit from the Inside-Out and Learning Together programmes as those prisoners taking part altogether number in the hundreds – while there are around 90,000 – 100,000 prisoners across the custodial estate in the UK at any one time. Moreover, most prisoners lack the level of educational attainment needed to participate successfully in a university-level programme of study. Many prisoners present with learning difficulties and primary school levels of achievement; many were excluded from school. They would therefore be unable to complete the pre-reading or assessment tasks required by these programmes.³⁸

It is difficult to evaluate quantitatively the long-term effect of these programmes of study as there are so many variables at play. Qualitatively and anecdotally, the Inside-Out and Learning Together programmes may be intense, immersive and affective

³⁸ See 'Key Facts' in Coates (n 12) iii. One third of prisoners self-identified as having a learning difficulty and/or a disability; many prisoners have primary school levels of attainment in English and Maths; 42% of adult prisoners report as having been permanently excluded from school.

experiences for many of the participants,³⁹ but to what extent do these experiences extend beyond the classroom walls once the programmes have reached their conclusion? Inside students may be encouraged to seek pipeline educational opportunities through prison education departments, although many of them may already be benefitting from these opportunities and some have already completed degrees whilst inside prison.⁴⁰ Inside students may be able to use their participation in these programmes to evidence their rehabilitation and support a move to open conditions, an application for parole or a release on temporary licence. Acceptance on these programmes can therefore be seen as an important motivation in itself. Undoubtedly, outside students become more knowledgeable about the nature and reality of the custodial environment, which informs both their academic studies and their career choice.

The Street Law model in prison settings

Street Law is another teaching and learning model which is used to disseminate knowledge – but specifically legal knowledge - in prisons. The Street Law model began in 1972 when law students from the Georgetown University Law Centre taught sessions on practical law that were age, knowledge and experience-appropriate in

³⁹ Although this is the case for many entering the prison environment in other contexts for the first time.

⁴⁰ For example, John Crilly, who was present at the Learning Together conference at Fishmongers Hall in December 2019, studied for a law degree with The Open University whilst in prison.

nearby secondary schools in Washington DC.⁴¹ ‘Street Law’ is then a very apt description of what the sessions are designed to do: to provide relevant legal knowledge in an easily assimilable form which is of direct benefit to the recipients.

The premise underpinning PLE [public legal education] is that people who have even a basic understanding of their legal rights and duties, the way the legal system works and how to access legal advice will be better able to identify and resolve the legal problems they may encounter in the future.⁴²

Since its origin in the 1970s, the model has been adopted by hundreds of university law schools across the world, either as a pro bono element of an experiential learning module or as a university law clinic offering for volunteer law students. It has also been extended beyond secondary schools to community settings, including prisons. The teaching model ideally consists of highly interactive sessions which are rich in activities and resources.

Street Law in prisons has been undertaken in England and Wales by, for example, BPP University Law School.⁴³ BPP has been active in this area since 2004 and works mostly

⁴¹ For general information about Street Law including its history, see: Street Law <Street Law, Inc. | About> and Francine Ryan, ‘Streetlaw: What is that all about?’ (22 March 2018) *Lawyer Monthly* <<https://www.lawyer-monthly.com/2018/03/streetlaw-what-is-that-all-about/>>

⁴² The Open University Law School’s Open Justice Centre < Open Justice & Middlesex University Street Law Weekend – two blog posts | Open Justice>

⁴³ See: ‘Streetlaw: Prisons’ BPP University Law School Pro Bono Centre 1 <Streetlaw-Prisons-Brochure-Aug-2018.pdf (bppsuniversity.ac.uk)>

in the field of youth justice. Street Law in prisons has also been delivered in recent years by the Law Society of Ireland⁴⁴ and the Law Society of Scotland as a pro bono opportunity for their trainee solicitors.

Street Law programmes may typically deliver one or more sessions inside a prison, but as many as ten sessions over a period of months, as is the case with the Inside-Out and Learning Together models, would be less likely. Prisoners often have a say in the subject of the sessions, commonly choosing from a list of topics provided by those delivering the sessions and which are usually highly relevant to their circumstances. While in the Inside-Out and Learning Together programmes there is some hierarchy between those who deliver the sessions and the students, the inside and outside students are placed on the same footing in the learning environment. In Street Law programmes, it is the law students who are delivering the sessions, under the supervision of law tutors and practising lawyers. In this sense, there may appear to be more of a hierarchy between the inside and outside students. However, while each law student or trainee solicitor researches the law and prepares learning materials, the inside students invariably contribute a practical understanding of the application of the law, real-world examples and the reality of life both inside prisons and outside them as ex-offenders - often in stark contrast to the theory of statutory provisions.

⁴⁴ Law Society of Ireland, 'Street Law' < Street Law (lawsociety.ie)> See also: Evelyn O'Rourke, 'Street Law classes in Mountjoy Prison' (19 February 2019) *RTE Radio 1* < Today With Sean O'Rourke Tuesday 19 February 2019 - Today with Sean O'Rourke (rte.ie)>

Street Law in prisons may thus be mutually beneficial for inmates and university students alike.

The Open University Law School and Public Legal Education in Prisons

The Open University Law School through its Open Justice Centre first piloted three different approaches of public legal education in prisons in 2017 and 2018. Since then, fifteen projects in eleven prisons in England and Wales had been undertaken by 2020.⁴⁵ Most of the law students involved in these projects are studying The Open University module W360 'Justice in action'. This level 3 module is built around students working together in a group under the supervision of law tutors and solicitors to provide members of the public with legal advice. The central themes of the module comprise professional identity, legal values, legal ethics and social justice, and the module is designed to foster legal, employability and personal skills.⁴⁶ While the prison projects are one of the pro bono opportunities provided by the module, they are also open to other law students studying Level 3 modules.⁴⁷ The different types of public legal education undertaken by The Open University Law School in prisons are discussed in successive sections.

⁴⁵ See n 3 for a list of these prisons.

⁴⁶ For further detail, see the description of the module 'Justice in action' <Module Description - W360 - Justice in action (open.ac.uk)> See also: Hugh McFaul et al, 'Taking Clinical Legal Education Online: Songs of Innocence and Experience' (2020) *International Journal of Public Legal Education* 4, 2.

⁴⁷ For the full range of pro bono opportunities open to the students, see the latest Open Justice Centre Annual Report <<http://www.open.ac.uk/open-justice>>

Prison radio project at HMP Altcourse

The format of this prison project has been little changed since its pilot in 2018 as it worked effectively for all involved from the beginning. HMP Altcourse is a category B local prison on the outskirts of Liverpool for sentenced and remanded prisoners and is run by G4S. It was opened in 1997 and was the first prison in England to be privately designed, constructed and administered. A rehabilitative prison culture is strongly in evidence at HMP Altcourse.⁴⁸ In a recent prisons' inspectorate report, staff/prisoner relationships are assessed as very good to excellent and 'purposeful activity' through extensive education and vocational training opportunities is regarded as excellent for a local prison.⁴⁹

Since 2007, HMP Altcourse has had its own prison radio - which both contributes to and reinforces the prison's rehabilitative prison culture. The prison radio is led and managed by a prison officer, with prisoners taking on a range of roles, from production to presentation. Five hours of content is produced each day and replayed over a twenty-four hour period.

⁴⁸ HMP Altcourse is named after a local river, although one of the inmates working on prison radio said that he had previously believed it to be an abbreviation of 'alter course'.

⁴⁹ See HM Chief Inspector of Prisons, *Report on an unannounced inspection of HMP Altcourse 13-23 November 2017* HM Chief Inspectorate of Prisons (2018) 3-4, 13 < Report on an unannounced inspection of HMP Altcourse by HM Chief Inspector of Prisons 13-23 November 2017 ([justiceinspectorates.gov.uk](https://www.justiceinspectorates.gov.uk))>; and Independent Monitoring Boards, *Annual Report of the Independent Monitoring Board at HMP Altcourse* (November 2020) 7 < AR-Altcourse-2019-2020-for-circulation.pdf >

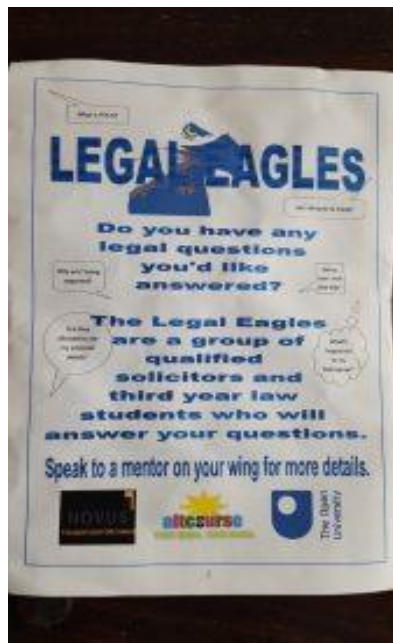
In this public legal education project, OU law students work with the prison radio production team to produce and broadcast a law-themed programme.⁵⁰ In the words of prison staff:

We call this project 'Legal Eagles'. Last year's pilot was so successful that we decided to continue. It can be hard for prisoners to find answers to ... legal questions – we have law books in the library, but it can be daunting for many of the prisoners. The Legal Eagles are able to clear up their queries. It's a positive experience for the students as well – coming into the prison challenged their perceptions of what prisoners are like.⁵¹

⁵⁰ For more information about the prison radio project at HMP Altcourse, see: The Open University Law School, 'OU Law students collaborate with prison learners' (28 May 2019) < News | Page 14 | The Open University Law School >

⁵¹ Pete Tinsley, NOVUS Information, Advice and Guidance Worker, and Dave McAlley, NOVUS Tutor and Prison Custody Officer, HMP Altcourse (n 50).

Figure 1: A publicity poster displayed in prison wings at HMP Altcourse



In the words of an OU law student:

Our task was to help provide content for the prison radio service by researching answers to legal questions put to us by the inmates. Our hosts on the prison staff first contacted the mentors – the more senior prisoners on the wings. These mentors then queried the general prison population and a couple of weeks later a long list of intriguing questions were returned to us.⁵²

The legal queries which the students research are general questions which would be of interest to many prisoners listening: they are not case-specific. Examples of

⁵² Henry Lambert, OU Law student, 'HMP Altcourse visit' (14 January 2019) *Open Justice Blog* <Open Justice | Law, pro bono and social justice | Page 4>

questions selected for research have included making child arrangements, Home Detention Curfew and the Proceeds of Crime Act 2002. The students prepare talks of about fifteen minutes on each research question and answer questions put to them by the radio presenter. The students are also asked to choose their 'desert island disc' and the story behind it, which adds a touch of light relief.

An OU law student has commented on the prison radio project as follows:

This experience at Altcourse, working with both the staff and inmates who were producing a very high standard of radio programming and the team from the OU, has been entirely unique in my academic and professional life. It was fascinating to collaborate with such a diversity of personal and professional backgrounds. It was gratifying to be part of a project where it genuinely felt as if everyone participating came away with something valuable: the inmates running the radio program[me] and the prison staff working on production, the general prison population that might benefit from the information presented, and the OU students being given this opportunity ... It was my first experience seeing how the law operates in practice: with all sorts of people coming together to ask questions, try to find answers, and communicate them effectively.⁵³

⁵³ *ibid.*

The advantage of this project is the dissemination of legal knowledge throughout the prison population. Those prisoners involved in the production of the radio programme and those listening to it, are then able to pass that legal knowledge on to other prisoners. HMP Altcourse, its prison radio and the Legal Eagles featured on BBC Radio 4's *Law in Action* programme in November 2019. Prison staff, inmates, OU law students and an OU member of staff were all interviewed for the programme.⁵⁴

Learning Together (law) in a London Prison

This public legal education pilot at a local category B prison in London was made possible by the facilitation of the National Offender Management Service (now known as HM Prison and Probation Service) and the Learning Together network. This project consisted of five 'Law and Society' seminars. After the first seminar on human rights, the subjects for the seminars were chosen by the prisoners themselves and included knife crime, employment law issues after prison, the criminal courts, and trial procedure taught via a mock trial involving both the inmates and students taking on different roles. We trialled the award of certificates of participation at the end of the project, as suggested by the Learning Together network. These were very clearly appreciated by the prisoners, as many are without qualifications. However, while this project provided worthwhile experiences for the prisoners and students involved, it

⁵⁴ Joshua Rozenberg, 'Law in Action' (14 November 2019) *BBC Radio 4* <BBC Radio 4 - Law in Action, Abusive parents>

did not operate as originally intended and agreed with the prison's education department.

Overall, the prison regime in question was chaotic, dysfunctional, and not conducive to the running of the project. There were pockets of rehabilitative practice in the prison, but these were sparse and isolated. There was dysfunction and inadequate communication between the prison officers on the wings and the education department and between the senior managers of the education department and the education tutors on the ground. The lesson learned here is to exercise extensive and robust due diligence and choose with immense care the prison to partner with. Although it is difficult and probably impossible to anticipate all the issues that might arise and probe the likelihood of them occurring in advance of project start: you simply do not know what you do not know. For instance, it was originally intended and agreed that we would work with the same cohort of prisoners for all five seminars. This did not turn out to be the case: there were new prisoners at every seminar due to a range of factors which are outlined below. To enable the project to continue, we decided to treat each 'Law and Society' seminar as a standalone session. It also became clear that the Street Law model was better suited to the circumstances than Learning Together owing to the level of educational attainment of the prisoners originally allocated by the education department to take part in the project. This again was not as originally agreed. Our experience was not unique however: another Learning

Together project at a similar type of London prison encountered the same chaotic and non-rehabilitative prison conditions.

OU law students involved in the project commented as follows:

As we were running the sessions for an established class, we were working with one teacher and her group of inside students in particular. However, that didn't mean that we had the same people every time, as was initially assumed. A lot of the time, [the] inside students we expected didn't come, maybe because they'd been released, because their names weren't on the register or because no guard was available to take them up [from the cells on the prison wings to the education department], so we were forced to go with the flow, but I think it worked out quite well.⁵⁵

The response to the sessions by those attending however, was impressive. Prisoners were encouraged to challenge views and perceptions relating to legal topics ranging from ... knife crime, and privacy through to self-defence. Even those initially hesitant about working alongside undergraduates developed confidence to get involved, in a not too dissimilar way to the OU students who worked with a prisoner for the very first time ... Maintaining an open mind is

⁵⁵ Anna Aitchison, OU law student, 'Public Legal Education at HMP Wormwood Scrubs' (24 May 2018) *Open Justice Blog* < Public legal education at HMP Wormwood Scrubs | Open Justice> <Blog | Page 8 | Open Justice>

crucial – expect the unexpected and refuse to stereotype anybody who finds themselves in detention, without a knowledge of their circumstances ... If you believe everybody deserves an opportunity to move on from past wrongs and you are open enough to develop in unexpected ways, then I would not hesitate to recommend embracing opportunities of this nature.⁵⁶

To conclude, while The Open University Law School may deliver the Inside-Out or Learning Together model against strict operative criteria in another prison in the future, this is not part of current plans.

Street Law in partnership with St Giles Trust in nine prisons

Most of The Open University Law School's public legal education projects in prisons have been in partnership with the highly respected charity St Giles Trust. The work of St Giles in prisons is thoroughly rehabilitative in its aims, modus operandi and outcomes. The Open University Law School through its Open Justice Centre has provided legal support for this work in nine prisons using the Street Law model. The partnership between the two organisations has proved to be effective and beneficial: it was nationally recognised in 2019 when the partnership was selected as a finalist for the annual LawWorks Pro Bono Awards for 'The Most Effective Pro Bono Partnership.'⁵⁷

⁵⁶ Phil Patterson, OU Law student (n 55).

⁵⁷ LawWorks, 'Pro Bono Awards 2019' (2019) 36 <LWPBA19-Brochure-draft1.indd (lawworks.org.uk)>

St Giles Trust is an award-winning charity which provides support and services for the vulnerable and those facing poverty, both in wider society and in the criminal justice system.⁵⁸ Their work includes the provision of prison-based support. St Giles Trust trains peer advisors to become qualified at NVQ Level 3 in Advice and Guidance,⁵⁹ which is a highly transferable qualification. St Giles first developed the peer advisor programme in a prison setting in HMP Wandsworth in 2002, training serving prisoners to offer resettlement support to fellow prisoners. At first, this peer-led approach was met with scepticism and resistance as prison staff and agencies did not trust serving prisoners to be able to offer support services. This programme has since been robustly evaluated by many organisations, which have uniformly found that there is a reduction in re-offending by those prisoners who have been supported by the peer advisors.⁶⁰ Unlike many other rehabilitative initiatives in prison, the peer advisors are also supported by St Giles Trust on release into voluntary or paid employment, including with St Giles.

While the peer advisors use their lived experience and expertise to support people in prison facing situations similar to those which they have encountered, this process

⁵⁸ St Giles Trust, 'Awards For Our Work' <AWARDS FOR OUR WORK (stgilestrust.org.uk)>

⁵⁹ This is a National Vocational Qualification accredited by City & Guilds.

⁶⁰ The St Giles Trust Peer Advice Programme has been assessed by wide range of independent evaluators such as Frontier Economics; University of Kent; Southwark Council; The Social Innovation Partnership; Institute of Crime & Justice Policy Research, Kings College, London University; PWC; and New Philanthropy Capital.

also positively changes their own identity. Mann, Fitzalan Howard and Tew have commented that:

The underlying principle of 'Do Good be Good' has a strong evidence base, confirming that working for the good of others is identity changing.⁶¹

The consequential impact of the 'Do Good be Good' principle within a prison context is that the peer advisors typically promote desistance and assist in the creation of a non-offending (or pro-social) identity across the prison through being positive role models who are seen as responsible, reliable and trustworthy. One nurturing aspect of rehabilitative prison culture, as noted in a section above, is the creation of hope. One way of engendering hope is receiving the advice and support of others who have overcome similar challenges.⁶² The peer advisors also help to create a safer, less stressful and more rehabilitative prison environment because their presence means more prisoners can access support and information around the clock, which reduces frustration and a sense of helplessness.

Before the pandemic, St Giles worked in 31 prisons across England and Wales and their peer advisors supported other prisoners in all areas and departments, such as reception, induction, diversity, healthcare, education and resettlement (that is, basic

⁶¹ Mann, Fitzalan Howard and Tew (n 11) 9. See also: Timothy Wilson, 'Redirect: The surprising new science of psychological change' (2011) Allen Lane.

⁶² Mann, Fitzalan Howard and Tew (n 11) 5.

housing advice prior to release). However, there is a massive unmet need for generic legal knowledge and advice amongst those imprisoned and these are not within the expertise of the peer advisors. Therefore, a partnership with The Open University Law School and the opportunity to be part of its Open Justice Centre pro bono programme is seen by St Giles Trust as being of real benefit. Projects have been implemented across a range of prisons, including men's and women's prisons, prisons in different regions and with various levels of security ranging from local B category prisons to more open C category.

The prison projects operate by inviting level 3 law students to work with the peer advisors to inform and develop an area of legal knowledge that would be relevant and useful to serving prisoners. It is very much a collaborative and empowering process with both the peer advisors and law students contributing and learning from each other. Each session additionally provides opportunities for reflection and discussion on broader issues relating to peer advice work which both the peer advisors and the law students find stimulating.

The project sessions take place in any available space in a prison: the library, the education department, or a room set aside for use by St Giles. As may be expected, the facilities are far from ideal. Standard classroom equipment such as whiteboards and PowerPoint facilities, are usually absent and occasionally the length of a session is

compromised by a prison lockdown beforehand (these are imposed when a prisoner or prisoners cannot be accounted for).

OU law tutors work with their students on creating presentations, activities, handouts and leaflets on the various legal topics researched. These are thoroughly shaped, reviewed, and quality assured before delivery in the project prisons. This is a time-consuming and demanding process for students (who are often time-poor) and tutors alike. The resources developed by OU law students that the peer advisors use and refer to when providing advice to other prisoners, have included housing law, release on temporary licence, deportation, joint enterprise, family law issues and legal issues concerning employment after prison. For example, in HMP Send the OU law students developed a practical housing law toolkit that the peer advisors use to provide specific and in-depth housing advice to other prisoners. Prisoners do not have access to the internet so a toolkit like this is especially useful. In HMP Cardiff, resources were created on family law matters such as family visiting rights and the removal of restraining orders – again very relevant as many male prisoners are estranged from their families and need advice and support to re-connect. In HMP High Down, the OU law students concentrated on producing resources that enabled the peer advisors there to give advice on IPP sentences, licence conditions and the parole process: all areas of legal knowledge very much in demand in prison.

There was much learning for The Open University Law School from the first pilot project in 2017 about both the sensory intensity of the experience for staff and students in prisons and nuancing and deepening the training given to students before entering the custodial environment. There has also been the additional challenge of preparing students for the prison projects online, as The Open University is a distance learning institution. Invariably, the first time the law students and their law tutor meet each other is at the prison gate immediately before the first project session. The various modes of preparatory induction, training, facilitation and support which are provided for students online have been set out in another article.⁶³ In the second year of the prison projects, we introduced a celebratory final event following a successful trial in a London prison – presenting certificates of participation to the peer advisors and inviting prison staff to share the success of the project.⁶⁴ For future projects, we plan to develop further our training on Street Law methodology and practical legal research by increasing the number of training sessions.

The programme has had a positive impact in numerous ways. The resources produced to support the work of the peer advisers have enabled more prisoners to access a wide range of effective practical legal advice. One peer advisor in big prisons such as HMP High Down and HMP Cardiff, can provide advice to as many as 250 other prisoners in a month. The impact also reaches beyond the prisons hosting each project as St Giles

⁶³ McFaul et al (n 46).

⁶⁴ The idea for this came from the Learning Together Network.

can use the resources developed by OU students in all the prisons they work in. Therefore, the impact of the Open Justice programme is multiplied across the prison estate and the OU law students' expertise can be widely disseminated. St Giles provides 'Through the Gate' support for peer advisors, opening opportunities for them to work in support roles in the community on release from prison. The peer advisors who have been involved in the OU Law School prison projects can then use the knowledge and expertise they gained in the wider community, thereby creating impact beyond the prison walls.

Here are voices of some who have been involved in the OU Law School and St Giles Trust prison projects:

'In this time of austerity and cuts there is little access for prisoners to specialist support and advice which makes this project even more vital. It is providing an essential service for many prisoners.' (Director of St Giles Trust)

'The Open Justice students have given our peer advisors in the prisons a real opportunity to develop, learn and become more professional but more than anything they have provided a forum where students and prisoners can meet as equals, learn from each other and discuss a whole range of relevant issues. The sessions I have observed have been the liveliest and most stimulating I have ever witnessed inside a prison.' (St. Giles Senior Manager)

'I gave up a ROTL⁶⁵ day to attend the OU session! Best thing ever after the St Giles NVQ.' (Prison Peer Advisor)

'The tutor and the OU students listened well to our doubts and concerns and were able to come back with lots of answers and information.' (Prison Peer Advisor)

'Frank and candid two-way discussion about topics such as IPP⁶⁶ and its impact on mental health and wellbeing.' (Prison Peer Advisor)

'Useful insight into various legal topics relevant to prisoners and the community.' (Prison Peer Advisor)

'I just wanted to say thank you to the OU Students who made a massive difference to the peer advisors here with the information and kindness shown to what they do. I know how much effort it took for [the OU students]

⁶⁵ ROTL is an acronym for 'Release on Temporary Licence'. The St Giles Trust peer advisor sacrificed this privilege of day release from prison to visit his family because he did not want to miss the session with OU law students.

⁶⁶ IPP (Imprisonment for Public Protection) is an indeterminate prison sentence without a finite length. While it was abolished in 2012, thousands remain in prison serving such a sentence.

individually and as a group to manage this process. The peer advisors ... were happy to be given a voice on these issues that affect their daily jobs.' (St Giles Prison Trainer)

'The prison visit itself can be nerve-racking. I was nervous about arriving at the prison late, thereby missing the visit entirely. I was worried about forgetting my ID which would have been disastrous seeing as entrance to the prison was completely prohibited without it and then I was also incredibly nervous about meeting the prisoners and presenting the information to them. I suppose I was mostly worried about embarrassing myself by forgetting key aspects of my research or worse, not being able to answer the prisoners' questions. However, as it turned out, I had nothing to be nervous about. The prisoners were incredibly intelligent, intuitive, engaging and also very enthusiastic, which made the visits and the presentations incredibly successful.'⁶⁷

'The legal information that you may be required to provide to the prisoners varies from the Sentencing Guidelines, especially issues affecting custodial sentences such as licence conditions, early release and imprisonment for public protection (IPPs), to joint enterprise cases ... to extradition law, particularly on

⁶⁷ Roseline Egbejimba, OU law student, 'HMP High Down prison project 2020' *Open Justice blog*: <HMP High Down prison project 2020 | Open Justice>

issues affecting foreign nationals in prison facing deportation and criminal defences such as insanity, automatism and diminished responsibility. Topics are based wholly on what interests and matters to the prisoners. You will find that providing prisoners with any legal information is invaluable, especially to those prisoners who have been incarcerated for a number of years and unaware of changes to the law and for those prisoners who for a number of reasons are incapable of accessing the legal help they require, themselves.’⁶⁸

‘I am incredibly appreciative to have been given the opportunity to study this module [W360 Justice in Action] as it has helped me to develop personally and professionally. I must admit that I was not expecting the prison project to benefit me in the way that it did. I feel privileged to have met the prisoners we worked with ... The prison projects have the ability to help your legal development in ways that you cannot imagine and at the same time, it gives you the opportunity to make a difference in prisoners’ lives ...’⁶⁹

‘Programmes like this are helping to break down social barriers and create positive social change. They help change people’s attitudes towards different people, help to shatter incorrect preconceived ideas about prisons, and benefit both students and prisoners alike.’ (OU law student)

⁶⁸ *ibid.*

⁶⁹ *ibid.*

'I have thoroughly enjoyed working on this project. The skills I have learnt in this short period of time could not be taught in a classroom or an online tutorial. The direct interaction with prisoners at a vulnerable stage in their lives, working together with fellow students to achieve a common goal and being led by a tutor in a managerial role is [an] experience that is a must for any law student. This project has provided me with a first-hand insight into my achievable aim of becoming a solicitor.' (OU law student)

'... I also feel I have contributed to helping these men by taking the time to research issues of huge importance to them. But they have changed me, my views on prisoners and prison life are now much [better informed]. I no longer think that we should be locking people up and throwing away the key but that prison should be a fully integrated rehabilitation programme working towards re-integrating these people back into society.' (OU law student)

Conclusion

This article has set The Open University Law School and its Open Justice Centre's prison projects against the context of other prison-university partnerships in the UK. It has described the models of public legal education used by the Open Justice Centre and the benefits they bring to the partnering organisations, the prisoners and law students. The key distinction between The Open University Law School's prison

projects and many other prison-university partnerships is that the intention is to disseminate legal knowledge across a prison population, rather than benefitting the numerically few. These are sustainable projects that support prisons and charities in their rehabilitative aims. This article has additionally sought to view these projects through a pragmatic and realist lens, in addition to considering their role within a rehabilitative prison culture.

It is also important to appreciate the value of projects in prisons beyond imparting legal knowledge which is relevant and useful to serving prisoners. There is much value in prisoners being able to meet people from beyond the prison walls, from a range of cultural and social-economic backgrounds, with different or even sometimes shared aspirations. Working with law students can have a demonstrable impact upon the self-esteem and confidence of prisoners. It is also important to challenge the preconceptions of prisoners that students may have too. The more people outside of prisons who come to witness the conditions inside them, especially the conditions of the Victorian prisons, the better. While this is not easily quantifiable, programmes like these bring future lawyers and possibly future magistrates and judges, inside the prisons of England and Wales and show them first-hand the frequently disproportionate and long-term impact custodial sentences have on the life chances, physical and mental health of both prisoners and their families. These social costs often exceed by far the gravity of the original crime and the actual sentence length.

That understanding will support the work of charities campaigning for both prison education and prison reform and contribute to a groundswell for change.